



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
January 12, 2010 – 7 PM**

**Business Meeting – 7:00 PM**

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda** Meeting minutes from November 10, 2009 and December 8, 2009.
- 4. Staff Announcements**
- 5. Council Announcements** (Dave Heironimus, Planning Commission Liaison)
- 6. Community Comments** (*The public may provide comments on any non-agenda item*)
- 8. Old Business:**
  - a.** Public Hearing – Sherwood Cannery Square – PUD 09-01, PA 09-05, SUB 09-02. (deliberation only – no new public comment)  
The Planning Commission continued the discussion of this project from the December 8, 2009 Planning Commission meeting. The applicant requests approval of a Type V Planned Unit Development (PUD) Preliminary Development Plan and Preliminary Subdivision Plat with Partial Replat for a total of 10 lots plus a tract for a plaza on 6.4 acres. The proposal also includes a Transportation System Plan Amendment to change the classification of Columbia Street from a collector to a local street. The proposal includes a mixed-use development with up to 10 construction phases and includes construction of new streets and a public plaza in addition to retail, office and residential space. Public streets will be constructed prior to construction of the development phases.
  - b.** Public Hearing- Hearing Officer Appointment Process- PA 09-06 Code Amendment.  
The Planning Commission continued this public hearing from the December 8, 2009 Planning Commission meeting. The application proposes amending the current development code standard regarding the Hearing Officer Appointment process and criteria, §16.08.010. The proposed amendment authorizes the City Council to appoint more than one hearing officer at a time and allows the hearing officer to serve at the pleasure of the City Council under current contracting guidelines. The existing language requires a reappointment of the hearing officer once every two (2) years and appointment of only one hearing officer at a time.
- 9. New Business:**
  - a.** None
- 10. Comments from Commission**
- 11. Next Meeting: January 26, 2010**
- 12. Adjourn**



## MEMORANDUM

City of Sherwood  
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Mayor  
Keith Mays

Councilors  
Dave Grant  
Dave Heironimus  
Linda Henderson  
Dan King  
Dave Luman  
Lee Westogel

City Manager  
Jim Patterson

**DATE:** 01/04/10  
**TO:** Planning Commission  
**FROM:** Karen Brown, Planning Commission Secretary  
**SUBJECT:** November 10<sup>th</sup>, 2009 Planning Commission Minutes

Attached are the Final Draft Planning Commission meeting minutes from the November 10<sup>th</sup>, 2009 Planning Commission meeting.

Per the direction given at the December 8<sup>th</sup>, 2009 Planning Commission Meeting these minutes remained open for 7 additional days from the December 8<sup>th</sup> meeting to allow additional public testimony to be submitted.

Additional testimony was received from one citizen and has been attached to these minutes. Further edits including grammar and spelling corrections have also been made.

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**City of Sherwood, Oregon**  
**Draft Planning Commission Minutes**  
**November 10, 2009**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Todd Skelton  
Raina Volkmer  
Adrian Emery

**Staff:**

Julia Hajduk, Planning Manager  
Karen Brown, Recording Secretary

**Commission Members Absent:** Commissioner Nolan, Commissioner Walker

**Council Liaison** – Mayor Mays

1. **Call to Order/Roll Call** – **Vice Chair Lafayette** called the meeting to order. **Karen Brown** called roll
2. **Agenda Review** – consisted of one item of new business and the consent agenda review.
3. **Consent Agenda** – **Julia** requested that the meeting minutes from the July 28<sup>th</sup> meeting be pulled from the agenda for review. Commissioner Skelton moved to approve the June 23<sup>rd</sup> minutes. Commissioner Volkmer seconded. Chair Lafayette called for a vote. All were in favor. The motion passed.
4. **Staff Announcements** – There were no staff announcements made.
5. **City Council Comments** – **Mayor Mays** gave a brief update telling everyone that the latest annexation for the community passed by the voters last week. This means that the Design and Review of Adams Ave. North will continue which is great for our community. In the Portland Metro area there are lots of discussions taking place regarding Metro Regional Transportation Plans, Urban Reserves, as well as Rural Reserves trying to identify land that the region might grow into over the next 50 years. There is also the Regional Growth Report work being done to evaluate what is the current capacity and need for additional development land within the UGB because they are slated to make any potential expansions to the UGB in 2010.
6. **Community Comments** – (public testimony from Mr. Claus transcribed verbatim to insure accuracy) “Robert James Claus 22211 SW Pacific Hwy. I wanted to try to explain something to you about sovereign immunity and liabilities. You understand that we do not have an issuance policy on this town. City County Insurance is a risk management group. Now that means we all join it, and that I would suggest that all of you might look at the contract we have with them. Because you have two things with insurance, you have coverage and you have defense. If they determine that they’ve defended you for something that the contract restricts your coverage, you don’t have coverage. Now why

that becomes very interesting is because if you have committed an intentional torte you may not have coverage. Now Mayor Keys made the statement, and I believe I'm correct in saying this that it cost us \$2,500 with Chief Bill Middleton, it's not true. That's now in underwriting. If they determine that was an intentional torte they can pull that risk management pool. And I assure you as you become more and more of a developer and push the issue more, what you are going to do is going to go into the intentional area more and more frequently. And I would be cautious because there are some of us getting very very tired of competing against the City as a developer and finding imaginary rules we can't do things that in your own applications become little short of a farce. And I bring that to you just as a city interest because actually by charter this man (pointing to Attorney Chris Crean) represents the City Council. It's a conflict of interest, he can't represent you. It's not the same thing and he certainly can't represent the staff if they get (inaudible) unless the bar rules otherwise, which we'll know shortly. But I caution you that you are walking down a path where more and more of the things you are doing are intentional. Thank you."

Chris Crean the attorney for the City responded to the insurance assertions made by Dr. Claus. He indicated that the Attorney's office has recently and repeatedly advised the City that they are fully insured. The City employees, City agents including Planning Commission members are fully insured and the City indemnifies under Oregon State Law that everyone is fully insured and indemnified for all of actions taken in the course and scope of your employment and agency for the City. So there should be no concern that there is insufficient liability coverage, insurance coverage or anything else as long as you are performing as Planning Commissioners or otherwise in your capacity as an agent of the City. There is absolutely no merit to the argument that there could be any type of liability expose or insurance gap.

**Chair Allen joined the meeting and Commissioner Lafayette turned the meeting over to him.**

He asked for any other public comments on items not on the agenda.

Yvonne Scheller of 23137 SW Shamburg Drive, Sherwood OR 97140 spoke to the Commission. She and her husband had worked for the Portland Canning Company for a number of years. They would appreciate it if during the development some type of recognition for the people that worked there and that owned the company. She had given a hand out to the Commission with a little history of the company. She would appreciate it if the Commission would consider using some of the names she has suggested for things within the development, streets, building or perhaps squares. They really appreciate in consideration in the matter.

No other public comments were made.

Chair Allen move to the public hearing and read the disclosure statement.

7. **New business – Chair Allen** began by disclosing exparte' contact on his behalf in the form of reading 3 different messages on the variable reader board on Hwy. 99, which appeared to argue that the apartments proposed in Old Town would damage the character of Old Town, drag down the property values and negatively impact traffic. No other



disclosures were made. When asked if any member of the audience wished to challenge any of the Planning Commissioner's ability to participate, Mr. Claus approached the microphone.

Robert James Claus 22211 SW Pacific Hwy., passed out a document to the Commission. He addressed Chair Allen by saying that the document he passed out speaks to the fact that Chair Allen is one of the principle architects of this change of this policy. There are other minutes Mr. Claus thinks Mr. Allen should disclose as he believes Mr. Allen has had substantive and substantial exparte contact on this change.

Chair Allen explained that what the hand out included a set of minutes from a SURPAC meeting from 6 years ago. At that meeting there was a discussion of the Old Town Plan and the Cannery Site.

A 5 minute recess was called in order for the Attorney to read the hand out and make a determination.

Chair Allen resumed the meeting by asking the City's Attorney if discussion on the public record with respect to whether they are or are not considered exparte contact.

Chris Crean explained that exparte communications are those communications that are made outside of the public record that may affect how a decision maker considers an issue before them. The purpose of disclosing those contacts is to get them on the public record and give people a chance to respond. Therefore comments made during a public meeting that are already in the record are not exparte communications.

Julia then presented the staff report for Sherwood Cannery Square PUD 09-01 an Planned Unit Development, Plan Amendment and a Subdivision proposal. She reviewed that the site was historically a brick manufacturing plant, then a fruit cannery and eventually was used for warehouse and light manufacturing for a number of years. In 2004 the City bought the property and began looking at options for developing the site, as well as beginning negotiations with Capstone to develop the property. In 2008 the City acquired the machine works building as well, with the hopes of incorporating that into the Cannery Development as part of a Cultural Arts facility. She stated that public notice was made according to requirements. She indicated that at the suggestion of the Planning Commission, several agencies and organizations were also notified of the hearing date.

The Applicant has requested a Plan Amendment of the functional classification of Columbia Street from collector to a local street. They have also requested a 10 lot subdivision with three tracts and right of way dedication. The streets would be constructed with the subdivision development. They are requesting a PUD with up to 10 phases. The West building phase consists of 4,000 sq ft of retail, the East building phase includes nearly 14,000 of retail/office, the South building phase includes another 4,000 sq ft of retail, the existing machine shop which is 13,050 sq ft is proposed for a community center and an undefined area in the remainder. The plan also includes a NE phase that the use has not been fully identified as yete. There are 101 residential units clustered to the southeastern portion of the property. Julia wanted to clarify that these units should not be confused with an "affordable housing" project that is being discussed in the area near the Senior Center. There is also a 12,000 sq ft plaza area.

As part of the PUD, the street design component includes low impact development and water treatment elements. As part of the design, the applicant wants to meet the old Cannery design standards. They have requested some variation for the setbacks for the residential portion of the project area as well as variation of the percent of parking which is allowed to be compact.

Bob Galati the City Engineer spoke regarding the application. The plan as shown has several different types of street component systems that are proposed. Since they are not standard to the City he had to write a compliance letter to show what components the streets were comprised of, the pros and cons of each and what the City would accept. The Pine street section between the railroad tracks and Columbia Street will try to mimic what the downtown streets look like now. There is a section in front of the plaza which has an aesthetic configuration including brick. Past history shows that brick does not work. The City would prefer a stamped or colored concrete or other ways to create the aesthetics without the maintenance issues. Columbia street east of the plaza is proposed to have components of the bio-filtration system which is not the standard curb and gutter, rather a low impact development item. SW Columbia Street is the only other street that is different in that while it is an official city street it is being configured as a parking lot one-way drive from Pine Street to Washington to help provide continuity for connection.

Chair Allen asked if matching the aesthetics but using different materials means the curb-less street design would continue.

Bob responded by saying no. One of the things that have been recognized is that there has to be some type of tactile difference. Without that noticeable difference, cars often encroach into the public pedestrian area. The curb will be modified to accommodate the drainage pattern as well. There will not be valley gutters on these streets.

Commissioner Lafayette asked if in the bigger picture this will be fixed so future developers will have the same guidelines.

Bob feels this is a unique area, but that there are other downtown streets that have not been completed as part of the street-scapes package and he believes this modification will be transferred to those sections.

Julia continued with a brief overview of the PUD process to insure that the Commission, the applicant and the public are aware of how it works. First there is a preliminary development plan that may be approved by Council after recommendation from the Planning Commission. It is approved by ordinance that establishes the PUD overlay. That is not the final acceptance but it is binding upon the City for the purposes of preparing their final development plan. It will also provide a conceptual level of review. The next stage is then the final development plan which the Planning Commission will review for compliance. The Applicant will submit a detailed site plan which will be processed concurrently with the final development plan. Any PUD that requires more than 24 months to complete would need to be constructed in phases that are complete in and of themselves. What Staff wants to be sure is clear and within the decision is that with the first final development plan/ site plan submittal, the applicant will need to identify phasing of the project. Not necessarily a specific order of those phases but a general timing of each phase. So as part of the first review, the Planning Commission

would be approving the general phasing for the rest of the PUD. PUD concept issues for the next phase are basically showing the things that are definitely going to be conditioned and required for every final development plan submittal. The west and east phases will all need to demonstrate compliance with the old Cannery Standards. The residential element will be consistent with old Cannery design standards as shown in the architectural pattern book.

Julia concluded that Staff's recommendation is that the Planning Commission forward a recommendation to Council for approval of the PUD, understanding that after hearing testimony there may be modifications recommended to the conditions of the staff report.

Chair Allen wanted to clarify that with a PUD they are basically looking at a "one time" set of codes that apply to this development.

Julia confirmed his summation.

Commissioner Volkmer asked if the process is being changed because of the apartments that are proposed.

Julia explained that the PUD itself includes a large site development that has some amenities and basically as part of the project they are asking for some flexibility. With flexibility in the street design standards and setbacks in the residential areas, they are committing to certain architectural styles and details.

Commissioner Lafayette tried to help explain the PUD process, by saying that when she was new to the Commission this was a confusing process to her as well. Basically the Developer would not be allowed to bring their plan in exactly the way it is because it would not meet all of the codes, so in order to build the project they have to ask for permission to build it a special way so they are asking for Columbia Street to be changed, they are asking for the street designs to be different and they are asking for the requirements on the residential portion to be different, but in exchange for that they are going to provide an amenity that would not be given if they developed normally.

Chair Allen asked if Julia has an idea of what the net difference in residential density would be.

Julia knows that the applicant has addressed density differences and she will look through their information to get the answer, if they have not responded to that question in their presentation she will provide the information to the commission.

Commissioner Lafayette has concerns regarding what the West and East elevations will look like. She is hoping that in their testimony the applicant will address what the people on Willamette will be seeing and if there is potential to have a front porch look and feel. Commissioner Lafayette asked about the requirement that at least 15% of the buildable portion will be open space, park or public space. She is concerned that there is not a condition that says they are required to include that.

Julia explained that she had actually made the finding that with the machine shop the applicant would meet the 15% requirement, but their application is really making the

argument that they exceed the 5% requirement and that with the public amenity they meet the alternative. Julia does not want her finding on the Cultural Arts facility to take away from what they submitted in their application as far as their assertion of compliance.

Commissioner Lafayette suggested that the language on page 37 needs to be corrected. The language on top of page 14 says that the design of the building shall demonstrate full compliance with the Cannery standards and be consistent with the architectural pattern book; however the condition on page 37 says "shall demonstrate full compliance with the Old Cannery standards excepts as modified by the architectural pattern book."

Julia agreed and believes that the intent was to say "and" the architectural pattern book except for the residential component because they are demonstrating that they are consistent.

Commissioner Lafayette continued with a concern regarding a finding that says double frontages are being proposed yet on page 16 there is a finding that says double frontages are not applicable for commercial and high density residential.

Julia's response was that the statement is part of the subdivision standards and while she understands how and why it makes sense for a residential subdivision, if you are doing a commercial subdivision you are going to want multiple street frontages. It does not seem to be applicable in this case.

Commissioner Lafayette moved onto page 20 where the staff report recommends a condition of approval be enhanced screening along Willamette Street, yet there is no condition that requires that.

Julia agreed that there should be and that was the intent.

Chair Allan suggested that there will likely be time prior to the end of the hearing to continue the condition matching clean up.

Commissioner Lafayette asked one more question regarding the first conditions B1 and B2. The condition says that the TSP functional classification map is going to be modified and coordinated by the City and funding must be identified and programmed for a right turn lane from Oregon to Lincoln, an agreement established between the City and the development. Her question is who will pay for that?

Julia wanted to clarify that when she and Bob reviewed the project and made their recommendation they made a point to not take into consideration who the applicant and property owner were. They made the recommend conditions based on what was necessary. Ultimately the City as the property owner, will need to discuss and agree with the applicant/developer how those details will get worked out.

Commissioner Lafayette also wants to note that the offsite mitigation for the wetland buffer are not listed in the conditions of approval.

Commissioner Lafayette also questioned why the question was asked regarding what the expected tenant make-up would be.

Julia responded by saying the applicant had submitted exhibit F in response to that and that had been distributed to the Commission this evening. The issue is that with Multi-family standards under the parks and open space it requires 20% open space. In the staff report there is a statement that the Planning Commission and Council could consider that maybe this is different. In a suburban residential setting that could apply, but perhaps not be necessary in more of an urban setting. Julia's understanding is that the tenant make-up the applicant is anticipating is not going to be small children that need a playground.

Chair Allen then invited the applicant to begin their presentation.

Jeff Sacket of Capstone Partners, 1015 NW 11<sup>th</sup> Ave., Portland began by showing everyone a photograph from December 2007 front page of the Sherwood Gazette showing a sketch that Capstone had submitted shortly after their RFP and prior to being selected to be the developer of the project. As a team, they immediately bought into the City's vision that this is a special place as the other half of Old Town that needs something significant and important. He then introduce the team: Keith Jones of HHPR as the Principle Planner, Chris Nelson, a business partner in Capstone that will lead the marketing efforts once the property gets into the marketing phase, Murray Jenkins a Principle with Ankrom Moison Architects as the Master Plan Architect as well as the Building Architect, Ben Austin with HHPR who will be the Civil Engineering Team Lead, Curt Lango and Alyssa Jenkins with Lango Hansen who are the Landscape Architecture and Planning Team Leaders.

Keith Jones of HHPR 205 SE Spokane Street, Suite 200, Portland OR 97202 reiterated that there has been much time spent as a team putting together this application. While they are happy with the outcome of the staff report they do have a few parts they would like to discuss.

The open space condition E-13 has been a point of conversation. Since they are proposing a PUD and they are required to provide amenities, an open space within the PUD, they believe that the provision should not apply to their application. He has provided a letter to Julia pointing out 3 main points why they feel the multi-family open space should not apply; The first being that the Old Cannery Standards did not really contemplate a stand-alone multi-family building. In their consideration there have recently been a couple projects approved within Old Town, one being the Old Town Lofts that was a mixed use building and not required to have open space. They feel they are meeting the 5% open space standard by developing the Plaza area and as staff has pointed out believe they are actually meeting closer to the 15%. The standards for the Old Cannery are trying to develop a more urban setting and tentants will hopefully spend money and congregate in the existing areas and existing businesses of Old Town. They would like to request that the condition be removed.

Kurt Lango of Lango Hansen Landscape Architects, wanted to address the condition on page 33 relating to meeting the street tree standard of trees every 25 feet on center. What they have done is drawn a plan showing additional street trees to more closely meet that standard in addition to the street trees that are currently shown on the plan. There are two exceptions to that standard shown on the drawing, where they show tress at 48 feet on center which more closely matches what is existing across the railroad tracks in the

downtown standards. The other alternative includes the use of storm water planters at the corners where the water will be concentrated and not be conducive to tree planting. They would ask that they be allowed to not plant trees in those areas.

Murray Jenkins of Ankrom Moison, 6720 SW Macadam, Portland OR 97219 addressed the purpose of the pattern book that has been discussed. The idea is to create a clear and concise road map for the design of the buildings as the project moves forward. There are some exceptions to the Cannery Standards within the pattern book. The book would modify those standards. An example of this might be the machine works building. Since it is an existing structure the Old Town Cannery Standards are a little hard to apply, so the pattern book shows how they see the intent of those standards can be applied to that building.

Chair Allen asked then would they want the condition that said Old Town Standards as modified by the pattern book be kept in place.

Murray agreed.

There are a few other subtleties within the pattern book; for instance there is a restriction on using pre-cast concrete. They would like to suggest brick buildings with a pre-cast concrete base to get the brick a strong element to land on.

Commissioner Lafayette asked Murray if they have elevations for the residential buildings. She is concerned with what the buildings will look like from the Willamette Street side.

They do not have elevations at this time. Murray answered Commissioner Lafayettes concerns by explaining that the buildings are proposed for 3 stories and pulled as far back from Willamette as possible and screened with a double row of street trees.

Commissioner Lafayette asked what the term runnel means as it was used in the application. Kurt Lango responded by saying it is actually a French term and that there are a number of canopies shown in the plaza area that not only provide shade but capture water. The runnel is basically the portion that captures the rain water and diverts it into storm-water gardens.

Keith Jones wanted to reserve the remainder of their time for rebuttal.  
Chair Allen opened up the public testimony portion of the meeting.

*Yvonne Scheller, 23137 SW Schamburg Dr., Sherwood OR 97140* began by asking if the apartment building will be along the railroad tracks.

Chair Allen clarified that there will not be any residential buildings near the railroad tracks.

Yvonne continued by asking if there will be any buildings serviced by large trucks and will there be sufficient area for loading and unloading. She wants to be sure there is room provided for loading zones.

*Sandford Rome 14645 Willamette Street, Sherwood OR 97140* asked that his time not start until he has had a chance to pass out material he has prepared to the Commission. He acknowledged that this project with Planners that have worked hard and in concert with the City to bring a realization of the utilization of this property. He asked that since there will be so many questions coming forth would the Commission continue the meeting for a least two weeks. He asked for a moment of silence in remembrance for all of the men, women and people that have gone before us and currently serving on our Armed Forces. (Timed testimony began at this point. To ensure accuracy his testimony will be transcribed verbatim.)  
“Now in tribute to them and one of the reasons why I’m here tonight; I’ve been a member of this city for 36 years. Now I don’t know if you are 36 years old or not but I’ve been in this town longer than this Planning Commission has been doing full disclosure, openness and trying to make things really come to life in this City. And as you can see it’s coming to life. Old Town is still Old Town, and an idea of presenting 101 apartments to Old Town might be a good idea. I’m not against development. I have never come before a Planning Commission in this town and said don’t build it. I have never said to stop because you’re doing this, and I have never challenged you doing that. We’ve went from time infinitum and put all these things before the city, but what I’ve asked you along the way and I’m asking this Commission and you folks to concentrate on right now, that we citizens, and if you live in this town, if not just your work force but if you live in this town, you know that we are still picking up the pieces from and paying for each and every and I mean everyone to date, there is no exception, even the ones you may have been working on, for something that came out of a subdivision along the way that wasn’t either covered in Planning, processing or somehow we missed it in the process and the builders and developers beat us up. And if you don’t think that we missed something, you and I are paying for additional schools today and if this building, when it gets into my part that I discuss in a minute, goes forward we’ll be paying for more schools and we haven’t passed a single”..... (tape recording stopped)

His testimony continued with a review of who he was in the community. He is a large land owner and owns property directly impacted by this project. He indicated that anything we do should ensure the developer pays for infrastructure so that the tax payers do not subsidize.

When Mr. Rome’s time was up, there was discussion that members of the audience planned to yield some or all of their time to him to allow him to speak again at the end.

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*Anthony Weisker 22604 SW Highland Drive, Sherwood* – indicated concerns about people already speeding and that this would increase, traffic impacts with people entering and exiting the site and cars parking on the street. He indicated that he did not believe apartments were part of the vision for Old Town.

*Lori Randel 22710 SW Orcutt Place, Sherwood* – Indicated that the requirement for even 1 car per apartment was ridiculous and that it would result in parking in front of her house which was already a problem. She yielded 4 minutes of her time to Mr. Rome

*Jim Claus 22211 SW Pacific Hwy, Sherwood* - Expressed concern about the fiscal impacts of this development. Mr. Claus submitted written testimony summarizing his concerns (Exhibit J)

*Jacquelyn Kirscht 17580 SW Cereghino, Sherwood* – Questioned what happened with the vision to have a cultural arts facility being central to downtown. Indicated that she doesn't understand how a large scale apartment fits into the scale of downtown. Stated that lack of parking will affect downtown businesses. She yielded 3 minutes of her time to Mr. Rome

*Tim Voorhies PO Box 908, Sherwood* – Indicated that he felt developers have a history of coming in and running roughshod over the planning Commission and this is another example. Stated that the TVF&R standards completely conflict with the Old Town standards. He yielded 4 minutes of his time to Mr. Rome

*Vance Stimler 15892 SW Bowman Lane* – yielded entire 5 minutes to Mr. Rome

*Janet Brockett 22918 SW Pine Street*, - Indicated concerns about parking and questioned where visitors would park. She indicated that with all on-street parking being removed from Pine Street, the side streets are already being utilized for on-street parking, especially during events. She also indicated that she wanted to know the tenant make-up and questioned whether the development of the apartments could become low-income in the future. Questioned how many bedrooms the apartments would have. She yielded 2 minutes of her time to Mr. Rome

*Susan Claus 22111 SW Pacific Hwy, Sherwood*. Indicated that she wanted confirmation that the development would not be low income. Wanted to know about the City commitments being made so there is a better understanding of what Capstone is actually providing. Stated that the PUD standards when fronting against a residential zone limited the height to that zone and that this allows us to regulate the height and size so that it is compatible with surrounding uses. Indicated that the notice provisions the City uses need to be better and more inclusive. Did not agree that the performance arts facility should be relegated to an "old warehouse".

*Arthur Web 15036 SW Willamette, Sherwood* – Concerns that this apartment complex would result in this portion of the City becoming a ghetto.

*Tess Kies 22810 SW Main Street* – Questioned why public notices were not provided in the Gazette.

*Richard Powers 22918 SW Pine Street, Sherwood* – yielded entire 5 minutes to Mr. Rome

Chair Allen allowed Mr. Rome to continue to provide testimony using time yielded by members of audience.

Problems he can for see with the project include:

traffic issues

parking issues.

Building design and setback issues.

The scale of the building being too large for the surrounding residential neighborhood.

Density issues

Value issues



PUD Zoning issues

Mr. Rome submitted his outline for his testimony as well as several articles, photographs and pages of the zoning code as part of the record. This was labeled as exhibit K.

The meeting continued with Jeff Sacket of Capstone Partners providing his rebuttal.

He began by saying they have been taking copious notes during the testimony period and want to respond to several of the issues brought up even though some of them are not relevant to the land use process.

He explained that Capstone Partners is three partners; Chris Nelson, Jeff Sacket and Martha Shelly as well as an emeritus partner Eric Lindal, two partners and an emeritus partner in the Seattle office. They are privately held. They are not affiliated with any other Capstone Partners anywhere else in the country.

Regarding the question of economics of the project brought up in testimony, he explained that the city hired a broker and advertised the property. Capstone was one of 7 developers that submitted a proposal. They were selected preliminarily; they negotiated all of the business points with the City and offered what they could afford to pay for the land, which was about 2 years ago when the market was different. While it will now be an economic struggle to complete the project they are still committed to the City and will see it through.

Regarding traffic issues, they had identified early on that Columbia Street had been designated a Collector and a change was needed to support the development proposed. They did an extensive traffic study using worse case traffic from this project.

Regarding lack of public outreach – Mr. Sackett discussed 2 outreach efforts but explained they were concerned about doing too much outreach before a decision was made.

Regarding the parking – He indicated that the City code which was crafted years ago allows 65% of the normally required parking as a policy decision to encourage people to provide more density. He stated that their proposal meets the code. They have spent a lot of time revising the parking needs and believe that the mixed use nature of the project allows for the reduced parking. In addition, that doesn't take into account the on-street parking.

Regarding the scale of the apartments and compatibility with the surrounding properties, he addressed the setback from Willamette street and that the narrowest part of the building was facing Willamette for this reason. He also stated that the proposed height meets the height requirement in the zone. (

It was determined that since there had been a request to leave the record open and the 120 day clock was extended to February 12, 2010 that the meeting would reconvene December 8<sup>th</sup>, 2009

Chair Allen summarized the list of issues he can see that need to be addressed:

Parking issues

Proposed height in MDRL zoning

Density transfer – is it correct  
Open space requirements  
How this compares without a PUD  
TSP amendment  
Exhibit H needs some added consideration regarding acknowledging the history of the cannery  
Dimensional calculations on Willamette Street and surrounding streets.  
Reading pattern book.

The meeting was adjourned at 11:25 pm.

## Julia Hajduk

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**From:** ClausSL@aol.com  
**Sent:** Thursday, December 10, 2009 9:58 AM  
**To:** Julia Hajduk  
**Cc:** Julia Hajduk; Tom Pessemier; City Council  
**Subject:** Re: Summarized testimony 11-10-09 Sherwood Cannery PUD hearing

### SUSAN CLAUS 11-10-2009

#### Summarized Testimony for the SHERWOOD CANNERY PUD minutes

These remarks reflect the verbal testimony I gave during the initial public hearing for the Cannery site. The points may not be in the order that I gave them. Please include these remarks to the minutes to reflect the detail that was left out in the draft minutes.

**WHAT ABOUT THE PERFORMING ARTS CENTER?** The Machine Works Building has about 13,000 square feet and is to be "a major backbone" for the urban renewal district and town in general. This PUD application, zoning change and subdivision should not move forward until surrounding neighborhoods and everyone in town know that the Arts Center is fully funded, when will be built, what it will contain, and all the other typical details needed to see what the citizens will have in Old Town. **THE WHOLE MACHINE WORKS BUILDING should be dedicated to the visual and performing arts!**

The city must still give back the value of the Robin Hood Theater assets to the arts community-- not in the form of some "credit" toward the building of the performing arts center. The Robin Hood Theater assets never belonged to the city and were only supposed to be held by the city until the Robin Hood arts group had their IRS paperwork completed and IRS accepted.

#### SOME OF THE MISTAKES IN THE STAFF REPORT AND CODE INTERPRETATIONS

- Page 31 from the staff report, under Environmental Resources, Chapter 16.142.020 multi-family 20% Open space that is required for common open space is not addressed by the Capstone folks. There are minimum standards in Chapter 16.142.020(1-4) that are part of the 20% open space requirement. The applicant **MUST** use multi-family standards because they are trying to compartmentalize the apartments to specific unique, separately saleable parcels. As such, the multi-family standard **REQUIREMENT** for 20% open space must be incorporated into the site requirements for the apartments. You cannot leave that many tenants without on site open space that is dedicated for their recreational uses.

Capstone and the city want several other **EXCEPTIONS** to the underlying zoning:

- **There is a violation of the Height Restriction for PUDs next to MDRL lands (Section 16.40.060-C Non-Residential (Commercial or Industrial) PUD**

#### **4. Height**

**Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.**

The underlying zone next to where the apartments are being proposed is MDRL. The height restrictions in that zone are two stories or 30 feet whichever is less:

#### **16.16.040-C Dimensional Standards**

### C. Height

Except as otherwise provided for accessory structures, and for infill development under Chapter 16.68, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. (Ord. 2006-021; 86-851 § 3)

- **There is a request for a transfer of density that is wrong.** This project cannot cluster the density across the street from MDRL zoning that has a maximum building height of two stories of 30 feet whichever is less. Also Under the General Provisions of the Planned Unit Development:

**Section 16.40.040 General Provisions Subsection C. Multiple Zone Density Calculation** When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, **provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.** Ordinance No. 2008-015 Section 1 also applies.

- **Parking standards are violated for the proposed apartments:** 1) the ratio of parking spaces per unit and the applicant is requesting that 50% of the parking spaces be allowed as compact spaces. 2) The applicant is requesting more than the primary allowable multi-family units based on the underlying zoning. You cannot add back in apartment units that could be allowed above commercial buildings as a secondary use to the stand alone apartment units.
- **This project will negatively impact the surrounding properties** where there is already a shortage of parking for businesses and residents. A PUD cannot be approved if it negatively affects the surrounding neighborhoods. It's also not good for the apartment tenants and owners themselves not to have adequate parking. (See PUD code Chapter 16.40.020 C.4 & 6.)
- **The PUD has to be phased and completed within specific time limits.** The applicant is asking NOT to commit to specific phasing and completion. This is a violation of Chapter 16.40.020 C.7 and 16.40.040 A.1.b. Neither the Planning Commission nor the City Council should allow an important redevelopment project like this to have ANY kind of preliminary approval without knowing the Phasing and Timing FIRST. We as citizens would have no idea of what we were agreeing to if all this information wasn't part of the original paperwork and approvals.

### REQUEST TO CONTINUE THE PUBLIC HEARING

I also asked the Planning Commission to continue the public hearing so that additional information could be submitted to the record. Also, I asked about getting copies of other people's testimony and if the Planning Commission would tell the staff not to charge for staff time, but just for the copying costs. I told the Commission that the city wanted to charge \$112 to get the original materials prior to the first hearing and that they made a compromise to let me check out the material and have it copied myself prior to this hearing. Ms. Hajduk told everyone that all of the submitted materials would be put up on the city's web site as soon as possible after the hearing (11-10-09) and that the materials would be able to be downloaded without a charge by the city.

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**City of Sherwood, Oregon**  
**Draft Planning Commission Minutes**  
**December 8, 2009**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Matt Nolan  
Raina Volkmer  
Todd Skelton  
Lisa Walker

**Staff:**

Julia Hajduk, Planning Manager  
  
Karen Brown, Recording Secretary

**Commission Members Absent:** Adrian Emery

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order. Karen Brown called roll.
2. **Agenda Review** – The agenda consists of three items; the continued public hearing on the Cannery Square project and a public hearing on legislative language on the Hearing Officer Appointment process and continued SWOT discussion.
3. **Consent Agenda** – Chair Allen discussed the meeting minutes to be approved. There were concerns raised by the public regarding the November 10<sup>th</sup> minutes due to a malfunction in the tape recording equipment. Chair Allen proposed that the November 10<sup>th</sup> minutes be held over until the next meeting allowing anyone with concerns to submit written comments within 7 days. Those comments will then be forwarded to the Commission for review and discussion at the next meeting. All Commissioners in attendance agreed with the proposal.

The July 28<sup>th</sup> minutes were then discussed. There were no comments or corrections. Commissioner Lafayette made a motion to accept the July 28, 2009 minutes. Commissioner Walker seconded the motion. A vote was taken. Commissioner Nolan abstained from voting as he was not present at the meeting. All others were in favor and the motion passed.

4. **Staff Announcements** – Julia explained that while every effort is taken to ensure the minutes are accurate and that for this evenings meeting there are two recordings being made, one cassette tape and one audio recording, audio recordings are not a requirement. She deferred to the City's Attorney Chris Crean regarding the requirements for preparing minutes.

Chris began by referencing the statute ORS 192.650 that requires public bodies to maintain a record of a meeting either electronically or in minutes. The minutes are intended to be a summary of the discussion. The statute specifically says that a verbatim

transcript is not required. The City's obligation is to maintain either a tape or written minutes of a public meeting in sufficient detail that they may be used to review and understand who said what.

In reference to the November 10<sup>th</sup> minutes removed from the consent agenda, Chair Allen offered to allow any additional information to be submitted; for review by the Commission. Written testimony will be allowed to be submitted within the next 7 days at City Hall and will then be forwarded to the Commissioners for their review prior to the next meeting.

Julia stated that comments/clarification supplied will be forwarded to the commission in whatever format they are submitted.

Julia went on to remind everyone that there is a Tonquin Trail open house being held tonight (Dec. 8<sup>th</sup>) in Tualatin as well as a meeting Wednesday in Wilsonville and a meeting Thursday in Sherwood from 5:30 to 7:30. There will also be urban and rural reserves hearings at the County level December 15<sup>th</sup> at 6:30 p.m.

5. **City Council Comments – Mayor Mays** was in attendance. He first began by acknowledging the good work the Commission is doing. He reminded the Commission that he is looking forward to seeing some of them at the City Council meeting being held next Tuesday.
6. **Community Comments– Sanford Rome** 14645 SW Willamette Street, Sherwood OR. Mr. Rome's concerns were surrounding the meeting minutes from the November 10<sup>th</sup> Planning Commission meeting and the failure of the equipment during taping. He indicated that in his testimony on the 10<sup>th</sup>, Commissioner Emery left the room and when questioned by Mr. Rome indicated that he would listen to the tape. Since the tape was not available it is difficult to reiterate the feeling, emotion and information being given in testimony. He appreciates the effort being made to handle the issue. (He then passed out copies of ORS 192.650 to the commission.) He questioned the staff and the tape malfunction by stating "I really would appreciate the efforts to be made to not only relay the information we are trying to bring to you folks; you folks have to rely on what you are given. The stuff that staff brings to you, the input that neighbors and us bring to you, what your council gives to you and what other people that have agendas that we don't have as citizens; you're citizens here. You're to represent us, and so this feeling that I bring to you is that; if I was to say it looked like a duck, and it walked like a duck and it quacked like a duck, with the fouls that have been committed along the way to get here tonight, this looks like that duck if you understand what I'm trying to say, I'm not going to pick on anybody or say how it happened or who made it happen or what happened other than the queer electron beat up the recorder."

**Robert James Claus** 22211 SW Pacific Hwy, Sherwood OR indicated he wanted to reiterate and concur with the statements made by Mr. Rome. Mr. Claus stated that the problem he sees is that the people who spoke may not know that their specific comments are not in the record. If this did get appealed to LUBA there may not be facts in the record. His suggestion is that notification be given to the people that testified and ask them to look at the minutes and make comments. There are only 4 or 5 people that

testified that are not at this meeting tonight and due to the technical glitch their comments cannot be reconstructed. He would ask that they be given the courtesy of being able to review and edit their comments.

## 7. Old Business

### a. Public Hearing - Sherwood Cannery Square - PUD 09-01, PA 09-05. SUB 09-02

Chair Allen re-opened the public hearing and outlined the rules for meetings and added that due to the nature of the hearing the Commission's decision will not be an approval or disapproval but rather a recommendation to the City Council.

Chair Allen asked for any exparte' contact and again mentioned his own disclosure that he had read 3 different statements that had been displayed on the reader board on Hwy. 99 and indicated that he intends to participate. Commissioner Lafayette spoke to say that after the last Planning Commission meeting she received a call from Sherwood Council Member Linda Henderson. Councilor Henderson asked Commissioner Lafayette a question about what had taken place during the Planning Commission meeting and disclosed a concern that had been brought to her attention from the Cultural Arts Commission regarding the Machine Shop site. Members of the Arts Commission felt that the building itself was left as an undecided action and were confused since they had been asked to sign a letter in support of the City requesting Federal Appropriation of funds. They did not understand why there seemed to be no certainty on the Machine Shop. Commissioner Lafayette indicated that she does not feel this contact will affect her ability to participate.

Chair Allen then made a brief comment that the last meeting had gotten a little intense as there were strong feelings and emotions, including one threat of physical force. He explained that the Commissions are all volunteers and citizens that care about Sherwood just like the members of the audience. He would like to ask that everyone participating in this or any other public hearing use some judgment and treat each other with respect.

Julia then began her staff presentation. She re-capped the background to this point. Julia noted that as requested by the Commission additional notice of the continuation was sent to everyone that had received notice originally. She indicated that a memo has been prepared addressing the questions the Commission identified at the last meeting. In addition to that memo, the packet that was distributed to the Commission December 1<sup>st</sup> includes exhibit L which is additional information supplied by the applicant, Exhibit M, an e-mail from Sanford Rome, and Exhibit N, a technical memo from DKS, were also distributed to the Commission prior to the hearing.

Julia reviewed the applicant's request and reviewed her memo responding to the questions identified by the Commission at the last hearing:

- a) Whether or not the parking was going to be adequate. In the Cannery portion of Old Town, developers are only required to provide 65% of what is otherwise required. The applicant has provided that 65% in addition to the on-street parking there would be 156 parking spaces available. The requirement without the reduction would only be 150.

- b) Height of the apartments was questioned. In the HDR zone there is not a requirement that you maintain the height of adjacent zones. The height in HDR zone is 3 stories or 40 feet. In the Old Cannery standard there is a requirement that within 25 feet of an adjacent zone you are limited to the adjacent zone. The PUD requires that within 100 feet of any non-residential development that you maintain the height of the adjacent zone. Julia indicated that in either case this project meets the requirements.
- c) In response to density questions, Julia reviewed those calculations. While there is more than one way to measure density in the Code, Julia found that the applicant's calculations were less than the maximum either way they were determined.
- d) Julia noted that the question raised regarding the open space requirement for multi-family development is actually a policy decision that will need to be made as part of the PUD approval. It could be argued that in Old Town the requirements don't make sense; however she has recommend condition E-13 to be applied which would allow the Commission to look at the tenant make-up once sites come in for development.
- e) Regarding the TSP amendment clarification, a memo was prepared by DKS that clarifies the specific changes that will need to be made to implement the map change.
- f) Regarding the cost issue of the purchase agreement and the details of that agreement, Julia noted that these are not a "land use relevant." Regardless of whom the property belongs to, the Commission and Council must consider whether the project is providing a benefit to the City. Julia indicated that Tom Nelson, property owner representative, will be available at this meeting to answer questions about this.

Chris Crean summarized and answered a question asked by Chair Allen by saying that the benefit analysis asks what would the property look like if it were developed under the base zone versus what it would look like as modified by the PUD proposal. If you feel that there is a public benefit from the flexibility in the development that the PUD allows as opposed to what it would look like if it just developed straight out under the base zone. That is the public benefit that the PUD allows.

Chair Allen asked for clarification that it is the uses not the ownership affected.

Chris Crean agreed, the PUD would allow you to move the pieces around in a way that you would not be allowed under the base zone. If you end up with a better project, then the PUD has provided a benefit.

- g) There was a question posed asking if it could be conditioned that the streets, building and plaza area be named to reflect the history of the site. Julia indicated that it is her understanding that the applicant has met with the citizens that originally proposed the idea. She stated that it may not be an appropriate discussion as a land use matter, but it could be considered and a recommendation of intent could be clearly stated.
- h) Regarding the question about dimensions on Willamette Street and on street parking; Julia indicated that it is estimated that there are 21 on street parking



spaces between Pine Street and the eastern project frontage on the North side of Willamette Street. With the off street and on street parking within the project site there is adequate parking for the minimum parking requirements even without the parking reduction.

Commissioner Nolan asked if any street improvements are being proposed to Willamette and Washington. His concern is that anyone that is going to park at the west building or the western portion of Columbia will have to come to Washington and then will have to go through the Pine and Willamette Street intersection. Currently that intersection now does not function well, especially for large size vehicles. He feels this will just make that situation worse.

Bob Galati the City Engineer responded by saying that the City Municipal code requires that developer does ½ street improvements. What is being required is that the developer will have to do frontage improvements up to and including putting in curb line, sidewalks, planter strips according to the city standard section for residential streets. As far as Washington Street is concerned the frontage improvement would be limited to whatever work is associated with the Machine Works building. Bob continued by saying that a traffic study has been done and that it did not appear on the impact study as being a needed improvement that would be effected by the development of the project.

Julia concluded her staff report by reminding the Commission that the project is in the preliminary development plan stage and that the Planning Commission will have a chance to review each site plan for compliance with the specific conditions being recommended as part of the preliminary PUD. Staff is recommending that the Planning Commission forward a recommendation of approval based on the analysis and findings in the staff report dated November 3, 2009 with additional information and modifications defining conditions in memo dated November 1, 2009 and including the clarified TSP amendments in the December 3, 2009 DKS memo.

Chair Allen asked for questions or comments from the Commission.

Commissioner Lafayette stated that on page 10 of the original staff report she would like the finding to say that they “shall” submit a phasing plan and put a condition under the finding. She also asked for a clarification of what “compact” parking stall refers to. What is being suggested by the applicant is not truly “compact” in the code. What they are suggesting is a shortened version of a regulation stall. A compact stall is 8’ wide while a regulation size stall is 9’ wide. They are proposing 9’ wide stalls but 2 feet shorter than required. She suggests that if they are allowed to do short stalls that the term be changed to say “modified compact”. Commissioner Lafayette suggested that changes be made on condition E-5 and on page 21 of original staff report to reflect that clarification.

Commissioner Lafayette questioned off-site mitigation requirements and the best way to incorporate the off-site mitigation and getting it approved in the final plat. Julia noted that there is no place that says the off-site mitigation needs to be completed prior to occupancy. The Plaza itself will require its own site plan approval.

Commissioner Lafayette brought up a concern regarding the ODOT/TSP plan regarding the alignment of Oregon Street. The ODOT Rail order is going to expire March 25, 2010. Does something need to happen prior to that?

Bob Galati stated that an application has been made to extend the time frame.

With no other Commissioner questions of staff, Chair Allen then moved to the Applicant's testimony.

Tom Nelson, the City of Sherwood's Economic Development Manager and representative for the property owner, spoke about the history of the site. He indicated that the project began many years ago when the City bought the property. The site was cleaned up and the public process began. David Leland and Associates was the consultant that led that process. The project was then stopped for a period of time. Later the City asked through an RFP process that developers submit proposals consistent with the visioning that David Leland had led. A mixed use development similar to the one being proposed was the answer that the developers found. In 2008 an agreement was signed with Capstone Partners LLC to be the developer. Tom stated that since that time there have been numerous newspaper articles and he has attended several meetings where the project has been discussed including Chamber of Commerce meetings, Cultural Arts Committee meetings and Planning Commission meetings.

He wanted to address the use of the word "undetermined" in the application in response to the use of the Machine Shop building. The Machine Shop was purchased in 2008 by the Urban Renewal Agency because they saw a building that could detract from the very nice project that was being considered and could discourage tenants from moving into the new project. It was identified that the building had attributes that would be good for a community center. It has a bow truss design that eliminates the need for columns that would block views. That idea has since morphed into Council giving direction to see what a community center would look like there. Tom has been working with the developer for the past year talking about that idea. What is being proposed is a redevelopment of the building on the inside that would create a Cultural Arts Center on the West side of the building of about 5400 sq. ft and about 4000 sq. ft of retail/commercial space. He stated that there are several reasons the retail/commercial space would provide benefits. It would add business traffic in Old Town as well as provide revenue that would support the operations and maintenance of the Cultural Arts portion. The reason it is still "undetermined" is that if a PUD is not approved, the decision makers may decide to sell the building. The development staff cannot say this is what it is going to be until there is an approved PUD.

Commissioner Lafayette clarified that the Planning Commission could condition the application to state that the building identified as the Machine Works will be a public use building with no more than 40% commercial use.

Tom agreed.

Commissioner Volkmer asked where in the City this strategy has been used before.

Tom indicated this has not been done before. This is a very new idea for the city and as far as public benefit; this is one of the largest projects ever done in the City.

Commissioner Nolan asked for an idea of timing for completion of the project.

Tom stated that once the PUD is approved the public improvements are ready to begin in the spring of 2010. The hope is to be working on the building late next summer or early fall.

Commissioner Nolan asked if they would be amenable to having a condition applied that would state that the Cultural Arts Center would have to be complete prior to issuing occupancy on other buildings.

Tom agreed.

Commissioner Lafayette asked about changes that were made since the process was done by the Leland group. She indicated concerns with the changes she sees, specifically, the Leland plan made some assumptions that the residential area would be cottages, townhomes and condominiums. She questioned if that could still be the case or whether the market has changed so much that it could not bear that type of construction.

Tom indicated that the market has changed since then and there really is no market for Condos or Townhomes.

Tom turned the presentation over to Jeff Sackett as the representative of the applicant. Mr. Sackett indicated that they were going to highlight a few key points and they would like to reserve a bit of their time for response to questions. He introduced Keith Jones of Harper Houf Peterson Righellis (HHRP)

Keith Jones referred to a memo addressed to Julia, which is attached to the amended staff report dated December 1, 2009.

First regarding the issue raised about the amount of parking for the multi-family development, they have calculated the numbers. This calculation did not include the Willamette Street parking which Staff has also raised as potential additional parking. On the East residential, taking into the consideration the 65% reduction allowed by right in the Old Cannery area, the required base zone parking is 65 spaces, taking the 65% reduction provides 43 spaces, they are providing 48. If you count the parking on Highland Drive and Columbia Street that provides 34 spaces, divide that by half and assign and assign to each building they have 65 spaces. For the West building similar calculations were done. They came up with 69 spaces, not including the 65% reduction.

Item 2 addresses compact parking spaces. As pointed out by Commissioner Lafayette they are proposing "compact" spaces which are 2' shorter than standard spaces. They have shown a scale drawing of a Chevrolet full sized Suburban extended model to illustrate that it does fit in the proposed space. They are still providing their 24' drive aisle. He indicated that it is a typical sized space being used throughout the metro area and they believe it is adequate.

Item 3 is the commercial loading area. They are required to provide 10' x 25' loading space per building. They do provide those on all of the buildings. It was omitted on the East building, but needs to be added back in. They can provide that space with their final development plan site plan approval.

He is planning to leave items 4 and 7 for the Architect to address.

Item 5 relates to the height issue. The Retail Commercial zone requires a 10 foot setback from HDR but in the Old Cannery standards that does not apply.

Item 6 has been the basis of some confusion. The question has been what can be done under the base. By doing a PUD in this case they are subjecting themselves to more restrictive standards. He indicated that the reason for this is that they want to do stand alone, multi-family structures. In order to have that in the RC zone they must do a PUD per the code. Using a PUD subjects the project to density standards. Based on some quick calculations they looked at what the existing underlying zone allows. Based on net square footage of 1000 sq. ft. units and 75% coverage they came up with 358 units and the HDR portion would provide 33 units.

A conversation ensued between Commissioner Lafayette, Keith Jones, Julia and Jeff Sackett discussing the number of apartments allowed. The conclusion was that per the Old Cannery Standards and the Retail/Commercial you can have apartments if they are above the ground floor and that in the RC Zone there is no particular unit density maximum. Under conditional use 16.28.030 residential apartments when located on the upper floor or the rear of or otherwise clearly secondary to Commercial buildings are allowed which could be built with a zero lot line but includes parking.

Mr. Sackett noted that there is a conflict within the code related to density. There is a requirement of 16 to 24 units per acre in the purpose statement of the code, but in the technical section of the code there is a different number per unit.

Mr. Jones continued by saying that if you read the HDR purpose statement it discusses a density on acreage. Using those calculations they would be allowed 117 units. If you look at the dimensional standards (square footage per unit) in the HDR zone they would be allowed 139 units. He noted that either way it is calculated, their proposal of 101 units would be allowed.

Mr. Jones also discussed the issue of 20% open space in multi-family developments. He referred to a letter they had provided dated November 6<sup>th</sup> that addressed the 20% multi-family open space requirement. Because they are doing a PUD and they are doing stand alone multi-family development the code indicates they would need to meet the 20% open space requirement. They believe that the intent of the Old Cannery is to provide an urban setting and the open space would not be appropriate and that they are providing additional open space through the PUD process.

Commissioner Volkmer asked about what she sees as a big push for apartments and the reasoning behind that.

Mr. Sackett responded by saying that 2 ½ years ago when they first looked at this project they looked at it as a blank slate. They asked themselves what would be most beneficial to all involved to have here. They even met with the Leland Group to discuss the original ideas. He indicated that what had originally had been proposed as town homes and condominiums were not supportable when they proposed on the development. Mr. Sackett indicated that today, even though apartments are the closest to being supportable in the market, they are not right now. The expectation is not to build apartments in the first phase however they believe that the market will come back. Since the time they signed their agreement there has been a global financial meltdown, which has changed radically every product type in the market world wide including decreasing values anywhere from 30% to 50%. He stated that the decrease will not be permanent and that recovery is already being seen. They (Capstone) feel apartments will be in demand in the reasonable future.

Murray Jenkins of Ankrom Moison Architects spoke in response to request for clarification on two issues at the last hearing. First relates to the front porch requirement in the Old Cannery Standards. They were not asking for a wholesale exception from that requirement, but what is outlined in the architectural pattern is actually an exception to some of the standards of that requirement. The Standard states that a single unit has to have a 6'x 6' covered front porch. If it serves more than one unit it has to have a 9'x8' covered front porch. He clarified that the ground floor units on the proposed buildings have front doors that front the public way as required, but the dimensions are slightly different. They are showing a 5' deep space and 9' wide.

The other item they wanted to help clarify is the concern regarding the height and scale of the 3 story residential buildings. Considering the floor to floor heights per use, the 3 story residential building is slightly taller than the 2 story commercial building by only a couple of feet, and it is actually shorter than the building housing Sherwood's City Hall.

Commissioner Lafayette stated that in the Architectural Pattern Book, there are several areas that indicate "the requirements copied above do not apply to residential buildings; the residential buildings will comply with following." She feels it would be clearer if the wording could say "while the requirements copied above do not specify multi-family residential builds."

Commissioner Lafayette also noted that on page 8 it says that "in addition to the materials allowed in paragraph F-1 high quality panel systems may be used including but not limited to metal or fiber cements panels." She questioned the use of cement panels and asked for clarification.

Mr. Jenkins explained that the fiber cement panels have the appearance of wood, but are a more durable material. Commissioner Lafayette asked if that wording could be added. Mr. Jenkins agreed and said that the detail of the materials will need to be discussed in much further detail when those buildings come before the Commission.

Keith Jones concluded by saying that they are fine with the information in the staff report, however there is one item in the Staff Report they would like to address. On page 37 of the November Staff Report there are conditions there that don't really point to the Pattern Book as the controlling document. They would like to eliminate conditions E-11

and E-12 and restate the conditions by saying “Building design should meet the Old Cannery Standards as outlined and modified in the Architectural Pattern Book submitted as part of the application materials” or as Chair Allen pointed out “as revised”.

Jeff Sackett added that they have met with citizens Don and Yvonne Scheller. The Schellers have submitted a letter and series of historical documents on Sherwood that the project managers have appreciated. The team is completely supportive of the Scheller’s suggestion to name the buildings after historical figures and will continue working with them.

To clarify the Machine Works building information that has been provided he explained that the building and land are owned outright by the Urban Renewal District/City. Capstone is being contracted to manage the property for the City and will act strictly as advisors. On the remainder of the project, there is both public and private property. The public property includes the street rights of way and the Plaza. This is all 100% owned by the City. As to the private property Capstone Partners has an agreement with the City to buy the property in phases and they would be the Owner, developer and marketer of that property.

This concluded the applicant’s testimony and Chair Allen called for a brief recess.

As the meeting reconvened, Chair Allen disclosed an inadvertent exparte contact during the break. He noted that Tom Nelson was talking about parking outside the parking plan as discussed so far had been on-site parking numbers only and did not include using parking on other streets.

Chair Allen then opened the meeting up to public testimony.

**Chris McLaughlin of 22657 SW Pinehurst, Sherwood OR** has been a resident of Sherwood for the past 10 years. He has children in all 3 levels of school. He is not opposed to having Woodhaven developed and he is glad it is here and not a golf course with high end property surrounding the neighborhood. He feels that he speaks for the silent majority in town, his peers, and people that have children in schools here. He thinks the development is an excellent development for this community and provides a nice community center and another reason for people to come downtown. The more people that you can bring downtown the more vibrant life you will bring to the community and encourages a closer knit community. He understands and appreciates progress. He supports the project and thinks it will be a great asset to the community.

**Tess Kies 22810 SW Main Street, Sherwood OR.** She has lived in Sherwood over half her life. She has seen development happen in town that she feels was less than desirable. What she would especially like to see is a Cultural Arts Center. She was recently in a small town of 2000 people that had a Cultural Arts Center that included a theater and many other things and it was mind boggling. She feels that this city is based on people that have grown up here and have lived here and who have a lot of integrity and a lot of history. She has known Jeff Sackett and his family for many, many years. She knows what kind of a background he comes from. She knows how much integrity he has and believes he will listen to anything that anyone in the City has to say. She feels he has the

same kind of mindset that the people in Sherwood who are worried about how development will happen. She knows in her heart that he will do the best job he can.

**Anthony Weisker 22604 SW Highland Drive.** His home is at the corner of Willamette and old Highland Drive. He is not opposed to the entire project, mostly to the apartments and does not see them as being relevant to Sherwood's needs. His main concern is safety. If the project is approved he would like to see a 4 way stop installed at the corner of Highland and Willamette. As he testified before, his wife who was pregnant at the time had walked across Highland to check their mail and was nearly hit by a car. He would like cars to have to stop on Willamette before they turn right onto Highland. Regarding the overflow parking he understands that it will spill out onto Willamette and Highland. Right now on Willamette there are no parking signs. He is assuming that those will be coming down. If people are not parking on Willamette they will be parking in front of his house. He has measured the distance on the street and with cars parked on both sides as well as traffic in each direction he believes there will only be approximately 6" between the cars. Regarding the property in front of his home, the 5 feet he is responsible for, he has spent thousands of dollars upgrading and maintaining that property. He asks if it would be possible to have signs installed that say "resident parking only". He is sure that there will be signs in the apartment areas that say for residents only.

**Robert James Claus 22211 SW Pacific Hwy, Sherwood, OR** Indicated a series of comments and documents had been entered into the record. He indicated that the application is not complete. He questions the time schedule. He questioned the size of the Community Center and whether it was large enough given that the Robin Hood Theater, which was 7,000 sq ft. wasn't big enough. He indicated that the Robin Hood Theater was torn down for no valid reason and we've structural engineering reports on that.

Mr. Claus questioned the cost the developers were paying for the land and the City paying for streets. He noted that the normal process is that a developer dedicates and pays for improving the streets, so we are getting nothing, only we're paying for it.

He indicated that he does not believe a Cultural Arts Center will be built because we don't have money enough. Now if 7,000 sq ft wasn't enough, why are 6,000 now? If the acoustics in the Robin Hood Theater, which were outstanding, if the stage which was moveable, flexible, expandable, wasn't good enough how are we going to go down 1000 feet and replace that? We're not. But this is what I would draw to your attention.

Mr. Claus continued by referencing development at the Langer site. He stated that Wal-Mart, Kohl's, and WinCo would be locating there which would bring large amounts of traffic. He stated that we're going to have out there one half of the space of Washington Mall on a two lane street. We don't have any of that figured because the City doesn't tell us any of that. We don't know about any of this." He stated that Kohl's has about 5,000 cars a day, Wal-Mart eight, WinCo nine. That is half the site and there are seven at Target, on a big day, there is going to be 40,000. He asked to not cut the parking spaces short because the plans for the City's downtown, assumed Langer was going to be Light Industrial, not General Commercial with 40,000 cars a day. He indicated that METRO,

Washington County and apparently the Commission are not aware of the Langer development, but that the staff does because they directed them over there.

He stated that this town is not going to be the town the Commission knows in one year and if these 6 acres are lost, you've lost your Cultural Art Center.

He concluded by stating "Keys paid \$25,000 a unit for their land, out here on the Highway. They waited 4 years to develop it. They were \$35,000 a unit in the ground. You're letting these people have this land over here for a maximum of \$5,000 a unit and maybe for free. If you're going to give them something for free with the buildings that are about \$50.00 a foot to build, you'd better get something for the City more than no parking, but that's your choice, it's your city, I find it kind of amusing, because as you once said Pat, and I salute you for it, you're going to live long enough to live with your mistakes, and this is going to be a good chance of being a big one."

**Lori Randel 22710 SW Orcutt Place, Sherwood, OR.** She began by saying that her testimony was one that was not transcribed properly after the last meeting and will be submitting something in writing. Her question that did not make it to the minutes was who is paying for the Arts Building and the Plaza. From what she has heard since, she believes that it will be entirely the City. She has a real problem with the City giving that up to Capstone as their open space if they are not paying for it. As a member of the Sherwood Foundation for the Arts and the Ode Podge Gallery she is absolutely in favor of seeing the Arts take that building (the Machine Shop.) She believes that is how it has always been intended to be; not a building that is half restaurant and half art, but an arts building, and that is what she hopes it becomes. Regarding the apartment building, since she lives right across the street she has concerns. She was not notified of the second meeting and should have been. The idea that only 3-5 houses were notified of the original meeting was inappropriate. She printed flyers and delivered them up and down Orcutt Street and Willamette Street to encourage involvement from her neighbors and feels she was successful. When she first attended informational meetings she was not against the project or the apartments and thinks at the time they had considerably more parking associated with them. She does not want to have to compete for parking at her own house. She also has concerns about the streets in the area, including Willamette and Lincoln. She sees that anyone going to Oregon Street is going to go to Lincoln. She closed by asking that the Commission include more people in the noticing of these types of meetings.

**Ashley Marshall-O'Dell 15916 SW Springtooth Lane, Sherwood OR.** She is a board member on the Cultural Arts Commission and wants to address the development of the Machine Shop. She believes that if the Planning Commission accepts the proposed Machine Shop development they will be doing so without following an adopted resolution. The resolution she is referring to was passed two years ago in which a steering committee was supposed to be part of the process of conception and design of the Cultural Arts building. The steering committee included a list of names of people that were to be involved. No members of that steering committee were involved in any part of the discussion for the proposed Machine Shop being included in this application. Even the Sherwood Cultural Arts Commission has not been involved despite multiple requests. Her question is why were the people that were named to be on the steering committee not involved. On a peripheral concern, there had been a comment made by a former Commission liaison that the arts groups here are performing and not visual arts therefore



gallery space would not be needed for local artists to display their works. She would like to correct that and explained that the visual artists are very active in Sherwood including the Sherwood Foundation for the Arts hosting workshops for children which included displaying their work, as well as a program called SLAM which is the Sherwood Library, art and music program pairing local artists and musicians. The artists display their work in the library while the musicians perform. The misconception that art space is not a necessity for the Cultural Arts Community center is not correct in her opinion. They are continuing to expand their arts programs to include artists from outside Sherwood as well as within and need and demand additional permanently designated gallery space to be included in the Cultural Arts Community Center. She closed by saying that she wanted to go on record that the building being proposed at this meeting has not received public input by any means, and was designed purely through staff and the developers alone.

**Susan Claus 22211 SW Pacific Hwy, Sherwood OR.** She began by agreeing fully with the comments that Ashley had made before her. She believes that you cannot have an Art Center without having the art community involved. To break the building up into art and commercial would be a travesty. There are lots of other retail/commercial spaces in the PUD itself, as well as in town. To her, it does not make sense to break the building up and not completely devote it to the arts community for visual and performing arts. It should be a community driven decision, rather than staff driven and should have a lot of input for the arts community.

She also has supplemental testimony from the previous meeting minutes that were not captured.

On another issue, what she understands at this point is that Mr. Nelson is prepared to talk about the financing of the PUD. She understands that 9 of the 10 lots are going to be kept by Capstone. Only lot 2, which is the Machine Works lot, will be owned by the City. She thinks the public needs to know this because part of the analysis is what the numbers that are involved are. She believes that Tom Nelson is the person on the staff that knows the phased purchasing of these lots. She asked that the Planning Commission ask Mr. Nelson to explain what is being paid for the finished lots, if they have already pre-determined those prices.

Another issue she wanted to address was density and the apartments. She asked that the record be left open as there has been new information given today that she would like to respond to. She continued by saying that the PUD code says density transfer where a proposed PUD site includes areas within flood plains.....etc, the density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed. She believes that if a portion of the site was still zoned HDR that density amount would allow 31 to 44 units, and even adding 20% to that you would not get anywhere close to the 101 proposed units.

She thinks that according to the Community Comprehensive Plan part 2, chapter 4 when there is a redevelopment or infill project, there needs to be additional public notification. There is a map there that she believes applies and it is not just the 100 foot notification rule. Section 2 has looked at and thought about future development and the impact it will have and not just on the people within 100' of the project.

In response to the comment about the minutes from the last meeting, Chair Allen reiterated the decision made regarding submittal of information for the minutes and that people have 7 additional days to submit material regarding the minutes from the previous meeting. He noted that is different than submitting new materials for the record of the land use decision.

**Tim Vorhies PO Box 908, Sherwood OR.** He feels that the notification process within the city is pretty bad and he feels the Sherwood Gazette needs to be used for the notification process. He checked with the Gazette and understands that it is a 7 week, at the worst case, lead time to get something into print. He thinks that if this meeting had been publicized in the Gazette, the meeting would have to be moved to an auditorium at the high school, due to turnout. There are neighborhoods all around the project that will be affected. At the previous meeting the developers stated that people would be leaving from the apartments during the day so people shopping will be able to use those spaces, then when the shops close the residents will be returning. He does not think that is right. He feels that there needs to be more parking downtown for everybody. With 2-3 cars per unit there is going to be overflow parking on all of the streets. He referred back to the notification project. He was finally able to find and print the information for this meeting at 4:00 the day of the meeting. The process needs to be better.

**Sanford Rome 14645 SW Willamette Street, Sherwood OR.** He began by passing out information that will be labeled exhibit O. He thanked the Commission for their voluntarism. He indicated that he was “distressed” that the Commission would not permit people to donate their time to him. He indicated that he could not cover the entire materials he submitted and wanted to cover in the 5 minutes. He thanked Tim Vorhies and Susan Claus for addressing the noticing issues and added that PUD notification has requirements that go beyond what may have already been done.

He raised questions with the scale of the applicants 9/4/09 submittal on C4, C4.3 and C5.0.

Referring to a large piece of wood brought in for visual reference, he noted that he measured 2 houses and compared them to the dimensions provided by the applicant. He stated “A standard house today is somewhere between 22 and 32 feet wide, and somewhere between 40 and 75 feet long. It depends on how big your house is. At 2 ½ stories at 8 ½ feet per story because we normally have 7’8” ceilings. We don’t have 10’ like in here. We have somewhere near 8’ ceiling, you can allow 10’ per story, which they say they’ve done, 30’ to the roof line, 40’ to the top of the roof. If you take 40’ to the top of their roof and it’s 150’ wide and you take our two little houses, this is Andy’s and this is mine the same thing that Commissioner Lafayette brought up before when they tried show us a 1” = 20’ presentation, now comes into some relativity.”

Referring to page 5 of his written testimony, he raises issue with the density. He notes that the staff and applicant talk about different parts of statutes and about High Density Residential and other uses, but if you took the whole entire 6 acres and put it at High Density Residential apartments at 24 units per acre that gives you 144 possible apartments. If you put 144 possible apartments on this project, take 20% open green space and did real adequate parking, provided some kind of family area so when people have their relatives in from out of town for a wedding or a funeral you can have a banquet room and you put extra laundry facilities so those that can’t afford it can use the coin ops

or the washers and dryers that are in the building, you put 2 or 3 little small buildings like the one building they have, take out all of their other buildings, fix up our performing arts center, you would build nice apartments.

He raised concern that if we give or sell or trade for the two apartment buildings there is no guarantee that it will be done. He notes the vacant pads at other development sites around Sherwood that still have room for other to be built on them.

If you could bond for everyone of these buildings all the amenities and make Capstone put that kind of a bond up and the City gets a guarantee, I might not be so adamant, but they are coming to build two high density apartments that don't fit harmoniously with the neighborhood. He concluded by stating that he would submit what he could and hopefully the Commission has most of it, but the only reason why he is complaining is because you are trying to over kill the local area, the streets and so forth.

Julia noted for the record that the board Mr. Rome presented and asked be save for council, maybe shown to them in the form of photographs as part of exhibit O due to its size and weight.

**Ken Vanden Hock 22845 SW Highland Drive, Sherwood OR.** He has lived on Highland Street for 18 year. His history goes back to a Planner named Jim Rapp that told him that in 1994 Highland Drive would be improved and sidewalks and new pavement would be added. This has never happened. It has now become much more of a thoroughfare. The change that he has seen in traffic over the years from 2 – 3 cars a day now seems close to 20 an hour. He is concerned that traffic will increase with the Highland extension. That is directly across from the Highland and Willamette intersection. As pointed out earlier he believes that is going to be a crucial point for traffic control. He is encouraged to know that the street improvement will be part of the original plan. Regarding the performing arts center, he is concerned about the size. As a pastor he utilized the Robin Hood Theater a number of times and maximized the seating there. With a facility smaller than that “we are shooting ourselves in the foot by not developing an auditorium that would hold more people than the auditorium at the high school”. He is in favor of the center and thinks it would be nice to have a restaurant as part of it, but thinks the center is the number one issue that needs to be dealt with.

**Ken Stickel 22750 SW Orcutt, Sherwood OR.** His concerns are with the traffic impact and overflow parking. From experience he is aware of situations where people living in apartments will drive in the surrounding neighborhood and park their vehicles in front of homes, then return to their apartments and possibly leave the vehicle there for several days. He believes we will have the same situation here. During festivals in town, two-way traffic does not work on Willamette Street. His suggestion would be to connect Columbia to Washington Street, block it off at Willamette and let all of the traffic go through the site and drop out onto Washington Street. There is no one on the other side and you are on a main thoroughfare and you don't have traffic problems. It seems to him that if this was not a City owned property, anybody that was going to develop the property would have to improve the street.

**Alex Graham 22793 SW Highland Drive, Sherwood OR.** Thanked the Commission for having this meeting. His shares concerns with other people that have talked this

evening regarding traffic. He does not feel there is enough parking being planned for the new development. He has lived in Sherwood for 20 years and during the festivals throughout old town his neighborhood becomes a parking lot. He is concerned with the thought of adding another 100 families to that problem. Secondly, regarding the Machine Works performing arts center building, he was basically told that it would be one of the main pieces for the whole redevelopment and now seems like a side project. He feels this needs to be a community space. He would like to see even more of the project dedicated toward the Community Plaza for all to enjoy. He does not feel that there is enough community infrastructure for all of the people currently living here. He thinks that there are many issues with the traffic and safety issues associated with increasing traffic in this area. He is also worried about the notification process and believes there are many more citizens that are interested in development of the town that would attend meetings if they were more publicized.

**Bill Millington 22707 SW Orcutt Place, Sherwood, OR.** He is very in favor of the project. He likes new construction and likes things that will help a city grow. His big concerns however are the parking and the traffic. Willamette Street is so narrow that it doesn't even have a stripe down the middle. He is concerned with how there will be cars parked on the side and have the cars pass on the road. He thinks widening would be a solution. His house is right across the street from the project, yet did not get notice either. He believes there will not be adequate parking for the apartments. It sounds to him that the plan is to add about 75 parking spaces. By his calculations; 101 units times two cars, and 25% kids that are going to have a car, he estimates 250 cars needing to park.

**Angi Ford 22769 SW Orcutt Place, Sherwood OR.** She has many of the same concerns that have been voiced earlier. Although her house is not within the 100' she cannot leave her home without going through that intersection. She is very upset that she did not get noticed. She agrees with the community concept and wishes the whole area could become community space. She is very much for all of the community pieces of this proposal and looking forward to seeing it develop. She is very concerned with parking and traffic. Even the traffic beyond Willamette concerns her. She travels down Pine Street through Old Town many times a day and it is already so congested, adding all of these units will just add to the existing problem. As with many others, the curve on Willamette is a concern for safety as well. She is also concerned about the walking traffic. There is no bus service to this neighborhood, so all of the children walk either to Archer Glen, Hopkins or the Middle School. Adding that much traffic and only having one cross walk is very concerning. She also questioned how this might affect the school capacity. She feels our schools are already near full. She loved the original plan when she thought that there were only going to be 30 – 50 townhomes or condos and a lot of new community space. She feels now it has been taken too far.

**Joe Martin, 22296 SW Lincoln Street, Sherwood OR.** He is not opposed to the whole concept however the traffic flow generated by the apartments is of great concern to him. The part of Lincoln Street where he lives is already very narrow and difficult to get cars through. He talked about the concern Commissioner Nolan raised about the intersection of Willamette and Pine and that the traffic impact study showed that was not an issue. He is asking about the intersection of Willamette and Lincoln. He feels that it is impossible for even medium sized vehicles to maneuver there. Another issue that concerns him is

the Machine Works building. He has spent many years on the School Board and feels that the relatively new performing arts center at the school, with a capacity for 300 and at least that many parking spots, should be utilized rather than building a new center at the tax payer's expense. They have already paid for a performing arts center. He also asked about the parking spaces straight across from each other and how they will work. He reiterated that his main concern is the traffic flow on Lincoln generated by the apartments.

**Dan Ettelstiein 23773 Scott Ridge Terrace, Sherwood OR.** He is not opposed to the project but questions if this is the best use. He questioned is the development would be conditioned to be LEED (Leadership in Energy and Environmental Design) certified to lay a base for future development that is in the best interest in the City. He is interested to know if the Commission has researched or requested from the Developer what impacts obtaining LEED certification would have in securing Federal funding that could then be reinvested back into the City for additional retrofits to obtain a higher ranking. The ultimate goal being to attract green businesses and increasing the quality of life rankings that Sherwood has already done a good job of obtaining.

With no other people wanting to provide testimony Chair Allen asked the developer to come up for their remaining time for rebuttal and closing statements.

Jeff Sackett from Capstone Partners started by thanking the citizens of Sherwood for showing up and sharing their passion about their neighborhoods.

He indicated that the Machine Works/Cultural Arts Center is a huge part of this project. While it is a big part of the project and a big part of the City's vision it is not actually a Land Use issue. He indicated it is true that as mentioned by Tom Nelson earlier, without the PUD being approved there may or may not be a Cultural Arts facility on the site. However it is not true that the Cultural Arts Center, as shown on the PUD and subdivision submittal in the very preliminary stages is exactly what going to happen for the Cultural Arts Center. This is the beginning of a conversation. He truly appreciated hearing from Ms. Marshall-O'Dell as they (Capstone Partners) have had very little conversation with the Cultural Arts folks. They have had a couple of preliminary meetings some time ago and have asked them to prepare a space program for the Cultural Arts facility that Capstone can work with.

Tom Nelson stepped in to say that as Ms. Marshall-O'Dell stated, there is a committee that was formed a couple years ago to look at Cultural Arts in the City and that now the structural integrity of the building has been verified that committee will be called upon. Tom indicated that the City has a proposal for that space, based partly on economics because no one in the Cultural Arts Community or the Community at large has identified who will pay for the center and who will pay to program and maintain the space. The idea is that if there is some retail space in the building, it would produce some revenue through leasing the space which could support the operation of the space. The space that is being proposed for retail is about 5,300 sq ft. The City has been told by the Architect that even with that 5,300 sq ft, it will still allow about 300 seat capacity in the Arts Center. The Cultural Arts review committee will be reconvened probably in January to start looking at the interior of the space.

Jeff continued addressing issues raised with traffic and street improvements. They feel the City's engineering staff will be able to address those concerns. They are certainly supportive of all traffic improvements that are truly necessary for the project. They have been working with DKS, the City's traffic engineers, about some very detailed offsite improvements that have been recommended in the staff report. An item he wanted to clear up is the definition of "on-site" and "off-site" as referred to in the staff report. As developers, they usually think of anything that is on public property as "off-site". This project is unique in that it is 6.5 acres and the staff report talks about all improvements being made within the site as "on-site". He believes that in this case the public improvements within the 6.5 acre boundary are considered on site.

Julia confirmed and expanded by saying that public improvements for the subdivision are referring to the streets, sidewalks, storm, water, sewer and those types of improvements as opposed to the Plaza or the Cultural Arts facility.

Jeff went onto further clarify they are proposing to do half street improvements on the east side of Washington along the entire western frontage of the site. They are also proposing improvements along their Washington Street frontage, expanding the right of way by 12' northerly. He indicated that all of the additional right of way plus some more of the existing will be improved almost to the center line of the street, making the street significantly wider than it is now and allowing room for sidewalks and street trees and parallel parking. He stated that one suggestion that has been brought up by the citizens during public testimony which he thinks is good would be parking restrictions to residents only. That is something that needs to be considered.

Regarding parking, he indicated that currently they are exceeding the standards for on-site parking for the apartment with 102 stalls on site as well as 34 spaces they will be providing on Highland Drive and Columbia Street. A point he wanted to reiterate is that parking is fungible. People have brought up the issues of people parking overnight. In real life the commercial stalls that have not been counted in any of the calculations generally are not used at night. That means that additional parking could be used at night. Also in response to the parking crunches during festivals that have been brought up repeatedly, he indicated that it is great that the festivals are well attended as that means people enjoy them, but parking will not be designed to handle that peak parking situations that happen twice a year.

In response to the questions regarding LEED certification and sustainability; he indicated that they do plan to build sustainable buildings. The Machine Works Building is planned to be LEED Silver. The other buildings will be sustainable, but not necessarily LEED certified as there are several other certifications and LEED certification is an expensive process to do. It adds a lot of consulting expense and time. That doesn't mean that if you built a building that had everything but the certification that it would be any less sustainable.

Chair Allen asked what the thinking was behind putting the South building where it is and creating a dog leg on Columbia Street.

Jeff answered by saying that most of the one year delay between when the agreement was signed and where we have gotten to now has to do with that. Initially Columbia Street was laid out straight east/west. The City's Engineering Staff brought up a concern wanting street intersections lined up. Capstone and DKS worked on the problem and it was determined that traffic could be restricted on the section of Columbia Street that is south of the Machine Works to one way to the west. The kink in the street to the north is a result of wetlands. The property to the south has a wetland on it which was delineated about 6 years ago. A new delineation has to be done every 5 years and when it was re-delineated, it was discovered the wetland had grown. When the required buffers were determined, they basically took up all of the parking for the south building.

Chair Allen discussed how to move forward and where we are in the process. First of all he and all of the Commission really appreciate everyone coming and the efforts made to get people to attend. Whatever action the Planning Commission takes will go to the City Council. He presumes the people here will want to follow the project there. He hopes that people will carry the message of inadequacy of public notice to the council. This is an issue that the Planning Commission has tried very hard to get the City to approach differently and he thinks the council needs to hear the public's voice.

He explained that there are really two sets of questions being considered. One set of which are Planning Commission questions and the other set which are really good questions but are not part of what the Planning Commission does. Who pays for what? Is this a good financial deal? What was the process used to decide whether that is an adequate arts facility? Those types of questions are not Land Use decisions and the Planning Commission does not get to weigh in on those. At the end of the day, those are questions that need to be asked and answered by the City Council.

The Planning Commission looks at the pieces that are the land use decisions and asks if they comply with the code. Heights of buildings, parking and adequacy of transportation facilities are the types of things the Planning Commission gets to decide. They recognize those are not all of the issues. The City Council will make the ultimate decisions.

Commissioner Walker added that they are required to follow a code that has been written even though they may not always agree with rules, that is what they base their decisions on. For example, the notification process is written in the code and needs to be addressed with the City Council as they are in a position to help change the code.

Chair Allen suggests running through his punch-list of items from the last meeting that needed to be addressed as well as new items that need to be considered as they deliberate, and then continue the meeting to a date certain for deliberation purposes. All agreed.

#### Punch List:

- Adequacy of parking
- The height and size of the apartment structures as they front Willamette
- Appropriate use of density transfer
- Financial issues – Chair Allen indicated this was addressed
- Open space or community benefit
- Open space requirements within a residential PUD for apartments

- How does this compare with what could be commercially built in this area without the PUD
- TSP amendment – Chair Allen indicated this was well addressed in the DKS memo
- What is the timeline for the ODOT rail order expiring
  - (Bob Galati answered the question at this time by stating that the rail order is going to expire in March 2010. The City does not have the rail order at this time but have been discussing it with ODOT. They are amenable to giving the city a two year extension based on the fact that they also want to get the crossing constructed.)
- Does there need to be something conditioned regarding the conversations held with the Schaller's and the historic references made.
- Surrounding Street dimensions and parking supply
- Condition matching – resolved
- Pattern book issue
- Residential parking
- The Cultural Arts dedication and occupancy and if this needs to be a condition
- There is also list of transportation issues;
  - Willamette and Pine,
  - Lincoln and Highland,
  - Residential parking zones.
  - Highland and Willamette,
  - connecting Columbia and
  - Street impacts in surrounding areas.
- Comments made by Commissioner Lafayette including:
  - The condition E-2 needs to be reprinted on page 10. The first final plat has to include the phasing schedule.
  - Page 21 C-1 calling out street improvements
- Linking the Plaza to the Occupancy permit

It was determined that the next meeting date would be January 12, 2010. Discussion ensued regarding tolling the days and when the next meeting should be scheduled.

It was determined that the 120 days would be tolled until March 12<sup>th</sup>, 2010. Jeff Sackett agreed to extend the days.

Chair Allen closed the public hearing for public testimony.

A motion was made to continue the meeting for the final staff comments and Commission deliberation until the January 12<sup>th</sup>, 2010 Planning Commission meeting and the written record be left open for an additional 7 days with an addition 7 days for the applicant to respond to further submitted written materials.

Commissioner Nolan seconded the motion.

All were in favor, motion carried.

In closing Chair Allen requested that as part of their meeting packet the list that was just created of topics and a final print out of the revised Staff Report.



**New Business**

The Commission went out of order on the agenda to New Business:

9. a Public Hearing- Hearing Officer Appointment Process- PA 09-06.

There was a motion made to continue public hearing PA09-06 to the January 12<sup>th</sup>, 2010 meeting. Commissioner Walker seconded the motion.

All were in favor, the motion carried.

**Old Business, agenda item b:** Continued discussion of the SWOT (Strengths, weaknesses, opportunities and threats) analysis in preparation for 12/15/09 Council meeting. Regarding the SWOT analysis; Commissioner Lafayette is planning to attend the City Council meeting to represent the Commission highlighting a couple of the points that the Commission feels strongly about, which include the noticing requirements need.

**Next Meeting: January 12<sup>th</sup> 2010**

**Chair Allen** closed the meeting at 11:00 pm.

End of minutes.



## MEMORANDUM

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**Mayor**  
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Dave Grant  
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Lee Weislogel  
Del Clark  
Robyn Folsom

**City Manager**  
Jim Patterson

DATE: January 5, 2010  
TO: Planning Commission  
FROM: Julia Hajduk, Planning Manager  
SUBJECT: Sherwood Cannery Square PUD

The Commission has had two meetings (November 10 and December 8, 2009) taking oral and written testimony on the Sherwood Cannery PUD. At the close of the public hearing on the 8<sup>th</sup>, the Commission continued the hearing to January 12, 2010 and left the record open for additional written testimony from the public for 7 days and an additional 7 days for the applicant to submit final comments.

The Commission requested staff provide an updated staff report reflecting changes recommended in the 12-1-09 supplemental memo and additional recommended changes discussed by Commission. To this end, a track changes version of the original staff report has been prepared and is Attachment 1 to this Memo. The track changes version identifies the source of the identified change for the Commission to ultimately accept, modify or reject.

The Commission also asked for a map that shows a broader area than the maps provided by the applicant. Attachment 2 is a zoning map of the Old Town overlay area showing Willamette to Hall.

While staff will be prepared to respond in greater detail to issues raised during the public hearing, we have prepared a brief response to several issues raised:

**Traffic safety** –City Engineer Bob Galati has prepared a detailed analysis, attached as Attachment 3 to this memo and Exhibit Y to the record, addressing traffic issues raised at the public hearing and in written testimony.

**Notification** – Statements were made that this represented an infill project and as such the infill notification standards should apply. The infill standards were adopted in 2006 with the intent to help facilitate quality infill development that also respected the existing communities. The notification requirements pertain to projects wishing to utilize the flexibility provided through the infill

standards (16.72.020.3.F). This project is not an infill project. It does not qualify as an infill project in definition (it is greater than 5 acres) nor does it propose utilizing the infill standards.

The notification for this project followed the code. Notice was provided to property owners within 100 feet of the project site, posted on site (in 3 locations due to the size), in five public locations throughout the City (City Hall, Library, YMCA, Senior Center and Albertston's notice board) and published in the newspaper for 2 weeks prior to the first hearing. In addition to the legally required notice, the City also provided mailed, posted and published notice of the continued 12-8-09 hearing. Announcements were made of the initial hearing date to boards and commissions in addition to the private notice provided by multiple concerned citizens in the area and throughout the City.

Finally, the Planning Commission hearing is not the last opportunity for the public to comment on the proposed project. The City Council will also hold a public hearing to consider the Commission's recommendation and ultimately make the decision to approve, modify or deny the request.

**Application complete** –It was alleged that the application was not complete and was therefore not ripe for review. This is not true for several reasons. First, the PUD itself is conceptual and as such there are elements that will be refined and clarified through subsequent phases. Second, by law the City has 30 days to review an application for completeness and determine if the application has been submitted with the required information. If the City does not inform an applicant of missing items within that 30 day period the application must be processed as submitted and a final local decision must be complete within 120 days of when the application was submitted. The purpose of the review itself is to determine if the information provided demonstrates compliance with the standards. Simply because information provided does not demonstrate full compliance does not result in dismissal or denial of an application provided conditions can be imposed that ensure the standard can be met. In this case, the PUD is conceptual and there will be additional opportunities for the Commission to review elements for full compliance. Conditions are recommended in the staff report to ensure full compliance at appropriate phases.

**Density** – There appeared to be misunderstandings by some about density transfer versus clustering. Section 16.40.040.C allows clustering of density in multi-zone PUDs provided the project demonstrates compatibility with the adjacent and nearby neighborhoods in terms of location of uses, building height, design and access. As submitted, the building height proposed is consistent with the building height permitted

in the underlying zone. Access is via a public local street and will not access directly off of Willamette Street. The building design has not been identified but will be distanced approximately 56 feet away from the street and over 100 feet away from the nearest adjacent dwelling and will generally comply with Old Cannery Design Standards.

**Parking** – As stated previously, the applicant meets the minimum parking requirements for development in the Cannery portion of the Old Town overlay by providing 65% of the otherwise required parking off-street. This standard has been in place since the adoption of Ordinance 2002-1128, establishing the Old Cannery portion as part of the Old Town Overlay. The standard establishing that no parking is required in the Smockville portion of Old Town was adopted in 2000 via Ordinance 2000-2001.

That said, it should also be noted that, per 16.94.010.11 of the code, parking districts may be established to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas or other uses that generate a high demand for parking. The Commission may wish to include a recommendation to the City Manager and Council that a parking district be considered in the surrounding neighborhoods.

Attachment 4 includes exhibits R through X submitted during the 7 day public written testimony period. Attachment 5 is the applicant's final comments which are identified as Exhibit Z to the record.

Attachment list:

1. Revisions to original 11-3-09 staff report with track changes and comment explanations
2. Map of Old Town overlay and surrounding area
3. December 17, 2009 memo from Bob Galati, City Engineer (Exhibit Y)
4. Exhibits R through X submitted during 7 day open written record period.
5. Exhibit Z submitted by applicant

**CITY OF SHERWOOD**

**Staff Report**

**Date:** ~~November 3, 2009~~ January 5, 2010 (track changes version of November 3<sup>rd</sup> staff report)

**Sherwood Cannery Square PUD (PUD 09-01, PA 09-05 and SUB 09-02)**

To: SHERWOOD PLANNING COMMISSION

From: PLANNING DEPARTMENT

Pre App. Meeting: 9-23-08  
App. Submitted: 8-7-09  
App. Complete: 9-24-09  
120-Day Deadline: 4-3-12-10  
(extended by applicant)



Julia Hajduk, Planning Manager

**Proposal overview:** The applicant, Capstone Partners, has requested Planned Unit Development, Subdivision and Plan Amendment approval with the ultimate goal of developing a mixed use development in the Old Cannery Area of Old Town. The subdivision would dedicate right of way and 3 tracts (a plaza area, vegetated corridor and water quality facility/sidewalk) and would create 10 lots. The Plan Amendment would amend the Transportation System Plan (TSP) to change the functional classification of Columbia Street from a Collector to a Local Street. The Planned Unit Development approval would allow the applicant to focus the density in the eastern portion of the property, allow some flexibility in standards and ensure a unified development to occur over time. In addition, the applicant has proposed a design modification to the streets to allow for low impact development storm treatment as well as extend the visual effect of Pine on the north side of the rail road tracks. The applicant's submittal is attached as Exhibit A and Exhibit B. Because of the complexity of this application, the report has been broken down into the following sections:

Section I - Application information	Pg. 1
Section II - Public Comments	Pg. 4
Section III - Agency Comments	Pg. 4
Section IV - Plan Amendment	Pg. 5
Section V - Planning Unit Development	Pg. 7
Section VI - Old Town Overlay	Pg. 12
Section VII - Subdivision	Pg. 14
Section VIII - Applicable additional criteria	Pg. 17
Section IX - Recommendation	Pg.34
Recommended Conditions	Pg.34
Exhibits	Pg.38

**I. APPLICATION INFORMATION**

Applicant	Capstone Partners LLC 1015 NW 11 <sup>th</sup> Avenue, Suite 243 Portland, OR 97209 Jeff Sackett - Contact	Applicant's Reps:	Harper Houf Peterson Righellis Inc. 205 SE Spokane Street, Suite 200 Portland, OR 97202 (503) 221-1131
Owner:	City of Sherwood	Planner/Contact:	Keith Jones, AICP

22560 SW Pine Street  
Sherwood, OR 97140  
Tom Nelson – Contact

[keithi@hhpr.com](mailto:keithi@hhpr.com)  
Engineer: Ben Austin, P.E.  
[bena@hhpr.com](mailto:bena@hhpr.com)

**Property Description:** The site consists of five tax lots: Tax Map 2S132BD Tax Lot 150, 151, 200, 800 & 900. The site is within the Old Cannery portion of the Old Town Overlay and comprised of both High Density Residential and Retail Commercial zoning,

**Existing Development and Site Characteristics:** The 6.4-acre site is mostly flat and cleared. It is currently separated by Pine Street with the majority of the property (5.4 acres) located east of Pine Street. A small wetland exists off-site to the south of the property. There are some trees on the site that are proposed for removal to accommodate the development.

**Comprehensive Plan Land Use Designation and Zoning Classification:** The majority of the project site (approximately 4.8 acres) is zoned Retail Commercial and the southeastern portion (approximately 1.6 acres) is zoned High Density Residential. The entire project site is located on the Old Cannery portion of the Old Town Overlay.

**Adjacent Zoning and Land Use:** The property is generally shaped like a sideways "L". To the north, the Portland and Western railroad separates the site from City Hall and Railroad Street. The westernmost edge of the site is bordered by SW Washington Street with property zoned Medium Density Residential High and outside the Old Town Overlay. The easternmost edge is the existing Sherwood public works yard and Field House which is split zoned Retail commercial and High Density Residential and is inside the Old Town Overlay. Rather than being a perfect rectangle, there is a "notch" out on the southwestern portion of the site where several properties zoned high density residential are located between the future SW Columbia Street and SW Willamette Street. The easternmost 344 feet of the site has frontage along SW Willamette Street, with properties zoned Medium Density Residential Low on the other side of the street.

**Land Use Review:** The Plan Amendment and Planned Unit Development Conceptual Plan are Type V decisions with the City Council as the approval authority after recommendation by the Planning Commission. A 10 lot subdivision is generally a Type III review, however it is being processed concurrent with the PUD and PA. An appeal of the City Council decision would go to the Land Use Board of Appeals (LUBA).

After PUD conceptual plan approval, the development or individual phases must receive detailed final development plan approval. The detailed final development plan requires Planning Commission (PC) review and approval and ensures compliance with any conditions of conceptual approval as well as applicable community design standards, etc. The code is not clear regarding the process and fee but it is determined that the final plan and site plan are processed concurrently and heard by the PC (regardless of development size) with no additional fee beyond the site plan fee. Approval of the subdivision and PUD conceptual plan grants the ability for the streets and utilities to be designed and constructed without further land use review and approval.

**Public Notice:** Notice of this land use application was posted at three locations at the site and five conspicuous locations throughout the city. Notice was also mailed to property owners within 100 feet of the site and any other party who expressed an interest in receiving mailed notice on October 20, 2009 in accordance with section 16.72.020 of the Sherwood Zoning and Community Development Code. Notice was also published in The Times newspaper on October 29, 2009 and November 5, 2009. In addition, while not required by law, as the property owner, the city sent e-notice to the following organizations: the Sherwood Chamber of Commerce, Sherwood Urban Renewal Policy Advisory Committee, Urban Renewal Agency Board, Cultural Arts Commission, and Sherwood Old Town Business Association.

**Review Criteria:** Zoning and Community Development Code Sections 16.20 (HDR), 16.28 (RC), 16.40 (PUD), 16.80 (Plan Amendments), 16.92 (landscaping) 16.94 (off-street parking), 16.96 (on-site circulation), Division VI (public improvements), 16.122 (Subdivision preliminary plat), 16.126 (subdivision design standards), 16.142

(Parks and Open Space), 16.144 (Wetland, habitat and natural areas), 16.154 (Heat and glare), 16.162 ((Old Town Overlay). For the Plan Amendment, the Regional Transportation Plan and Statewide Land Use Planning Goal 12 also apply.

For the Planned Unit Development - Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall, by ordinance, establish a PUD overlay zoning district. The ordinance shall contain findings of fact per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan per Section 16.40.030.

Detailed application summary: The 6.4-acre site is mostly flat and cleared. It is currently bifurcated by Pine Street with the majority of the property (5.4 acres) located east of Pine Street. A small wetland exists off-site to the south of the property. The mixed-use project is proposed to be built in 10 or fewer phases after construction of the public infrastructure. The streets and plaza will be constructed first and subsequent phases sequenced based on private market demand conditions. The applicant proposes the following phases of construction as shown on the Phasing Plan Sheet C2.3 of the plan set. Timing of and number of individual phases is proposed to be discussed and approved as part of a Final Development Plan.

- ❖ Construction of Streets – New streets are proposed including Columbia Street east of Pine Street and Highland Drive south of Columbia Street. A portion of Pine Street would be redeveloped as well as Columbia Street west of Pine Street. Willamette and Washington Streets would have site frontage improvements made. The construction of the streets would also include completion of the stormwater facility proposed west of the Machine Works Phase.
- ❖ Public Plaza – This includes completion of the public plaza. This would likely be constructed concurrently with the streets.
- 1) West Phase – This would include a one-story retail building of approximately 3,750 square feet and a 31-space off-street parking lot to be shared with the Machine Works Phase.
- 2) East Phase – This includes construction of a two-story, approximately 13,800 square foot building with ground floor service, office or retail and second floor office space. A 36-space parking lot would be constructed east of this building with this phase.
- 3) South Phase – This includes construction of a one-story, approximately 4,000 square foot service, retail or office building and an 8-space parking lot.
- 4) West Residential Phase – This includes construction of a three-story multi-family building with 52 units and a 53-space parking lot.
- 5) East Residential Phase – This includes construction of a three-story multi-family building with 49 units and a 48-space parking lot.
- 6) Machine Works Phase – This would include renovation of the existing 13,050 square foot Machine Works building which is owned by the City of Sherwood. The City has indicated plans to convert the building for use as a community center. There would likely be a restaurant in a portion of the building along the Pine Street frontage.
- 7) NE Phase – Four conceptual alternatives have been identified and will include commercial uses and associated off-street parking. At this time the applicant proposes to divide the NE Phase into four lots as shown on the subdivision plat (Sheet C2.2). These lot configurations would be adjusted or consolidated to suit the future build-out of the NE Phase which will include 1 to 4 lots depending on alternative or configuration and future market conditions. Each lot in the NE Phase could be a separate phase of development. Therefore the NE phase would have

between 1 and 4 internal phases, one phase per lot with the overall PUD having up to 10 phases excluding street and plaza construction (see Sheets C2.4 and C2.5 for further details).

A Plan Amendment is proposed to change the functional classification of Columbia Street from a collector to a local street.

Site History: A brick manufacturing plant operated on the site between 1890 and 1893 and supplied bricks for buildings both within Sherwood as well as the City of Portland. After fires damaged much of the City at the turn of the 20<sup>th</sup> Century, the Graves Cannery was built on the site in 1918. The cannery processed a variety of fruit until it closed in 1971. The buildings were mostly underutilized over the next 30 years for a variety of warehousing and light manufacturing until the buildings were demolished in 2007.

In 2004 the City took the opportunity to purchase the property consisting of tax lots 800, 150, 151 and 200 on tax map 2S1 32 BD, and with the assistance of the Cannery Site Development Committee, explored options for developing the site. The City demolished the structures on the site and completed environmental clean-up to DEQ standards. The City is awaiting the no further action (NFA) letter from DEQ. A formal NFA letter should be a condition of development approval. Once the City had completed a development strategy for the Cannery site, work continued to identify a potential developer that shared the vision of the site. When the City began negotiations with Capstone to purchase and develop the property, the City seized another opportunity and acquired the machine works building and property on tax lot 900 on tax map 2S1 32 BD with the intent to incorporate the structure into the development.

## II. PUBLIC COMMENTS

The City mailed notice to property owners within 100 feet of the subject site on October 20, 2009, posted notices on the site and in five locations around the city and received no comments at the time the staff report was completed.

## III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

Sherwood Engineering Department has reviewed the proposal and provided comments which have been incorporated into this report and decision. They provided a letter of concurrence with the proposed street design modifications which is included as Exhibit C.

Clean Water Services provided comments which are included as Exhibit D to this report.

Tualatin Valley Fire and Rescue (TVF&R) provided comments which are included as Exhibit E to this report.

Washington County (WACO), Kinder Morgan responded to the City's request for comments and indicated that they had no comments.

Pride Disposal indicated that at this time their only comment is that enclosures will most likely need to be placed in areas that currently show parking places. They will review the site plans submitted in the future for detailed comments.



The Department of Land Conservation and Development (DLCD), Bonneville Power Administration, The Sherwood Building Department, Portland General Electric, Northwest Natural Gas, and Raindrops to Refuge were provided the opportunity to comment on this application but did not provide written or verbal comments.

#### IV. PLAN AMENDMENT

While the change in functional classification is a plan amendment because the TSP has been adopted as part of the Comprehensive Plan and Comp Plan, Chapter 6 has the transportation functional classification list, it is neither a text amendment nor a zoning map amendment. However, staff has determined it prudent to analyze the proposal for compliance with both the text amendment and map amendment standards.

##### 1. Text Amendment

**An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.**

The amendment to change the functional classification of Columbia from Collector to Local is consistent with Chapter 6, Section C, Table 1 by revising the classification to reflect the actual use of the Street. Table 1 states that:

- Collector Streets - Provide both access and circulation within and between residential and commercial/industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function and do not require as extensive control of access (compared to arterial). Serve residential neighborhoods, distributing trips from the neighborhood and local street system. Collectors are typically greater than 0.5 to 1.0 miles in length.
- Local Streets - Sole function of providing access to immediate adjacent land. Service to "through traffic movement" on local street is deliberately discouraged by design.

With the ODOT Rail Order allowing retention of the Oregon Street Crossing, the connection of Columbia to Oregon Street is no longer necessary and Columbia Street will now connect to Foundry Street. With this change, Columbia Street no longer provides citywide circulation, but rather provides access to immediate adjacent land. Through traffic would be minimal.

**FINDING:** As discussed above, the change in the Oregon Street rail crossing makes Columbia Street extension more closely fit the definition of local street, therefore the change results in a road that is more consistent with the Comprehensive Plan.

##### 2. Map Amendment

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

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.**
- B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**
- C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to**

warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

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

The applicable elements of the above standard are A and C. As discussed in the above section, the proposed amendment is consistent with the comprehensive plan and TSP policy regarding the definition of the functional classification.

Regarding "C", the amendment is timely because the closure of the Oregon Street rail crossing and connection to First Street is no longer required by ODOT. Because of the proposed development, it is appropriate to modify the functional class to be consistent with the expected actual use rather than design and build a road to accommodate collector level traffic when it is no longer warranted.

**FINDING:** As discussed above the proposal to change the functional classification of Columbia from collector to local is consistent with the TSP and comprehensive plan elements.

### **3. Transportation Planning Rule Consistency**

**A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**

**B. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.**

**C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- 1. Limiting allowed uses to be consistent with the planned function of the transportation facility.**
- 2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.**
- 3. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

Attachment 8 to the applicant's application includes a memorandum prepared by DKS and Associates. This memo analyzed the proposed development and change in functional classification and concluded that "the City's actions to maintain the Oregon Street rail crossing and connection to 1<sup>st</sup> street were found to improve study area operations and keep longer distance trips off of Columbia Street. Therefore changing the functional classification of Columbia Street to a local roadway is appropriate based on traffic circulation and function. In order to implement this action and mitigate impacts on the surrounding transportation system, the following mitigation measure is recommended: Construct an eastbound right turn lane on Oregon Street at Lincoln."

The City sent notice of this proposed functional classification modification to the State Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation. The City received no comments from DLCD and after clarification with ODOT Rail that with the functional classification change, Columbia would no longer connect to Oregon Street, ODOT Rail indicated that they did not object to the amendment.

**FINDING:** As noted above, while the proposed amendment would change the transportation system plan, the result would have no impact on the transportation system provided the recommended mitigation was complete. The amendment would allow a road to be built consistent with its actual function.

**CONDITION:** Funding must be identified and programmed for the eastbound right turn lane from Oregon to Lincoln and an agreement established between the City and developer for its implementation.

## V. - PLANNED UNIT DEVELOPMENT

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their recommendation based on the following criteria:

**1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020. A.**

The PUD is eligible for consideration per 16.40.020.A because it is located within the urban renewal district. The applicable sections of the Comprehensive Plan include Chapter 4: Land use, Residential Planning Designations, Economic Development, Commercial Planning Designations and Community Design. The applicant's narrative provides a detailed analysis of compliance with the applicable comprehensive plan policies and strategies. Staff has evaluated the applicant's discussion and concurs that the proposal is in conformance with applicable policies. Specifically, the proposal allows flexibility and innovation in site development and land use compatibility (Residential Policy 1), and provides for variety in housing types beyond that currently dominating the market in Sherwood (Residential Policy 2). By providing for multi-family developments, the City provides the opportunity for more affordable housing and provides choices in locations (Residential Policy 3). The mixed-use element helps support commercial development in Old Town and provides for residents to be in close proximity to jobs and services (Economic Policy 5 and Commercial Development Policy 1). The proposed design concept complements the existing Old Town structures and considers its spatial and aesthetic relationship to the adjoining properties (Commercial Policy 2 and Community Design Policy 1). Approval of the PUD itself will promote creativity, innovation and flexibility in structural and site design (Community Design Policy 4.)

**FINDING:** As discussed above, the applicant has demonstrated that the applicable comprehensive plan standards have been met.

**2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.**

Fifteen percent of the buildable area is 32,079 square feet. The applicant's narrative indicates they are proposing the "alternative" by providing 5.6% public open space with the plaza and describing how the proposed and existing development of the Library and City Hall, Festival Streets, Pedestrian Promenade and 5-blocks from the City's Veterans' Park equally or better meets the community needs. The plaza area expands the City's ability to stage events from the weekly farmers' market to the annual Robin Hood Days. The Cannery Square also maintains its engaging atmosphere on a daily basis with elements like an interactive water feature, public art, and covered trellises.

Between the existing Machine Works Building and the West Building is another potential plaza and pedestrian walk. The walk would connect the public deck in the Stormwater Garden on Washington Street to the Cannery Square across Pine Street, providing a pedestrian walkway between the key open spaces. Smaller and less formal, these spaces offer a more subdued character than the potentially bustling Cannery Square.

It should be noted that the proposal also provides 3,446 square feet south of lot 3, and 1,337 square feet west of lot 9 which will be retained as vegetated corridor. In addition, the existing machine shop has also been purchased by the City and is intended to be retained and incorporated into the development primarily as a cultural arts facility. The PUD development helps make that feasible. The lot that the machine shop is on is 23,027 square feet and will essentially be fully utilized as public space either via the cultural arts facility, plaza areas or water quality feature. While the plaza area provides only 5.6% of the developable area in public open space, the entire development will provide multiple areas the public will be able to use and appreciate in excess of 15%.

The Cannery Square was designed with input from the City of Sherwood Parks Committee, headed by Kristen Switzer, Community Services Manager for the City of Sherwood. Ideas from the Committee were molded into form by the design team and the resulting design was enthusiastically endorsed by the Committee. The Cannery Square is 12,004 square feet, which works out to 5.6% of the buildable area.

In addition, stormwater is a common theme of these open spaces. Stormwater from across the development is incorporated into the site in different ways, flowing under the boardwalk in runnels in the plaza, visible in stepped stormwater planters along the pedestrian walkway and is the focus of the Stormwater Garden, where a large deck overlooks the facility, providing an additional public gathering space.

**FINDING:** As discussed above, with the inclusion of the conversion of the Machine Shop to a cultural arts/community center, the development will exceed the 15% public space requirement. In addition, without the inclusion of the community center, the development provides 5.6% public space and has adequately demonstrated that the proposed development, in combination with the existing and proposed public spaces, meets the community needs.

**3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.**

The applicant requests a modification to the underlying zone by allowing the multi-family buildings to be built to the right-of-way line of Columbia Street and Highland Drive as opposed to meeting the required 20 and 30-foot setbacks. This allows a more urban-style residential design consistent with the structures in the Smockville portion of Old Town.

While not an underlying zoning issue, the applicant also requests flexibility to allow the downtown streets design to be modified to fit the proposed development and to allow a larger percentage of compact spaces (50% vs. the standard of 25%). The applicant has indicated that the compact spaces would be larger than the standard 8-foot by 18-foot and would be 9-foot by 18foot. This flexibility would allow the conceptual design to better fit the proposed lots. The applicant also requests that the Machine Works building have flexibility to locate the front entrance to the north instead of facing Pine Street. The Machine Works Building is a multi-tenant building and could have as many as four entries depending on interior layout. The Machine Works Building is a multi-tenant building and could have as many as four entries depending on interior layout. This is requested due to the structural design of the existing building and to face the main entrance toward the parking and pedestrian amenities.

**FINDING:** As discussed above, the design of the development, when considered as a whole and considering the unique public amenities offered, warrants exception to certain standards. The Street design modification is discussed further in this report.

**4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).**

The proposed architecture in the development is founded on the design standards for the Old Cannery area which are also included in the Architectural Pattern Book. Exterior façades, entrances, materials, windows and roofs complement and reinforce the character of Old Town Sherwood. The proposed design intends to unify the existing and new portions of downtown into a deliberate whole. The intent is to use the features of the new plaza, streets and buildings to knit two portions of Sherwood together that did not previously relate. The rail line then becomes not an edge or barrier, but a strong recall of the city's past and a potential bonus in the future. A substantial contributor to this coordinated effort is the architectural character of new buildings. The Sherwood Old Town Design Guidelines are relevant in this case, for they outline many desirable components to guide new projects downtown. The Old Cannery Standards reinforce these Design Guidelines, such as corner entries and ground floor windows, items that are incorporated into the proposed Old Cannery architecture.

The applicant has done an excellent job demonstrating how the proposal is in harmony with Old Town and helps to complete the picture. By utilizing the Old Cannery design guidelines as shown in the architectural pattern book, the structures will be united and compatible. One area of initial concern to staff was the relationship between the HDR portion and existing single family dwellings to the south of Willamette. Attachment 9 of the applicant's submittal responds to this by illustrating several views. While the building is definitely taller than the single family structures, the proposed heights are within the permissible range for HDR. The PUD and design standards will ensure a higher quality design than perhaps would otherwise be provided.

**FINDING:** As discussed above, this standard is met with the proposal.

**5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.**

The proposed plaza area will be placed within a tract in the subdivision plat to be retained by the City of Sherwood. The hardscape plaza will be a low maintenance design comprised mostly of brick paving and will be developed and maintained by the City. Any plaza areas near buildings are conceptual at this stage but are proposed to be developed and maintained by developers of specific phases. The applicant wanted to leave some flexibility for developers at the final development plan stage so they did not include the "private" plaza areas in their open space calculations; however, as the buildings at the concept stage would be approved to a maximum of 4,000 square feet (South Building) and 3,750 square feet (West Building), it is safe to assume the remainder of the lot not covered with parking or building will be landscaped or hardscaped. Adequate maintenance will be reviewed and conditioned as needed at the final development plan stage. Details of plaza design will be presented at time of final development plan and site plan review.

**FINDING:** As discussed above, this standard is met.

**6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.**

The applicant has provided discussion on how the proposed development allows for public amenities that would not be provided if lots were simply developed in accordance with the underlying zoning.

The applicant has indicated that they could build a more intensive use within the southeastern area of the site that would meet the underlying code, but it would not have had as beneficial an effect on the area. They point out that the public plaza and flexible street design, which have direct public benefits, would not be required under the standard code. They indicated that the design itself was tailored to fit within the fabric of the community and site to provide an overall project that is a public amenity and benefit to the area. The massing and proportions of the new buildings respond to the existing Old Town Sherwood core. The one and two story brick-themed buildings with open, inviting storefronts are echoed in the scale and proportions of existing historic Old Town Sherwood buildings. The layout of the buildings and uses and all elements of the buildings work together to make a cohesive whole. Sherwood is not a city of tall buildings, so one to three stories provides the appropriate scale to expand downtown. Variation in scale is important in the proposed development. One and two-story buildings surround the plaza, acting as edges without deviating from the current scale of downtown buildings.

The two multi-family buildings are placed in the southeast corner of the site. This placement allows for a transition of building heights. Three stories boost the density of housing units which will enhance the vitality of the onsite retail uses as well as the rest of Old Town. The PUD will allow the clustering of density in 3 stories as opposed to having up to 4 stories in the RC zone within the project site. Two structures are proposed to reduce the scale of the overall complex and give the street in-between an urban neighborhood feel. The buildings are oriented to the new internal street of the Old Cannery site in an "L" configuration, placing the narrow leg towards the neighborhood across Willamette Street and the larger end primarily within the portion of the lots zoned RC. Parking and landscaping act as a buffer towards the street. The goal is to reduce the impact of the multi-story housing structures, while recognizing their relationship to the single-family neighborhood across Willamette Street.

The PUD is also needed to allow the clustering of the density. If the density was not provided as proposed, the project would not pencil out and we would not get the public amenities being provided. Alternatively, density would be provided throughout the development on 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors which would result in less variation in building heights and again, potentially make the development of the site unmarketable. The PUD allows the flexibility to develop the property in a common character and allows the development to fit into the surrounding environment while still ensuring marketability.

**FINDING:** As discussed above, the applicant has demonstrated the benefits of this proposal to the community and that the same development and benefits could not be provided through strict adherence to the underlying zone.

**7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.**

The applicant intends to substantially complete the streets, storm water facility and plaza within the one year timeframe and has proposed phasing of the Machine Works Building and private development as part of a Final Development Plan and Site Plan Review application. At this time the applicant is not sure which phase of the PUD would be constructed first but requests that the approval allow any phase or combination of phases be able to start at any time following Preliminary PUD approval subject to approval of a Final Development Plan/Site Plan Review and building and construction permits.

Staff has reviewed the proposed phases. Per 16.40.040.A.1.b any PUD requiring more than 24 months to complete must include a phasing plan for approval with the final development plan submittal. However, final development is essentially site plan review for each phase or combination of phases. While the code is not perfectly clear, staff and the city attorney have interpreted that a phasing plan, if proposed, would be reviewed and approved when the first final detailed development plan is submitted.

**FINDING:** As discussed above, the subdivision including street improvements, plaza area and cultural arts facility/community center can be substantially completed within one year. It is anticipated that a phasing plan will be submitted with detailed final site plan submittal with the first phase, therefore the following condition is recommended.

**CONDITION:** Detailed Final Development Plan may be submitted for one or more phases, but shall include a detailed phasing, including timing, plan for remaining phases

**Comment [jh1]:** Comment provided by Commissioner Lafayette.

**8. That adequate public facilities and services are available or are made available by the construction of the project.**

As a result of approval of the Planned Unit Development and subdivision proposal, the public streets, storm water treatment facility and plaza area would be completed by the City as part of the purchase agreement with the application and the owner. Completion of the on-site public improvements will be a condition of subdivision approval as discussed further in this report. As documented in the January 2009 traffic impact study prepared by DKS Associated, off-site improvements will be necessary at full build out to ensure the project does not negatively affect traffic throughout the City.

**FINDING:** As discuss above, this standard is not met but can be met if the following conditions are met or will be conditioned to be met.

**CONDITION**

- a. Construct improvements to improve the operations of Pine Street/1st Street to meet City performance standards and mitigate queuing impacts at the Pine Street railroad crossing. This shall be accomplished by implementing a modified circulation for the downtown streets that includes:
  - i. Install a diverter for south-westbound on 1st Street at Ash Street or Oak Street to require vehicles travelling towards Pine Street to divert to 2nd Street.
  - ii. Remove one side of on-street parking Ash Street-2nd Street or Oak Street-2nd Street to provide two 12-foot travel lanes from the diverter to Pine Street. Convert to one-way traffic flow approaching Pine Street for this segment.
  - iii. Install an all-way stop at Pine Street/2nd Street. Stripe the south-westbound approach of 2nd Street to have a left turn lane and a shared through/right-turn lane.
  - iv. Install traffic calming measures on 2nd Street southwest of Pine Street to manage the impact of the added traffic.
- b. Restrict landscaping, monuments, or other obstructions within sight distance triangles at the access points to maintain adequate sight distances.
- c. Provide an enhanced at-grade pedestrian crossing of Pine Street to facilitate multi-modal circulation through the project site (e.g., signing, striping, lighting, a raised crossing, or pavement texturing).
- d. Construct Columbia Street northeast of Pine Street to City Standards as modified and approved by the City Engineer and install a sign indicating that this roadway will be a through street in the future (connecting to Foundry Avenue).
- e. Because of the alignment configuration of Columbia Street southwest of Pine, the street shall be configured and signed as a one way street.
- f. Restrict parking on the southeast side of Columbia Street at a minimum within 50 feet of Pine Street (northeast of Pine Street).

**Comment [jh2]:** Recommended change per 12-1-09 supplemental memo

**9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.**



Per 16.40.010.A, the purpose of the PUD is to “integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards”.

Section 16.40.010.B indicates that a PUD district is intended to achieve the following objectives:

*1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.*

The intent of the PUD is to design the site as one cohesive development with orderly and appropriately designed buildings and streets to address surroundings. The public plaza location was selected since this is near the Library/City Hall building that is a central area for Sherwood. The plaza will provide a space to congregate and act as the City's living room. The PUD allows for the plaza area and community center to be dedicated and developed. This results in a cost savings to the citizens of Sherwood. The efficiency in land will ultimately reduce costs which would be expected to be carried by residents and business owners.

*2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.*

This is not applicable in this development.

*3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.*

This objective is clearly achieved by providing for high density multi-family developments in close proximity to retail shops, offices, a plaza area, the existing library and downtown amenities. The City of Sherwood convened a committee to design a development vision and strategy for the Cannery property in 2004. Through this process it was identified that a mixed use development with plaza area would be supported by the market, would provide a benefit to the community and would support a healthy economy in Old Town.

*4. Achieve maximum energy efficiency in land uses.*

On a macro level, getting more people to live and shop downtown adds to the City's vitality, economy, and sense of place and building greater density downtown limits the need to expand the urban growth boundary and preserves farm, forest lands and open spaces. The mixed use allows for people to live near where they work and to live closer to places they shop and congregate. The density not only helps support the businesses, but the proximity to transit provides opportunities to take transit more often which helps limit energy consumption.

*5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.*

The proposal is for a mixed use, pedestrian friendly development that draws people into the core of Sherwood to shop and play. If the development were to occur in a piece-meal fashion, the cohesive plan for the entire development would not be provided for. The proposed development is innovative not only in the overall cohesive design, but also in providing for low impact storm water treatment and providing for multiple places for the community to play, learn and get involved in community events.



**FINDING:** As discussed above, the proposed PUD meets the purpose and objectives of the PUD section of the Development Code.

10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3). (Ord. 2001-1119 § 1)

**FINDING:** The proposed PUD is greater than 5 acres, therefore this standard is met.

## VI. OLD TOWN OVERLAY

### 16.162 – Old Town Overlay District

#### **16.162.030.G Permitted Uses**

Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.

**FINDING:** The applicant has indicated office and retail uses in the RC zone with HDR density permitted in the RC zone clustered on the HDR portion. Uses will be more completely evaluated at time of final development plan and site plan approval.

#### **16.162.070.A Community Design-Generally**

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

The applicant has indicated that they intend to comply with the Old Cannery Area design standards with the exception of the porch requirements on the residential portion. The Old Cannery design standards require that residential structures provide a front porch as part of the development; however the applicant has indicated this requirement would not fit with the concept for the multi-family development and the urban design envisioned in this proposed development.

**FINDING:** The applicant has indicated each phase will fully comply with all Old Cannery design standards with the exception of the front porch for residential structures. This is discussed in greater detail and conditioned further in this report in 16.162.090

#### **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.

The applicant has provided information on pages 40 and 41 of their narrative demonstrating how the site and each phase will meet the 65% parking requirement. Because detailed final development plans have not been submitted, it is premature to make findings on the number of parking spaces provided, however, the applicant has demonstrated that the requirement could be met with the building location, sizes and uses proposed. As discussed previously, the applicant has requested and it is recommended that the PUD permit up to 50% of the required parking be compact.

**FINDING:** The applicant has indicated this standard can be met. Compliance will be reviewed at the time of detailed development review. As part of the PUD proposal, the development of each phase may include up to 50 of the spaces designed to be compact.

**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.**

The proposed streets generally comply with the downtown street standards. The City worked closely with the developer to develop a proposal that maintains the aesthetic intent and the functionality of the downtown street standards but with modified materials and design components to reflect lessons learned and improve functionality. The City Engineer has prepared a letter of concurrence for street design modifications which is discussed in greater detail further in this report under Section VIII.

**FINDING:** The proposed street designs do not fully conform to the downtown street master plan; however the modifications made are at the request of and supported by the City Engineer to ensure improved functionality and maintenance of the streets. Specific findings regarding the street design modification are provided further in this report in Section VIII, therefore this standard is satisfied.

**16.162.070.H Community Design-Color**

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

**FINDING:** The applicant has submitted an architectural pattern book demonstrating that the materials and finishes will generally meet this requirement. Submittal of the detailed final development plan and review for consistency with this standard and the architectural pattern book will ensure compliance.

**16.162.080 Standards for all Commercial, Institutional and Mixed-Use structures in the Old Cannery Area.**

**This section provides multiple standards regarding: Building placement on the street, reinforcement of the corner, residential buffer to adjacent lower density residential zones, main entrance requirements, off-street parking and loading area, exterior finish materials, roof mounted equipment, ground floor windows, distinct ground floors, roof forms, based of building and height.**

The applicant has indicated that they intend to fully comply with the Old Cannery Design standards to ensure architectural consistency and control as the phases develop. The only exception is the front porch requirements for residential structures where they request a modification. As discussed previously, the applicant has indicated this requirement would not fit with the concept for the multi-family development and the urban design envisioned in this proposed development. Because this is a PUD, flexibility in standards can be considered if the flexibility will provide a better product or design than strict compliance with the underlying zone.

The applicant has documented how the compliance can be achieved in their architectural pattern book included in their submittal.

**FINDING:** It is premature at this stage to determine compliance with the Old Cannery design standards, however the applicant has indicated that they intend to comply fully with all standards except the front porch requirement for residential structures. To ensure it is clear for each PUD phase that these standards continue to apply, the following conditions are necessary.

**CONDITION:** With the east, west, south and NE phases, the design of buildings shall demonstrate full compliance with the Old Cannery Standards and shall be consistent with the architectural pattern book.

**CONDITION:** The west and east residential phases shall demonstrate compliance with the Old Cannery standards with the exception of the front porch requirement.

## VII. PRELIMINARY PLAT – REQUIRED FINDINGS

### 16.122 Required Findings

No preliminary plat shall be approved unless:

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.**

**FINDING:** The proposal extends Highland Drive and Columbia Street through the site. Columbia Street extends through the site stubbing to the east per the TSP.

- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.**

**FINDING:** No private streets are proposed; therefore, this standard is not applicable. The applicant has requested the right of way to the north of the machine shop be vacated, however this is processed separately from this application and is not a land use decision.

- C. The plat complies with Comprehensive Plan and applicable zoning district regulations.**

**FINDING:** This standard is satisfied through compliance with the applicable criteria discussed throughout this report. If necessary, conditions are imposed to ensure compliance.

- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.**

**FINDING:** As discussed in Section VIII.C (Public Improvements), adequate water, sanitary sewer and other public facilities exist to support the lots proposed in this plat. In addition, each phase will be required to come in for detailed PUD approval at which time additional review can and will be provided.

- E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.**

**FINDING:** The City of Sherwood owns the property to the east and is provided access via Columbia Street as well as the existing Willamette Street frontage.

- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.**

**FINDING:** All adjoining properties have existing access to public streets. Approval of this subdivision and PUD will not prohibit any adjoining properties from being developed.

- G. Tree and Woodland inventories have been submitted and approved per Section 8.304.07.**

**FINDING:** A tree inventory has been submitted with this application. Compliance with this standard is discussed and conditioned as necessary further in this report under Section VIII.D.

## 16.126 – Subdivision/Partition Design Standards

### 16.126 Design Standards- Blocks- Connectivity

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

**FINDING:** According to the submitted preliminary plat and conceptual PUD plan, the block length, width and shape will provide for adequate building sites for the commercial, office and multi-family uses as well as convenient access, circulation, traffic control and safety.

**B. Block Length.** Blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet.

**FINDING:** The longest block, at approximately 324 feet, is between Pine and Highland along Columbia Street, therefore this standard is met.

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

**FINDING:** There are no unusually long blocks or dead end streets that warrant the need for off-street pedestrian or bicycle accessways, therefore this standard is not applicable.

### 16.126.020 Easements- Utilities

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

The preliminary plat does not indicate easements will be provided. This is specifically exempted in the Old Town Overlay. Assuming the existing right of way between lots 1 and 2 is vacated, there will be a public storm water line running between the two properties which must be maintained within a 10 foot wide public easement. While it is fully anticipated that the City will require an easement be retained with the vacation, it is recommended that a condition be required as part of the subdivision approval to ensure this is completed.

**FINDING:** As discussed above, this standard has not been fully met but can be as conditioned below.

**CONDITION:** Prior to approval of the final plat, provide verification of the public easement retained between lots 1 and 2 for storm water or dedicate the required easement on the plat.

### 16.126.030 Pedestrian and Bicycle Ways

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

**FINDING:** As all blocks are less than 324 feet and there are no cul-de-sacs or unusually long or oddly shaped lots, this standard does not apply.

### 16.126.040 - Lots

**16.126.040.1 - Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements...**

As discussed further in this report, the lot sizes are appropriate for the zoning district except as modified for the PUD. The shape and orientation are appropriate when considering the conceptual development and building locations and orientations.

**FINDING:** As discussed above, this standard is satisfied.

**16.126.040.2 - Access - All lots in a subdivision shall abut a public street.**

All lots abut a public street. Lot 1 has frontage on Washington Street and Pine Street, lot 2 has frontage on Washington Street, Columbia and Pine Street, lot 3 has frontage on Pine and Columbia, lots 4-8 have frontage on Columbia, lots 9 and 10 have frontage on Columbia, Highland and Willamette.

**FINDING:** As discussed above, this standard is satisfied.

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

While multiple double frontage lots are proposed, it is believed that this standard is intended to apply to single family residential lots and not commercial and multi-family lots which often have multiple access points for traffic flow and emergency access.

**FINDING:** As discussed above, it is believed that this standard is not applicable for this commercial and high density residential subdivision.

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

**FINDING:** All of the side lot lines run at right angles to the street, therefore this standard is met.

**16.126.040.05 Grading -Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:**

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

Grading permits are issued through the Sherwood Building Department, however it is anticipated that full compliance with this standard can be achieved because the general topography is relatively flat. The Building Department will ensure compliance with grading standards.

**FINDING:** Based on the discussion above, the applicable lot standards have been met either through the proposed preliminary plat or the conditions recommended previously in this report regarding dedication of right of way.

**VIII. APPLICABLE ADDITIONAL CODE PROVISIONS**

**A. Division II - Land Use and Development**

The subject site has both High Density Residential and Retail Commercial zoning on portions the property. Compliance with these sections is discussed below.

**16.20.010 – High Density Residential**

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

**16.20.040 Dimensional Standards**

**a. Lot dimensions**

1.	Lot areas:	
	a. Single-Family Detached:	5,000 sq ft
	b. Single-Family Attached:	4,000 sq ft
	c. Two-Family:	8,000 sq ft
	d. Multi-Family:	8,000 sq ft
	(for the first two (2) units & for each additional unit)	1,500 sq ft
2.	Lot width at front property line:	25 feet
3.	Lot width at building line:	
	a. Single-Family:	50 feet
	b. Two-Family & Multi-Family:	60 feet
4.	Lot depth:	80 feet

5. Townhome lots are subject to Chapter 16.44.

Lots 9 and 10 have split zones with approximately 57,600 square feet of HDR and 23,040 square feet of RC (excluding the right of way for Highland Drive). Without PUD approval, the maximum density would be 31-44 units; however, as previously discussed, approval of the PUD would allow the density allowed on the entire site to be clustered. Because the development is in a PUD and involves multiple zones and clustering of density, the minimum lot size is not applicable. All other dimensional standards are met.

**b. Setbacks**

1.	Front yard:	20 feet
2.	Side yard:	
	a. Single-Family Detached:	5 feet
	Corner Lot (street side):	15 feet
	b. Single-Family Attached (one side):	5 feet
	c. Two-Family:	5 feet
	Corner Lot (street side):	15 feet
	d. Multi-Family, for portions of elevations that are:	
	18 feet or less in height:	5 feet

	<b>18-24 feet in height:</b>	<b>7 feet</b>
	<b>Greater than 24 feet in height: (See setback requirements in Section 16.68.030B)</b>	
	<b>Corner Lot (street side)</b>	<b>30 feet</b>
<b>3.</b>	<b>Rear yard:</b>	<b>20 feet</b>

There are three street frontages. It has been determined that the lots are "through" lots, therefore Columbia Street and Willamette Street are "front" yards and must comply with the front setback. The Highland Drive frontage is classified as a corner side and the lot lines opposite the Highland frontage are interior side yards. The applicant has indicated that they can and will exceed the front yard setback requirements along Willamette to provide as great a distance as possible between the development and the existing residential developments on the south side of the street. The frontage along Columbia Street is actually in the portion of the lot zoned Retail Commercial, which, as discussed next, allows a 0-foot front yard setback. The applicant has requested modification through the PUD process to allow the corner side yard setback along the Highland Street frontage to be zero as opposed to the required 30 feet. This requested modification is consistent with both the intent of the Old Cannery and Old Town standards and the design concept of the proposed development. The modification will not impact adjacent off-site properties and will, in fact, allow the buildings to be oriented and located away from adjacent properties.

**FINDING:** Compliance with the setbacks will be reviewed at the detailed development plan phase, however the applicant has made a case for modification of the corner street side setback to be reduced to zero along the Highland Drive frontage.

**16.28 – Retail Commercial (RC) Zoning District**

The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts per Division VIII. There are a number of permitted and conditional uses ranging from professional services, general retail trade and personal and business services to restaurants, taverns, and lounges, multi-family housing and churches (refer to 16.28.020 for complete list).

**FINDING:** The applicant has indicated that a combination of retail, office and public space will be provided in the portion of the development zoned RC. Specific verification for compliance with the uses will be determined at final development plan and/or business license.

**Dimensional Standards (16.28.050)**

**Section 16.28.050 has dimensional standards for the RC zones. Because the site is also in the Old Cannery portion of Old Town, 16.162.060 also has dimensional standards which may supersede the dimensional standards in 16.28**

<b>Lot area</b>	<b>5,000 sq ft (2,500 sq ft in Old Town, per §16.162.060.A)</b>
<b>Lot width at front property line</b>	<b>40 feet</b>
<b>Lot width at building line</b>	<b>40 feet</b>
<b>Front yard setback</b>	<b>None, per §16.162.060.B</b>
<b>Side yard setback</b>	<b>None, per §16.162.060.B</b>
<b>Rear yard setback</b>	<b>None, per §16.162.060.B</b>
<b>Height</b>	<b>50 feet or 4 stories, whichever is less, per §16.162.060.C</b>

All proposed lots in the RC zone are greater than 5,000 square feet and provide more than 40 feet at the front property line and conceptual building line.

**FINDING:** Based on the discussion above, the proposal generally complies with the dimensional standards.

**B. Community Design –**

The proposed PUD illustrates the concept and each phase will come in separately (or in combination) for detailed plan review at which time compliance with the community design standards will be thoroughly evaluated. However, to ensure that the phases, in combination, can be accomplished over time and draw upon the elements and amenities throughout the entire PUD, some evaluation of the community design standards is appropriate at this stage.

16.92.030 – Landscaping and screening – the applicant has documented in their narrative that they can meet these standards. Without conducting detailed review of the tentative site plan development, it appears that the standards can be met. Staff has concern that the contemplated 6 foot landscaping strip (per the Old Cannery standards) between the development site and adjacent residential uses may be inadequate given the proposed density. While the scale of buildings is consistent and in some cases less than that permitted through strict adherence to the underlying zone, staff recommends that a condition of PUD approval be enhanced screening along the Willamette Street frontage. The proposed water quality swale on the west side of the Machine Shop will provide significantly greater landscaping and visual buffering than currently exists between the western portion of the proposed development and the property on the west side of Washington Street.

16.94 – Off-street parking and loading – The applicant has indicated that they can provide the required parking consistent with the Cannery standards at 65%. They have requested a modification to the amount of parking spaces that may be compact (50% versus 25%), however they are only requesting reduced length of stall not width. Detailed review will be required at time of detailed final development plan review to ensure compliance with all off-street parking and loading standard including bicycle parking, proper marking of spaces, wheel stops, etc. At the conceptual level, however, the applicant has demonstrated that these standards can be met.

16.96 – On-site circulation – all buildings will be oriented to the street with sidewalks along all street frontages. It is anticipated that the applicant will be able to fully comply with these standards, however compliance will be evaluated at time of detailed development plan approval for each phase.

16.98 – On-site storage – The applicant has generally identified potential areas for solid waste and recycling storage for each phase. Pride disposal has deferred specific comments to detailed development plan approval; however upon review of the conceptual locations, staff has concerns that the locations will not be able to be accessed by Pride Disposal trucks. It is likely that modifications will be needed prior to the submittal of detailed development plans to ensure compliance can be achieved. The applicant has not proposed common areas for trash enclosures, rather providing an enclosure for each building or phase.

It is anticipated that for the retail uses, especially those fronting on the plaza, some outdoor sales may be desired to draw the public into the businesses. Should this be considered, the detailed development plan and adjoining land use application should also include a request for conditional use approval to permit outdoor sales and merchandise display per 16.98.040.

Material storage is not anticipated and it is recommended that a condition of the PUD specifically prohibit the storage of materials not associated with that permitted under 16.98.040.

**Comment [jh3]:** Clarification requested by Commissioner Lafayette.



16.102 – Signs – Signs will be reviewed after detailed development plan and site plan approval is granted and will be required to comply with the location and dimensional standards. No exceptions have been requested or are anticipated.

**FINDING:** While full compliance with the community Design Standards will be evaluated at time of detailed development plan review, it appears feasible that the standards can be met through this proposed PUD. It is recommended that the following conditions be placed on the conceptual PUD approval, however, to ensure clarity and compliance at the detailed development plan review stage.

**CONDITIONS:**

1. All phases shall provide 65% of the required parking with no more than 50% of that parking being **modified compact parking spaces with dimensions of 9 feet x 18 feet.**
2. Each phase shall comply with the site plan standards including **but not limited to** Community Design standards except as specifically modified in this decision.
3. Trash enclosures must be placed consistent with Pride Disposal requirements
4. No outdoor storage is permitted.
5. Any outdoor sales and merchandise display must be approved as part of a CUP per 16.98.040.

**Comment [jh4]:** Clarification requested by Commissioner Lafayette

**Comment [jh5]:** Recommended change per 12-1-09 supplemental memo

**C. Division IV - Public Improvements**

**16.108.030 Required improvements**

**16.108.030.1 states that 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 applicant proposes to dedicate between 64 and 68 feet of right of way along Columbia Street between Pine and the eastern edge of the property. Sixty feet of right of way exists along Columbia Street between Pine and Washington Street. This width is within the range that is required for a local street with on-street parking.

Highland Drive will be 52 feet wide between Columbia and Willamette consistent with the typical cross section for 28 feet residential street with parking on one side. The applicant has also proposed to dedicate 12 feet of right of way along Willamette.

Pine Street has existing right of way that is adequate width to accommodate necessary improvements.

As discussed in detail further in this section of the report, the applicant has requested and the City Engineer has issued a letter of concurrence for design modifications to several of the proposed streets.

**FINDING:** It appears that the required improvement standards will be met, however the applicant must receive Engineering approval of the public improvement plans in order to ensure the streets will be improved as planned. If the applicant complies with the conditions below, this standard will be met.

**CONDITION:**

1. Prior to final plat approval, receive public improvement plan approval for all public street improvements.
2. Proposed right of way dedication consistent with the preliminary plans submitted shall be shown on the final plat.

**16.108.030.2 (Existing Streets) states that except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.**

The development abuts Willamette to the north, Washington to the west and has Columbia and Pine street running through it. As discussed above, the applicant proposes to complete improvements to all streets within the project area.

While the code standard requires improvement of existing streets from the centerline, the applicant has proposed adding 3 feet of asphalt to the existing paved road portion and completing the curb, gutter, landscaping and sidewalk. The City has determined this level of improvement is appropriate on these roads at this time because road improvements will likely be made in the future through a City Capital Improvement Project (CIP). The road improvements as proposed will function well and will be more appropriate than completing patchwork half street construction along these roads.

**FINDING:** The applicant has proposed to construct the required improvements, however review and approval by the Engineering Department is required before this standard can be fully met; therefore, the applicant must comply with the conditions specified below.

**CONDITION:**

1. Submit public improvement plans for review and approval by the Engineering Department which are consistent with the preliminary plat.
2. Prior to final plat approval, the public improvement plans shall be approved.
3. Prior to occupancy of any phase in the PUD, on-site public improvements must be complete as determined by the City Engineer.

**16.108.030.5. Street Modifications**

- A. Modifications to standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP), may be granted in accordance with the procedures and criteria set out in this section.**
- D. Street modifications may be granted when criterion D.1 and any one of criteria D.2 through D.6 are met:**
  - 1. A letter of concurrency is obtained from the City Engineer or designee.**
  - 2. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**
  - 3. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.**
  - 4. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.**
  - 5. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.**

- 6. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**

The applicant has proposed both an administrative modification and a design modification. The City Engineer has prepared a letter generally concurring to the request (Exhibit C) with the exception of the materials proposed for a portion of the Columbia Street improvements. The justification for the modification is both functionality in relation to the proposed development, but also incorporated lessons learned in the construction and maintenance of the downtown streets already constructed in accordance with the Downtown Streets Master plan. The City Engineer has detailed the specific request below:

#### **SW Pine Street Section**

The modified SW Pine Street section extends from the existing railroad crossing, south approximately 235 feet, ending at the SW Columbia Street (West) intersection. This road section is shown as consisting of two 11' wide travel lanes, two 7' wide parking lanes, and two 12' wide sidewalks, for a total road right-of-way section width of 60 feet.

The road section shows a standard 2% crown from the road centerline to the curbline. The road section material is shown as being Portland Cement Concrete (PCC). The road centerline divider and parking stall delineators are a contrasting color (and possibly stamped) PCC inlay. The curb is a modified low profile roll over style. A 4' wide exposed aggregate PCC band is located behind the curbline.

This proposed section combines the looks of the existing downtown streetscapes section with modifications that correct design deficiencies, which created ongoing maintenance issues. This section also enhances vehicle boundaries by creating a tactile barrier at the curb line, which is not present with the existing downtown streetscapes pavement section. The City Engineer is in concurrence and approved the proposed street section design for SW Pine Street.

#### **SW Columbia Street (East) – Non-Plaza Frontage**

The modified SW Columbia Street (East) section extends from the end of the modified SW Columbia Street (East – Plaza Frontage) section east approximately 465' to the end of the road. This road section is shown as consisting of two 10' wide travel lanes, two 8' wide parking lanes, two 6' wide planter strips, and two 6' wide sidewalks, for a total road right-of-way section width of 68 feet.

This section of SW Columbia Street incorporates the stormwater biofiltration treatment system as part of the planter strip. The curb is a standard monolithic poured PCC curb and gutter, which include scuppers for stormwater runoff into the biofiltration treatment systems.

The road section shows standard asphalt pavement with a 2% crown from the road centerline to the curbline.

The City Engineer is in concurrence and approved the proposed street section design for SW Columbia Street (East), Non-Plaza Frontage.

#### **SW Columbia Street (West)**

The modified SW Columbia Street section extends from SW Pine Street west approximately 245 feet, ending at SW Washington Street. This road section is shown as consisting of one 18' wide travel lane, a 22' wide angled parking aisle, a variable width 5' to 13' wide sidewalk which includes tree planter wells, for a total road right-of-way section width of 60 feet.

The road section shows a reverse 2% crown from the curbline to a PCC valley gutter, located at the street end of the angled parking stalls. The road section material is shown as being standard asphalt pavement. The curb is a standard reverse monolithic poured PCC curb and gutter. The angled parking stall striping is paint, and each stall includes concrete wheel stops.

The modified SW Columbia Street (West) road is shown as a one-way street section and includes driveway drops at each end, so that the feel of the street is more of a parking lot than City through street. This is an intentional design element for this street section.

The City Engineer is in concurrence and approved the proposed street section design for SW Columbia Street (West).

#### **SW Highland Drive**

The modified SW Highland Drive section extends approximately 310 feet between SW Columbia Street to SW Willamette Street. This road section is shown as consisting of two 10' wide travel lanes, one 8' wide parking aisle, a 5.5' wide standard planter strip on the east side and a 6' wide biofiltration treatment planter strip on the west side, two 6' sidewalks, and a 0.5' wide offset from the back of sidewalk on the east side, for a total road right-of-way section width of 52 feet.

This section of SW Highland Drive uses standard monolithic poured PCC curb and gutter. The west edge curb and gutter includes scuppers for stormwater runoff into the biofiltration treatment systems. The road section shows standard asphalt pavement with a 2% shed section from the east side to the west side of the road.

The City Engineer is in concurrence and approved the proposed street section design for SW Highland Drive.

#### **SW Columbia Street (East) – Plaza Frontage**

The modified SW Columbia Street (East) section extends from the intersection with SW Pine Street, east approximately 180 feet across the proposed plaza frontage, end at the SW Columbia Street (East), non-plaza frontage road section. This road section is shown as consisting of two 11' wide travel lanes, two 7' wide parking aisles, and two 12' wide sidewalks. The road section shows a standard 2% shed section from the north curbline to the south curbline.

The road section material is shown as being sand bedded paver bricks. The intent of using paver bricks is to provide aesthetic continuity of this road section with the adjacent plaza area. Use of sand bedded paver bricks is not an approved pavement material option for City street sections. The pavement section aesthetics can be met by utilizing Portland Concrete Cement (PCC), which is an approved pavement material by the City in this road section.

The curb is a modified low profile roll over style using PCC. This section enhances vehicle boundaries by creating a tactile barrier at the curb line, which is not present with the existing downtown streetscapes pavement section. A 4' wide exposed aggregate

PCC band is located behind the curblin matching the existing downtown street aesthetics.

The City Engineer is in concurrence and approves the proposed section design for SW Columbia Street (East), Plaza Frontage, with the exception that the street section design use PCC to attain the desired aesthetics rather than the proposed sand bedded paver bricks.

As demonstrated in the applicant's request, discussed in previous sections within this report and verified in the City Engineer's letter of concurrence, the request is justified because of D.3, D.4 and D.6.

**FINDING:** As discussed above, the applicant has met the criteria needed to justify both an administrative and design modification with the exception of the proposed brick pavers along Columbia Street fronting the Plaza. This will not be approved by the City and the public improvement plans must be modified to reflect this change.

**CONDITION:** Prior to final plat approval, revise the proposed public improvement plans to provide a pavement material acceptable to the City Engineer. A design that includes PCC dyed and stamped pavement to look like brick will be accepted and is encouraged to support the design concept proposed with the PUD.

#### **16.108.040 Location and Design**

**16.108.040.2.A Future Street Systems.** The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

**FINDING:** The proposed streets within this subdivision and PUD are consistent with the Local Street Connectivity Map in the adopted TSP.

**16.108.040.2.B Connectivity Map Required.** New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that responds to and expands on the Local Street Connectivity map contained in the TSP.

**FINDING:** The proposal provides for the extension of streets through the site consistent with the existing street patterns. All adjacent properties are provided frontage on a public street and can be developed independent of the PUD improvements.

**16.108.040.2.C Block Length.** For new streets except arterials and principal arterials, block length shall not exceed 530 feet. The length of blocks adjacent to principal arterials shall not exceed 1,800 feet.

**FINDING:** As discussed previously in Section VII, the longest block is 324 feet, therefore this standard is met.

#### **16.108.050 Street Design**

##### **16.108.050.2. Alignment**

**All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet will not be allowed.**

The offset of through streets is restricted to not less than 100 feet under normal conditions. At the direction of the City however, the western portion of the Columbia Street and Pine Street

intersection has been configured to act more as a parking lot entrance and not a standard intersection. This design constraint changes several operating parameters of the "intersection".

1. Vehicular traffic must slow down significantly to enter into the parking/drive aisle (Columbia Street west). The entry is configured as a commercial driveway drop.
2. Pedestrian traffic will have precedence over any vehicular traffic leaving and entering Pine Street. Similar to any driveway drop.
3. The location of the existing machine shop precluded the ability to provide a through street intersection for Columbia Street. Demolition of the machine shop is not an economically feasible solution to the alignment situation.

**FINDING:** As discussed above, the City Engineer is in concurrence with and approves the design modification to the street off-set indicating that it will create a safer pedestrian and vehicular environment given the existing street pattern and proximity to the railroad.

#### **16.108.050.3. Future Extension**

**Where necessary to access or permit future subdivision of adjoining land, streets shall extend to the boundary of the development. Dead-end streets less than 100' in length shall either comply with City cul-de-sac standards of Section 16.108.060, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.**

**A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202.**

The proposed SW Columbia Street is identified by the TSP as connecting with SW Oregon Street at the SW Lincoln Street intersection. SW Columbia Street was also designated a collector street in the TSP. The applicant has shown in the Traffic Impact Study that the extension of SW Columbia Street to SW Oregon Street is not needed, and that a local street functional classification is adequate. The extension of SW Columbia Street may occur in the future, but will only connect to SW Lincoln Street at an appropriate local street intersection spacing.

**FINDING:** The installation of the street barricade and future road extension sign will provide information to residents and potential developers of the City's intent to extend the road as part of the future development of adjacent lands.

**CONDITION:** A Type III barricade shall be installed at the eastern stub end of SW Columbia Street, and a road extension sign shall be installed on the barricade in compliance with City requirements.

**16.108.050.7 states that grades shall not exceed six percent (6%) for principal arterials or arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than three hundred (300) feet for principal arterials, two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%).**

**FINDING:** The site is relatively flat and it is anticipated that this standard will be fully met. Compliance will be verified as part of the public improvement plan review.

#### **16.108.050.14.B.D. Access in the Old Town (OT) Overlay Zone**

1. Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.
2. Partial Access Management Plan.
  - a. A partial access management plan shall include:
    1. Drawings identifying proposed or modified access points.
    2. A list of improvements and recommendations necessary to implement the proposed or modified access.
    3. A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.
  - b. Access permits shall be required even if no other land use approval is requested.

**FINDING:** A schematic plan of the proposed development has been provided for review which appears to be sufficient, however full compliance with access standards for the Old Town Overlay Zone shall be confirmed during the construction plan review process.

**CONDITION:** The access standards for the Old Town (OT) Overlay Zone shall be incorporated into the construction drawings. City Engineer approval of access points in conformance with the Old Town (OT) Overlay Zone shall be required for construction plan approval.

**16.108.060 Sidewalks**

**16.108.060.1.A** requires sidewalks to be installed on both sides of a public street and in any special pedestrian way within new development.

**16.108.060.2A** requires that Collector streets to have a minimum eight (8) foot wide sidewalks and **16.108.060.2.B** requires Local streets to have minimum five (5) foot wide sidewalks, located as required by this Code.

The plans indicate that all proposed sidewalks will exceed the standard for their street: Washington Street (local) will have 6 foot sidewalks, Pine Street (Collector) will have 12 foot sidewalks, Highland Drive (local) will have 6 foot sidewalks, Willamette Street (Neighborhood route) will have 8 foot sidewalks and Columbia (proposed local) will have a range between 8 and 13 feet.

**FINDING:** As discussed above, this standard is met.

**16.110 Sanitary Sewers - Required Improvements**

**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 with the Code, applicable Clean Water Services standards and City standards to adequately serve the proposed development and allow for future extensions.**

Sanitary sewer is proposed to extend throughout the site. According to the utility plan (Sheet C5.0 of the applicant submittal) there does not appear to be a lateral proposed to serve lots 2 or 7. While it is expected that this is an oversight, the applicant's public improvement plans must include a sanitary sewer lateral to serve all 10 lots unless service can be demonstrated to already be provided.

The City Engineer has indicated that it appears the sanitary sewer proposal will be feasible.

**FINDING:** While it appears feasible to provide sanitary sewer service to all proposed lots, this cannot be confirmed until the public improvement plans are reviewed and approved. The following condition is needed.

**CONDITION:** The sanitary sewer system design and installation shall be in conformance with City design and construction standards, and must receive City Engineer review and approval to be accepted by the City.

**16.112 Water Supply - Required Improvements**

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains.**

The applicant proposes to provide a public water distribution system within the public right-of-way to service the development. This design is acceptable to the City, however full compliance will need to be reviewed and approved as part of the public improvement plan review process.

**FINDING:** The applicant proposes to install water lines, however, staff can not confirm the proposed lines fully conform to the standards until public improvement plans are approved. This standard will be fully met when Engineering reviews and approves the public improvement plans, which has been conditioned previously in this report.

**CONDITION:** The public water distribution system design and installation shall be in conformance with City design and construction standards, and must receive City Engineer review and approval to be accepted by the City.

**16.114 Storm Water - Required Improvements**

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

The existing public storm water conveyance system consists of drainage ditches, underground pipes, and culverts discharging to a tributary of Cedar Creek. The existing discharge point for the Cannery site drainage is located at the north end of SW Park Street, and consists of a detention and treatment structure/swale. This facility's treatment capacity is sized to handle the current amount of impervious surface area of the downtown core area. The addition of the developed Cannery site would exceed the design capacities of this facility.

Typically, private site development is required to provide treatment facilities sized to handle stormwater runoff from their site and any public infrastructure improvements. For the Cannery site a traditional treatment facility would be a storm water treatment pond.

A potential "regional" stormwater treatment facility site has been identified, but the City lacks funding for purchase of the required land. Also, the timeline for acquiring the necessary land for the "regional" storm water treatment facility is much further out than the timeline for the development of the Cannery site.

The current development plan has dedicated a portion of the site west of and adjacent to the existing machine works building for use as a "local" storm water treatment facility. This site has sufficient area to construct a storm water treatment facility that could treat the impervious



surface area related to the current site development plan. This "local" stormwater treatment facility would cost much less than a "regional" storm water treatment facility.

Given the current trend toward low impact development (LID), the City is supportive of the use of biofiltration planter strip treatment facilities as part of the overall Cannery public right-of-way storm water treatment system. These facilities generally consist of a flow-through planter in conjunction with a biofiltration unit. The biofiltration unit is an underground concrete structure that includes a piped collection system, mixed filter media, and surface plantings. A typical unit is capable of handling approximately 0.25 acres of impervious surface. Given the overall impervious surface area of the public right-of-way, many of these units would be required to provide treatment of the storm water runoff.

However, given the amount of impervious surface area, there is not enough planter strip area to provide full treatment using these systems alone. To provide full treatment of the development's impervious surface area, a smaller "local" storm water treatment pond is being incorporated onto the system plan. The proposed design does not fully comply with CWS standards in order to provide a more aesthetically pleasing facility that fits more cohesively with the design. CWS has indicated that the proposed design and planting are acceptable for the short term because the City has indicated plans for a regional facility off-site.

The future development and treatment of the downtown regional basin will still require the construction of a "regional" treatment pond, and the associated purchase of land. The development of a "regional" storm water treatment pond is not required at this time, however the applicant will need to consider how the existing storm system can and will be modified in the future to connect to the regional facility.

Because the applicant is proposing private storm systems, the City will also require that the City be allowed to enter onto private property to inspect and maintain (if needed) any privately owned stormwater treatment systems. This can be achieved by signing an access and maintenance agreement.

**FINDING:** The stormwater system design for the current development is in general conformance with CWS standards for the short term. However, the plans do not discuss or make accommodations for the future development of a regional treatment system and the plans do not indicate how the City will have the ability to monitor and maintain (if needed) the private systems. As discussed above, staff can not confirm at this time that the standard has been met. If the applicant submits a revised plan that complies with the following conditions, this standard will be met.

**CONDITION:**

1. Prior to approval of the public improvement plans and final plat approval, the stormwater conveyance, detention, and treatment systems shall conform to the design, permitting, and construction requirements as approved by Clean Water Services (CWS).
2. Prior to approval of the public improvement plans and final plat approval, the local stormwater pond shall be designed to CWS standards unless an agreement allowing design exceptions for the local treatment pond, and establishing development timing criteria for the regional facility is entered into between CWS and the City.
3. Prior to approval of the public improvement plans and final plat approval, the stormwater system design shall incorporate the ability to reroute stormwater discharge to the future regional treatment facility.
4. Prior to approval of the public improvement plans and final plat approval, the applicant shall sign a waiver of remonstrance against future modifications to the stormwater system for discharge to the future regional stormwater treatment system.

5. Prior to approval of occupancy for any phase utilizing on-site private stormwater treatment systems, the applicant shall sign an access and maintenance agreement for any private stormwater treatment systems installed as part of this development.

**16.116 Fire Protection Required Improvements**

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

Tualatin Valley Fire and Rescue provided general comments. Compliance with TVF&R will be required at time of detailed development plan review for each phase. Fire hydrants will be installed as part of the public improvements and will be no more than 250 feet from any building or lot.

**FINDING:** This standard is satisfied for this stage of the development.

**16.118 Public And Private Utilities**

**6.802.A requires that installation of utilities 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.**

**6.802.B requires that public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer. An eight (8) foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**

**6.802.C indicates that 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).**

**6.802.D requires franchise utility conduits to be installed per the utility design and specification standards of the utility agency.**

**6.802.E requires Public Telecommunication conduits and appurtenances to be installed per the City of Sherwood telecommunication design standards.**

The City of Sherwood Broadband manager has submitted comments requesting conduit be installed and that it be connected to the city's existing communications conduit system. The applicant has not indicated that the required conduits will be installed as part of this development. As part of the public improvement plan review and approval, the applicant will be required to show conduits for all public and private utilities.

**FINDING:** As discussed above, the applicant has not shown that conduit will be installed, therefore, this standard has not been met. If the applicant complies with the below condition, this standard will be met.

**CONDITION:** Submit public improvement plans to Engineering for review and approval which includes installation of public telecommunication conduits including laterals for individual lots.

**16.118.030 Underground Facilities**

**Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.**

Overhead power lines currently exist along Willamette Street. The applicant has not indicated that these will be placed underground. All new utilities are proposed to be placed underground.

**FINDING:** While the applicant will install new utilities underground as part of the public improvements, the applicant has not indicated that the existing utility lines along Willamette will be placed underground; therefore this standard has not been met. If the applicant submits public improvement plans that demonstrate the existing overhead utility lines will be placed underground, this standard will be met.

**CONDITION:** Prior to approval of the public improvement plans submit plans that demonstrate the existing overhead utility lines along the Willamette street frontage will be placed underground.

**D. Chapter 8 - Environmental Resources**

**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:**

- 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 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.**
- 4. Terms of Conveyance - Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.**

The applicant did not address this section in their narrative. It could be argued that the PUD open space requirements supersede or at least count towards the multi-family requirements. It could also be argued that urban multi-family developments do not come with the same recreational expectations as a multi-family development in other areas. That said, Sherwood is a very family oriented community and it is anticipated that some families will locate in the multi-family units. In order to avoid confusion when the detailed plan development plans are submitted for the residential phases, the applicant will need to address how residents will recreate. Specifically, the

applicant must discuss whether private open areas or semi-public spaces (gym, rec room, pool, etc) will be provided for residents in addition to the public open space provided by the plaza area.

**FINDING:** As discussed above, staff cannot confirm that this standard applies or if it does apply whether it can be met with the residential phases. More information is needed from the applicant.

**CONDITION:** Prior to approval of the residential phases of the PUD, the applicant shall provide detailed information on the expected tenant make-up in the residential units along with discussion of how these tenants will be provide public and semi-public space to recreate outside of their individual units.

**16.142.030 Visual Corridors**

**New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section VI of the Community Development Plan, shall be required to establish a landscaped visual corridor. The required width along a collector is 10 feet and 15 feet along an arterial. In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk.**

This site is located within the Old Town Overlay and, therefore, visual corridors are not required.

**FINDING:** As discussed above, this standard is not applicable in Old Town.

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

**Trees are required to be planted by the land use applicant to the specifications identified in 8.304.06.A1-5 along public streets abutting or within any new development. Planting of such trees shall be a condition of development approval.**

The Sherwood Zoning and Community Development Code requires one (1) street tree for every 25 feet of street frontage or two (2) trees for every buildable lot, whichever yields the greatest number of street trees. The following table was used to evaluate the street tree requirements:

	ROW length (approx)	Total trees required (rounded)	Trees proposed
Pine Street east	202	8	3
Pine Street west	210	8	8
Columbia Street north, east of Pine	635	25	16
Columbia Street south, east of Pine	635	25	16
Columbia Street north, west of Pine	205	8	3
Columbia Street south, west of Pine	205	8	6
Highland Drive east	260	10	5
Highland Drive west	263	11	7
Willamette Street	292	11	16
Washington Street	216	9	7

As the above table shows, the plans do not proposed the appropriate number of trees along all streets. The public improvement plans will be required to provide the number of trees noted above to ensure that one street tree is planted for every 25 foot of frontage. The only exception being if documentation is provided by the engineer and landscape architect indicating that the spacing provided is necessary to provide adequate storm water treatment which could not be provided if the required number of trees were provided in the same area.

**FINDING:** As discussed above, the plans do not indicate the standard is met. If the applicant submits public improvement plans for review and approval that includes one street tree for every 25 feet of frontage or provides verification from the design engineer that the tree spacing and number proposed is necessary for the success of the stormwater system proposed, this standard will be met.

**CONDITION:** Prior to approval of the public improvement plans, submit plans for review and approval that include one street tree for every 25 feet of frontage or provide verification from the design engineer that the trees proposed are the maximum possible based on the street storm water biofiltration design. spacing and number proposed is necessary for the success of the stormwater system proposed.

Comment [jh6]: Recommended change per 12-1-09 supplemental memo

**16.142.060 Trees on Property Subject to Certain Land Use Applications**

8.304.07.A requires that all Planned Unit Developments subject to Section 2.202, site developments subject to Section 5.202, and subdivisions subject to Section 7.200, 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 policies and standards of the City Comprehensive Plan, as determined by the City. For the inventory purposes of Section 8.304.07, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4- 1/2) feet above mean ground level at the base of the trunk, also known as Diameter Breast Height (DBH). Trees planted for commercial agricultural purposes, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under Section 8.304.07, as are any living woody plants under five (5) inches DBH.

In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of PUDs and subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other infrastructure, and minimally required site grading necessary to construct the development as approved.

**D. Mitigation**

1. The City may require mitigation for the removal of any trees and woodlands identified as per Section 8.304.07C if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.

There are 15 inventoried trees on the property ranging in size from 8 inches to 40 inches diameter at breast height (DBH). The applicant has indicated that all except 3 must be removed to accommodate the development. Two of these are actually off-site. The largest tree to be removed is 15 inches. Trees 5, 6, 7, and 8 must be removed to accommodate street improvements along Willamette Street. Trees 12-15 will be removed to accommodate the storm water treatment facility. Trees 1-4 will be removed when development occurs. It is recommended that trees not be removed until development requires it in the event that the development design changes in a way that trees can be retained. Trees 1-4 are the only ones that would be required to be mitigated because all other trees are necessitated either by public infrastructure or are not proposed for removal. The total inches that would need to be mitigated is 56. It is recommended that tree removal and mitigation be reviewed at time of final development plan approval for trees 1-4. All other trees to be removed are part of the public improvements associated with the subdivision.

**FINDING:** As discussed above, the applicant has not fully indicated how the trees to be removed will be mitigated. In addition, while the applicant has indicated they will remove only those trees minimally necessary to complete the development, a condition is necessary to insure that the proposed tree retention is realized and trees proposed for retention are not harmed during construction.

**CONDITIONS:**

1. The applicant shall comply with the arborist recommendations from Kurt Lango in the July 31, 2009 memo regarding tree protection measures and all tree protection shall be in place prior to the grading of the site.
2. Prior to approval of the west building or NE building PUD phase, submit a plan for mitigation of any trees removed associated with that phase and complete the mitigation or supply appropriate assurance that the mitigation will be completed per the approved plan. The mitigation shall provide similar species to those removed.

**VI. RECOMMENDATION**

Based on a review of the applicable code provisions, agency comments and staff review, staff finds that the Plan Amendment, Planned Unit Development and Subdivision do not fully meet the applicable review criteria. However, the applicable criteria can be satisfied if specific conditions are met. Therefore, staff **recommends that the Planning Commission forward a recommendation of APPROVAL with conditions** of Sherwood Cannery Square PUD (PUD 09-01, PA 09-05 and SUB 09-2). Required conditions are as follows:

**VII. RECOMMENDED CONDITIONS OF APPROVAL**

A. General Conditions:

1. Compliance with the Condition of Approval is the responsibility of the developer.
2. Approval of this Preliminary PUD does not constitute approval of a final development plan for the PUD or approved phases of the PUD.
3. Final Development plans for the PUD or phases of the PUD shall substantially comply with the preliminary plan dated September 2009 and prepared by Harper Houf, Peterson Righellis, Inc, and must comply with the conditions in this approval in addition to any other conditioned deemed necessary to ensure compliance with the development code and this approval.

**B. Prior to the plan amendment taking effect:**

1. The TSP functional classification map shall be modified to reflect not only the change in classification, but also that Columbia Street will no longer connect to Oregon Street. This shall be coordinated by the City.
2. Funding must be identified and programmed for the eastbound right turn lane from Oregon to Lincoln and an agreement established between the City and developer for its implementation.

**C. Prior to approval of the Final Subdivision Plat**

1. Public Improvement Plans shall be submitted and approved. The Public Improvement Plans shall fully comply with City of Sherwood Design and Construction standards and include but not be limited to:
  - a. Revision to the proposed pavement material to one that is acceptable to the City Engineer. A design that includes PCC dyed and stamped pavement to look like brick will be accepted and is encouraged to support the design concept proposed with the PUD.
  - b. Plans shall show a Type III barricade shall be installed at the eastern stub end of SW Columbia Street, and a road extension sign shall be installed on the barricade in compliance with City requirements.
  - c. The access standards for the Old Town (OT) Overlay Zone shall be incorporated into the construction drawings. City Engineer approval of access points in conformance with the Old Town (OT) Overlay Zone shall be required for construction plan approval.
  - d. The sanitary sewer system design and installation shall be in conformance with City design and construction standards, and must receive City Engineer review and approval to be accepted by the City.
  - e. The public water distribution system design and installation shall be in conformance with City design and construction standards, and must receive City Engineer review and approval to be accepted by the City.
  - f. The applicant shall sign a waiver of remonstrance against future modifications to the storm water system for discharge to the future regional storm water treatment system
  - g. The storm water system design shall incorporate the ability to reroute storm water discharge to the future regional treatment facility
  - h. The local storm water pond shall be designed to CWS standards unless an agreement allowing design exceptions for the local treatment pond, and establishing development timing criteria for the regional facility is entered into between CWS and the City.
  - i. The storm water conveyance, detention, and treatment systems and off-site wetland mitigation shall conform to the design, permitting, and construction requirements as approved by Clean Water Services (CWS).
  - j. The plans shall demonstrate the existing overhead utility lines along the Willamette street frontage will be placed underground.
  - k. The plans shall show the installation of public telecommunication conduits including laterals for individual lots.
  - l. The plans shall be revised to include one street tree for every 25 feet of frontage or provide verification that the number of trees proposed is the maximum possible based on the street storm water biofiltration design.
2. The plan amendment to change the functional classification of Columbia must be acknowledged by DLCD.
3. provide verification of the public easement retained between lots 1 and 2 for private utilities and storm water or dedicate the required easement on the plat.

**Comment [jh7]:** Recommended change per 12-1-09 supplemental memo



3.4. The proposed right of way dedication, consistent with the preliminary plans, shall be shown on the final plat.

**Comment [jh8]:** Recommended change per 12-1-09 supplemental memo

**D. Prior to any site grading for public or private improvements:**

1. Since the total area disturbed for this project exceeds 1 acre, an NPDES 1200-C permit will be required. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
2. The applicant shall comply with the arborist recommendations from Kurt Lango in the July 31, 2009 memo regarding tree protection measures and all tree protection shall be in place prior to the grading of the site.
3. A No Further Action letter must be issued by DEQ with a copy of said letter in the planning file.

**E. General and Specific PUD Detailed Final Development Plan requirements:**

1. A Detailed final development plan shall be submitted for review and approval within 1 year of the preliminary PUD approval.
2. The Detailed Final Development Plan may be submitted for one or more phases, but shall include a detailed phasing, including timing, plan for remaining phases.
3. Prior to occupancy of any phase in the PUD, on-site public improvements must be complete as determined by the City Engineer.

4. Prior to occupancy of the west building, south building, east building or the east or west residential building, the Plaza shall be complete.

**Comment [jh9]:** Recommended by Commissioner Lafayette.

3.5. The Use of the existing Machine Works building is limited to public uses with the exception of up to 40 % for lease space to support the maintenance and operation of the public space.

**Comment [jh10]:** Recommended by Commissioner Lafayette

4.6. Prior to approval of occupancy for any phase utilizing on-site private stormwater treatment systems, the applicant shall sign an access and maintenance agreement for any private stormwater treatment systems installed as part of this development.

5.7. All phases shall provide 65% of the required parking with no more than 50% of that parking being compact parking spaces.

6.8. Each phase shall comply with the site plan standards including but not limited to Community Design standards except as specifically modified in this decision.

7.9. Trash enclosures must be placed consistent with Pride Disposal requirements

8.10. No outdoor storage is permitted.

9.11. Any outdoor sales and merchandise display must be approved as part of a CUP per 16.98.040

10.12. Any detailed final development plan approval for any structure in Phase I (West Building, South Building, East Building, West Residential Building, or East Residential Building) shall be coordinated and approved by the City Engineer to ensure that the traffic mitigation measures are assigned appropriately for each building phase. The traffic mitigation measures for all structures in Phase I are:



- a. Construct improvements to improve the operations of Pine Street/1st Street to meet City performance standards and mitigate queuing impacts at the Pine Street railroad crossing. This shall be accomplished by implementing a modified circulation for the downtown streets that includes:
  - i. Install a diverter for south-westbound on 1st Street at Ash Street or Oak Street to require vehicles travelling towards Pine Street to divert to 2nd Street.
  - ii. Remove one side of on-street parking Ash Street-2nd Street or Oak Street-2nd Street to provide two 12-foot travel lanes from the diverter to Pine Street. Convert to one-way traffic flow approaching Pine Street for this segment.
  - iii. Install an all-way stop at Pine Street/2nd Street. Stripe the south-westbound approach of 2nd Street to have a left turn lane and a shared through/right-turn lane.
  - iv. Install traffic calming measures on 2nd Street southwest of Pine Street to manage the impact of the added traffic.
- b. Restrict landscaping, monuments, or other obstructions within sight distance triangles at the access points to maintain adequate sight distances.
- c. Provide an enhanced at-grade pedestrian crossing of Pine Street to facilitate multi-modal circulation through the project site (e.g., signing, striping, lighting, a raised crossing, or pavement texturing).
- d. Construct Columbia Street northeast of Pine Street to City Standards as modified and approved by the City Engineer and install a sign indicating that this roadway will be a through street in the future (connecting to Foundry Avenue).
- e. Because of the alignment configuration of Columbia Street southwest of Pine, the street shall be configured and signed as a one way street.
- f. Restrict parking on the southeast side of Columbia Street at a minimum within 50 feet of Pine Street (northeast of Pine Street).

11.13. The west and east residential phases shall demonstrate compliance with the Old Cannery standards with the exception of the front porch requirements outlined and modified in the pattern book.

Comment [jh11]: From applicant/PC discussion at 12-8-09 hearing

12.14. The east, west, south and NE phases shall demonstrate full compliance with the Old Cannery Standards except as modified by as outlined and modified in the architectural pattern book submitted as part of the application materials.

Comment [jh12]: From applicant/PC discussion at 12-8-09 hearing

13.15. Prior to approval of the residential phases of the PUD, the applicant shall provide detailed information on the expected tenant make-up in the residential units along with discussion of how these tenants will be provide public and semi-public space to recreate outside of their individual units.

14.16. Prior to approval of the west building or NE building PUD phase, submit a plan for mitigation of any trees removed associated with that phase and complete the mitigation or supply appropriate assurance that the mitigation will be completed per the approved plan. The mitigation shall provide similar species to those removed.

16.17. The Detailed Final Development plans for the NE Phase shall demonstrate full compliance with the Old Cannery Design standards and the Architectural Pattern Book.

16.18. The total square footage of buildings within the NE Phase shall not exceed 24,000 square feet (the maximum square footage analyzed in the traffic impact study)

17.19. The NE Phase (Phase II) shall be required to complete, if not already completed, the mitigation improvements recommended in the DKS traffic impact study. The improvements include:
 

- a. Improvements to the operations of Sherwood Boulevard/3<sup>rd</sup> Street to meet City performance standards. This shall include construction of a south-easternbound right turn lane, which may only require restriping and not roadway widening.

b. The Adams Avenue South extension (from Tualatin-Sherwood Road to Oregon Street) will need to be in place for the intersection of 1<sup>st</sup> Street/Pine Street and 3<sup>rd</sup> Street/Pine Street to meet City performance standards under the year 2017 with the proposed project Phase II traffic. Phase II of the development shall not be approved without this improvement being in place, or additional roadway improvement may be required to manage intersection operations and vehicle queuing towards the Pine Street railroad crossing.

20. As part of the development of the East and West residential phase, enhanced screening along Willamette Street shall be provided to ensure a year round visual screen is provided.

21. Prior to final PUD approval, submit a revised Architectural Pattern Book that:

b.a. Clarifies that while the requirements do not specifically apply to multi-family residential the elements in the architectural pattern book are to be applied.

c.b. Specifies what metal panels may and shall not look like.

18.22. Developer shall consider naming buildings after public input and publicly displayed building names shall reflect the history of the area as a former cannery. Exhibit H shall be used as a guide for potential names.

**Comment [jh13]:** Recommended change per 12-1-09 supplemental memo

**Comment [jh14]:** Part of PC discussion during applicant testimony at 12-8-09 hearing

## VIII. EXHIBITS

A. Applicant's submittal materials dated September 2009 including:

Narrative

Attachment 1 - Pre-app notes

Attachment 2 - Title report

Attachment 3 - Tax map 11x17

Attachment 4 - Tree report letter

Attachment 5 - Geotechnical memo

Attachment 6 - Storm water memo

Attachment 7 - CWS Service provider letter

Attachment 8 - 7-9-09 DKS memo RE street classification for Columbia

Attachment 9 - 11x 17 visual image of multi-family building

Plan Set - 11x17 plan set sheets (and full size plan set)

Architectural pattern book in color

11x17 illustrative plan in color

B. Traffic study (January 2009)

C. September 23, 2009 letter of concurrence from Bob Galati

D. October 12, 2009 CWS letter from Jackie Sue Humphreys

E. October 12, 2009 TVF&R letter from John Wolff

F. 11/10/09 letter from Union Pacific Rail Road, Patrick McGill

G. 11/6/09 letter from Keith Jones, HHPR

H. 11/10/09 letter from Don and Yvonne Scheller

I. Materials submitted by Sandy Rome at Hearing (code sections and photographs)

J. 11/10/09 letter from Jim Claus

K. Additional materials submitted by Sandy Rome at hearing (code sections, photographs, presentation outline, and copies of articles from the internet)

L. 12/9/09 memo from Keith Jones of HHPR

M. 12/9/09 letter from Sanford Rome

N. 12/3/09 memo from Chris Maciejewski to Bob Galati

O. 12/8/09 letter from Sanford Rome with attachments

P. 12/8/09 letter from Bill and Ana Stapp

Q. 12/8/09 letter from Jim Claus with attachments

R. 12/14/09 letter from Odge Gribble with attachments

**Comment [jh15]:** Materials provided prior to or at 11/10/09 hearing

**Comment [jh16]:** Materials provided prior to or at 12/8/09 hearing

- S. Undated (received 12/15/09) letter from Sandy Rome
- T. 12/14/09 e-mail from Sandy Rome with copy of powerpoint attached
- U. 12/15/09 letter from Susan Claus with attachments
- V. 12/15/09 letter from Jim Claus with attachments
- W. 12/15/09 letter from Susan Claus
- X. 12/15/09 letter from Susan Claus with attachments
- Y. 12/17/09 memo from Bob Galati, City Engineer
- Z. 12/22/09 memo from Keith Jones of HHPR with attachments
- E.AA. \_\_\_\_\_

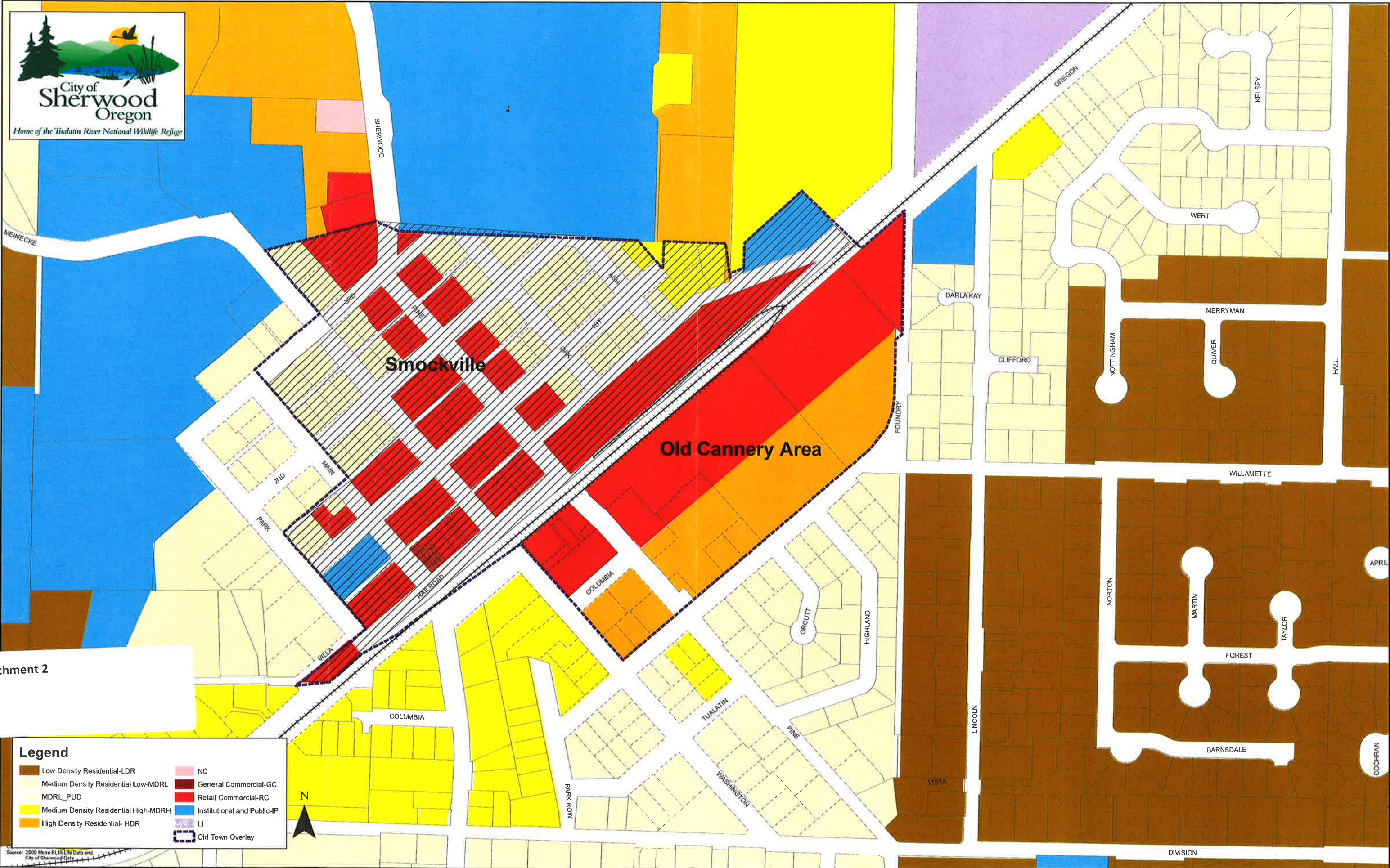
**Comment [jh17]:** Materials provided prior to close of business on 12/15/09

**Comment [jh18]:** Material provided by applicant prior to close of business 12/22/09

**End of Report**



# 2009 Sherwood Old Town Map



Smockville

Old Cannery Area

**Legend**

Low Density Residential-LDR	NC
Medium Density Residential Low-MDRL	General Commercial-GC
MDRL_PUD	Retail Commercial-RC
Medium Density Residential High-MDRH	Institutional and Public-IP
High Density Residential- HDR	LI
	Old Town Overlay



Source: 2009 Metro RLIS LRS Data and City of Sherwood Data

Attachment 2





## STAFF REPORT

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Tel 503-625-5522  
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www.ci.sherwood.or.us

December 17, 2009

To: Members of the Planning Commission

**Mayor**  
Keith Mays

From: Bob Galati PE, City Engineer

**Councilors**  
Dave Heironimus  
Dave Grant  
Linda Henderson  
Lee Weislogel  
Robyn Folsom  
Del Clark

Re: Cannery Site PUD – Traffic Impact Study Commentary

**City Manager**  
Jim Patterson

### Introduction

This commentary is being submitted to answer several questions residents had raised during the December 8, 2009 Planning Commission meeting reviewing the Cannery PUD. The residents and several commission members had questions concerning the streets and intersections studied in the Cannery Traffic Impact Study (TIS) performed by DKS Associates, dated January 2009. Specifically, did the TIS review the conditions and impacts to the roads and intersections south and southwest of the Cannery PUD site, and what are the recommended mitigation measures specified for those intersections. Also, does the TIS include impacts from the future Langer development and the Adams Avenue construction.

### Traffic Impact Study Area

The TIS focused its study on the following intersections:

Highway 99W & Meinecke Road	Pine Street & Railroad Street
Highway 99W & Sherwood Boulevard	Pine Street & Columbia Street
Highway 99W & Tualatin Sherwood Road	Pine Street & Willamette Street
Sherwood Boulevard & Langer Drive	Washington Street & 3 <sup>rd</sup> Street
Sherwood Boulevard & Century Drive	Main & 3 <sup>rd</sup> Street
Pine Street & 3 <sup>rd</sup> Street	Willamette Street & Lincoln Street
Pine Street & 1 <sup>st</sup> Street	Oregon Street & Lincoln Street
Oregon Street & Murdock Road	Oregon Street & Tonquin Road

A map of the Traffic Impact Study area (Figure 1) is shown as Exhibit A in the appendix.

The following intersections, which are close to the Cannery PUD, were not included in the study:

Highland Drive & Willamette Street	Highland Drive & Pine Street
Orrcutt Place & Willamette Street	Willamette Street & Foundry Street
Tualatin Street & Pine Street	Tualatin Street & Washington Street

In determining which intersections to include as part of the study, the rule of thumb is to identify which routes represent the most logical route a user would take to get from beginning point to destination. In most cases, a circuitous route through a neighborhood would not qualify as a logical



2009 Top Ten Selection



2007 18<sup>th</sup> Best Place to Live

Sherwood

2006

All-America City Finalist

route if another more direct route is available. The intersections noted above are associated with streets that would not be logical routes for traffic flow to use.

As such Highland Drive is a stop controlled entry onto Willamette Street and Pine Street, as Willamette and Pine Streets are the identified through route for traffic flow. A similar condition holds for the Tualatin Street intersections.

### **Review of the Traffic Impact Study Findings**

The existing and full build-out intersection performance analysis (Table 2 of the TIS) is shown as Exhibits C1 and C2 in the appendix. Exhibit D of the appendix presents definitions and numbers which will help the reader to understand the information presented in Exhibit C. The City's TSP delineates that when traffic impacts reduce an intersection LOS rating to E or F, mitigation requirements come into effect. The intent of this requirement is to maintain a LOS of D or better on City streets and intersections.

In estimating the future traffic flow trip distribution, the TIS assigned percentages to the assumed main routes from the PUD to major traffic corridors (i.e. Oregon Street, Hwy99W, and Sunset Boulevard). These traffic flow trip distribution estimates (Figure 4 of the TIS) are shown on Exhibit B in the appendix. From Exhibit B the following estimates can be identified:

- 45% of the traffic flow will use Sherwood Boulevard.
- 10% of the traffic flow will use Meinecke Road.
- 25% of the traffic flow will use Oregon Street.
- 10% of the traffic flow will use Main Street.
- 5% of the traffic flow will use Willamette Street.
- 5% of the traffic flow will use Pine Street.

The TIS presents the following information for the specific intersections where residents and Planning Commission members had questions and concerns.

**Pine Street & Willamette Street Intersection:** The LOS rating went from a current LOS A to a full buildout rating LOS B. The intersection V/C ratio at full build out is estimated at 0.39. Based on this result no mitigation measures were identified or needed.

**Oregon Street & Lincoln Street:** The LOS rating went from a current LOS A to a full build out LOS A. The intersection V/C ratio at full build out is estimated at 0.16. Based on this result no mitigation measures were identified or needed.

**Willamette Street & Lincoln Street:** The LOS rating went from a current LOS A to a full build out LOS A. The intersection V/C ratio at full build out is estimated at 0.24. Based on this result no mitigation measures were identified or needed.

Exhibits E1 and E2 show intersection data for the three intersections noted above. These drawings are a side by side comparison of "existing" versus "background" and "full build out" peak hour traffic flows. The "background" volume represents the expected traffic volume based on existing conditions (i.e. excluding the Cannery development). As can be seen from the exhibits, the greatest increases in traffic volume are along Pine Street and Oregon Street. What also becomes apparent is that most of the traffic volume growth comes from the background growth in traffic volume.

### **Langer Development and Adams Avenue Impacts**

The Cannery PUD TIS did not include the Langer development as part of its study. The reasoning is that any off-site impacts that are generated due to the Langer development must be identified by and be mitigated for, by the Langer development. The Cannery TIS identifies off-site impacts and mitigation requirements that are strictly associated with the Cannery site development. Currently, the Langer development has not made a submittal for land use review, nor has it performed a TIS of its own project. In addition, City staff has not received any information of what type and density of use is planned for the Langer site, and therefore cannot make any valid assumptions. The current Adams Avenue design is based on the TSP designation for a 3 lane collector status road.

Consideration of any impacts that are strictly associated with the construction of Adams Avenue, without the Langer Development, were part of the Columbia Street functional reclassification analysis performed by DKS, dated July 9, 2009. The analysis results concluded that, "downgrading the Columbia Street to a local road could be an appropriate action", if approved by the City. The addition of an eastbound right-turn lane to the Oregon Street/Lincoln Street intersection was the only additional mitigation requirement.

When viewing commuter or pass through traffic that uses Tualatin-Sherwood Road and Roy Rogers Road, and what might be the most logical route through downtown Sherwood, staff proposes that northbound traffic would use the Oregon Street/Tonquin Road route as it is the shortest route through the center of the City. The southbound traffic on Roy Rogers Road would use the Borchers Road/Edy Road/Sherwood Blvd route through downtown Sherwood. The construction of the Adams Avenue collector by itself (exclusive of the Langer development) does not appear to significantly increase or decrease the existing traffic flow patterns or quantities through downtown Sherwood.

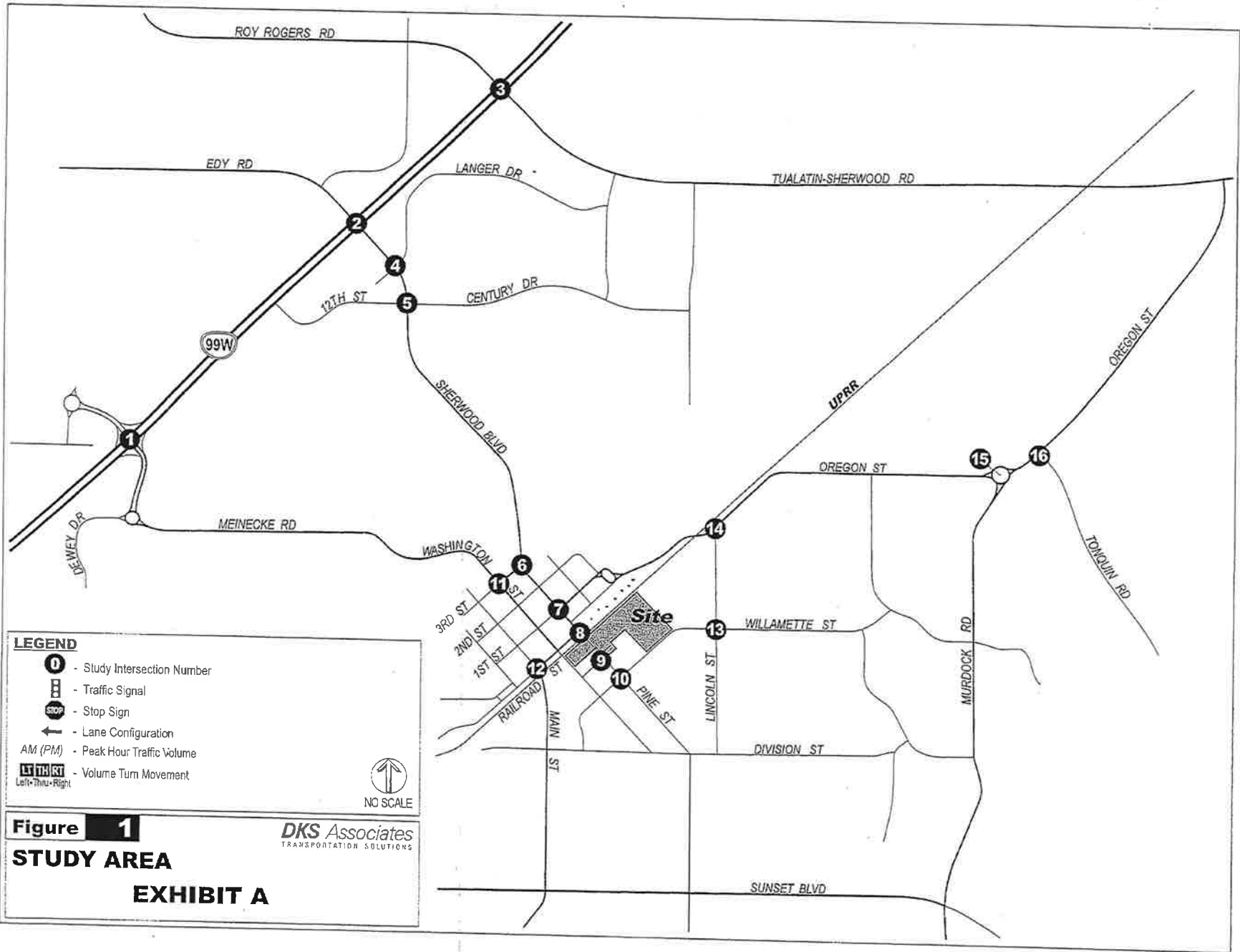
### **Parking Impacts**

The TIS did not include a Parking Study as part of the transportation analysis.

## APPENDIX

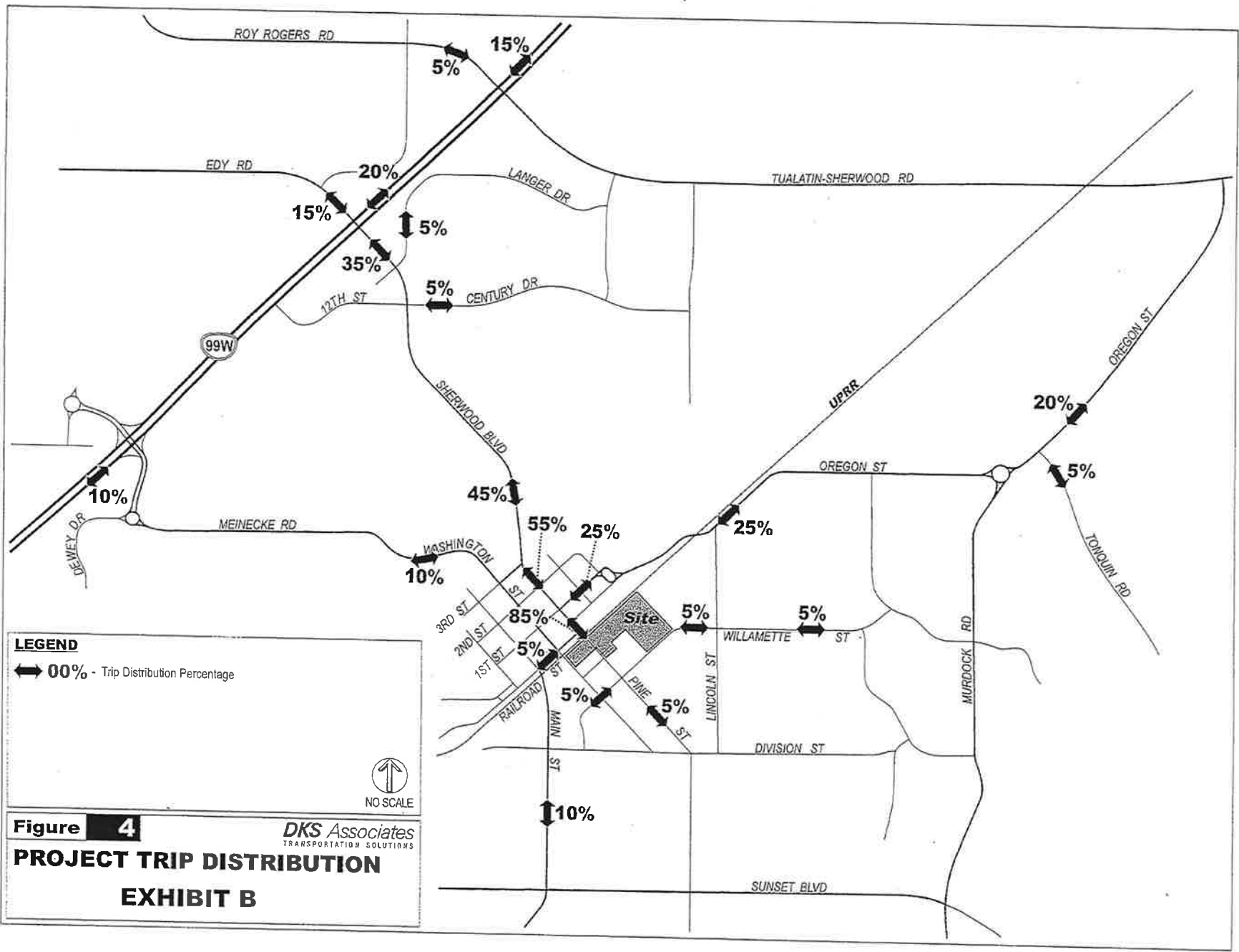
EXHIBIT A	STUDY AREA MAP
EXHIBIT B	PROJECT TRIP DISTRIBUTION MAP
EXHIBIT C1	TABLE 2 OF TIS
EXHIBIT C2	TABLE 9 OF TIS
EXHIBIT D	DEFINITIONS
EXHIBIT E1	INTERSECTION TRAFFIC VOLUME DATA DRAWING C-1
EXHIBIT E2	INTERSECTION TRAFFIC VOLUME DATA DRAWING C-2





**Figure 1**  
**STUDY AREA**  
**EXHIBIT A**

*DKS Associates*  
 TRANSPORTATION SOLUTIONS



**LEGEND**

↔ 00% - Trip Distribution Percentage

↑

NO SCALE

**Figure 4** *DKS Associates*  
 TRANSPORTATION SOLUTIONS  
**PROJECT TRIP DISTRIBUTION**  
**EXHIBIT B**

# EXHIBIT C1

## PROJECT TRAFFIC IMPACT

The additional traffic from the proposed project combined with background growth to 2017 would degrade traffic operations below the City of Sherwood's level of service standards at eight study intersections. Operations at two of these intersections are currently below the standards. All three intersections of Highway 99W and would experience a significant increase in volume-to-capacity (V/C) ratio with the addition of background growth to 2017. However, the trips associated with the proposed project would not worsen the operating conditions at the intersection of Highway 99W/Meinecke Road. All other intersections would meet applicable performance standards during the three study periods. Table 2 lists the existing intersection operating conditions and the 2017 plus project operating conditions. A series of transportation recommendations are outlined to reduce the transportation impacts of the proposed development and future traffic growth.

**Table 2: Existing and 2017 With Project Intersection Performance**

Intersection	Existing (2008)		2017 With Project	
<b>Unsignalized—Two Way Stop Control</b>	Major /Minor LOS, Minor V/C		Major /Minor LOS, Minor V/C	
	<i>AM Peak</i>	<i>PM Peak</i>	<i>AM Peak</i>	<i>PM Peak</i>
Sherwood Boulevard /Century Drive	A/F > 1.00	A/D 0.44	B/F > 1.00	A/T > 1.00
Pine Street/Railroad Street	A/B 0.22	A/B 0.24	A/C 0.34	A/C 0.40
Pine Street/Site Access	--	--	A/B 0.14	A/B 0.21
Pine Street/Columbia Street	A/A 0.00	A/A 0.00	A/A 0.00	A/A 0.00
Main Street/Railroad Street	A/B 0.17	A/B 0.22	A/D 0.37	A/C 0.30
Oregon Street/Lincoln Street	A/B 0.10	A/B 0.04	A/B 0.16	A/B 0.06
Oregon Street/Tonquin Road	B/D 0.56	A/F > 1.00	C/F > 1.00	A/F > 1.00
<b>Unsignalized--All-Way Stop Control*</b>	Delay, LOS, V/C		Delay, LOS, V/C	
	<i>AM Peak</i>	<i>PM Peak</i>	<i>AM Peak</i>	<i>PM Peak</i>
Sherwood Boulevard/3 <sup>rd</sup> Street	15.1 C 0.60	17.1 C 0.72	55.5 F 0.82	52.8 F 0.92
Pine Street/1 <sup>st</sup> Street	13.6 B 0.63	17.7 C 0.67	75.6 F 0.81	96.3 F 0.84
Pine Street/Willamette Street	8.3 A 0.25	8.2 A 0.28	10.3 B 0.39	9.3 A 0.34
Washington Street/3 <sup>rd</sup> Street	13.9 B 0.48	7.8 A 0.26	84.7 F 0.60	8.8 A 0.36
Willamette Street/Lincoln Street	7.6 A 0.19	7.4 B 0.19	7.8 A 0.21	7.7 A 0.24
Oregon Street/Murdock Road (Roundabout)	1.0 A 0.45	0.4 A 0.48	--	--
<b>Signalized*</b>	Delay, LOS, V/C		Delay, LOS, V/C	
	<i>AM Peak</i>	<i>PM Peak</i>	<i>AM Peak</i>	<i>PM Peak</i>
Highway 99W/ Meinecke Rd	35.7 C 0.94	15.6 B 0.68	59.9 B 1.09	19.0 B 0.76
Highway 99W/ Edy Road/ Sherwood Boulevard	52.2 D 0.94	40.3 D 0.84	92.8 F 1.12	53.1 D 1.01
Highway 99W/ Roy Rogers Drive	60.7 E 0.75	68.1 E 1.00	57.6 E 0.86	100.9 F 1.13
Sherwood Boulevard/Langer Drive	18.1 B 0.51	20.3 C 0.48	18.9 B 0.53	21.3 C 0.55

\*Average intersection values reported

Note: Shaded values exceed jurisdiction's performance standard

## EXHIBIT C2

Table 9 lists the performance at study intersections when site traffic is added to background conditions. The analysis indicates the intersection of Pine/1<sup>st</sup> Street will exceed the City of Sherwood LOS standards (AM and PM peak) as a result of the Phase I (2014) development program. The Phase II development program will result in the City of Sherwood LOS standard being exceeded at the intersection of Sherwood Boulevard/3<sup>rd</sup> Street. Four intersections are deficient in 2014 with the Phase I development and six intersections are deficient in 2017 with the project build out.

**Table 9: 2014 and 2017 with Project Traffic Intersection Performance**

Intersection	2014 Traffic With Project ( Phase I )		2017 Traffic With Project (Phase II--Build Out)	
	AM Peak	PM Peak	AM Peak	PM Peak
<b>Unsignalized--Two Way Stop Control</b>	Major /Minor LOS, Minor V/C		Major /Minor LOS, Minor V/C	
Sherwood Boulevard /Century Drive	A/T >1.00	A/E >1.00	B/F >1.00	A/T >1.00
Pine Street/Railroad Street	A/C 0.31	A/C 0.35	A/C 0.34	A/C 0.40
Pine Street/Site Access	A/B 0.12	A/B 0.14	A/B 0.14	A/B 0.21
Pine Street/Columbia Street	A/A 0.00	A/A 0.00	A/A 0.00	A/A 0.00
Main Street/Railroad Street	A/C 0.29	A/B 0.27	A/D 0.37	A/C 0.30
Oregon Street/Lincoln Street	A/B 0.14	A/B 0.05	A/B 0.16	A/B 0.06
Oregon Street/Tonquin Road	B/F >1.00	A/T >1.00	C/F >1.00	A/T >1.00
<b>Unsignalized--All-Way Stop Control*</b>	Delay, LOS, V/C		Delay, LOS, V/C	
	AM Peak	PM Peak	AM Peak	PM Peak
✓Sherwood Boulevard/3 <sup>rd</sup> Street	33.6 D 0.76	34.7 D 0.86	55.4 F 0.82	52.8 F 0.92
✓Pine Street/1 <sup>st</sup> Street	37.6 E 0.75	56.9 F 0.76	75.6 F 0.83	96.3 F 0.84
→Pine Street/Willamette Street	9.5 A 0.36	8.9 A 0.32	10.3 B 0.39	9.3 A 0.34
✓Washington Street/3 <sup>rd</sup> Street	44.4 E 0.55	8.4 A 0.32	84.7 F 0.60	8.8 A 0.36
Willamette Street/Lincoln Street	7.7 A 0.20	7.6 A 0.22	7.8 A 0.21	7.7 A 0.24
Oregon Street/Murdock Road (Roundabout)	1.8 A 0.58	0.5 A 0.54	2.4 A 0.65	0.6 A 0.56
<b>Signalized*</b>	Delay, LOS, V/C		Delay, LOS, V/C	
	AM Peak	PM Peak	AM Peak	PM Peak
Highway 99W/ Meinecke Rd	37.9 D 0.95	17.4 B 0.73	42.1 D 0.99	19.0 B 0.76
Highway 99W/ Edy Road/ Sherwood Boulevard	68.5 E 1.02	47.6 D 0.95	64.1 E 1.01	53.1 D 1.01
Highway 99W/ Roy Rogers Drive	57.7 E 0.83	90.5 F 1.10	57.6 E 0.86	100.9 F 1.13
Sherwood Boulevard/Langer Drive	18.6 B 0.50	20.8 C 0.54	18.5 B 0.58	21.3 C 0.55

\*Average intersection values reported

Note: Shaded values exceed jurisdiction's performance standard

The capacity deficiencies at the six deficient locations were reviewed to identify improvements to meet performance standards. Table 10 identifies the needed improvement and the resultant performance levels with mitigation for these eight intersections.

## EXHIBIT D

### Definitions

**Level of Service (LOS)** – a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience; can be calculated for roadway segments, intersections, merges, diverges, weaving areas, and other roadway features. The level of service (LOS) designation is a mathematical area defined within the volume to capacity ratio (V/C) curve. There are six defined areas (LOS A through LOS F) within the V/C curve.

**V/C ratio** – volume-to-capacity ratio is a measure of the amount of traffic on a given roadway in relation to the amount of traffic the roadway was designed to handle. The V/C ratio value varies based on the classification of the roadway and the design speed. A freeway experiences higher V/C ratio values for the individual LOS levels as the speed increases. For urban roadways (arterial, collector, neighborhood and residential classifications), the V/C ratio values for the individual LOS levels tend to be much lower. The V/C ratio is also an indicator of the amount of delay an intersection experiences.

### LOS A

- LOS A represents free flow conditions. Individual users are virtually unaffected by the presence of other users in the traffic stream.
- The user is free to select desired speed and to maneuver within the traffic stream without impedance from other users.
- The general level of comfort and convenience provided to the user is excellent.
- Intersection traffic delay is 10 seconds or less.

### LOS B

- LOS B represents stable flow, however the presence of other users within the traffic stream is beginning to be noticeable.
- The user's ability to select the desired speed remains relatively unaffected, however, there is a slight decrease in the user's ability to maneuver within the traffic stream.
- The level of comfort and convenience provided the user is slightly reduced as the presence of other users within the traffic stream begins to affect individual user behavior.
- Intersection delay is between 10 to 20 seconds.

### LOS C

- LOS C represents stable flow, however, the presence of other users within the traffic stream begins to significantly affect the individual operational behavior of users.
- The user's ability to select speed is decreased, and there is a significant decrease in the ability of the user to maneuver within the traffic stream.
- A substantial amount of awareness and vigilance is required by the user at this level.

- The level of comfort and convenience provided the user declines noticeably at this level.
- Intersection delay is between 20 and 35 seconds.

#### LOS D

- LOS D represents high-density, but stable flow.
- The user's ability to select speed and maneuver within the traffic flow are highly restricted.
- The user experiences a poor level of comfort and convenience at this level.
- Small increases in traffic flow will generally cause operational problems at this level.
- Intersection delay is between 35 and 55 seconds.

#### LOS E

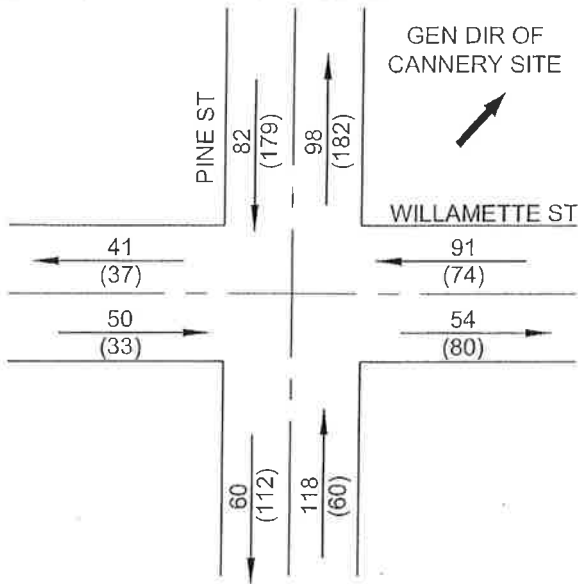
- LOS E represents operational conditions at or near the traffic flow capacity level.
- All speeds are reduced to a low, but relatively uniform value.
- Freedom to maneuver within the traffic stream is extremely difficult, and is generally accomplished by users forcing their way into the adjacent traffic stream.
- The user experiences an extremely poor level of comfort and convenience, and generally has a high level of frustration.
- Operational conditions at this level are usually unstable. Small increases in traffic flow or minor incidents within the traffic stream will cause operational breakdown.
- Intersection delay is between 55 and 80 seconds.

#### LOS F

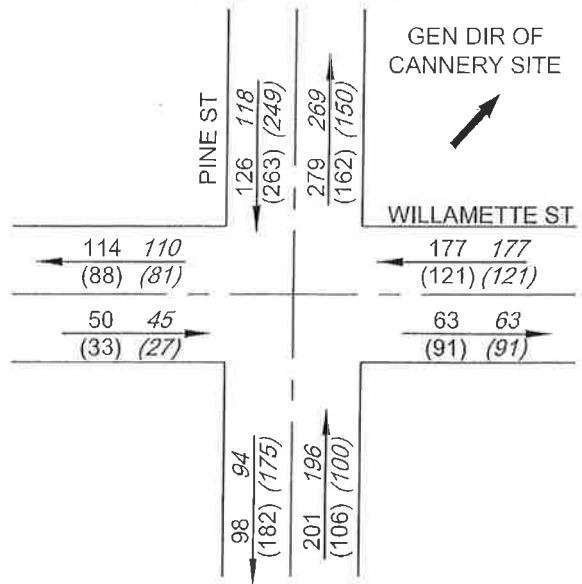
- LOS F represents forced or operational breakdown flow. Traffic flow exceeds the traffic flow capacity of the roadway.
- At such points where this level occurs, traffic queuing results. Operations at these points are characterized by stop and go traffic flow.
- Traffic flow within this level is extremely unstable.
- It is at this point that the user experiences the worst level of comfort and convenience.
- Intersection delay is greater than 80 seconds.

NUMBERS SHOWN IN PARENTHESIS ARE PM VOLUMES  
 ITALICIZED NUMBERS ARE BACKGROUND VOLUMES

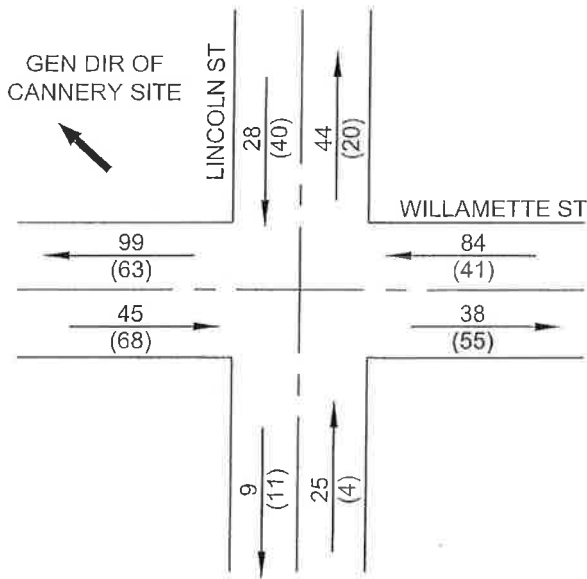
EXHIBIT E1



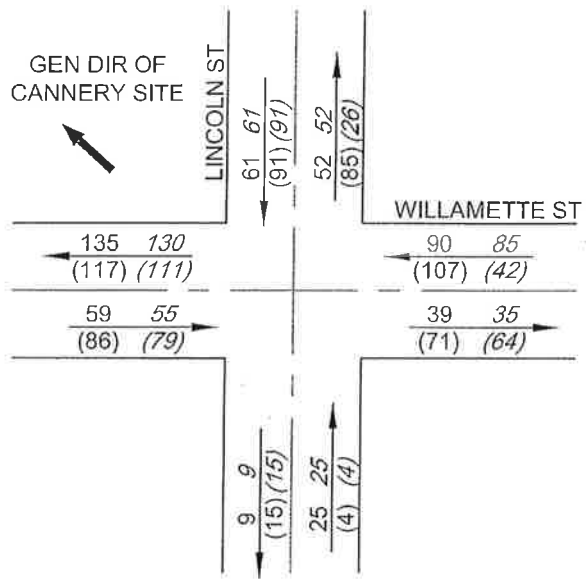
WILLAMETTE ST/PINE ST INTERSECTION  
 EXISTING CONDITION TRAFFIC VOLUME



WILLAMETTE ST/PINE ST INTERSECTION  
 BACKGROUND & FULL BUILD-OUT  
 TRAFFIC VOLUMES



WILLAMETTE ST/LINCOLN ST INTERSECTION  
 EXISTING CONDITION TRAFFIC VOLUME



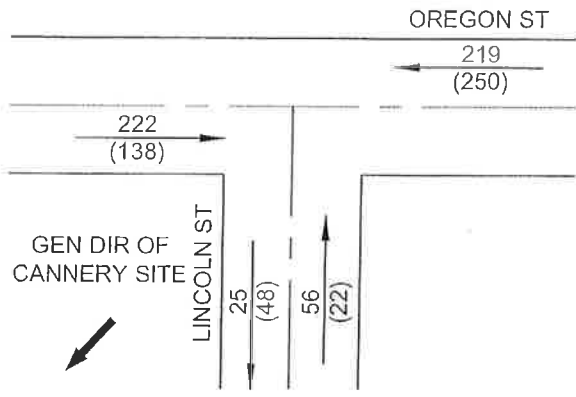
WILLAMETTE ST/LINCOLN ST INTERSECTION  
 BACKGROUND & FULL BUILD-OUT  
 TRAFFIC VOLUMES



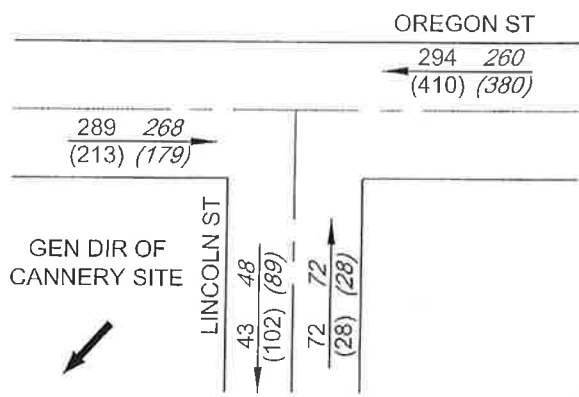
STANDARD DRAWING TITLE		DRAWING NUMBER
CANNERY SITE INTERSECTION STUDY		C-1
Any alteration of this drawing may not be associated in any way with the City of Sherwood Standard Drawings.	SCALE	DATE
	N.T.S.	DEC 2009

## EXHIBIT E2


NUMBERS SHOWN IN PARENTHESIS ARE PM VOLUMES  
 ITALICIZED NUMBERS ARE BACKGROUND VOLUMES



OREGON ST/LINCOLN ST INTERSECTION  
 EXISTING CONDITION TRAFFIC VOLUMES



OREGON ST/LINCOLN ST INTERSECTION  
 BACKGROUND & FULL BUILD-OUT  
 TRAFFIC VOLUMES

 City of <b>Sherwood</b> Oregon	STANDARD DRAWING TITLE		DRAWING NUMBER	
	CANNERY SITE INTERSECTION STUDY		C-2	
	Any alteration of this drawing may not be associated in any way with the City of Sherwood Standard Drawings.	SCALE		DATE
		N.T.S.		DEC 2009



## **Attachment 4**

Exhibit R – 12/14/09 letter from Ode Gribble with attachments

Exhibit S - Undated (received 12/15/09) letter from Sandy Rome

Exhibit T - 12/14/09 e-mail from Sandy Rome with copy of powerpoint attached

Exhibit U - 12/15/09 letter from Susan Claus with attachments

Exhibit V - 12/15/09 letter from Jim Claus with attachments

Exhibit W - 12/15/09 letter from Susan Claus

Exhibit X - 12/15/09 letter from Susan Claus with attachments



TO: Sherwood Planning Commission  
Hearing for the Sherwood Cannery PUD  
c/o Julia Hajduk  
Sherwood Planning Department

FROM: Odge Gribble, OdgePodge Gallery  
Old Town business and property owner  
Long time resident of Sherwood

FAX: 503-625-0629

DATE: December 14, 2009

MESSAGE: Julia, please add these comments to the record for the Sherwood Planning Commission and the City Council to read. This is regarding the Sherwood Cannery Square land use application, PUD, subdivision, etc. (PUD 09-01, PA 09-05, SUB 09-02).

*Exhibit R*

A large group of people attended the Public Hearing at the Planning Commission meeting November 10<sup>th</sup> on the proposed development of the cannery property. The majority of the audience had questions about the plan, and thankfully many spoke up.

Most of the concerns were about the apartment building proposed for the area to the east of Pine Street and the parking planned for the entire development. Whether the city acknowledges it or not, we have a parking problem now, (business owners have trouble finding a place to park, especially in the winter time), and adding an additional 350 to 500 cars to the daily mix will create a traffic nightmare, not just for Old Town, where it will impact customer access, but for Willamette Street, too. The plan as presented now calls for an apartment complex of a 101 units with parking spaces for 109 cars with half of those for compact cars.

This is not only poor planning, but unrealistic! Very few apartments, anywhere, have only one person living in them. Most will have two people, and two cars. Where will they park the second car, and what about their friends and visitors? One suggestion was that the apartment dwellers would be at work during the day freeing up their spaces! Don't most condos and apartments have only assigned, or permitted parking for their units? Most of the people will be parking all over the neighborhood streets. We know what its like during a big event, or festival, it will be like that every day.

What ever happened to the plan to make the Arts and Community Center the focus for the Old Town re-development? And the money set aside to pay for it? The old machine shop has been discussed as an art center, and while not perfect, would be a start. However, on the current plans its use is listed as "undetermined". Also, didn't we approve the plan to build upscale buildings along the railroad tracks with living quarters above and shops below? Whose idea was it to build an apartment building there, with no amenities and inadequate parking? The community center, alone, should have enough parking for all of the events, classes, and live performances our citizens have shown that they need, and will support. We need the financial boost, and the excitement, expanding arts programs will bring to Sherwood.

And now that they have found, after years and buckets of money, that the street plan for curb-less sidewalks and center street drains are not working,

and they are planning to change those details, among others, for the cannery site. I wish they had started on that site first, and left Old Town alone

In the mid-90's we had a beautiful, inviting Old Town, with brick sidewalks, flowering trees and historically rendered street lamps. And, what is even more important, a thriving business district with a much-loved Robin Hood Theater. Now we have empty store fronts, graveled parking lots where historic buildings once stood, and a growing sense that we have lost our way.

Help!! Jim Rapp where are you?

# Parking issues are of concern for apartments planned for Old Cannery

A large group of people attended the public hearing at the Planning Commission meeting on Nov. 10 on the proposed development of the cannery property. The majority of the audience had questions about the plan and, thankfully, many spoke up.

Most of the concerns were about the apartment building proposed for the

area to the east of Pine Street and the parking planned for the entire development.

Whether the city acknowledges it or not, we have a parking problem now (business owners have trouble finding a place to park, especially in the wintertime) and adding an additional 350 to 500 cars to the daily mix will create a traffic nightmare, not just for Old Town, where it will impact customer access, but for Willamette Street, too.

The plan as presented now calls for an apartment complex of 101 units with parking spaces for 109 cars, with half of those for compact cars.

This is not only poor



**EDGE GRIBBLE**

*Around Town*

planning, but unrealistic! Very few apartments, anywhere, have only one person living in them. Most will have two people and two cars.

Where will they park the second car, and what about their friends and visitors? One suggestion was that the apartment dwellers would be at work during the day,

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Now we have empty storefronts, graveled parking lots where historic buildings once stood, and a growing sense that we have lost our way.

Help! Jim Rapp, where are you?

## Women's group to host Christmas event

The Newberg Women's Connection is hosting a special Christmas evening on Dec. 14 at Sleighbells of Sherwood, 23855 S.W. 195th

## Three Tonquin Trail open houses set in December

Three Tonquin Trail Master Plan open houses will be held in December to help shape the future of the trail that will connect Tualatin, Sherwood and

Chambers Building 18880 SW Martinazzi Ave. Co-hosted with Tualatin Parks Advisory Committee  
Wednesday, Dec. 9 6 to 8 p.m. Wilsonville City Hall, 20700

Commission  
Thursday, Dec. 10 5:30 to 7:30 p.m. Sherwood Community Room, Sherwood City Hall 22560 SW Pine St., Sherwood Co-hosted with the city of

vided.  
For more information about the Tonquin Trail Master Plan, visit [www.oregonmetro.gov/tonquintrail](http://www.oregonmetro.gov/tonquintrail) or contact Michelle Miller, Sherwood associate city

### Room Arrangements & More

**Rearranging & Decorating**

**"USING WHAT YOU HAVE FIRST"**

We use what you have first to create a whole new look on a budget. Whether it's rearranging a single room, accessorizing, or decorating your entire home, let us help!

- Paint color consultation
- Retail staging
- Space planning
- Picture hanging and placement
- Furniture placement

12/14/2009 12:38 50300000000

Sanford Rome  
14645 SW Willamette Street  
Sherwood, Oregon 97140

Sherwood Planning Commission  
[planningcommission@ci.sherwood.or.us](mailto:planningcommission@ci.sherwood.or.us)

Sherwood City Hall

RE: Comments for Record on Cannery PUD 09-01, PA 09-05, SUB 09-02)

Dear Commission--

**It is no secret that the Sherwood Development Code (SDC) has a bunch of discrepancies.**

With the discrepancies come interpretations.  
Sherwood's existing Old Town is in the midst of redevelopment and infill.

**Why is this important?**

We have Chapter 4 of the Comprehensive Plan II, that **requires that there be an expanded notification for projects that are redevelopment and infill.**

**This information was brought to the staff's and city attorney's attention during the December 8, 2009 hearing!**

Undoubtedly, the official response will be some technicality about how the proposed Cannery PUD isn't an "infill" project.

Let's talk about that for a minute. We do not have a definition in our Sherwood code for "infill." That is not too surprising as our code has many deficiencies.

Look at the definition and discussion of land use "infill" in the text box on page 2. After reading through this information, there is no doubt that the Sherwood Cannery PUD is not only a redevelopment project but also an "infill" project. As such, the expanded notification of the adjoining neighborhoods should be legally made prior to the next hearing. (Maybe, we call foul now, and just start the whole hearing thingie over..what ya think, humm, what might the courts say?)

I want to reiterate something that happens when we get an interpretation from the city attorneys. They invariably tell staff, council and the various commissions that something is "technically" ok—such as in this case, a 100 ft. notice requirement to adjoining properties.

Exhibit 5

## **Infill Definitions: from Wikipedia**

### **Urban infill**

In the urban planning and development industries, infill is the use of land within a built-up area for further construction, especially as part of a community redevelopment or growth management program or as part of smart growth. It focuses on the reuse and repositioning of obsolete or underutilized buildings and sites. This type of development is essential to renewing blighted neighborhoods and knitting them back together with more prosperous communities.<sup>[1]</sup>

### **Suburban infill**

**Suburban infill** describes the development of land in existing suburban areas that was left vacant during the development of the suburb. It is one of the tenets of the New Urbanism and smart growth trends of urging densification to reduce the need for automobiles, encourage walking, and ultimately save energy. One exception to this is the practice of urban agriculture, in which land in the urban or suburban area is retained to grow food for local consumption.

The Village of Ponderosa<sup>[2]</sup> in West Des Moines, Iowa is a good example of suburban infill. It was formerly a 9-hole golf course surrounded by suburban West Des Moines businesses and tract homes, but starting in 2006 it was redeveloped into a higher-density mixed-use community with a pedestrian friendly retail center.

<http://en.wikipedia.org/wiki/Infill>

My question to the Planning Commission and to City Council in this case is “Even if the attorney says that technically you are covered on the notice requirement (an interpretation subject to objection), is that the ethical way to treat the adjoining properties in this district? Why would we not notify the properties within the expanded notification map?”

*If we don't utilize the expanded notification, we look as if we are trying to slip something by the citizens. If we are not proud of this proposed development and do not want all the input and comments that citizens may have, then maybe this is not the right land use for our Old Town.*

After all, some of the justification that staff and the applicant have made is that this project was in the Sherwood Gazette and Oregonian papers a few different times—I do not believe that is accurate as the actual detail of what is being proposed is NOT the same as the other earlier iterations of this project.

**PLEASE EXPAND THE NOTIFICATION TO PROPERTIES  
and adjoining NEIGHBORHOODS designated on the Infill Map**

These are excerpts from Sherwood Comprehensive Plan II, Chapter 4, Land Use:

## **POLICIES AND STRATEGIES**

*To meet the objectives of Chapter 4 Land Use of the Sherwood Comprehensive Plan the following policies shall be established.*

**Policy 1: Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.**

**Strategy:** New housing will be located so as to be compatible with existing housing.

*Infill and redevelopment projects will not adversely affect established neighborhoods, and additional public notice will be required for infill projects, as depicted on the “Infill Notification Area” map, Map IV-1.*



## **Chapter 16.68 INFILL DEVELOPMENT STANDARDS\***

### Sections:

16.68.010 Purpose and Intent

16.68.020 Lot Sizes and Dimensions for Infill

16.68.030 Building Design on Infill Lots

16.68.040 Height

16.68.050 Yard Requirements for Infill Development

16.68.060 Public Notice

\* Editor's Note: Some sections may not contain a history.

### **16.68.010 Purpose and Intent**

This chapter provides standards for infill development, or the development of properties that have been skipped over by larger subdivisions and, due to their proximity to established residential neighborhoods, require special design controls and flexibility in the City's zoning and land division standards. This Chapter is intended to:

- A. Promote housing choice, transportation efficiency and compatibility between existing residential areas and new development;
- B. Allow for greater flexibility in lot size, dimensions and setbacks; and
- C. Control the type, height, size and scale of new buildings on infill properties.

### **16.68.020 Lot Sizes and Dimensions for Infill**

The Approval Authority may approve modifications to the minimum lot size and/or lot dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:

- A. Lot area may be reduced below the minimum standard of the applicable zoning district through the land division or lot line adjustment process when the Approval Authority finds:

1. The resulting lot size(s) and dimensions are not less than eighty-five percent (85%) of the standard minimum lot area of the zone; and

2. The resulting average lot size of the development (partition or subdivision) shall be no less than the minimum lot size of the zone in which it is located; the resulting density shall be no more than the allowable density of the zone. Areas reserved as open space, such as central greens, plaza, and other common open space may be counted toward the average lot size and density of the development when such areas are centrally located and accessible to every lot in the development; and;

3. The reduction in lot size and/or dimensions shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and

4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met; the Approval Authority may require shared driveways (i.e., for two dwellings) for paired lots that individually have less than 40 feet of street frontage, except where driveway access is provided from an alley; and

5. The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot, and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in Section 16.68.040;

- a. Floor area ratio
- b. Side setback plane; and
- c. Garage orientation and design standards

6. The land division shall be conditioned, and a deed restriction shall be recorded on each lot that contains less than the minimum lot size of the zone, requiring that a landscape plan be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot. Landscape plans required under this section shall provide plant materials and irrigation that are equal to or better than those existing residential landscapes in the vicinity. The Approval Authority may consider plant species, quantity/volume of plant material, irrigation, slope, aspect, soil, and other relevant factors in determining the adequacy of landscape plans and in requiring additional landscaping.

B. Lot dimension(s) may be reduced below the minimum standards of the applicable zoning district through the land division or lot line adjustment process provided that the development conforms to Section 16.68.030A, above, and all other applicable Code requirements are met.

C. Lot width and frontage standards may be waived for rear lots created through partitioning where an access easement or tract of not less than twenty (20) feet in width connects the subject lot to a public street with a driveway meeting City standards and the yard requirements for rear lots, as provided in Section 16.68.050, are met. The Approval Authority may require that such driveway be dedicated as a public alley and extended in accordance with local street network plans and connectivity requirements.

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

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

A. Floor Area: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a single family dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed:

1. Low Density Residential (LDR): 50% of lot area
2. Medium Density Residential Low (MDRL): 55% of lot area
3. Medium Density Residential High (MDRH): 60% of lot area
4. High Density Residential (HDR): 65% of lot area

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 ( 1/2) foot for every one (1) foot in height over twenty four (24) feet (see example below); and

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

A. Garage Orientation. On lots with a minimum width of sixty (60) feet or less, the garage shall meet the following orientation and design standards:

1. The garage shall not be located closer to the street than the dwelling, unless the combined width of garage opening(s) does not exceed fifty percent (50%) of the total width of the front (street-facing) elevation. For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, which may include habitable space above the garage, shall be located closer to the street than the garage door. Any garage opening width beyond fifty percent (50%) standard shall be set back at least (2) feet further from the front property line than the facade of the other garage volume. Alternatively, and subject to the Approval Authority's approval, the front elevation may incorporate a decorative trellis, pergola or other architectural feature that provides a shadow line giving the perception that the garage opening is recessed;

2. The standard in subsection c.1. above, does not apply where the average slope of a parcel of a lot exceeds twenty percent (20%) where the garage is proposed to be set back at least forty (40) feet from the public right-of-way, or where the garage is to be accessed from an alley;

3. When the side or rear elevation of a front-loading garage is exposed to the street or an abutting property, such elevation(s) shall have more than one plane (offset or projection of 2 feet or more) or shall have window area equal to at least ten percent (10%) of the exposed garage wall.

#### **16.68.040 Height**

The maximum heights specified in the underlying zone shall be the maximum height for any infill development.

#### **16.68.050 Yard Requirements for Infill Development**

The Approval Authority may approve modifications to the minimum yard dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:

A. Side and/or rear yard(s) may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:

1. The resulting yard(s) is/are not less than eighty-five percent (85%) of the standard of the zone; and

2. Where a side or rear yard abuts another residential property outside the subject development, it shall not be reduced to less than eighty five percent (85%) of the abutting yard dimension, except where the yard of the abutting property is less than the minimum standard of the zone, in which case a reduction equal to the yard of the abutting property may be permitted. In no case shall a yard of less than five (5) feet be permitted unless the structure is approved as a zero-lot line or common wall dwelling; and

3. The reduction in yard dimension shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and

4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met.

B. Front yards may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:

1. The front yard is reduced by not more than six (6) feet; and

2. All garage openings are setback twenty (20) feet or more from all street rights-of-way.

3. The reduction is to accommodate an unenclosed front porch; or

4. The reduction is necessary to protect natural features on or adjacent to the subject lot; or

5. The reduction allows for greater separation or buffering between infill development and existing residential uses(s) at lower densities (or larger lot sizes).

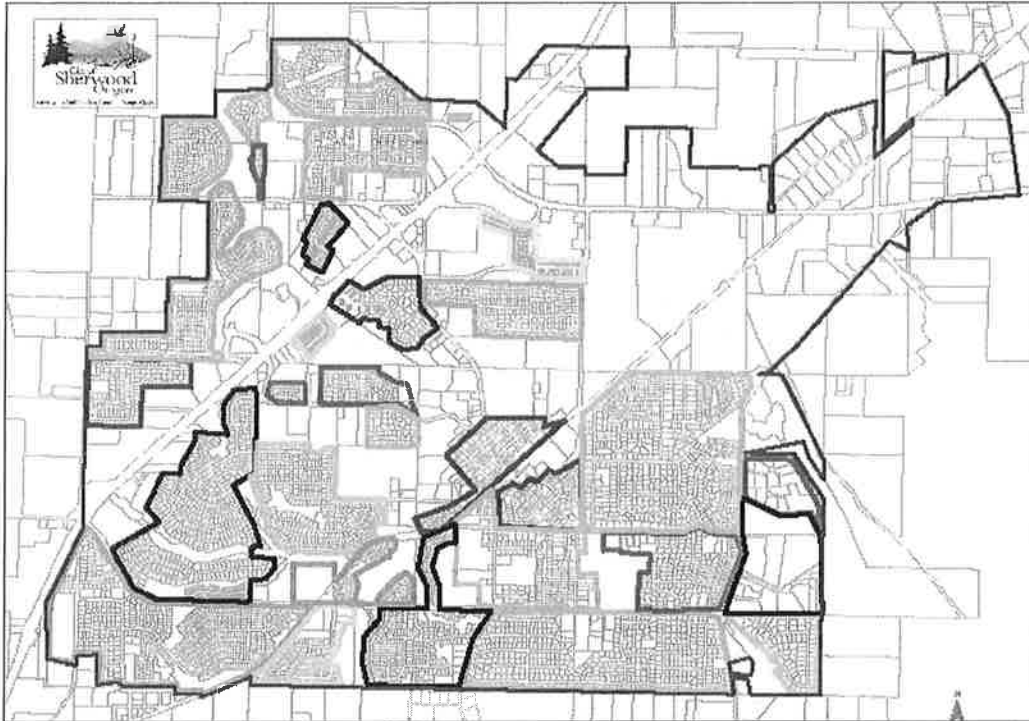
C. Rear lots, also known as flag lots, are those that have less than twenty five (25) feet of street frontage, are oriented with their buildable area (flag) behind another lot that has standard street frontage, and receives access from a narrow strip of land (flag pole). The Approval Authority may approve a rear lot only upon finding that it has sufficient lot area after excluding the access drive (easement, tract, or flag pole), it meets emergency access and circulation requirements, and side lot lines adjacent to the access drive have adequate landscape buffering in accordance with Section 16.58.030D. Where two rear lots are proposed contiguous to one another, the Approval Authority may require the two lots share a common access and driveway to reduce the number of curb cuts and turning movement conflicts and to minimize impervious surfaces.

D. In approving reductions to yard dimensions, the Approval Authority must find that the provisions of Sections 16.68.030 through 16.68.050, and all other applicable Code requirements, are met.

#### **16.68.060 Public Notice**

The public shall be notified of pending land use applications for projects that are subject to Chapter 16.68, consistent with the provisions of Section 16.72.020, Mailed Notice. (Ord. 2006-021)

Sherwood Infill Notification Areas  
September 27, 2006



Note: Color coding not significant.  
Used to visually distinguish notification areas.

Sherwood's Development Code requires that Chapter 4 of the Comp Plan II be followed:

**SDC Section 16.02.090 Community Development Plan**

**This Code shall be administered in conjunction with, and in a manner that is consistent with, the policies and strategies adopted in the City of Sherwood, Oregon, Community Development Plan, Part 2 of the City Comprehensive Plan.** The City Zoning Map, the Transportation Plan Map, the Natural Resources and Recreation Plan Map, the Water Service Plan Map, the Storm Drainage Plan Map, and the Sanitary Sewer Service Plan Map are extracted from the Community Development Plan, and attached to this Code as appendices. References to these maps shall be deemed to include all applicable policies, standards and strategies contained in Chapters 4, 5, 6, and 7 of the Community Development Plan.

Here is the issue again stated in light of the above code Section :

**ISSUE: PUBLIC NOTICE per Sherwood Comprehensive Plan II, Chapter 4**

I am quoting from the Comp Plan II, Chapter 4:

**POLICIES AND STRATEGIES**

To meet the objectives of Chapter 4 Land Use of the Sherwood Comprehensive Plan the following policies **shall** be established.

**Policy 1: Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.**

**Strategy:** New housing will be located so as to be compatible with existing housing. Infill and redevelopment projects will not adversely affect established neighborhoods, and additional public notice will be required for infill projects, as depicted on the “Infill Notification Area” map, Map IV-1.

I am asking that the Planning Commission direct the staff to notice the neighborhoods that surround the Cannery PUD proposal per the Map contained in Chapter 4 of Comp Plan II. Not only is it authorized and directed per the code, it is the RIGHT action to take to notify the impacted neighborhoods. According to the map, established neighborhood areas are to be notified—not just the 100 ft typical code notification. The Sherwood Cannery PUD proposal is a redevelopment and infill proposal in the established areas of Old Town.

**PLEASE DIRECT STAFF to make the proper expanded notifications as part of this Sherwood Cannery PUD land use proposal. Continue this hearing with public testimony after everyone has been properly and legally notified.**

**Thank you all again for your time on the Planning Commission and City Council.**

Sincerely,

Sanford Rome

**Julia Hajduk**

---

**From:** romeco1@juno.com  
**Sent:** Monday, December 14, 2009 7:39 PM  
**To:** City Council; Julia Hajduk; Julia Hajduk  
**Subject:** Re: Cannery powerpoint 2005  
**Attachments:** 2005 Cannery\_Development-powerpoint.pdf

**PLEASE ADD THIS TO THE CURRENT CANNERY PUD FILE TOO.**

**WHAT HAPPENED TO WHAT WAS THE ORIGINAL CONCEPT?**

**WHAT ARE WE DOING, WHAT IS THE PEOPLE IN CHARGE REALLY DOING TO THE CITIZENS.. IS THIS THE PROMISED CHANGE?**

Please note: forwarded message attached

To: [romeco1@juno.com](mailto:romeco1@juno.com)  
Subject: Re: Cannery powerpoint  
Date: Mon, 14 Dec 2009 10:19:09 EST

Sandy-- look at what you were promised as the concept in the Cannery project.... in 2005.

---

Banking

[Click here to find the perfect banking opportunity!](#)

# Sherwood Cannery Development Strategy



July 19, 2005

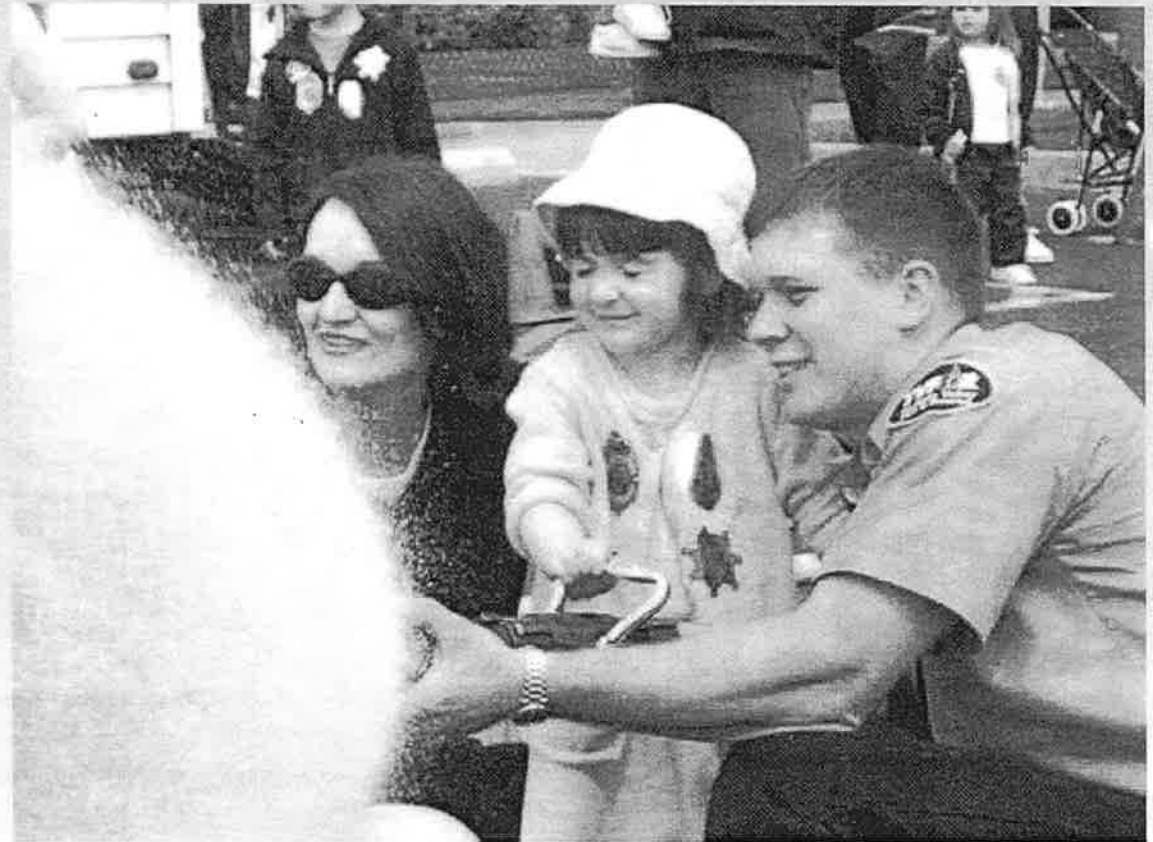


Leland Consulting Group



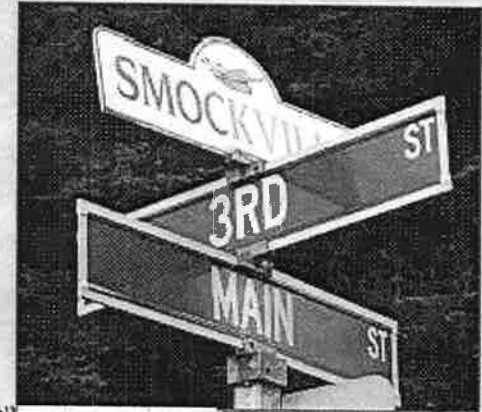
# Tonight's Topics

1. Goals
2. Vision
3. Program
4. Concepts
5. Process
6. Options
7. Next Steps



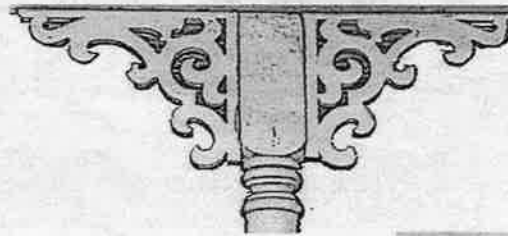
# Review: Goals

- Stimulate investment in Old Town
- Prompt results
- Unique, high quality place
- Positive return on investment
- Benefit entire community



# Review: Vision and Concepts

- “Northwest Mayberry”
- A community, not just a “project”
- A live/work neighborhood
- Walk to coffee
- Walkways, plazas, open space



# Marketing Themes

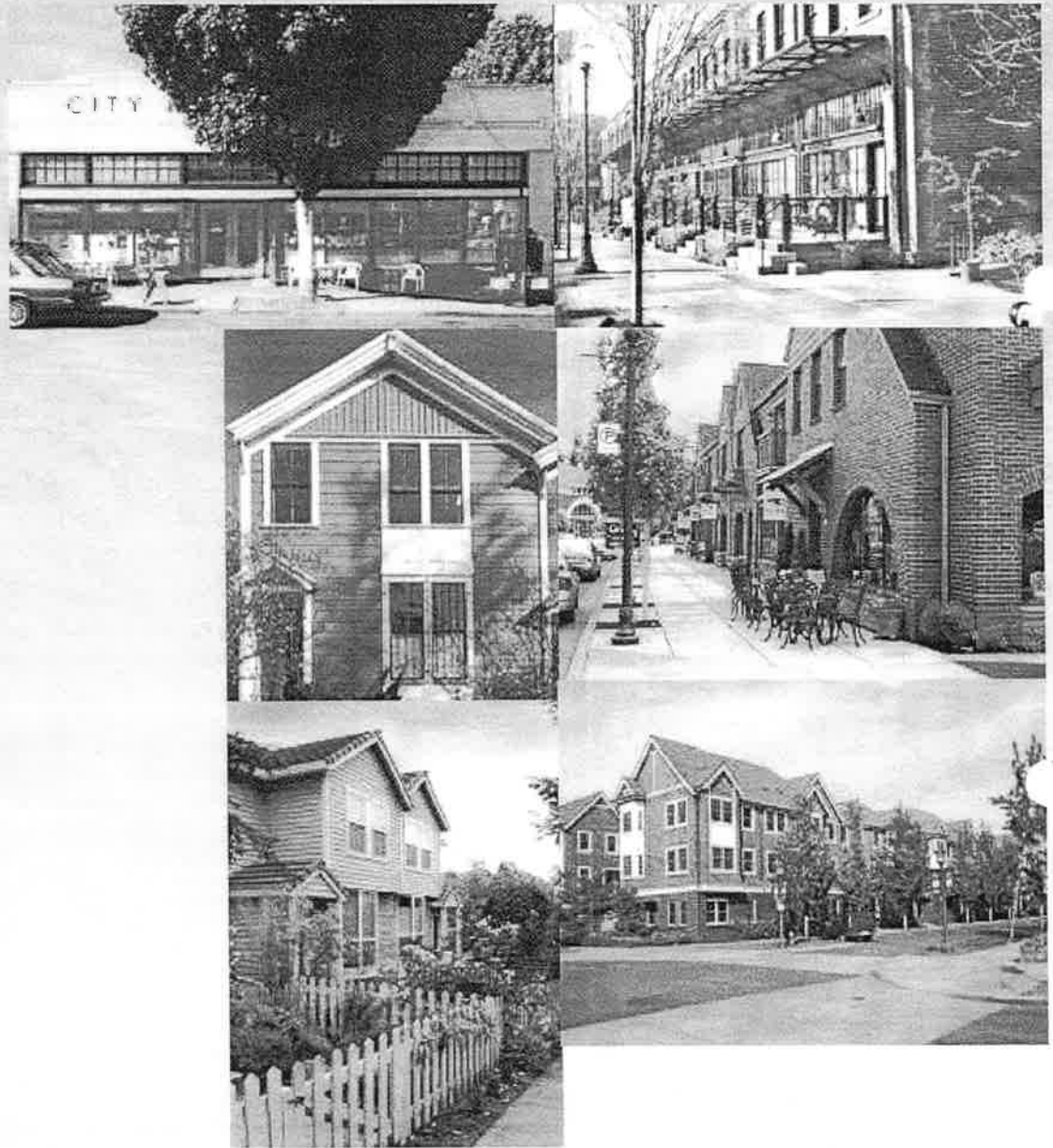
- Community
- Authenticity
- Convenience and connection
- Security





# Program

- Storefronts
- Live-work row houses
- Cottages
- Townhouses & Condominiums

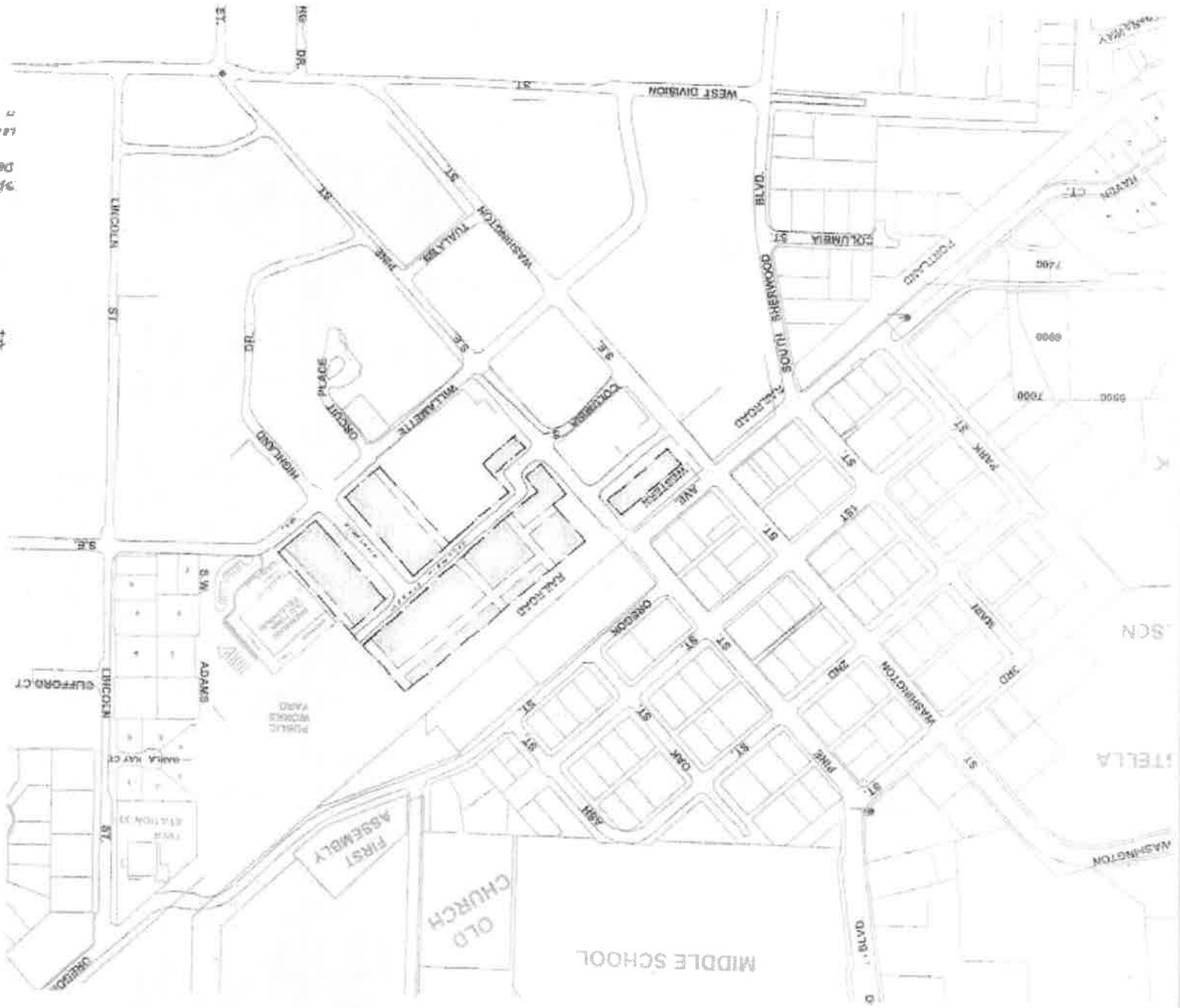


# Streets and Blocks

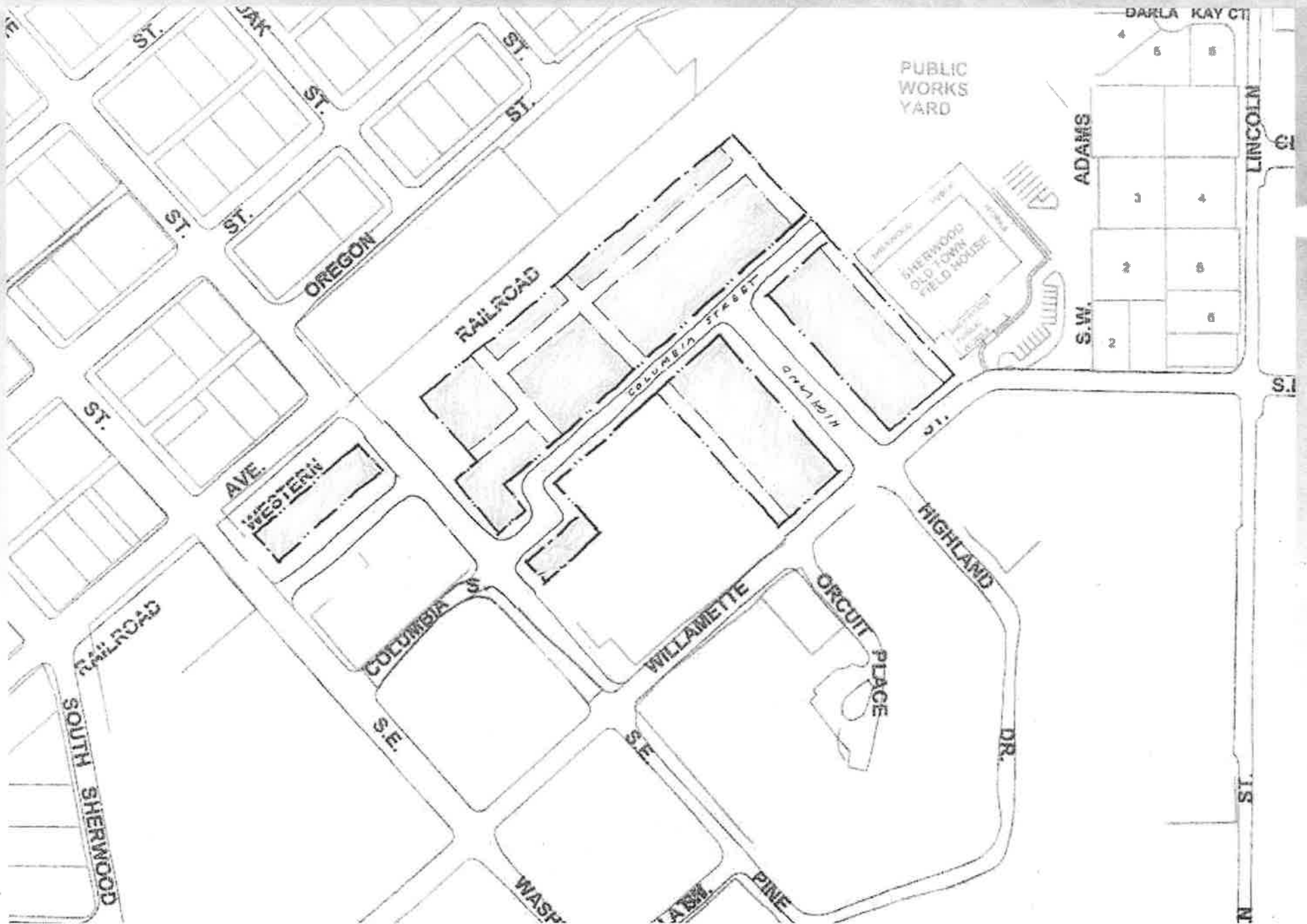
Block of Street  
Plan  
1" = 100'



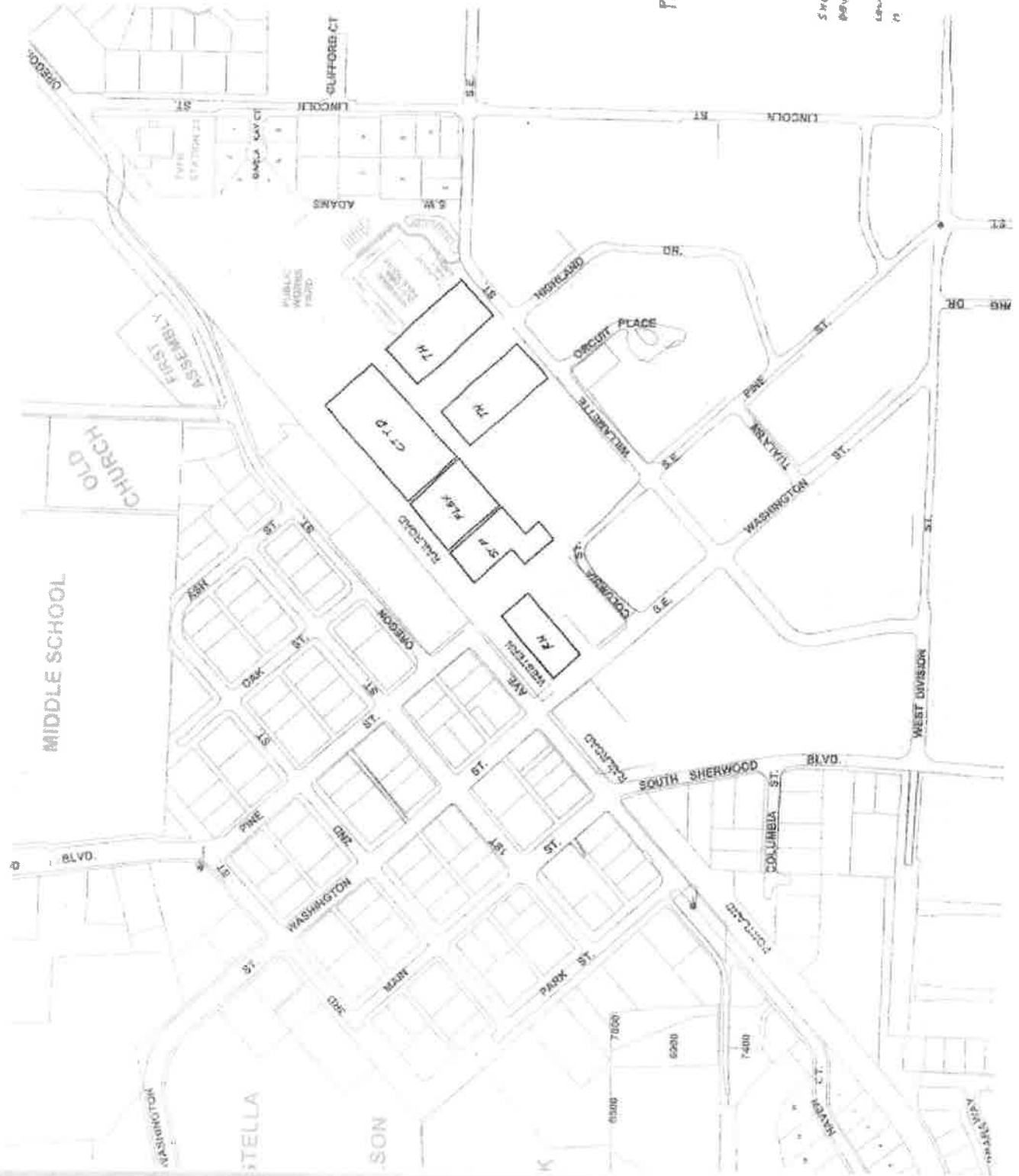
THRESHOLD CANNERY  
DEVELOPMENT STRATEGY  
18 MAR 2008  
27 JULY 2008



# Streets and Blocks



# Development Parcels



PARCEL PLAN

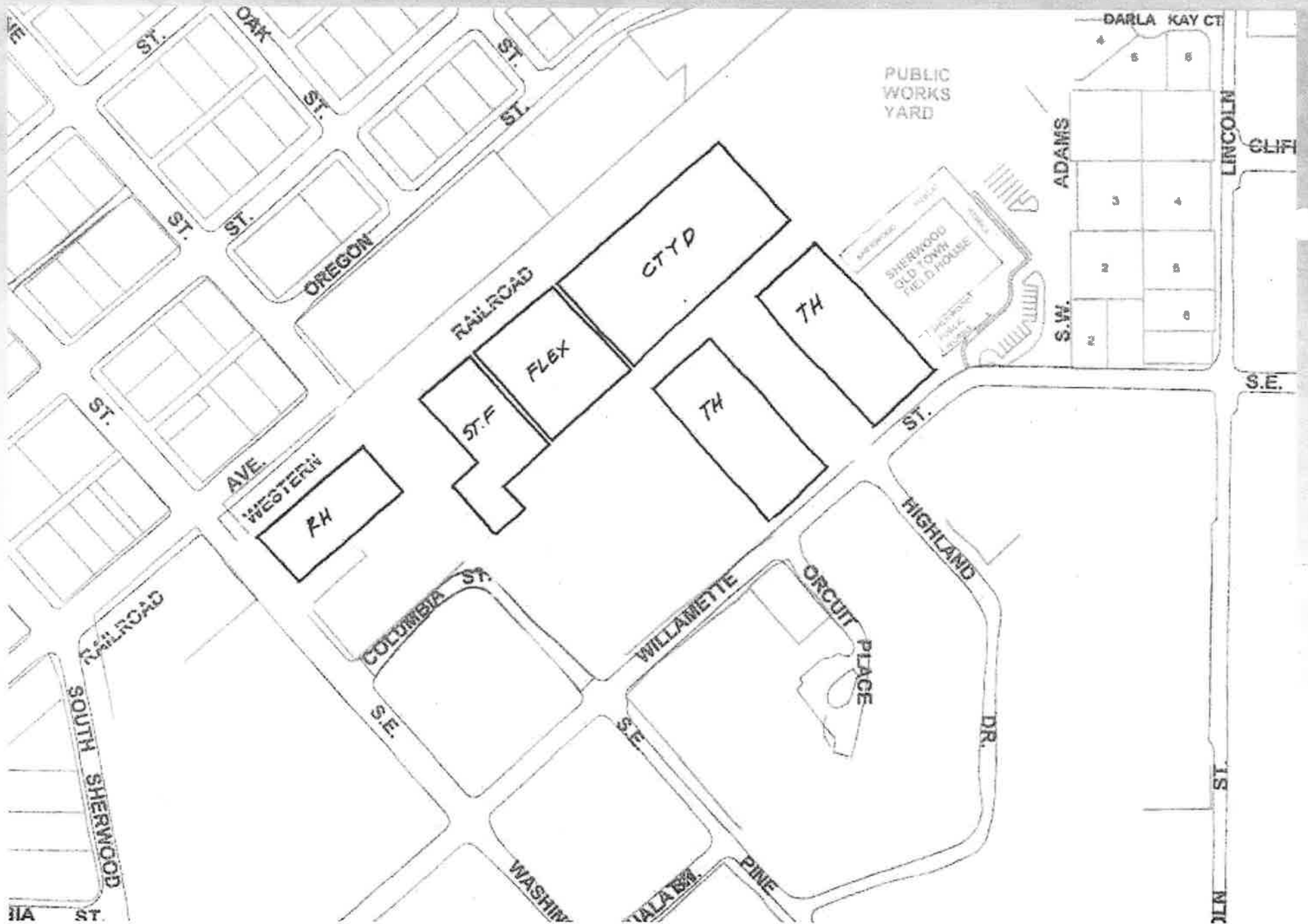
1" = 100'



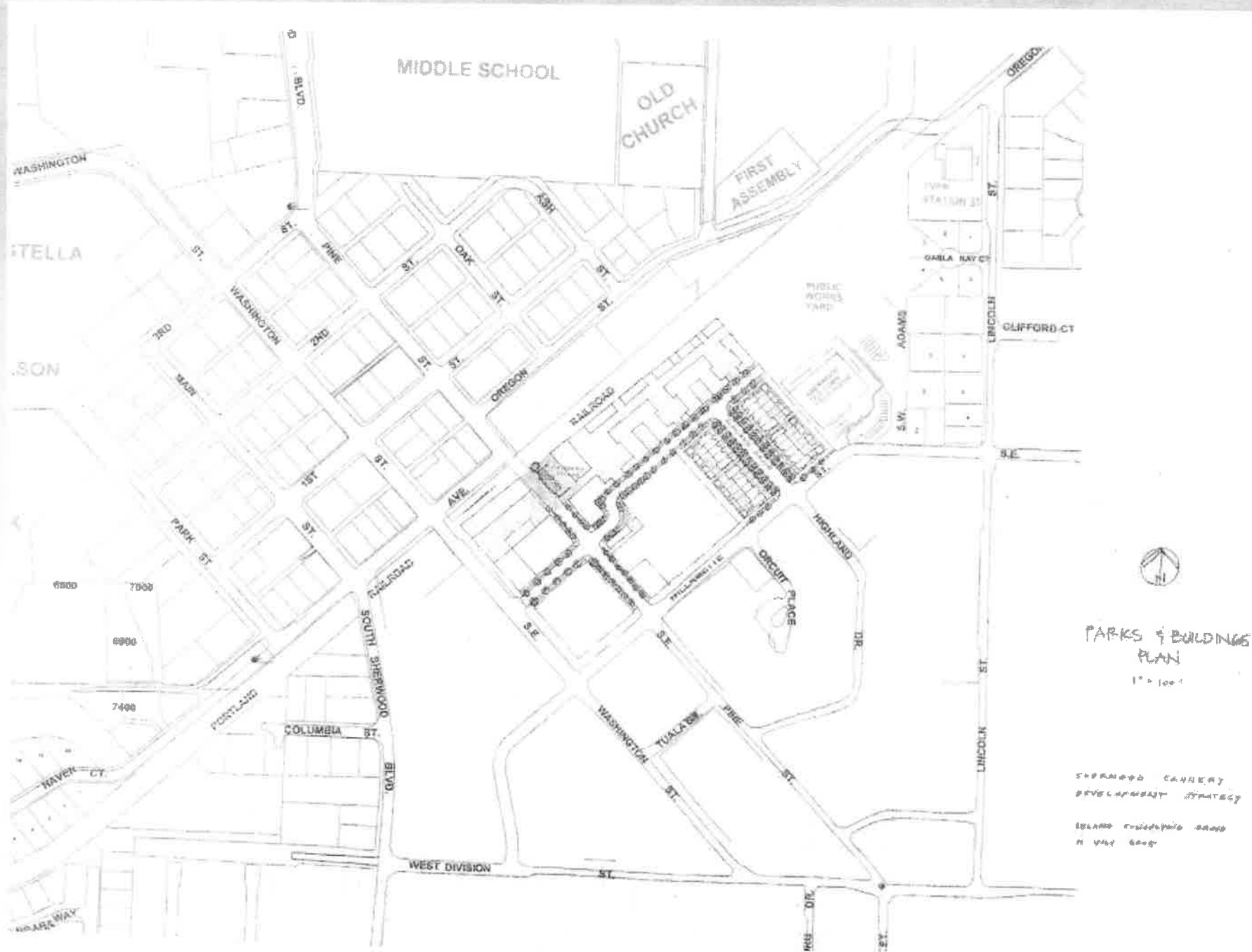
SHERWOOD TOWNSHIP  
PUBLIC WORKS DEPARTMENT  
1987



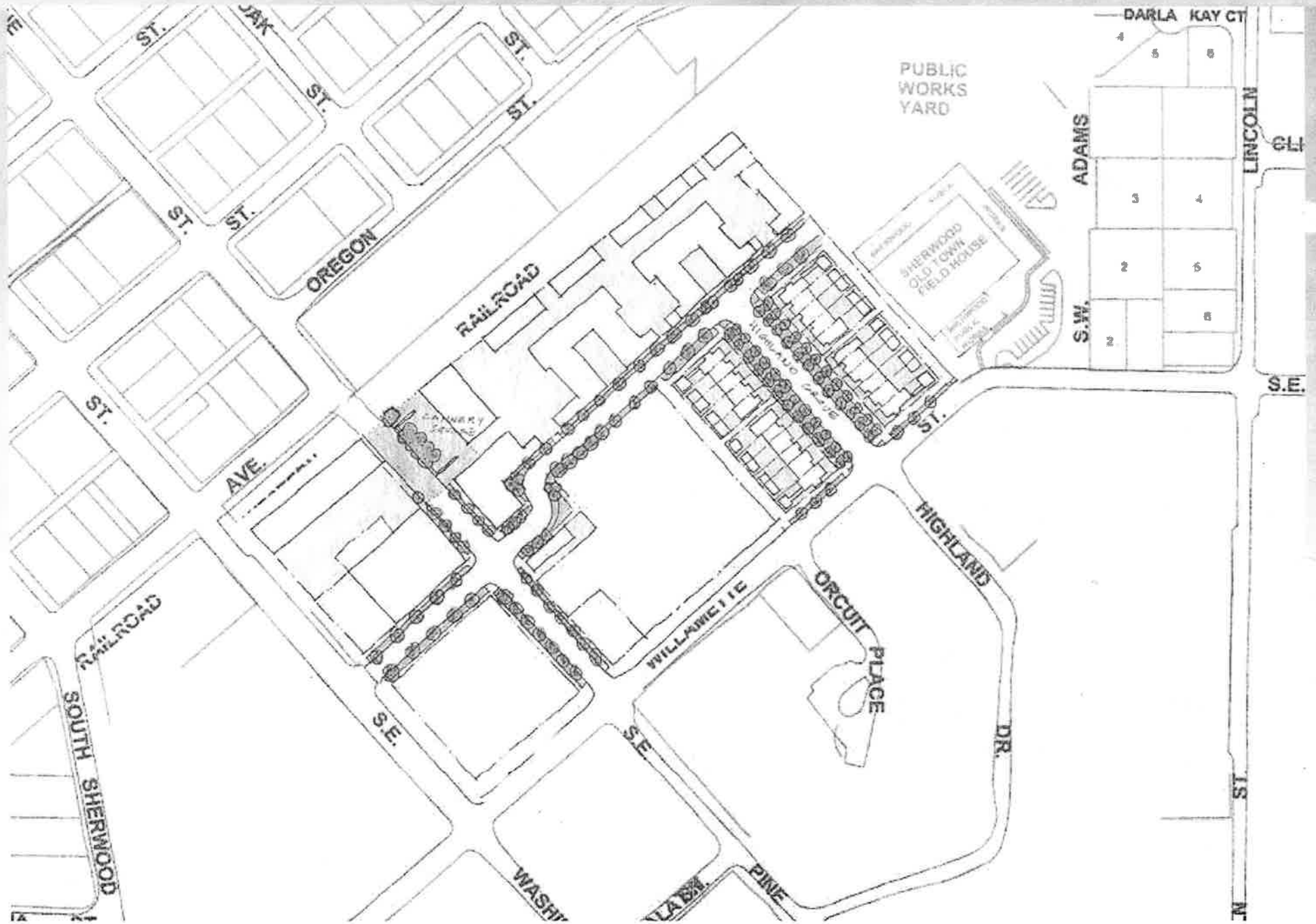
# Development Parcels



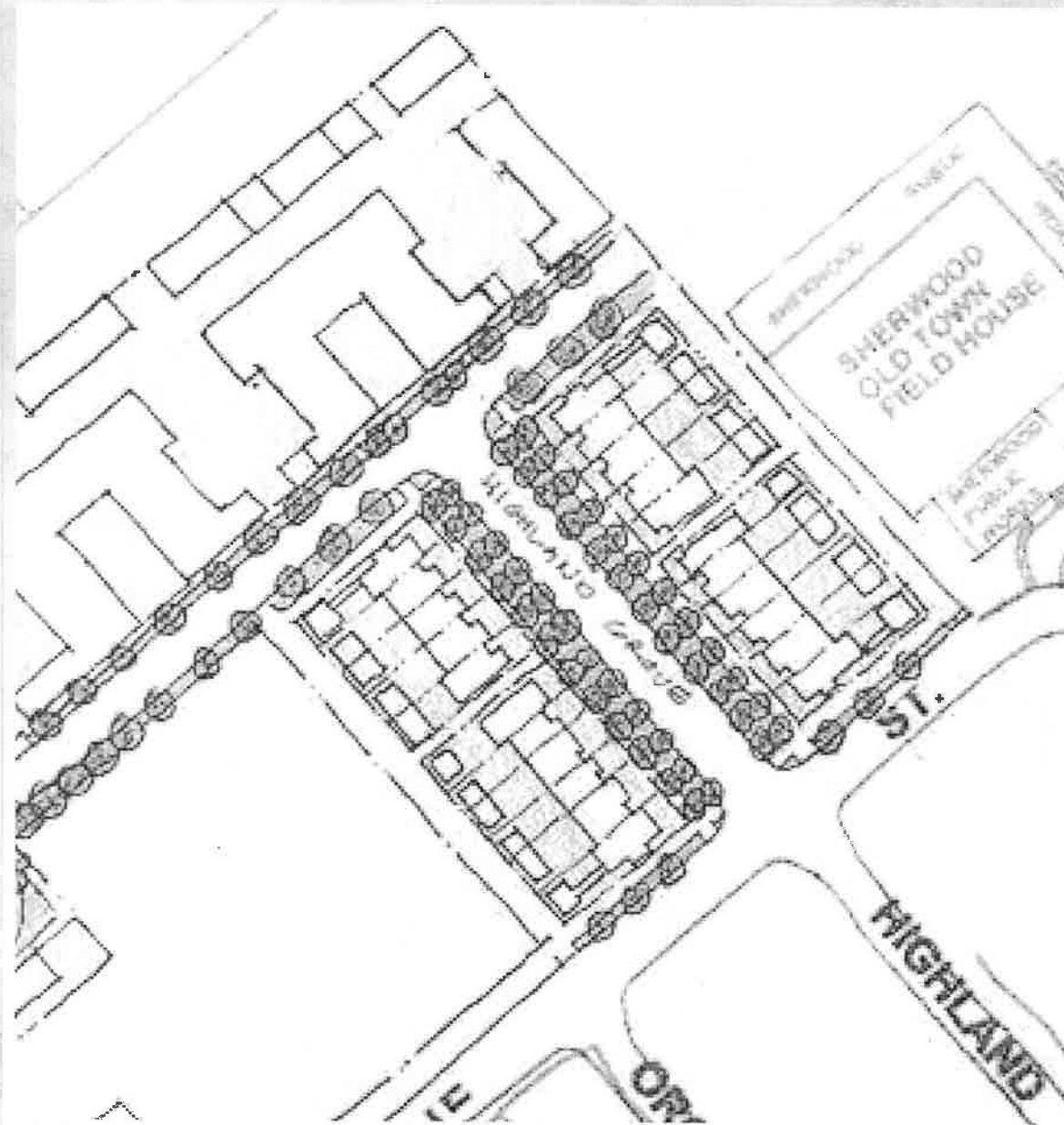
# Building Plan



# Building Plan

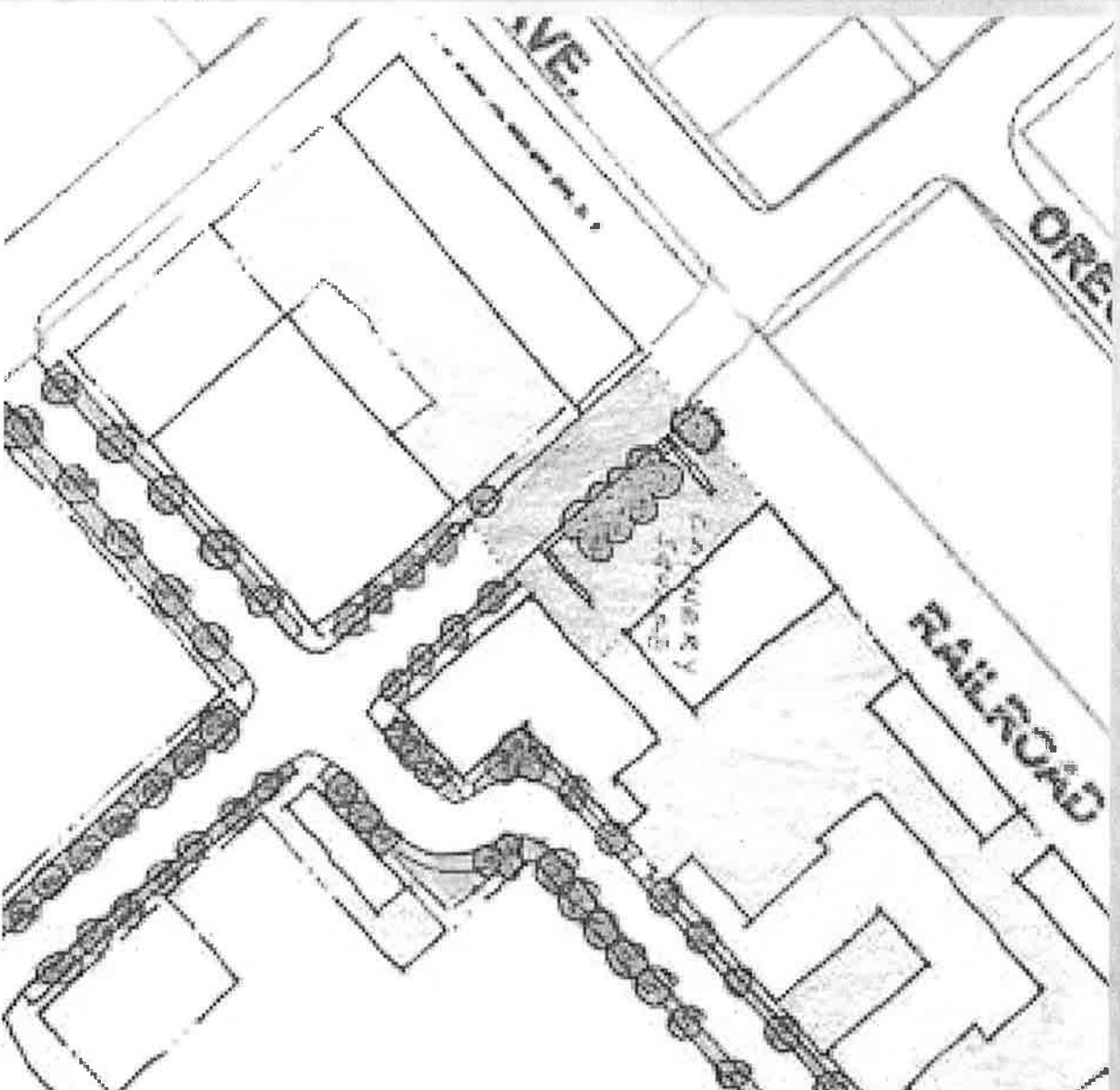


# Building Plan



- Extend the street grid
- Double tree-lined street on Highland
- Densest housing against tracks
- Anticipate adjacent development

# Building Plan



- Small Cannery Square
- “Cap” the retail
- Pedestrian and vehicular connections
- Extend Columbia St. and grid
- Employment uses around square





# Conceptual Rendering

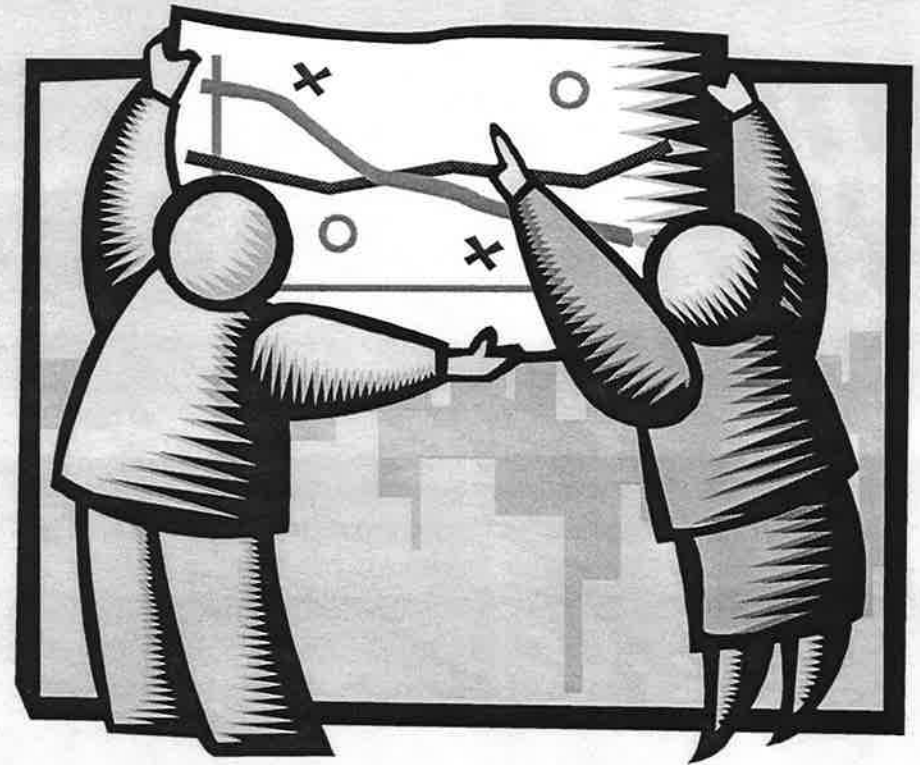


VIEW of CANNERY SQUARE

B. JENNIS '05

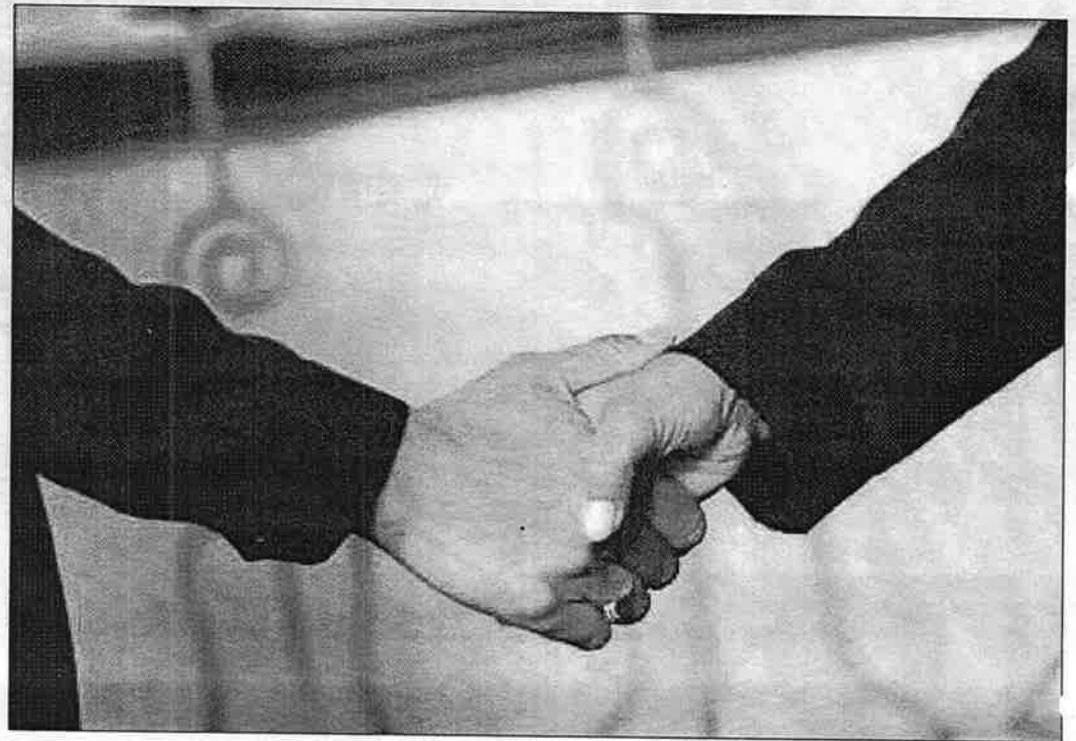
# Development Process

- Vision (now)
- Positioning (now)
- Concept development
- Project management
- Approvals
- Design
- Financing
- Construction
- Sales and closing



# Implementation Options

- Master developer
- or
- Multiple developers



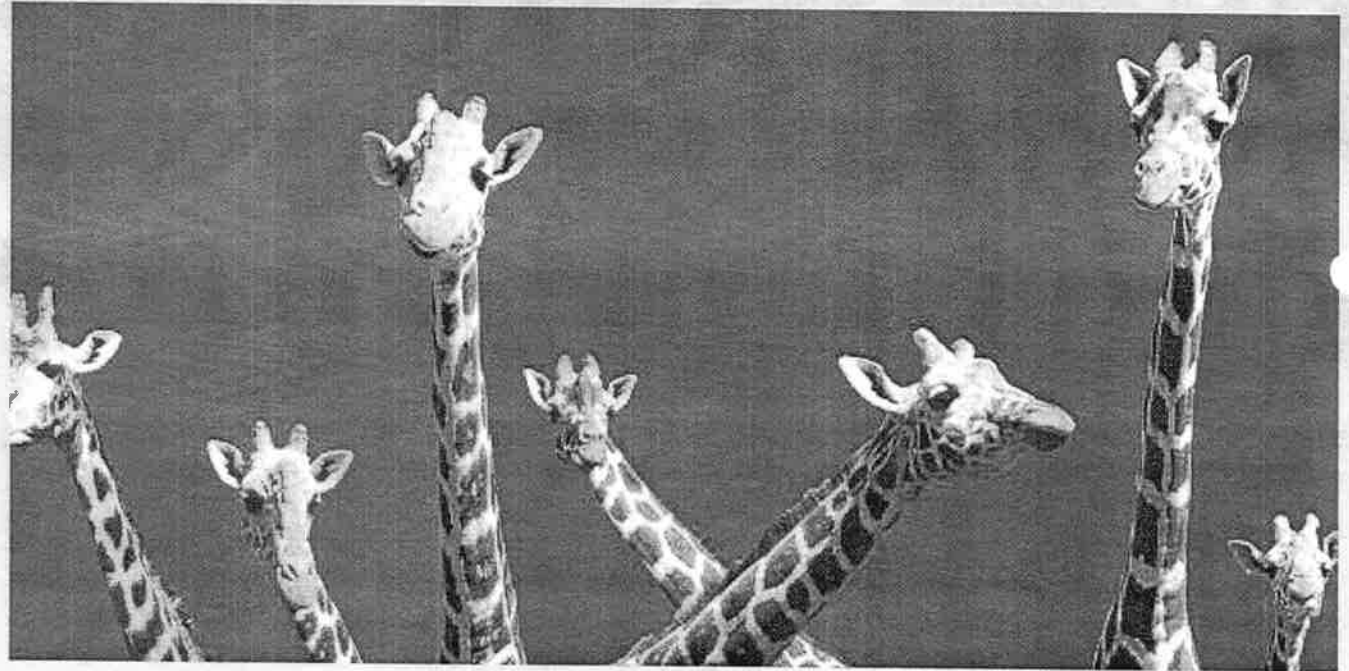


# Implementation: Master Developer

- Sale up front
- Less City involvement
- Partnership with a single entity
- Possible speed



# Implementation: Multiple Developers



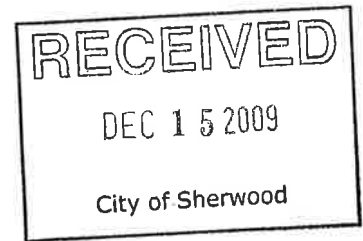
- City control
- Multiple buyers
- Share risk and return

# Next Steps

- Confirm the vision
- Set targets and timelines
- Create conceptual design
- Prepare pro forma
- Meet developers
- Review by SURPAC
- Revise plan and budget, if necessary
- Begin development







TO: Members of the Sherwood Planning Commission  
Members of the Sherwood City Council

FR: Susan Claus

RE: items to add to the record for Sherwood Cannery PUD 09-01, SUB 09-02  
PA 09-05

DT: 15 December 2009

---

Enclosed please find a print out of the 2005 Cannery Development Strategy dated July 19, 2005, excerpted pages regarding the:

- 1) Review: Goals Vision and Concepts,
- 2) Marketing Themes,
- 3) Program,
- 4) Streets and Blocks,
- 5) Development Parcels,
- 6) Building Plan and
- 7) Rendering

These were the original concepts introduced as part of the Sherwood Cannery redevelopment process.

Next, please find a copy of the Request For Proposals document issued July 15, 2007 that was used as the base document that generated Capstone's original response and concept for the Cannery Redevelopment and infill project. It references the 2005 Cannery Development Strategy document above which was meant to "serve as a guide and roadmap for the redevelopment of the cannery site." (See Development Objectives).

The 6.06 acres were being offered for \$3,700,000 (\$14 /sq ft) in shovel ready condition with "no known environmental deficiencies." (See Environmental Remediation.) We were at the time and still are in process of trying to determine the scope and extent of the Cannery's environmental issues through the Brownfield DEQ/EPA process. In the Utilities Infrastructure section of the RFP it states, "The site currently has electrical, sewer, water, gas and communications service. The developer WILL EXTEND THESE UTILITIES FROM THE PROPERTY LINE ONTO THE SITE." SDCs for the project were estimated at \$2 to \$2.5 million. The city agreed to demolish and remove the existing improvements and deliver the site in shovel ready condition. The developer was supposed to complete the construction of the project. The City and/or urban Renewal Agency were not going to be putting in the public improvements and infrastructure.

Capstone was chosen to be the developer for the project. Enclosed please find a newspaper article date December 1, 2007 that summarizes the Capstone mixed use concept for the Cannery project that combined brick buildings, a public plaza with retail stores and offices, and townhouses above the retail.

WHAT HAPPENED? SOMEONE NEEDS TO EXPLAIN HOW WE ARE NOW BEING PRESENTED WITH 101 multi-family apartments in two buildings clustered along Willamette and Highland streets. The retail/commercial pads look like a small strip mall—the marriage between residential and commercial has been abandoned—all we are left with multiple uses—not mixed uses. Our vision has been radically altered. Only a few residents have been “legally” notified (100 ft abutting the project) of the specific changes. This current proposal does not comport with our town’s vision for this project. We also need to be mindful of the impending development in the Langer PUD and how it will impact the traffic and livability for the district.

PLEASE REVIEW THESE MATERIALS AND RECOMMEND TO THE CITY COUNCIL that the application goes back for revisions based on “mixed-uses” rather than multiple uses that have not been harmonized for the district. The original vision for medium density has also be altered—please recommend that the number of residential units be lowered to the medium density standards. Please also ask for a district parking plan so we can resolve that fundamental problem in the district and not increase the parking deficiencies.


We are poised to LOSE several millions of dollars in the district because the staff and applicant are asking the Urban Renewal district to pay for the roads and public improvements, pay the developer as a general contractor to oversee the work, and give the developer density increases up to 101 apartment units and reduced buy in rates on the Retail commercial pads that will be completed at the expense of the Urban Renewal district. They also want fundamental approvals before significant details are presented and approved by the citizens.

We have a young planning staff, none of whom live in Sherwood—four of the five planners are new in the field with little experience outside of Sherwood except for internships and schooling. This project is too important to let the planning and urban renewal staff “learn on the job as they go.” By a simple review of the application and submitted materials, it is obvious we as citizens in this Home Rule town need to exercise our duties and responsibilities as Home Rule citizens and become informed and involved. I am not disparaging the staff or the city manager—rather I am pleading for all of us to be part of the solution and help ensure the long term health of Historic Old Town Sherwood.

Additionally, monies that were supposedly to be reserved for our Performing Arts Center will be eaten up by this proposal if passed. We will Not have enough money for our Performing Arts center. We also have significant environmental hazard exposure in the cannery land itself and quite likely in the Machine Works building itself.

PLEASE SAY NO to this PROPOSAL. We need financial and land use clarity before a PUD can be considered for our Urban Renewal district and Historic Old Town. We also need to get the established neighborhoods around this infill / redevelopment project properly notified and armed with as many facts as possible on any Cannery Square land use proposals.

Thank you for listening.

Sincerely,  
  
Susan Claus

22211 SW Pacific Highway, Sherwood, Oregon 97140

Page 2 of 2



# Review: Goals

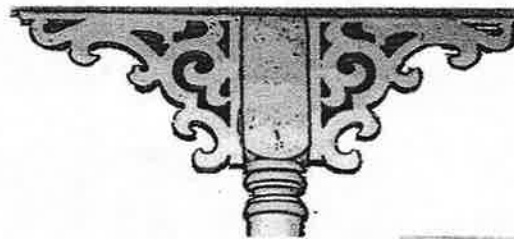
- Stimulate investment in Old Town
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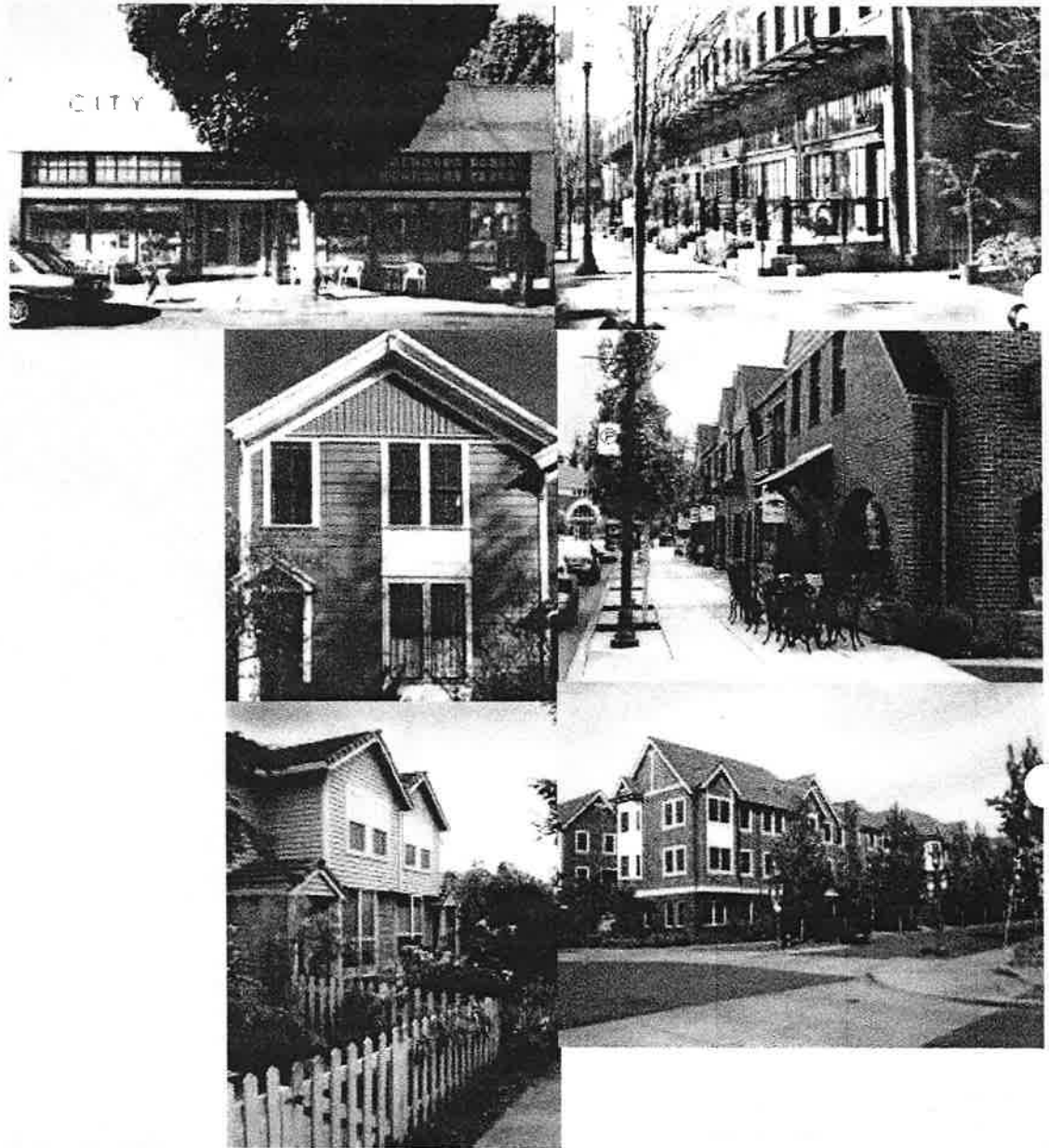
# Marketing Themes

- Community
- Authenticity
- Convenience and connection
- Security

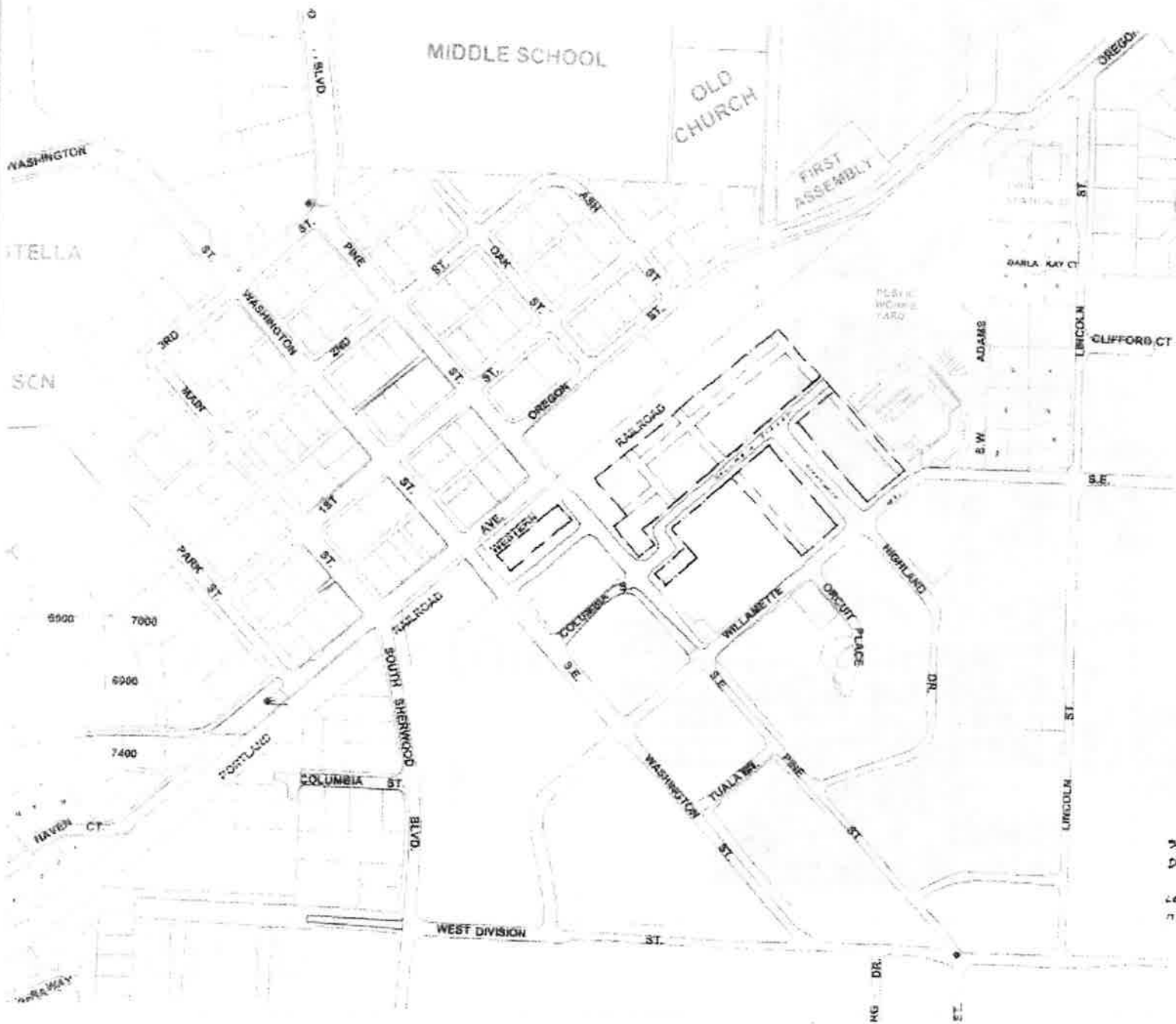


# Program

- Storefronts
- Live-work row houses
- Cottages
- Townhouses & Condominiums



# Streets and Blocks



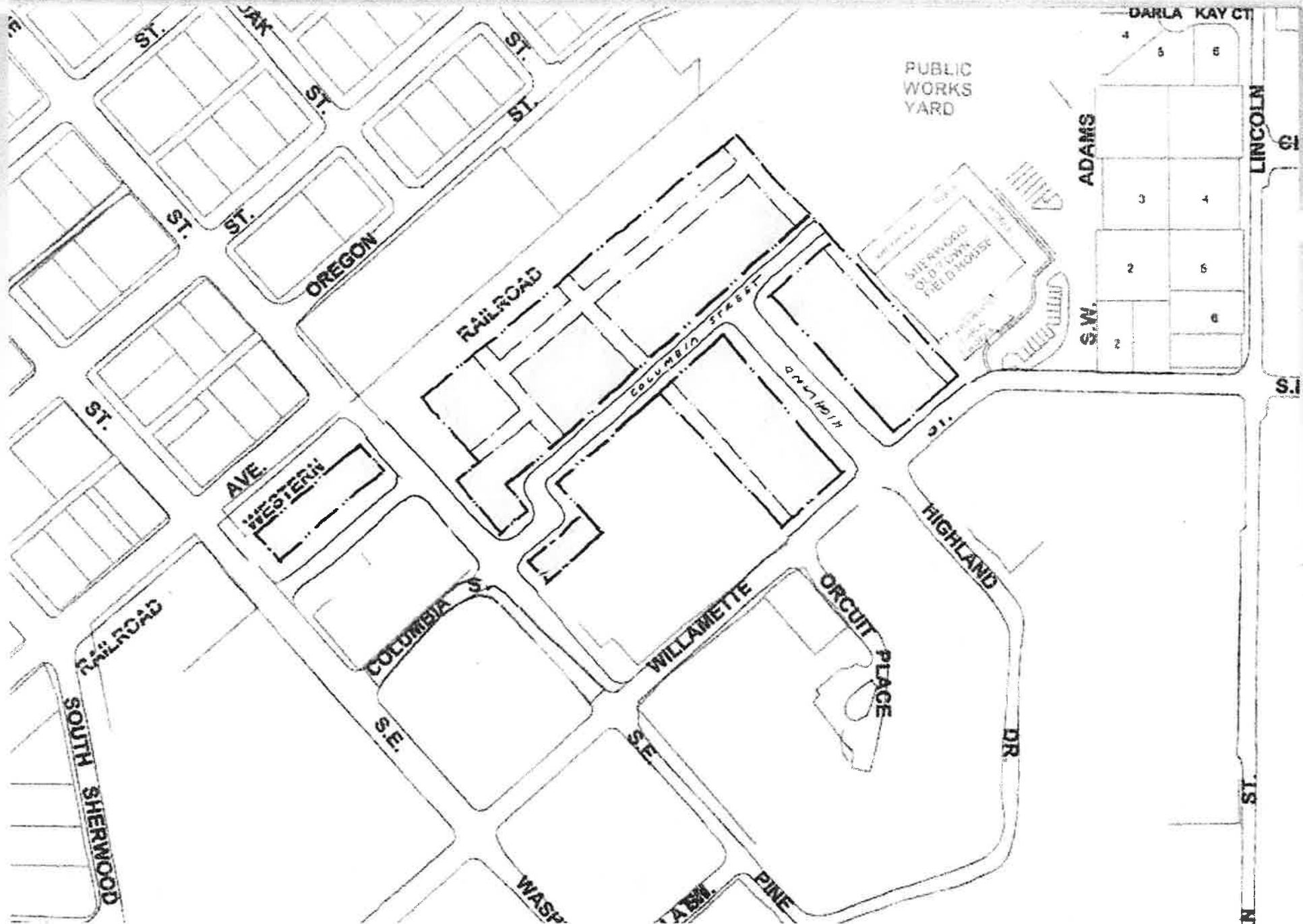
BLOCK & STREET PLAN

1" = 100'

SHERWOOD CANNERY DEVELOPMENT STRATEGY

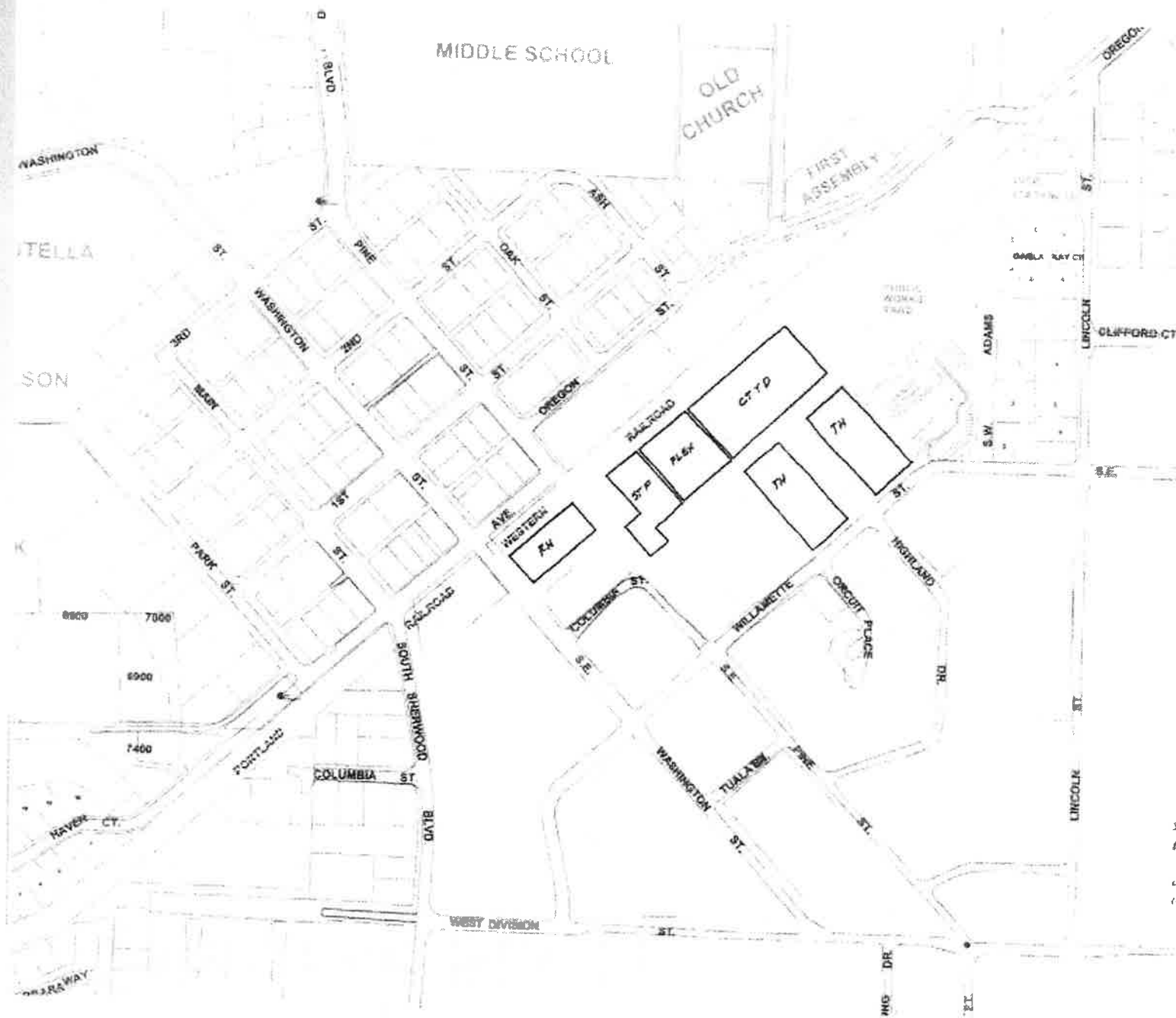
LELAND CONSULTING GROUP  
17 APRIL 2000

# Streets and Blocks





# Development Parcels

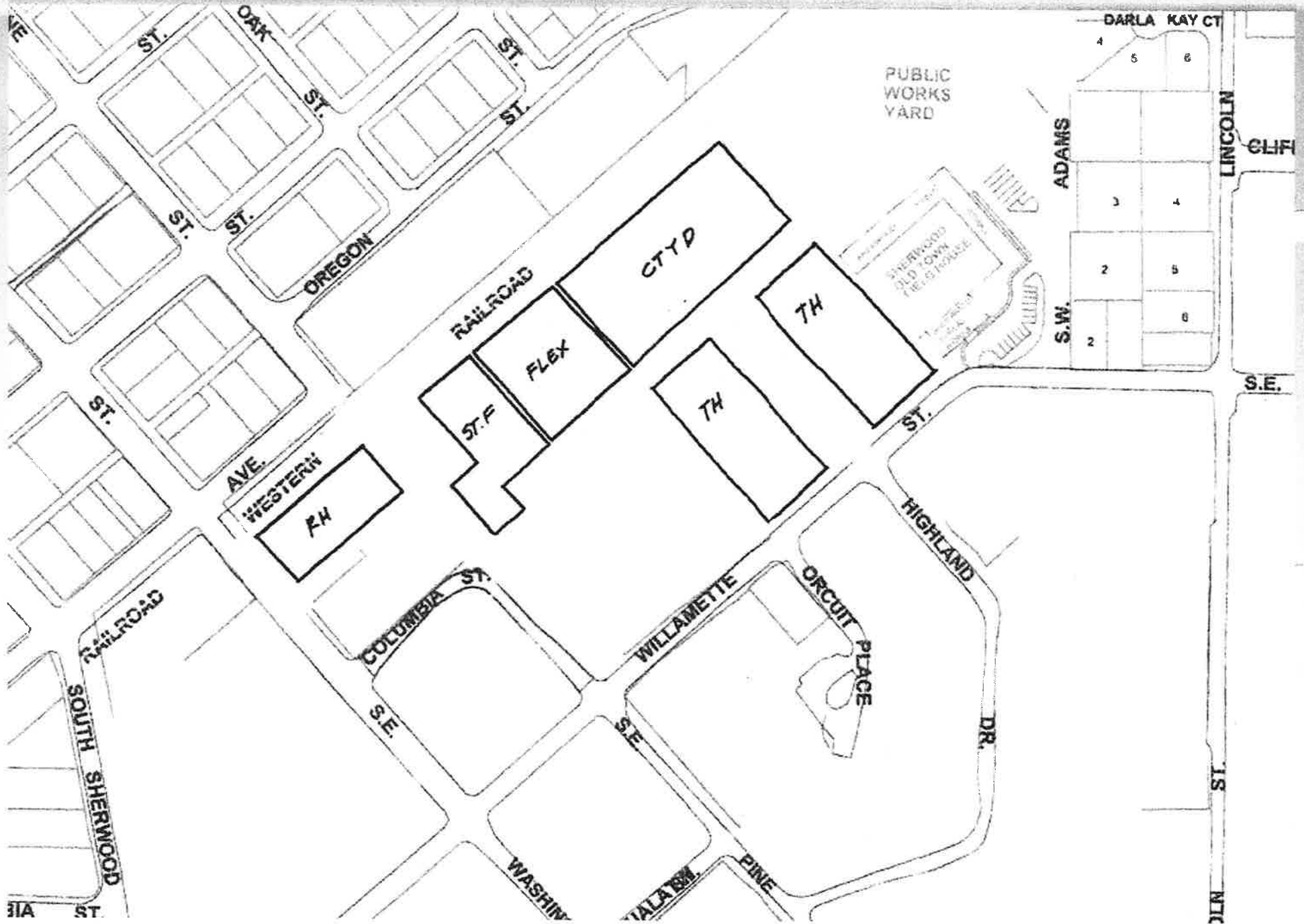


PARCEL PLAN

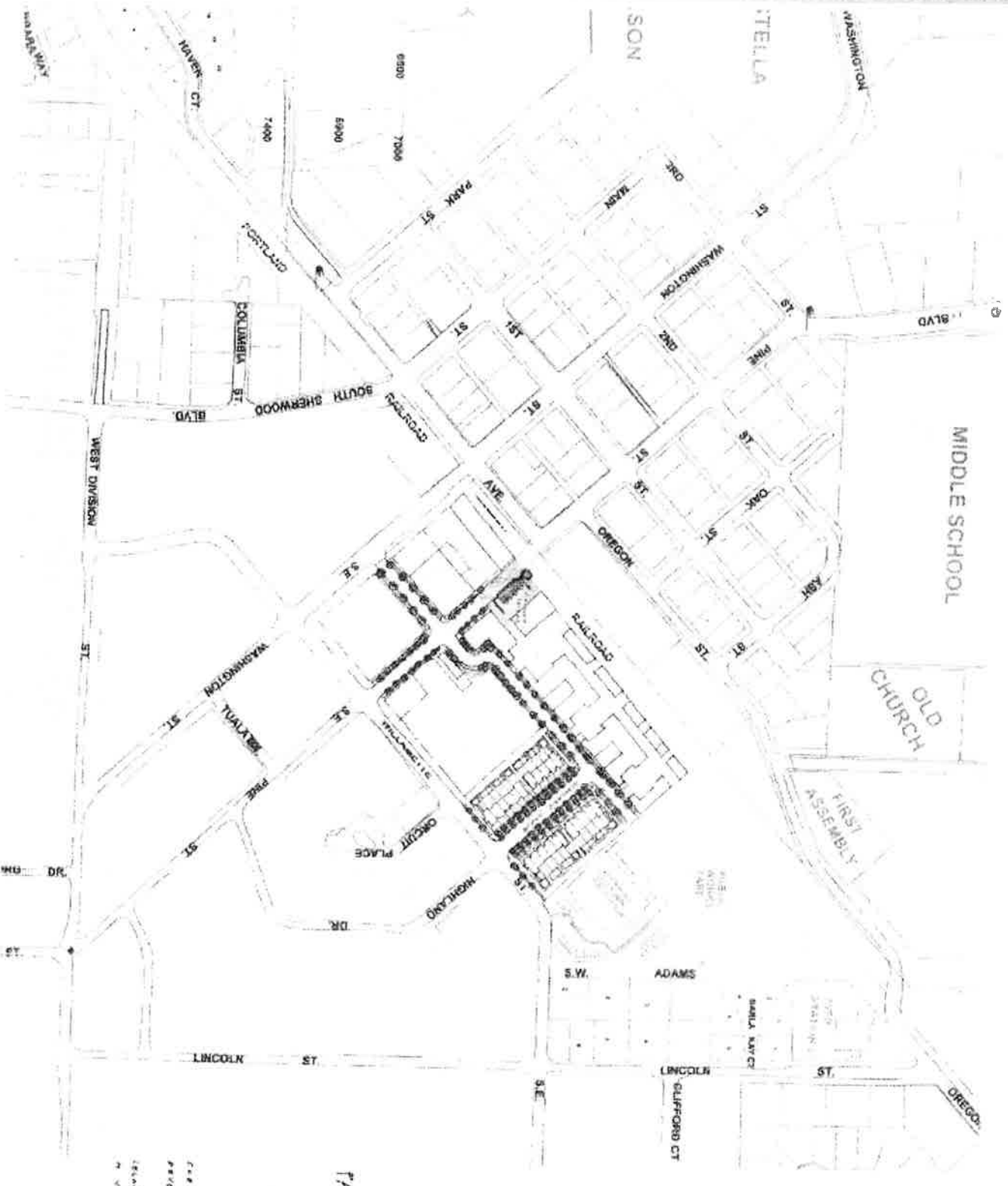
SHERWOOD CANNERY  
DEVELOPMENT STRATEGY

LAND CONTAINING MAP  
12 1011 0001

# Development Parcels



# Building Plan

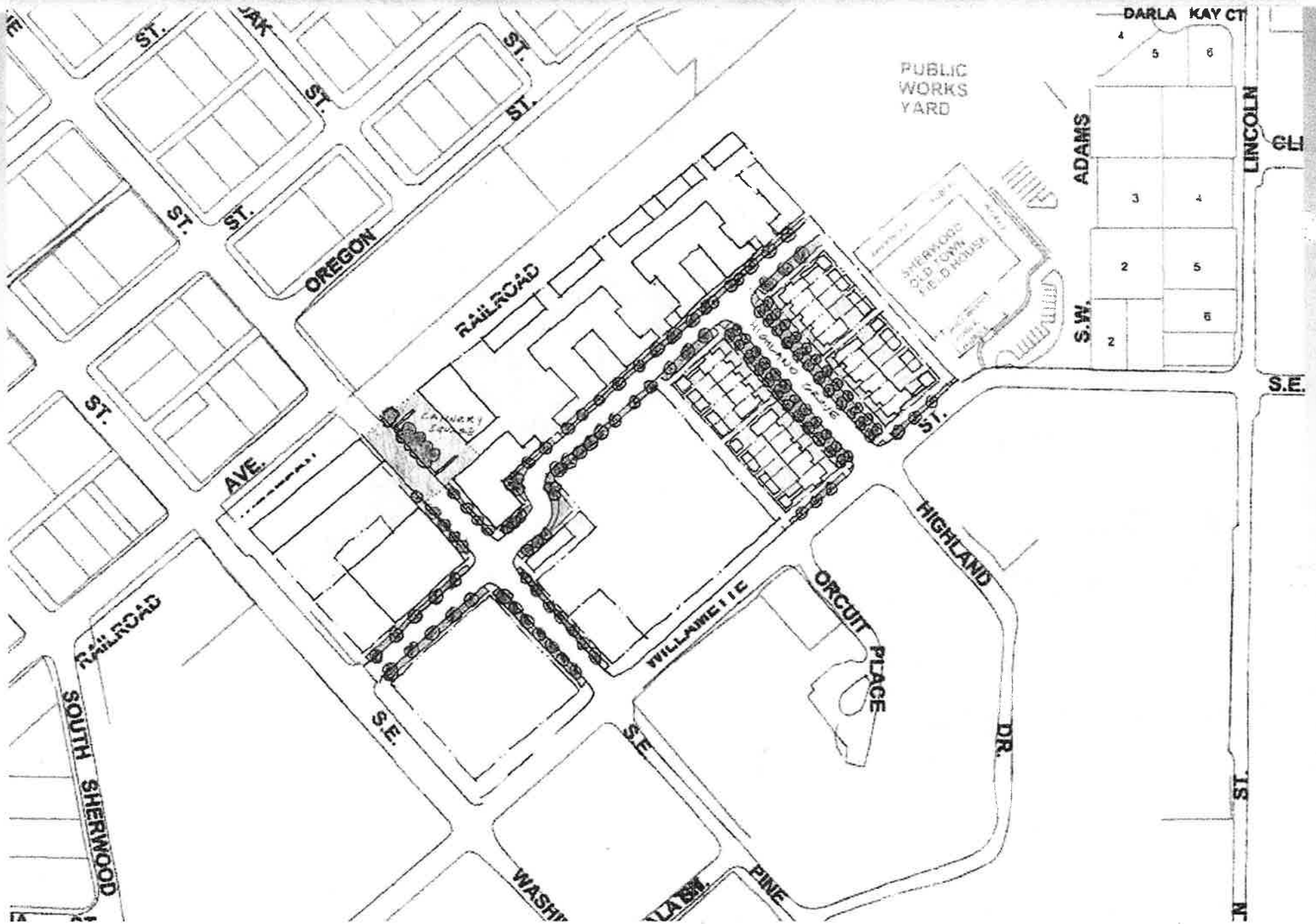


PARKS & BUILDINGS  
PLAN  
1" = 100'  
FERRELL'S SAUNDRY  
PARKWAY STRATEGY  
Landscape Architecture Group  
MAY 2008

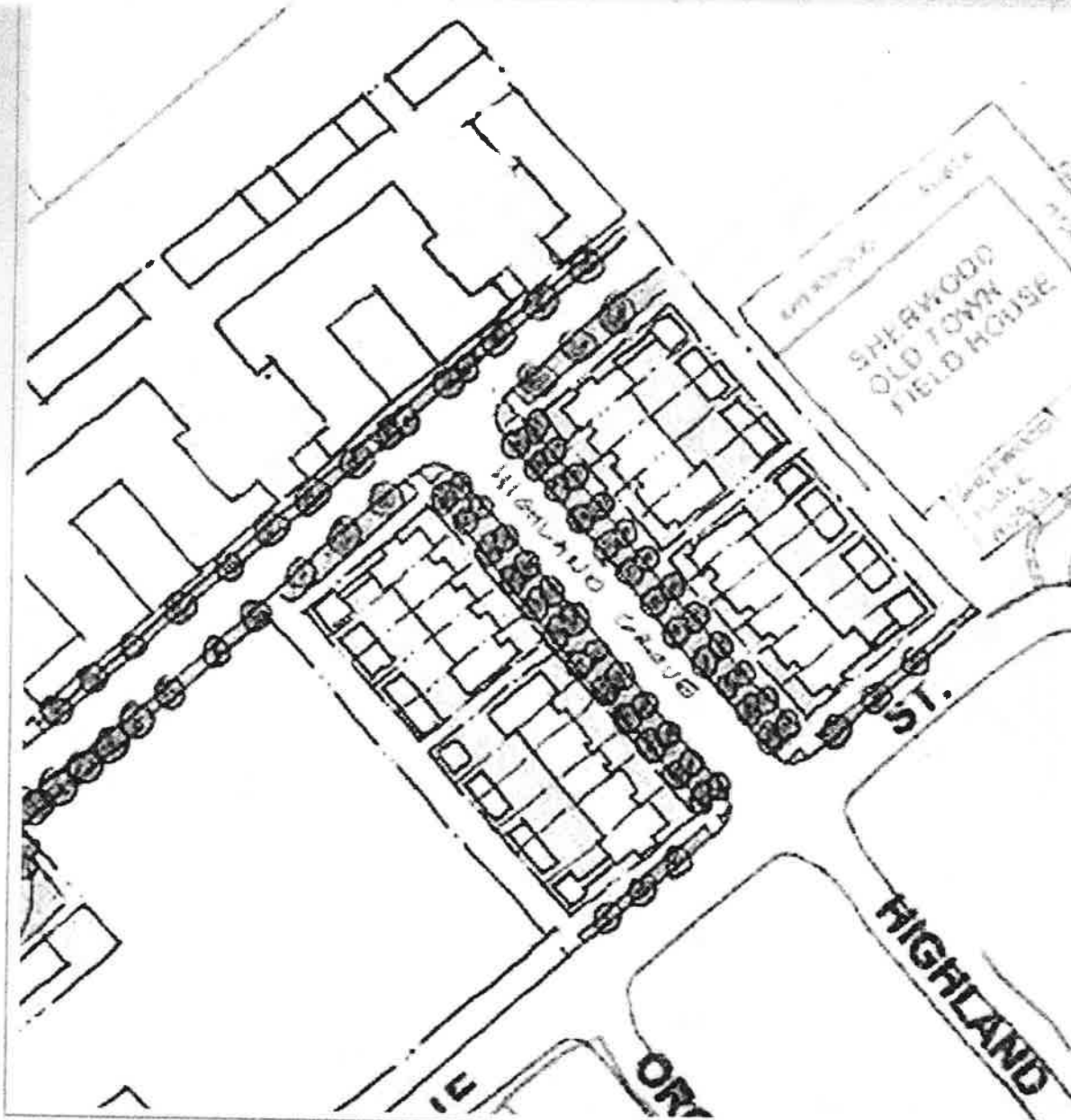




# Building Plan

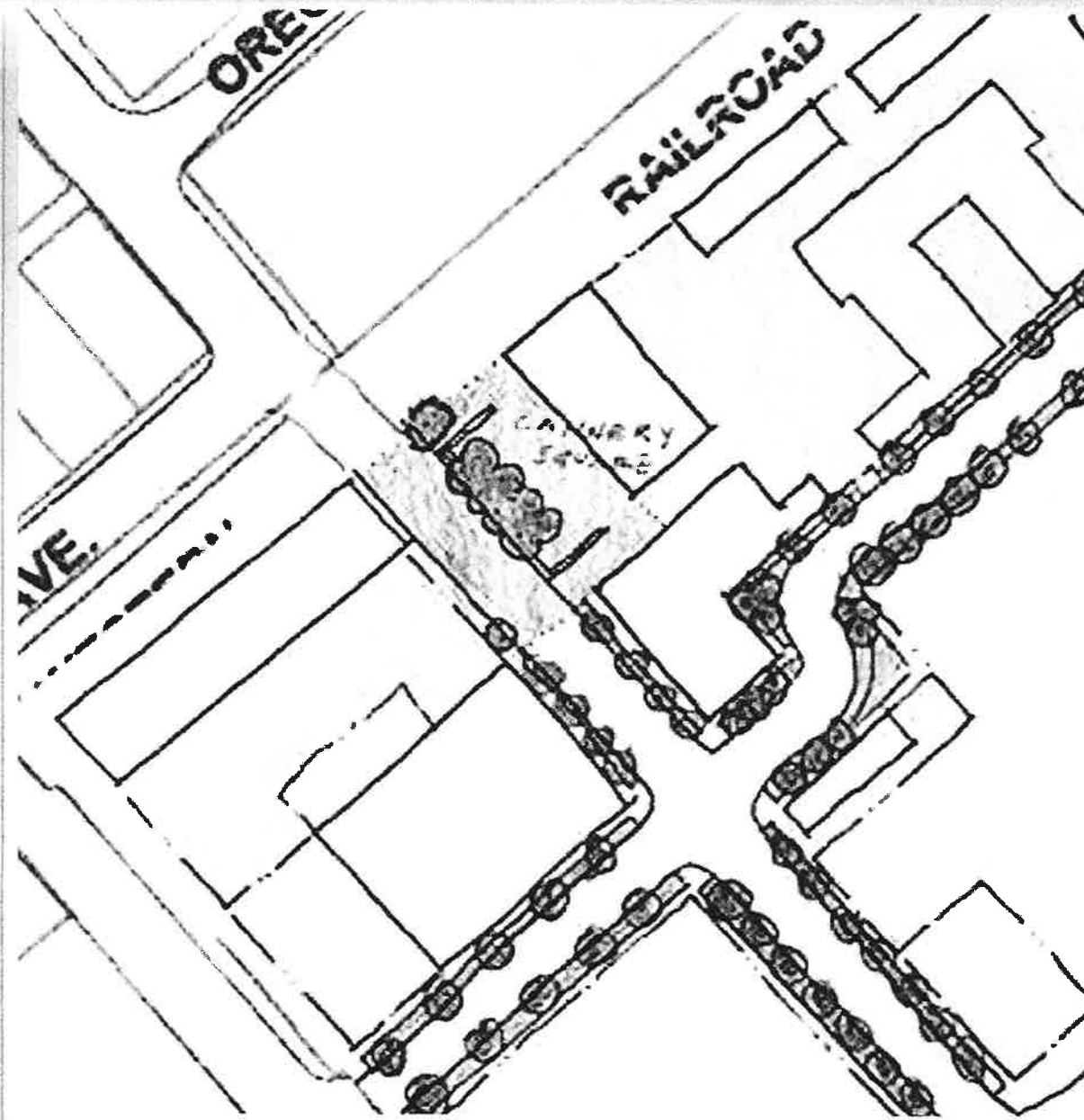


# Building Plan



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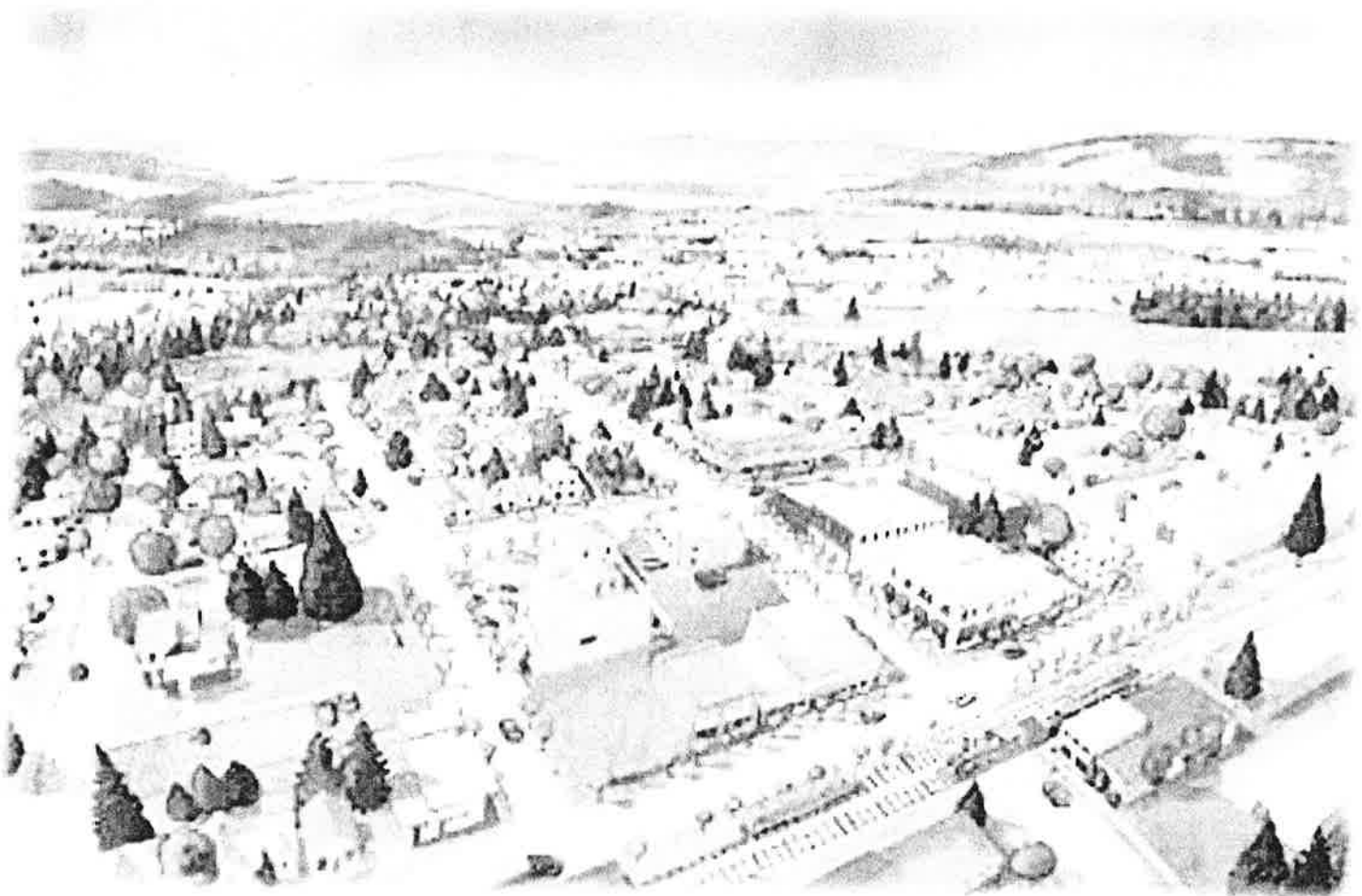
# Conceptual Rendering



VIEW of CANNERY SQUARE

B. LEWIS '05





## **Request for Proposals**

### **City of Sherwood Redevelopment of the Old Cannery Site**

Issue Date: July 5, 2007

*Exclusive Representation*

**GVA Kidder Mathews**

One SW Columbia Street, Suite 950

Portland, OR 97258

503.221.9900

 **GVA Kidder Mathews**



# Table of Contents

1. The Opportunity
2. Introduction
3. Executive Summary
4. The Site
5. Development Responsibilities
6. Terms & Conditions
7. Selection Process & Criteria
8. Submission Requirements
9. Submission Instructions

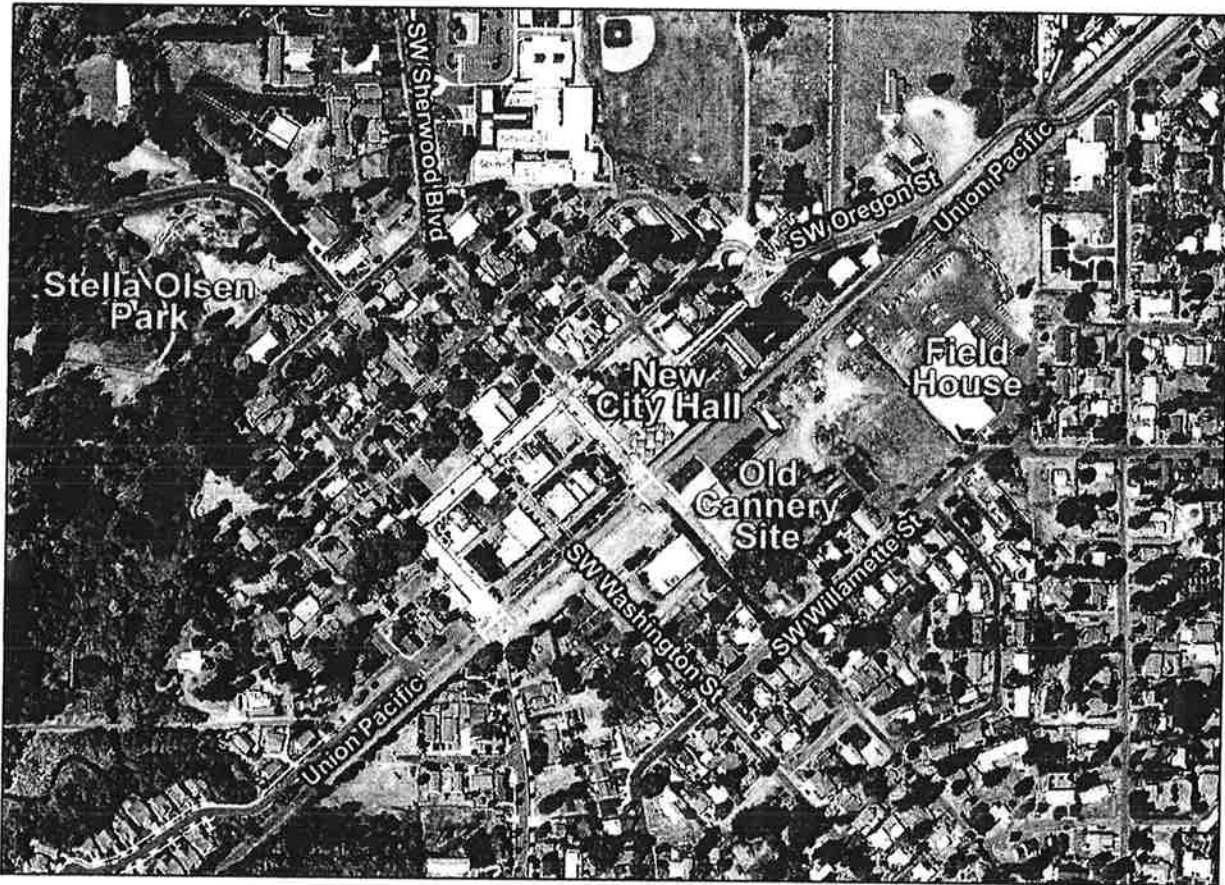
# 1. The Opportunity

*Three Parcels in Downtown Historic Sherwood, Oregon*

**Appraised at \$3.7 Million - \$14 per square foot**

## **MAJOR REDEVELOPMENT OF SUBURBAN DOWNTOWN SHERWOOD**

This redevelopment will consist of three parcels in historic Old Town Sherwood totaling 6.06 acres (263,974 SF) and known as the Old Cannery Site. The parcels are zoned either High-Density Residential or Retail Commercial and the Redevelopment Program targets a mixed-use scheme of residential uses comprising 50%-70% of the property and commercial-retail uses comprising the balance of the site.





## THE OFFERING

The material contained in this Offering Memorandum is confidential, furnished solely for the purpose of considering the purchase of the real property described herein, and is not to be used for any other purposes or made available to any other person without the express written consent of GVA Kidder Mathews.

Interested buyers should be aware that Seller, City of Sherwood, owner of the real property known as the Old Cannery Site, is selling the property in its "AS IS" condition with all faults, without representations or warranties of any kind or nature. Prior to and/or after contracting to purchase, as appropriate, Buyer will be given a reasonable opportunity to inspect and investigate the Property and all improvements thereon, either independently or through agents of Buyer's choosing. In addition to the first sentence of this paragraph, but without limiting the generality thereof, Buyer shall not be entitled to and should not rely on Seller or its affiliates or its agents as to (i) the quality, nature, adequacy, and physical condition of the Property, including, but not limited to, any structural elements, foundation, appurtenances, access, landscaping, and the electrical, HVAC, plumbing, sewage, and utility systems; (ii) the quality, nature adequacy, and physical condition of soils, ground water, and geology; (iii) the existence, quality, nature, adequacy and physical condition of utilities serving the Property; (iv) the development potential of the Property, its habitability, merchantability, or fitness, suitability, or adequacy of the Property for any particular purpose; (v) the zoning or the legal status of the Property; (vi) the Property's or its operation's compliance with applicable codes, laws, regulations, statutes, ordinances, covenants, conditions, and restrictions of any governmental, quasi-governmental entity, or any other person or entity; (vii) the quality of any labor and materials furnished at or to the Property; (viii) the compliance of the Property with any environmental protection, pollution, or land use laws, rules, regulations orders or requirements, including, but not limited to, those pertaining to the handling, generating, storing, or disposing of any hazardous materials, or the Americans with Disabilities Act; and (ix) except as expressly provided otherwise in an executed contract of sale, the condition of title and the nature, status, and extent of any right-of-way, lease, right of retention, possession, lien, encumbrance, license, reservation, covenant, condition, restriction, and any other matter affecting the title. Although the Seller may have performed work, or contracted for work performed by third parties in connection with the Property, Seller and its agents shall not be responsible to Buyer or any successor on account of any errors or omissions or construction defects of such predecessors and/or third parties.

Seller reserves the right to withdraw the Property being marketed at any time, without notice, to reject all offers and to accept any offer without regard to the relative price and terms of any other offer. Any offer to Seller must be (i) presented in the form of a non-binding Letter of Intent, (ii) incorporated in a formal written contract of purchase and sale to be prepared by Seller and executed by both parties, and (iii) approved by Seller before the transaction becomes binding on either party.

Neither the Prospective Buyer nor Seller shall be bound until execution of the contract of purchase and sale, which contract shall supersede prior discussions and writings and shall constitute the sole agreement of the parties. Prospective Buyer shall be responsible for their costs and expenses of investigating the Property and all other expenses, professional or otherwise, incurred by them, including brokerage fees to Buyer's agents.

## DEVELOPMENT OBJECTIVES

GVA Kidder Mathews has been retained by the City of Sherwood ("Owner") to exclusively market the Old Cannery Site, Sherwood, Oregon. The site is approximately 6.06 acres and sits in the heart of Old Historic Downtown Sherwood, located on Highway 99 between Tigard and Newberg.

Sherwood's Old Town Historic District is a 10-square-block area which houses the City Hall and has seen a significant amount of redevelopment in recent years, including the construction of a new City Hall and Library facility, and the construction of significant streetscape improvements by the City of Sherwood.

The redevelopment concept as envisioned by the City of Sherwood and the Cannery Development Advisory Committee (CDAC) contemplates a medium-density mixed-use project for both residential and retail-commercial uses. Ideally, the residential uses would consist of a combination of condominiums, townhouses, and single-family dwellings, while retail-commercial would be comprised of commercial buildings and storefront lofts. Most retail activity would be expected to take place on the first floor with perhaps office space or housing above.

The goals of the redevelopment project include the stimulation of new investment and development in Old Town, north of the railroad tracks, which border the site. A "small-town" feel and complimenting the existing Old Town is the goal of the project which should have a unified architectural character and should encompass the grid pattern established in Old Town and adjacent neighborhoods. The ultimate character of the development should be that of a unique, high-quality place which capitalizes on the major investment the City has made in new streets, sidewalks, and street lighting north of the railroad tracks. A small open area, plaza or town square suitable to a community gathering place will need to be included in the redevelopment scheme.

The City's redevelopment concept was derived from a July 2005 consultant document, "Sherwood Cannery Development Strategy". The document is available on [www.sherwoodcannery.com](http://www.sherwoodcannery.com) as an attachment, and is meant to serve as a guide and roadmap for the redevelopment of the Cannery site. While it suggests percentages for the relative mix of residential and retail-commercial uses, the City of Sherwood will be flexible in allowing the ultimate developer to implement its desired strategy. Further, the schematic diagrams showing the composition and building types on the respective development parcels are to be treated as guidelines only.

Similarly, the Redevelopment Strategy reflects the requirements of the Old Town Overlay District (OT), contained in Chapter 9 of the Sherwood Zoning and Development Code. The OT zoning-district is intended to establish objectives and define a set of development standards to guide physical development in historic downtown Sherwood. The OT overlay is intended to provide development flexibility with respect to uses, site sizes, setbacks, heights, and site design elements. Land use applications must demonstrate substantial conformance with the Overlay District standards.

The ultimate overlaying goal is a successful, high-quality project which maximizes the Cannery project's "small-town" feel, compliments the existing Old Town, and can be successfully implemented by a capable developer with a proven track record.

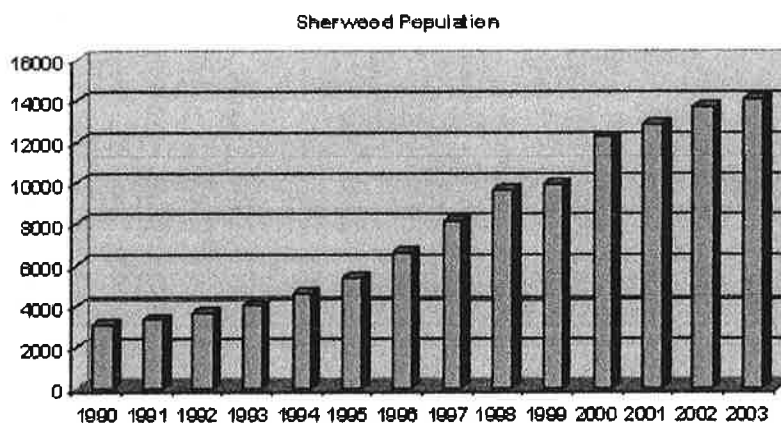
A complete copy of the Sherwood Cannery Development Strategy can be downloaded from the "Opportunity" Section of [www.sherwoodcannery.com](http://www.sherwoodcannery.com).

## 2. Introduction

### BACKGROUND AND HISTORICAL HIGHLIGHTS – SHERWOOD, OREGON

Prior to western settlers arriving in 1853, the Tualatin Indians inhabited the area which is now known as Sherwood, Oregon. In 1885, JC Smock gave a right-of-way on his property to the Portland and Willamette Valley railroad. He and his wife, Mary Ellen Sebastian platted the town in 1889, the same year rail service began. Tradition has it that no one, not even the town's founders liked the name "Smock Ville," and so a public meeting was held to rename the town. A prominent businessman, suggested the name Sherwood, which is the town in Michigan that he was from, which is itself named after the legendary Sherwood Forest of England.

The main industry in the 1890's was a brick yard supplying building materials to Portland. Most of Sherwood's commercial buildings were built at this time, including the nine-block area known as Old Town. The brickyard closed in 1895, and a year later, a terrible fire razed most of the business district. The economy diversified to include a fruit and vegetable cannery and a tannery, which supported Sherwood until 1971. Today the main industry is manufacturing. In 1911, Sherwood's city limits were one square mile, and a population of 350. Today, Sherwood's population is in excess of 15,000 and the city limits have expanded to four and a half square miles.



Sherwood continues to remain one of the fastest-growing towns in Oregon, but such growth has not diminished the small-town atmosphere of historic Old Town, which is evident in annual community gatherings such as the popular Robin Hood Festival, Cruisin Sherwood Classic Car Show, Music on the Green, The Arts Festival, the Onion Festival, Run for the Roses and Missoula Children's Theatre. In addition, Sherwood boasts excellent active recreational facilities that play host to state and regional high school and youths sports championship events.

Sherwood is also home to the Tualatin River National Wildlife Refuge, one of only a handful of urban national wildlife refuges in the country. The Tualatin River National Wildlife Refuge has received Sunset Magazine's 2007 Environmental Award for being a piece of "preserved paradise". The refuge was included on a list of 10 winners Sunset honored in Alaska, Arizona, California, Hawaii, Montana, New Mexico and Utah. The awards are detailed in the magazine's March 2007 edition. The 1,358-acre refuge, just off Oregon 99W, about 15 miles southwest of Portland, was opened to the public last June, offering a network of walking trails through varying habitats, as

well as a wildlife photography blind and a pier for handicapped fisherman. An interpretive center remains under construction. The U.S. Fish & Wildlife Service has approved plans to expand the refuge to more than 3,000 acres.

While Old Town boasts antique shops and tea houses, it is only minutes away from new commercial development concentrated at Highway 99W and Tualatin-Sherwood Road and rolling hills and farmland have combined with high-end residential development to provide a bucolic setting south of Old Town. The Cannery site is adjacent to rail lines that could be used in the future for commuter rail from the Portland Airport to Yamhill County. Sherwood will also serve as the "end of the line" for the Washington County winery tour as part of the Washington County tourism plan.

Sherwood's location approximately 12 miles southwest of downtown Portland in southeast Washington County offers residents a suburban community with a rural feel.

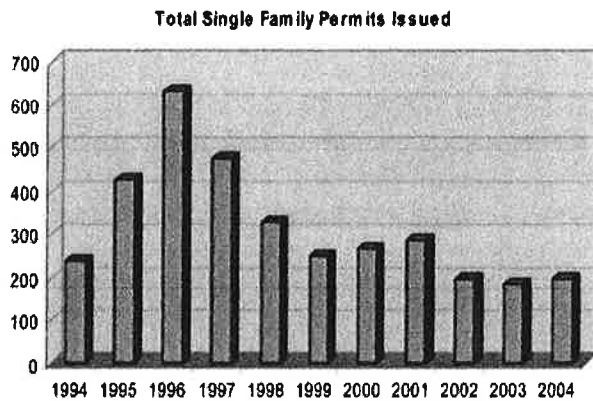
Schools within the Sherwood School District are acknowledged as among the best in metropolitan Portland, and Sherwood academic Target Scores exceed State of Oregon Student Benchmarks in all categories. Sherwood High School's dropout rate of 1% is an academic statistic that distinguishes it from virtually every other large high school in Oregon, and extracurricular participation by students exceeds 75%.

During a period when Oregon's public school districts have faced challenging funding issues, Sherwood residents have shown their commitment to educational funding. With the recent passage of a \$98 million capital construction bond measure, the district is assured of the ability to maintain existing facilities and add new school facilities as necessary.

Sherwood's small-town ambiance, suburban yet rural character, and superior schools are reflected in an average median household income of \$70,549, compared to a \$52,122 median income for Washington County. Further, the median sale price of residential housing in Sherwood is \$342,184, compared to a median price of \$253,940 for Washington County.

## STRONG LOCAL ECONOMY

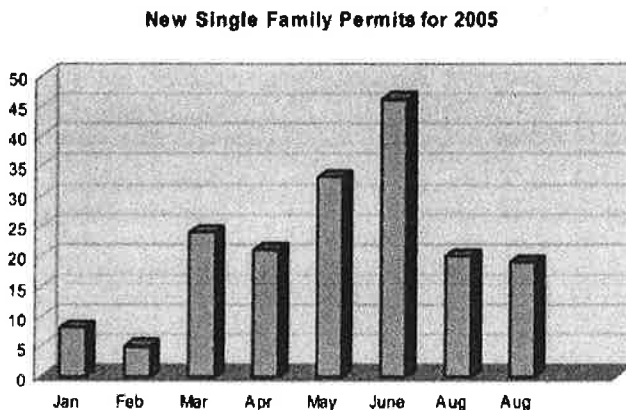
Oregon's unemployment steadily decreased from 2003 through 2005 and stands at 5.57% though the state continues to underperform the nation, which saw an unemployment decrease to 4.7%. Economic forecasters are predicting that the region will create more jobs and see another one million residents added to its population base. Part of the growth is attributed to the excellent quality of life, access to recreational opportunities, moderate climate, and a good public school system.



## LACK OF AVAILABLE RESIDENTIAL LAND

With the creation of the Urban Growth Boundary in the 1970s, suburban sprawl has been contained and measured growth has allowed cities such as Sherwood to provide new housing stock and an excellent school system. Development has been thoughtful and reflective of city council decisions aimed at consistent design standards, contained commercial development, and affordable as well as upscale residential neighborhood developments.

However, the supply of developable residential and commercial land has diminished over the past five years, and the challenge of bringing additional land into the Urban Growth Boundary is becoming difficult. These conditions are in large measure responsible for the increase in median housing prices in metropolitan Portland, and the availability of an infill residential-commercial parcel as typified by the Cannery site is a unique opportunity.



### 3. Executive Summary

#### THE DEVELOPMENT SITE

An approximate 6.06 acre site owned by the City of Sherwood within the Old Historic Downtown Redevelopment Area, a 10 square block area which has experienced significant revitalization in recent years, including the construction of a new City Hall and Library, and the construction of extensive streetscape improvements.

#### DEVELOPMENT CONCEPT

Commercial and residential with a pedestrian-oriented, medium-density neighborhood that is compatible with, and ideally supportive of, the Sherwood concept development plan. Important development objectives include attracting sensitive design elements compatible with the historic flavor of the Downtown area. The Development Concept and suggested mix of uses are provided as an attachment to this offering.

#### PURCHASE

The site is available for sale only to a single buyer. It is not priced but has been the subject of an MAI appraisal in January 2007 which valued the site at \$3,700,000.

#### SELECTION PROCESS

A two step request for proposal selection process (see Section 7).

#### SUBMITTALS DUE

September 4, 2007 at 4:00 PM. Submittals may be mailed to the address below or delivered in person to the Bid Desk at the City of Sherwood, City Hall, 22560 SW Pine Street, Sherwood, Oregon 97140.

#### CITY OF SHERWOOD REPRESENTATIVES

For further information, contact via letter, fax or e-mail.

Tony R. Reser  
Senior Vice President  
GVA KIDDER MATHEWS  
One SW Columbia St., Suite 950  
Portland, OR 97258  
503.221.2271 phone  
503.221.2277 fax  
treser@gvakm.com

Colleen S. Colleary  
Vice President  
GVA KIDDER MATHEWS  
One SW Columbia St., Suite 950  
Portland, OR 97258  
503.221.2265 phone  
503.221.2277 fax  
colleenc@gvakm.com

James Patterson  
Assistant City Manager  
CITY OF SHERWOOD  
22560 SW Pine St.  
Sherwood, OR 97140  
503.625.5522 phone  
503.625.5524 fax  
pattersonj@ci.sherwood.or.us

## 4. The Site

### DESCRIPTION OF SITE

Subject site is located on a city block which is divided by a wetland area. The site is an L-shaped site with frontage along both SW Willamette and SW Pine streets. The site is effectively level at street grade and is served by all public utilities.

### LAND AREA

Three parcels consisting of 263,974 square feet (6.06 acres) Gross Site Area. The subject area is summarized in the following table:

<u>Parcel#</u>	<u>Size (Acres)</u>	<u>Size (SF)</u>
R0555599	5.46	237,838
R0555615	0.51	22,216
R0556017	0.09	3,920
	<b>6.06 Acres</b>	<b>263,974 SF</b>

### EXISTING BUILDINGS/USE SUMMARY

The City of Sherwood will demolish and remove the existing improvements. The site will be delivered in shovel ready condition.

### EXISTING ZONING

Retail Commercial (4.46 acres); High-Density Residential (1.60 acres) The site is the Old Town overlay, the city's most flexible zoning designation that allows for great latitude in redevelopment of the site.

### TRANSPORTATION

The site has excellent arterial and freeway access. Arterial access is provided by Oregon Street and Washington Street to Hwy 99, and Oregon Street connects to Tualatin Sherwood Highway to the East, and thereafter to Interstate 5 at the Tualatin interchange.

### UTILITIES INFRASTRUCTURE

The site currently has electrical, sewer, water, gas and communications service. The developer will extend these utilities from the property line onto the site. The estimated charges allocable to Systems Development Fees for the project are \$2.0-\$2.5 million.

### ENVIRONMENTAL REMEDIATION

The City expects to complete characterization of the site's environmental condition prior to execution of the sale with the developer. Existing environmental assessments have not identified any extraordinary environmental issues. The property will be conveyed by the City ready to develop with no known environmental deficiencies.

**UTILITIES**

Public Water: Tualatin Valley  
Sanitary Sewer: Clean Water Services  
Electricity: Portland General Electric  
Natural Gas: Northwest Natural

**FLOOD PLAIN/WETLAND**

FEMA/FIRM Map number 4102730001A – Map Date: 01/06/1952  
locates the subject in Zone C, outside the 100-year flood plain.

**SOILS**

A geotechnical investigation has not been performed.



## 5. DEVELOPER RESPONSIBILITIES

### DEVELOPER'S RESPONSIBILITIES

The Developer will plan and construct a development project on the Cannery site consistent with the objectives described herein. All "due diligence" and development activities shall be undertaken solely at the cost of the Developer. The Developer will assume the following principal responsibilities related to development:

- Obtain entitlements for the development of the property. Following selection the developer will then meet with City of Sherwood Planning personnel for a pre-application conference at no cost to applicant. Following the pre-application conference, the Developer will proceed with the Type IV development agreement application. The Developer will have sole financial responsibility for the entitlement process, including any additional environmental review and/or permitting that may be required. The City will support the Developer during these processes.
- Secure financing for the proposed project.
- Complete construction of the proposed project.

### CITY'S RESPONSIBILITIES

The City will assume the following principal responsibilities:

- Cooperate, and assist where needed, in obtaining key entitlements and regulatory approvals.
- Complete investigation and remediation or other appropriate management of any known environmental contamination, consistent with applicable Oregon Department of Environmental Quality regulations, in coordination with the Developer's site planning activities. The City will lead any interactions and negotiations with regulatory agencies that are required to establish a contamination management approach that is consistent with the site development process.
- Complete demolition of the Cannery buildings and other limited site clearance.
- Prompt review and processing of the Type IV development agreement application.
- Certify compliance with SEPA.
- Prompt review and processing of all development permits.

## 6. Terms & Conditions

### GENERAL TERMS

This RFP is neither a contract nor a commitment of any kind by the City, and does not commit the City to begin exclusive negotiations nor to pay any cost incurred in the submission of a response. The submission of a response to this RFP constitutes an invitation to negotiate with the City. The City, at its sole discretion, reserves the right to accept or reject, in whole or in any part, responses to this RFP, to request new responses, reissue the RFP, or not to proceed with this project or any part thereof.

All submitted responses will become the property of the City and will become public documents. Upon receipt by the City, the responses submitted including any and all attachments to the response and any interim reports and investigations prepared by the development team shall become the property of the City. The City shall have the right to copy, reproduce, or otherwise dispose of each response received. The City shall be free to use as its own, without payment of any kind or liability, therefore, any idea, scheme, technique, suggestion, layout, or plan received during the RFP process.

Failure to provide any of the requested data within the specified submission period may cause the City, at its sole discretion, to reject the submitted response or require the data to be promptly submitted.

The qualifications of each member of the development team are important criteria in the selection process. The selected Developer will not be allowed to substitute any members of the development team without prior approval by the City. The City, at its sole discretion, reserves the right to accept or reject proposed changes to the development team.

All facts and opinions stated within this RFP and in all supporting documents and data, including but not limited to statistical and economic data and projections, are based on available information from a variety of sources. No representation or warranty is made with respect to this information. The developer will be responsible for conducting all feasibility analyses required to undertake the development.

In the interest of a fair and equitable selection process, the City retains sole responsibility to determine the timing, arrangement and method of proposal presentations throughout the selection process. Developers and members of their team are cautioned not to undertake any activities or actions to promote or advertise their qualifications or proposal except in the course of City-sponsored presentations.

### REAL ESTATE REPRESENTATIVE

GVA Kidder Mathews, or designee, is the designated City representative for this RFP ("City Representative") and is being compensated by the City of Sherwood. No real estate fees or any other commissions of any type will be paid to respondents for this RFP or their agents or representatives. All contacts and communications regarding this RFP should be submitted in writing only by mail, fax or e-mail. The deadline for receipt of questions is 4:00 PM August 30, 2007. Questions received after this date and time will not be considered. Only questions answered by the City in writing will be binding. Oral and other interpretations,

clarifications or submittal instructions will be without legal effect. Interpretations, clarifications or supplemental instructions will be issued by addenda and will be provided in writing to all developers who have indicated an interest in the project by virtue of having downloaded the RFP from the City's web site or received it from the City's Bid Desk or from the representatives listed below:

Submit questions to:	Tony Reser or Colleen Colleary
Mailing address:	GVA Kidder Mathews One SW Columbia Street, Suite 950 Portland, OR 97258
Phone Number:	(503) 221-9900
Fax number:	(503) 221-2277
E-mail:	treser@gvakm.com colleenc@gvakm.com

#### **REJECTION OF RESPONSES**

The City reserves the right to accept or reject any or all responses in their entirety or in part, and to waive informalities and minor irregularities. During the evaluation process, if the City determines that a particular requirement may be modified or waived, then the requirement(s) will be modified or waived for all respondents and all responses will be re-evaluated in light of the change.

#### **WITHDRAWAL OF RESPONSES**

Submitted responses may be withdrawn prior to the deadline for submission of responses. After opening of the responses by the City and prior to the time the selected developer is notified, respondents may withdraw their response. Financial capacity is addressed below.

#### **PUBLIC DISCLOSURE**

As a public agency, the City is subject to the Oregon State Public Disclosure Act. As such, the City may be required to disclose information provided in respondent's response. The City will promptly notify respondent of any requests for public disclosure of respondent's documents. Respondent shall be responsible for and bear the costs of taking legal action in an attempt to prevent disclosure of such documents. In no event shall the City be liable to respondent for disclosure of respondent's documents the City deems disclosable under Public Disclosure Act.

## 7. Selection Process & Criteria

### SELECTION PROCESS

An evaluation panel consisting of City staff and consultants will review all responses for their relative strengths and weaknesses based on the submission requirements and will follow a two-step process.

#### 1. First Step

Initial responses to this RFP will be evaluated and a short list of two to three development teams will be selected.

#### 2. Second Step

Selected developers will be asked to submit detailed proposals that include, but are not limited to, site plan, phasing schedule (if applicable), a financial pro-forma, purchase price and proof of financial capacity.

### SELECTION SCHEDULE

<u>ITEM</u>	<u>DATE</u>
RFP Available	July 11, 2007
RFP Response Due	September 4, 2007
Short-listed Recommendations Determined and RFP made to Short Listed Firms	September 18, 2007
Proposals Due from Short-Listed Firms	September 28, 2007
Developer Selection Recommendation to City Council and Public Hearing	October 9, 2007
Exclusive Negotiating Period Begins	October 12, 2007

### SELECTION CRITERIA

The City intends to select a development team to enter into exclusive negotiations based on the information contained in the responses to this RFP, an investigation of the team's past projects and performance, interviews with the development teams, and other pertinent factors. The following criteria are among those that the City will use to evaluate the submissions:

#### 1. Developer Experience and Qualifications

Score: 40%

- A demonstrated track record in securing appropriate entitlements and completing development of high quality compatible projects of comparable size, land use type and level of investment.
- Experience in successfully collaborating with public sector partners.
- Economic success of past projects.
- Architectural and urban design quality of past projects.

- Timeliness of performance.
- Qualifications of members of the development team.

## 2. Preliminary Development Concept

(See Section 8. Submission Requirements, Preliminary Development Concept)

Score: 40%

- Responsiveness of the preliminary development concept to the City's development objectives, including indications of financial feasibility.
- The preliminary development concept should demonstrate a thoughtful and realistic understanding of the potential market and the existing site context, as well as a thorough understanding of the development process. A clear understanding of the market forces leading to a successful development strategy is also critical to the selection process.

## 3. Financial Capacity

Score: 20%

- Capitalization of the development entity and ability to fund at least \$10 million of development costs.
- Availability of sufficient predevelopment equity for project success.

## 8. Submission Requirements

### COVER LETTER/EXECUTIVE SUMMARY

Each response must contain a cover letter highlighting how the respondent meets the requirements of this RFP. This summary should be written to allow the evaluation panel to quickly ascertain the highlights of the response.

### DEVELOPER IDENTIFICATION

1. Identify the lead development entity's name, street address, mailing address, phone number, fax number, and e-mail address. Specify the legal form of the organization (e.g., corporation, partnership, joint venture, other). Specify the date the organization was established.
2. Identify the principal point of contact with the City, who will be authorized to represent the developer in negotiations and make legally binding commitments for the entity. Describe the limitations of the negotiator's authority.
3. List all officers, partners, or owners of the development entity by name, title, and distribution (percentage) of ownership.
4. Identify development partners and any other members of the development team, including planning, design and financial consultants. Identify the specific role and responsibilities of each member of the team. Provide relevant experience for each, a description and photographs of relevant previous projects, and their role in the cited projects. This section cannot exceed 20 pages for all members of the team combined.
5. Provide an organization chart including the key personnel of development team. Include resumes of key personnel in the addendum.

### RELEVANT DEVELOPMENT TEAM EXPERIENCE

List and describe the development entity's experience in developing comparable projects. In total, this section is limited to a maximum of 20 pages, including photographs. For each project, provide the following:

- Project description, including date of initiation and completion, location, size of development, concept, price points, land uses and cost.
- The precise role that the entity and principals of the entity who are assigned to the City's project played in the project's development.
- Financial structure of the project, including amount and source of equity and debt financing.
- Key performance dates, including the property acquisition date, the date construction started, and the date completed.
- Evidence of market and economic success.

- Describe the development entity's philosophy regarding long-term holding of its assets. If a management firm is to be employed to manage the project, submit sufficient data on its experience to enable determination of its ability to manage this development.
- Description of the extent to which there was close collaboration with public sector partners.
- Experience in dealing with site contamination issues, including testing, characterization, and remediation of soil and groundwater contamination.
- Experience in dealing with surface water and storm water management during both construction and operation of the project.
- Application of sustainable development policies and/or "green building" principles and practices.
- Experience in creating community consensus and successful public outreach.
- For each project or relevant experience, provide a name and phone number of a contact person familiar with your project.

#### **PRELIMINARY DEVELOPMENT CONCEPT**

The respondent should provide a brief narrative description and graphic depiction of the preliminary development concept on which the final site development plan would be based that is consistent with the intent expressed in this RFP and allows the City to understand the respondent's overall vision for and analysis of the project. It is understood that this description would be representative of the type of development proposed by the developer for the site. This description should include preliminary indications of the nature and type of development planned, including land use, building type and configuration; relationship to surrounding uses; approach to access to the site; approach to parking; development phasing; approach to financing development components; and a generalized indication of the types of tenants envisioned for the project. An indication of the design quality of the development should be made, perhaps through reference to other town center or similar developments.

#### **FINANCIAL CAPACITY**

The City requests evidence that the development entity has the financial capacity to carry out the proposed project. The City recognizes the sensitive nature of the financial information requested in this RFP. Such information may, therefore, be submitted under separate cover and labeled "Confidential." Only two copies are required. This information will be used solely by the City for purposes of evaluation and will be kept confidential to the fullest extent allowed by law.

1. For the development entity or, in the case of a company formed specifically for this project, for each of its guarantors, provide the following information:
  - Audited financial statements for the most recent calendar or fiscal year.
  - Letters from the developer's lenders and other financial partners attesting to the developer's capacity to undertake this project.
2. Provide evidence from established financial source(s) of the ability to provide the necessary debt and equity for the project, and identify the expected range of financing needed for this project. Indicate other recent projects where a similar level of investment was made, and provide appropriate references.

3. Identify the source, nature and amount of predevelopment equity available to the developer to fund a project of this nature. Identify the process to secure equity for predevelopment costs, and any limitations on the availability of these funds that may impact the development of this project.
4. Is the development entity or any named individual in the proposed project involved in any litigation or other disputes that could result in a financial settlement having a materially adverse effect on the ability to execute this project? If yes, please explain.
5. Has the development entity or any named individual in the proposed project ever filed for bankruptcy or had projects that have been foreclosed? If yes, please list the dates and circumstances.

Due to the often confidential nature of the financial information, the respondent may submit its response to this section in a separate sealed envelope, marked "Confidential Developer Proposal". The sealed envelope will be opened and reviewed by the financial evaluation committee.

#### **DEPOSIT/GUARANTEE**

A good faith deposit of \$100,000, is required in the form of a cashier's check, money order, surety bid bond, or letter of credit payable to the City of Sherwood. If applicable, the deposit will be placed in an interest bearing earnest money deposit account accruing interest to the respondent.

#### **RESPONDENT'S CERTIFICATION**

A completed certification in form attached as Appendix A.



## 9. Submission Instructions

### INSTRUCTIONS

#### 1. Deadline

Each development entity responding to this RFP is required to submit copies of its response by September 4, 2007 at 4:00 PM to the Bid Desk at the City of Sherwood

Late submittals will not be considered. Fax or e-mail submittals are not acceptable.

#### 2. Delivery

Responses should be directed to:

Jim Patterson  
Assistant City Manager  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140  
(503) 625-5522 phone  
(503) 625-5524 fax

Responses may be mailed to the address above or delivered in person or by messenger to the Bid Desk at the City of Sherwood.

#### 3. Page Limit

All responses are limited to a maximum of 50 pages, including the limits identified in Section 8, Submission Requirements. A page is defined as a single piece of paper. The "tab" pages are not included in the 50-page limit, nor are any addenda sections. Addenda sections may not, however, exceed ten (10) pages.

APPENDIX A RESPONDENT'S CERTIFICATION

By submitting a response, respondent understands, agrees and warrants that:

Respondent has carefully read and fully understands the information provided in this RFP, including, but not limited to, Section 8. Submission Requirements

Respondent has the capability to successfully undertake and complete the responsibilities and obligations of the response being submitted.

All information in the response is true and correct.

The City has the right to negotiate fees and other items it deems appropriate for the benefit of the City and the general public.

The City has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by Respondent, and Respondent hereby grants the City permission to make said inquiries and to provide any and all requested documentation in a timely manner.

Dated this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
(Respondent)

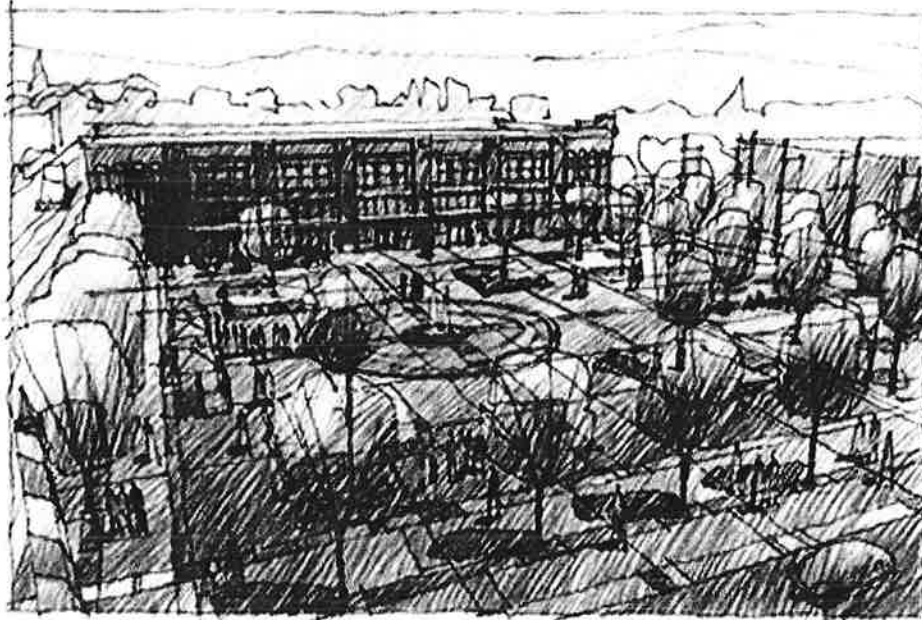
By: \_\_\_\_\_

Title: \_\_\_\_\_

(TO BE ACCEPTED, ALL RESPONDENTS MUST SIGN THIS CERTIFICATION)

## **Developer has new vision for the Old Cannery - Capstone Partners envisions a mixed-use concept that mingles brick buildings and a public plaza with retail stores, offices and housing.**

*By Kelly Moyer- Sherwood Gazette – December 1, 2007*



The property city leaders call “the most important development in Sherwood,” has attracted the attention of a Pacific Northwest firm schooled in mixed-use development.

Capstone Partners, the real estate developers behind projects like North Portland’s new Vanport development and the \$7 million Cornell Corners in Hillsboro, has answered Sherwood’s request for proposals on the Old Cannery site.

The developer proposes redeveloping the site, which sits in the heart of Sherwood’s historic Old Town, into a medley of retail shops, townhomes and offices – something Sherwood’s leaders say is in line with what the citizens have envisioned for the Old Cannery.

“This (proposal) is really exciting because this is exactly what the people told us they wanted to see on the Old Cannery site,” said Jim Patterson, Sherwood’s assistant city manager.

The city’s brokers received several offers on the property after the city’s RFP (request for proposals) went out this summer, but many of those offers called for a residential-only site. Simply building houses or town homes on the site is not something the city would have considered, Patterson said.

“People have said they do not want to see just residential there,” Patterson said. “Anything that was not mixed-use was not considered.”

But Patterson said the proposal from Capstone Partners is “totally in line with the city’s concept plan.”

The city-owned, six-acre, parcel, runs parallel to the railroad tracks in Old Town, was appraised at \$3.7 million last January, and is considered to be one of the most crucial, undeveloped parcels in Sherwood.

City officials have invested a lot of time and effort in this project, from going to the community to find out what Sherwood residents hoped to see on the site, to actually getting the site ready for development.

Capstone Partners, LLC, was one of a handful of developers interested in the property, Patterson says, and seems to have come up with a redevelopment idea the city can accept.

"We want to come up with a plan that the city thinks is viable," said Chris Nelson, of Capstone Partners. "It's refreshing that the city is being very proactive with this site. We know they're interested in having a legacy project done in downtown, that they don't want an ordinary project or a one-dimensional project and our interest is in coming up with a solution."

Capstone Partners have met four times with city officials and Nelson said his firm is focused on creating a win-win situation for the developers, the city and the residents of Sherwood.

"The more we learn about this project the more we like," Nelson said. "We really want to better understand the vision the city has for this project and come up with something that adds to (Sherwood's) charming downtown.

City managers will bring proposals to the city council in January for a series of public hearings.

Although Capstone hasn't made a concrete offer yet, Patterson called the firm's proposal "promising."

"These people have done a really good job" Patterson said of the development firm and of Ankrom Moisan Associated Architects, the architectural group working with Capstone on this project and one of the architectural visionaries of Portland's Pearl District.

"One of the things they've proposed is building a public plaza where Railroad and Pine meet, where people could gather," Patterson said. "That was one of the things that people have said that they wanted at that site – a place to gather, and maybe somewhere to place the annual (Christmas) tree."

City officials have also expressed interest in having a developer consider incorporating a cultural arts center at the Old Cannery site, but Patterson said the need for that will depend on the results of the city's cultural arts needs assessment, which recently polled residents on their cultural arts needs.

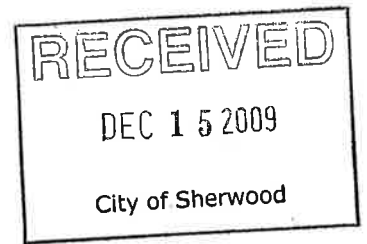
At this stage, all of the discussions are very preliminary. Several things have to happen before the site actually gets developed. The city needs to come to a financial agreement with a developer, the city council needs to hold public hearings on the matter and the developer needs to come up with a concrete redevelopment plan.

"It's still very preliminary at this point," Patterson said. "The city has expressed interest in the developer buying the entire (10-block) site at once, but would be open to a phased development approach."

Patterson said he's "extremely excited" about some of the concepts that have come in so far, and that Capstone in particular has "captured the vision for the site" that is "consistent with where the city would like to go in the redevelopment of the site."

For more information about this project, visit the Old Cannery informational Web site at [www.sherwoodcannery.com](http://www.sherwoodcannery.com).

R. James Claus, Ph.D.  
22211 SW Pacific Highway  
Sherwood, Oregon 97140  
503-625-5265



December 15, 2009

Sherwood City Council  
Sherwood Planning Commission  
c/o City of Sherwood  
Sherwood, Oregon 97140

RE: Comments for the Record on Sherwood Cannery Square PUD  
Sherwood Land Use Files 09-01, PA 09-05 and SUB 09-02  
5.8 acres Old Cannery site, 220 SE Willamette Street, Sherwood  
File 09-000783 Clean Water Services- Service Provider letter  
Site ID #4624 Department of Environmental Quality

Dear City Council and Planning Commission Members:

Once in a while when I write a letter, my primary response is "please tell me it ain't so." Jim Patterson in an interview with the Oregonian through his staff apparently (it's in print) has told Mr. Brad Schmidt that cleaning up and putting the roads on the cannery site will cost \$5.4 million. I could not understand why we would be paying that kind of cost for a relatively small amount of roads and public infrastructure.

It appears we paid \$3 Million for the Cannery site. It does not include the demo of the building, preparatory clean up or staff time of the planning and any monies that may have been paid to Capstone and their consultants. My guess is if the truth is known we are in to that site close to \$8 Million and we are now going to add another \$5.4 Million to the tab. For the investment, we are going to get a \$10 Million vanilla 101 unit apartment project with a strange unit mix that is under parked. 20,000 sf of the Retail Commercial on 40,000 sf will be improved if only half of the RC parking ratio is required. Please tell me I am wrong.

The City Of Sherwood is going to spend \$14 Million for land, clean up, and infrastructure just to get Capstone to build back \$14 Million in assessed property values. Oh, did I forget that Sherwood will have a new "living room?" And if we add together Sherwood citizens' \$14 million (a gift to Capstone) and Capstone's possible, maybe \$14 Million in future improvements—we would have a \$28 Million urban project with only \$14 Million in assessed tax value.

We are not sure what we are going to have developed, but oh never mind, the staff will have a new project in which to "back bill" the Urban Renewal Agency for their wages and overhead. I have included

*Exhibit V*

information for a potential EPA Brownfield grant—maybe we can recoup up to \$200,000 to add a drop back into the bucket.

What troubled me when reading through the submitted information was the 2012 date for building—why the delay? I then looked at the DEQ report and the Service Provider letter from CWS and became alarmed. I hope I am completely wrong. If these figures are correct, I may be understating the cost for the city to acquire the land to build, just to give an excessive amount of dollars from the citizens to a developer.

The required soils plan and monitoring that was suggested/required by DEQ/EPA has not yet begun. This presents an interesting dilemma. Why is Capstone our hired guns? Why have we not hired a top notch environmental consulting firm? Perhaps Capstone has some environmental help that we can use to protect us from Patterson's staff.

If this is a Brownfield site, and the DEQ report calls it that, the Urban Renewal Agency and Manager must come up with a remediation and clean up plan, monitor it for whatever time period DEQ and EPA requires, and give the entire site signed off by the DEQ/EPA folks. Auto repair cannot be cleaned it up in the same fashion than less "pollutive" uses. I am told by some competent attorneys that those types of clean up are tricky.

Let's stop any further Land Use zoning proposals until the ENTIRE Cannery property is cleaned up. The cart doesn't need to go before the horse and we definitely don't need to "Ready, Fire, Aim." I hope the documents are not a part of a "cover up" that they appear to be. Maybe we can just attribute it to **incompetence**—whopps, whopps, whopps—I mean "**inexperience.**"

This site drains toward City Well No. 3- our **most productive** well. That well produces almost 39% of the total gallons per minute from all Sherwood wells. Well No. 3 was constructed in 1946 and has 890 gallons per minute at a depth of approximately 319 ft. The casing diameter is 12 inches. (See page ES-3 of the Sherwood Water Master Plan August 2005.)

$$890 \text{ gpm} \times 60 \text{ minutes} \times 24 \text{ hours} = 1,281,600 \text{ gallons per day production}$$

=====

Not only do we appear to have a Brownfield property problem, we have the Brownfield property located next to and draining toward our MOST productive city well. I would not want my children drinking the contaminants listed in the DEQ report (See attached DEQ Full Summary Report). Our staff has been hired to promote and protect the health and safety of our citizens. Are we continuously testing for those contaminants to make sure our water supply is protected? That water is likely not being monitored for those contaminants because they are unexpected. Susceptible citizens with health issues are usually the ones who are impacted first by contaminants. I find this particularly ironic that recently our city manager talked about possible cancer clusters in some of our subdivisions. Is there any possibility that this site is contributing to the problems? What we don't know can hurt us all.

Of course I am sure that City-County Insurance Services will pay for the clean up—to get our \$2,500 contribution and Jim Patterson will ask the sellers to pay for this clean up. Hopefully Schultz, Patterson and the city attorneys were experienced enough to get indemnifications for the city/citizens on the original purchase from the Cannery owners. The clean up already is \$3 to \$4 Million more than we paid

for it. Special legal counsel should be brought in to estimate our future legal expenses—obviously the present attorneys/staff have flubbed the dub. If this monitoring and scope were not known prior to the purchase we must look to the process and ask how this happened. This cannot be a situation where we lurch from one action to another. If you will excuse me, these are not plays or vignettes—the system is interconnected. If the City manager cannot direct the public works manager and associated departments to keep the containments away from our citizens, we need a different city manager—Now—not later.

I am assuming that there is nothing here that you are not surprised at hearing and that you are effectively handling this environmental disaster. Is this letter giving information that was not given to the planning commission as part of this proposed land use process? I am somewhat at a loss for words and draw this to your attention today because the window to add info to the record on the Cannery PUD ends today. We have been told the finances are none of our business. But, the situation goes far beyond mere questions of money. One of the blessings Sherwood has had it that we owned and operated water wells. Those wells must be protected for health and safety as well as financial reasons.

Mr. Patterson should share his Brownfield remediation plan and let us know that DEQ has accepted the same. Of course, this assumes the Mayor will allow an open and fair public hearing with accurate information. **Staff also must investigate the Machine Works Building and find out if that building and its history of uses will also be required to do separate DEQ and Brownfield clean up. CAN WE EVEN USE THAT BUILDING FOR OUR PERFORMING /VISUAL ARTS CENTER? Or will this be another one of those “1000 cuts” that will kill our hopes for our community Arts Center?**

I thank you in advance for your attention to this matter. I consider it significant enough to draw it to both the Council’s and the Commission’s attention. **Our children are our legacy.** It is this kind of issue that is can garner national scrutiny, (please see “Erin Brockovich” or “A Civil Action” movies).

Frank Wiley, one of the great water treatment experts in California, was adamant in saying that the moment a municipality loses water point source control there are health risks. Because we control our water system and now are in charge of maintenance , we have to maintain the highest standards in protecting our citizens and our water.

What is troubling is that there are only two kinds of people who fool around with environmental contamination—damn fools and gamblers. We need to get rid of both and get serious about protecting our town, our resources, and our future.

Sincerely,



Jim Claus

P.S. Of course, this potential environmental and health hazard may be much ado about nothing. Since Mayor Keith Mays has used an armed police officer to enforce his information control system. SURPAC, the Planning commission, and Finance Committees may know all about this situation and I was merely caught off base. There is also the possibility there may not be a clean up plan or even a monitoring

system. After all, the staff rules in Sherwood for Pattersonville and Mays will use police actions on citizens who ask questions.

P.S.S. Incidentally, why was the appraiser, Craig Zell, not informed about the Cannery sales price? The Urban Renewal Manager, Tom Nelson knew the information and willfully withheld it from Zell. (He has learned from Mays' actions of creating a world where pertinent information is rarely disclosed to the public.) Tom Nelson's behavior is outrageous.

Now that we know that the whole Cannery area is contaminated, Tom Nelson's Big talk on the record about selling the Machine Works Building if the Planning Commission doesn't pass this PUD proposal is little more than an empty threat—it is almost as vapid as his knowledge of managing Urban Renewal—unless we can find and corner a pigeon or two.

#### Enclosures

2005 Sherwood Water Plan Executive Summary, Murray Smith and Associates  
File 09-000783 Clean Water Services- Service Provider letter  
Site ID #4624 Department of Environmental Quality  
EPA Brownfield Clean Up Grants- Interested in Applying for Funding?

Cc: Mr. Bob Cruz, Clean Water Services  
Mr. Chuck Harmon, Department of Environmental Quality



## **EXECUTIVE SUMMARY**

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### **Authorization**

In February 2004, the firm of Murray, Smith & Associates, Inc. (MSA) was authorized by the City of Sherwood to prepare this Water System Master Plan.

### **Purpose**

The purpose of this study is to perform a comprehensive analysis of the City of Sherwood's water distribution system, to identify system deficiencies, to determine future water distribution system supply requirements, and to recommend water system facility improvements that correct existing deficiencies and that provide for future system expansion. The planning and analysis efforts include consideration of the ultimate integration of recommended distribution system improvements with the City's long-term water source and supply decision.

### **Planning Period**

The planning period for this master plan is approximately 20 years. Certain planning and facility sizing efforts will use estimated water demands at saturation development. Saturation development occurs when all existing developable land within the planning area has been developed. The planning period for transmission and distribution facilities is to saturation development of the City's water system planning area. This assumption allows a determination of the ultimate size of facilities. Typically, if substantial improvements are required beyond the planning period in order to accommodate water demands at saturation development, staging is often recommended for certain facilities where incremental expansion is feasible and practical. Unless otherwise noted, recommended improvements identified in this plan are sized for saturation development within the water system planning area.

### **Background and Study Area**

The City of Sherwood's current water service area includes all areas within the current City limits. The City provides potable water to approximately 15,172 people through approximately 4,967 residential, commercial and industrial service connections. The study area of this planning effort is the entire area within the urban growth boundary (UGB), which currently encompasses a total of approximately 2,994 Acres.

In October 2000, the City of Sherwood entered into an intergovernmental agreement with the Tualatin Valley Water District (TVWD). Under the terms of the agreement, included in Appendix B of this report, the TVWD will provide a water supply and manage the City's water system. The agreement ends in September 2005 and may be renewed for two terms of

five years each. The City and District recently approved renewal of the agreement for the first of the two additional five year terms provided for in the agreement.

Currently, the City's primary water supply is from four groundwater wells owned by the City and operated by TVWD. The City also supplements supply from the groundwater wells through a 24-inch diameter connection to the City of Tualatin's 36-inch diameter Tualatin-Portland supply main.

The City's water distribution system consists of three service zones supplied by two storage facilities and two pumping stations. One of the service zones is supplied through a continuous operation pump station.

Plate 1 of Appendix C illustrates the Sherwood water service area limits, supply connections, water system facilities, distribution system piping, and system interties. Plate 1 is also a digital representation of the computerized distribution system hydraulic model used for system analysis efforts.

## **Supply Sources**

### ***Groundwater Wells***

Sherwood operates four groundwater wells within the City's water system service area limits. The wells are used year round and serve as the City's primary water supply. Well Nos. 3, 4, 5 and 6 have an existing combined production capacity of approximately 3.3 million gallons per day (mgd). The groundwater supplies are disinfected through the addition of sodium hypochlorite at each well. Table ES-1 lists the location, pump type, horsepower, year constructed, approximate depth, approximate production capacity and casing diameter for each of the City's groundwater wells. An evaluation of the hydrogeological conditions in the study area is included in Appendix D of this report.

The actual production capacity of the City's groundwater well supply system is limited to approximately 1.2 mgd due to aquifer and pumping limitations.

### ***Portland Supply Connection***

The City of Sherwood is supplied with water from the City of Portland via the City of Tualatin under an agreement with TVWD. This supply is transmitted through an approximately 4-mile long, 24-inch diameter City-owned transmission main from the City of Tualatin's system. This connection is located in the Tualatin Community Park where the Tualatin-Portland supply main connects to the City of Tualatin's distribution system. The amount of flow through the City's connection is regulated by a control valve operated by the City of Tualatin. The transmission main runs west along SW Tualatin Road and SW Herman Road and south on SW Cipole Road, SW Tualatin-Sherwood Road and SW Oregon Street to a connection to the City's distribution system at the intersection SW Oregon Street and SW

**Table ES-1  
Groundwater Well Summary**

Well No.	Location	Pump Type	Hp	Year Constructed	Production Capacity (gpm)	Approx. Depth (feet)	Casing Dia. (inches)
1	Well Abandoned						
2	Well Abandoned						
3	Intersection of Pine and Willamette Street	Vertical Line Shaft Turbine	75	1946	890	319	12
4	17191 Smith Road	Vertical Line Shaft Turbine	60	1969	250	458	14
5	16491 Sunset Boulevard	Vertical Line Shaft Turbine	150	1984	600	800	16
6	1830 Roy Street	Vertical Line Shaft Turbine	75	1997	550 <sup>1</sup>	889	16
<b>Total Production Capacity (gpm):</b>					<b>2,290</b>		
<b>(mgd):</b>					<b>3.29</b>		

Notes: 1. Production capacity is limited by available water rights.

Murdock Street. A pressure reducing valve (PRV) at this connection reduces the hydraulic grade of the supply to approximately 385 feet above mean sea level (msl).

The City of Tualatin currently wheels, or transmits, up to 3 mgd of water from the City of Portland to Sherwood through its distribution system from the Tualatin-Portland supply line. This supply is a portion of the Washington County Supply Line capacity owned by the TVWD. The primary water source originates in the City of Portland's Bull Run Watershed and Columbia South Shore Wellfield. The water source is disinfected through the addition of chloramines, a combination of chlorine and ammonia, by the City of Portland. The City of Portland also adjusts the pH of its water supply. The water wheeling agreement between the City of Tualatin and TVWD is included as Appendix E. This supply is not a guaranteed, firm, supply for the City, but is existing unused capacity currently available in the Washington County Supply Line system. When the owners of the supply line system require additional supply capacity then the excess capacity currently delivered to the City is likely to be reduced or completely unavailable.

### Existing Water System

The City of Sherwood's existing distribution system is divided into three major service levels, or pressure zones that are usually defined by ground topography and designated by overflow elevations of water storage facilities or outlet settings of pressure reducing facilities serving the zone. The City's water system contains two reservoirs with a total combined

storage capacity of approximately 5.0 million gallons (mg). The system also contains two pump stations.

The water service area water distribution system is composed of various pipe types in sizes up to 24 inches in diameter. The total length of piping in the service area is approximately 66.6 miles. The pipe types include cast iron, ductile iron, PVC, and copper. The majority of the piping in the system is cast and ductile iron piping. Table ES-2 presents a summary of pipe lengths by diameter.

**Table ES-2  
Distribution System Pipe Summary**

Pipe Diameter	Estimated Length (miles)
4-inch or Less	1.4
6-inch	1.9
8-inch	34.8
10-inch	8.3
12-inch	13.8
14-inch	1.0
16-inch	0.3
18-inch	1.0
24-inch	4.1
<b>Total Length</b>	<b>66.6</b>

### **Existing Water Demands**

Based on the most recent historical water usage patterns and historical population, the water service area's average daily demand is approximately 1.6 mgd with an average day per capita consumption ranging from approximately 100 to 120 gallons per capita per day (gpcd) since 1996. Recent maximum daily water demand usage has ranged from 2.0 times to 2.5 times the average day demand. This is equivalent to a maximum per capita usage ranging from 230 to 270 gpcd.

### **Water Demand Projections**

Estimates of future water demands were developed from the City's present per capita water usage data, population forecasts and water demand forecasts prepared for the City through previous work. For the purposes of this plan, estimated average daily water usage is assumed to be approximately 120 gpcd. As conservation plays an increasing role in water usage

patterns, it is anticipated that Sherwood's average daily per capita usage can ultimately be reduced to and maintained at 110 gpcd.

For the purposes of this study, current maximum daily per capita usage is estimated at approximately 250 gpcd. As conservation plays an increasing role in water usage patterns, it is anticipated that Sherwood's maximum daily per capita use can ultimately be reduced to and maintained at approximately 240 gpcd, even in drought years. Estimated average and maximum daily water demands are developed by multiplying the estimated per capita water usage by the anticipated population for that year. To provide an estimate of peak hourly usage, a factor of approximately 1.5 was applied to estimated maximum day demands. This is consistent with water demand patterns of similar communities in the region. Population projections and anticipated water demand, in five year increments through 2025 and for saturation development, are summarized in Table ES-3.

**Table ES-3  
Population Forecasts and  
Estimated Water Demand Summary**

Year	Population	Water Demand (mgd)		
		Average Day Demand	Maximum Day Demand	Peak Hour Demand
2005	15,800	1.9	4.0	6.0
2010	18,970	2.2	4.7	7.0
2015	22,130	2.6	5.4	8.1
2020	25,290	2.9	6.2	9.3
2025	28,450	3.2	6.9	10.4
Saturation Development	37,940	4.2	9.1	13.7

### Water Supply Source

As previously described, the City's primary water supply is from City-owned groundwater wells. Based on the water demand estimates and the historical decline in aquifer levels the City's existing supply sources will not be adequate to meet future water demands, so the City is exploring several long-term water supply alternatives. In order to be considered a feasible option for the City, a long-term water supply source must meet several criteria. The criteria were developed in coordination with City staff, integrating criteria being used by other communities in the region. The criteria that will be used to evaluate the supply source options are:

- Ability to meet all, or a substantial portion, of the City's long-term water supply needs
- Potential for joint development with a partner or partners

- Ability to cost-effectively integrate source options into current distribution system
- Supply source development cost
- Estimated cost of water

### **Groundwater Supply Evaluation**

The purpose of the hydrogeological evaluation is to assess the potential capacity and limitations of the City's groundwater supply source. Historical groundwater production rates and water level trend data were compiled and analyzed for each of the City's groundwater wells to evaluate the hydraulic response of the Columbia River Basalt Group aquifer underlying the City relative to historical and current groundwater pumping rates. From this evaluation it was observed that a distinct overall declining trend in water levels is occurring and increases in the rate of water level decline has occurred during periods of peak groundwater production by the City. From the analysis, it was determined that continued groundwater production at the current rate will soon require capital investment to maintain pumping rates and will likely result in significant loss of production capacity as groundwater levels continue to decline. Development of additional groundwater production facilities, such as the Spada well, is feasible, but additional groundwater production will result in an increased rate of water level decline and the ultimate loss of production capacity will occur sooner than under existing conditions. The rate of decline is dependant upon actual groundwater production. At the current rate of decline it is anticipated that without additional supplies the City will experience potential water shortages within the next five years. A technical memorandum documenting the complete groundwater supply evaluation is included in this report as Appendix D.

### **Supply Source Technical Analysis**

Seven supply alternatives are considered for evaluation as long-term water supply sources for the City of Sherwood. The alternatives include the following:

1. Supply from the City's existing groundwater production facilities and the Spada well
2. Prospective use of Aquifer Storage and Recovery (ASR) using Sherwood's existing connection to the City of Tualatin that supplies City of Portland water to Sherwood
3. Supply from the City of Portland Bull Run Watershed and Columbia South Shore Wellfield (CSSWF) through the Washington County Supply Line and the City of Tualatin
4. Supply from the Joint Water Commission
5. Supply from the City of Newberg
6. Supply from the Clackamas River
7. Supply from the Willamette River Water Treatment Plant at Wilsonville.

A brief description of each supply alternative is presented below, including a discussion of existing supply facilities and capacities. Six planning level criteria were developed to evaluate the source of supply options. These criteria are:

- *Supply performance* – Water supply source options were evaluated based on their ability to provide a portion of the City’s long-term water supply needs. The City’s long-term water supply need is estimated to be 10 million gallons per day (mgd) for the purpose of this analysis.
- *Potential for joint development with a partner or partners* – Development of proposed water supply sources with local or regional partners may present significant opportunity for cost savings to the City. Each supply source was evaluated for potential opportunities for joint development.
- *Supply integration into existing distribution system* – Each supply source was evaluated for ability to integrate the supply option into current distribution system operations without the need for additional significant improvements.
- *Estimated cost for supply source development and cost of water* – Estimated capital costs of supply development were evaluated based on existing available information. Costs for development of new facilities and/or expansion of existing facilities were compiled and used to develop estimated cost for each supply source. Cost estimates were developed assuming that raw water, treatment and pumping facilities will be developed for 5 mgd capacity with provisions for expansion to 10 mgd capacity, and transmission facilities will be developed for 10 mgd capacity. Estimated cost of water data for each source was developed from existing available information, including current wholesale water rates and previous evaluations of proposed supply sources completed for the City and others. The cost of water estimates presented are for comparative uses only, that actual cost of water may vary and will depend on a number of factors outside the scope and control of this planning work.
- *Other Factors* – Supply option development may involve other factors that will directly impact the City’s ability to fully develop the option. These unique factors will be described as they apply to each option.

### ***Supply Source Analysis Summary***

Table ES-4 presents a summary of the analysis of the long-term water supply options available to the City that can meet the City’s long-term water supply needs. The City’s existing groundwater wells, ASR, and the City of Newberg supply option are not shown as these options cannot meet the City’s long-term needs. Based on the evaluation presented above, other options may also be removed from further consideration based on on-going evaluations.

**Table ES-4  
Water Supply Source Option Summary**

<b>Supply Source Options</b>	<b>Capacity (mgd)</b>	<b>Ability to Integrate into City's System</b>	<b>Cost Savings with Partners</b>	<b>Project Cost Range</b>	<b>Estimated Cost of Water (\$ per ccf)</b>	<b>Key Issues/Comments</b>
City of Portland Water System	10	Yes	Yes	\$31 - 51 million	\$1.05	Size, scope and cost of long-term supply system improvement uncertain
Joint Water Commission	10	Yes	Yes	\$58.5 million	\$0.07 to 0.90	System reliability and certainty of supply for the City of Sherwood is uncertain
Clackamas River Water Supply System	10	Yes	Yes	\$29 - 31 million	\$0.55 to 0.65	System reliability and certainty of supply for the City of Sherwood is uncertain
Willamette River Water Supply System	10	Yes	Yes	\$24.5 - 21.6 million	\$0.64 to 1.00	Political and public perception key issue. Will require a vote of approval from City residents

***Supply Source Development Strategy***

The hydrogeologic evaluation found that the aquifers serving as the City's current supply source are experiencing a pattern of water level declines that appear to be correlated to the historic use of these aquifers for water supply purposes. The analysis also found that these aquifers do not have the capacity to serve the City's expanding water supply needs. It is anticipated that the City will need to develop a new long-term water supply within the next 3 to 5 years.

While a number of the City's long-term water supply options presented above offer the City a reliable long-term water supply source, it is anticipated that for the near term the City's existing groundwater wells will continue to supply water as the City selects, evaluates and develops other water supply options. This need for continued reliance on groundwater in the near term and the declining aquifer levels suggests the need to develop a water supply source strategy that allows for the ultimate transition to a new source while maximizing the use of the existing groundwater wells. Under current conditions it is anticipated that the City's existing groundwater wells can consistently produce a firm production capacity of approximately 1.2 mgd. With the anticipated addition of the Spada Well and the



implementation of certain water rights recommendations it is anticipated that this firm groundwater production capacity can be increased to approximately 2 mgd. Developing and maintaining this capacity will require capital investment in the City wells that may range from approximately \$3.0 to 5.0 million.

The current available supply capacity from Sherwood's City of Portland supply through the City of Tualatin is 3.0 mgd. The water supply agreement supporting this supply with the Tualatin Valley Water District is currently set to expire in the year 2010. The source development strategy anticipates that the supply from the City of Portland system, as supplied by the existing transmission and supply facilities will reach capacity by the year 2010 and that this supply will not be available to the City beyond the year 2010. It is therefore anticipated that a new supply, with an initial supply increment of 5 mgd will be brought on line by the year 2010. At this point the new supply source will be relied on to serve the City's average day needs throughout most of the year and the existing ground water wells will be used to provide peak supply during the summer months. Additional source supply increments are added in the year 2025 and 2035 to meet the City's additional water supply needs.

Aquifer storage and recovery (ASR) may provide the City additional flexibility and time to develop and implement a long-term water supply source, however, as currently understood ASR will not provide the City the needed long-term water supply capacity needed to meet all of its water supply needs.

### **Water Quality Review**

As part of the system analysis process a water quality workshop was held with City staff, Tualatin Valley Water District staff and members of the master plan development team. The workshop focused on the water quality characteristics of the City's existing groundwater supplies and of all of the City's long-term water supply options. The City's current regulatory compliance process was reviewed as were anticipated upcoming near-term and long-term water quality regulations.

The City's long-term water supply options were also reviewed for their water quality characteristics. In light of the City Council's direction to narrow the long-term water supply options to the City of Portland Bull Run Watershed/CSSWF and the Willamette River at Wilsonville, water quality discussions will focus on these sources. A brief discussion of water quality characteristics of these two source options is presented below.

### ***City of Portland Bull Run Watershed/CSSWF Supply Option***

The City of Portland is supplied water from the Bull Run Watershed and the Columbia South Shore Wellfield. The Bull Run watershed is a protected watershed west of Mt. Hood the City of Portland has historically provided finished water that meets all drinking water quality standards. The Columbia South Shore Wellfield consists of multiple wells south of the

Columbia River near and adjacent to northeast Portland. A copy of the City's 2004 Water Quality Report is presented as Appendix K.

### ***Willamette River Supply Option***

The City of Wilsonville has been supplied treated Willamette River water since April 2002. The Willamette River watershed is the largest in the state and includes a mix of forest, agricultural and urban uses. Since the water treatment plant at Wilsonville began producing drinking water the finished water supply has met all drinking water standards. A copy of the City of Wilsonville's 2004 Water Quality Report is provided in Appendix L.

In May 2005 the Tualatin Valley Water District completed a water quality comparison of three of the region's water sources: the City of Portland supply, the Joint Water Commission supply and the Willamette River supply. The comparison tabulated a side by side comparison of all currently regulated water quality parameters and a number of currently unregulated parameters. A copy of this comparison is provided in Appendix M.

As part of the master planning work, a water quality workshop was conducted to review current water quality concerns of the City's existing wells and the long-term water supply options. An agenda and summary of this workshop session is presented in Appendix N.

### **Cost Estimating Data**

An estimated project cost has been developed for each improvement project recommendation presented in this section. Itemized project cost estimate summaries are presented in Appendix H. This appendix also includes a cost data summary for recommended water main improvements developed on a unit cost basis. Project costs include construction costs and an allowance for administrative, engineering and other project related costs.

The estimated costs included in this plan are planning level budget estimates presented in 2005 dollars. Since construction costs change periodically, an indexing method to adjust present estimates in the future is useful. The Engineering News Record (ENR) Construction Cost Index (CCI) is a commonly used index for this purpose. For future reference, the January 2005 ENR CCI of 8,165 for the Seattle area construction market (the nearest market ENR monitors) was used for construction cost estimates in this report.

### **Recommended Improvements**

#### ***General***

Presented below are recommended water distribution system improvements for reservoirs, pump stations, distribution system water lines and other facilities. Also presented is a discussion of other recommended improvements and programs. Project cost estimates are presented for all recommended improvements and annual budgets are presented for

recommended programs. The recommendations are presented by project type and discussed in order of need. As presented late in this section the City's long-term water supply source options have been narrowed to two alternatives and the City is developing an independent process for the evaluation and selection of a final option. As such, the CIP program recommendations presented as part of this master plan will include distribution system facility only. Supply source development funding and capital needs will be determined outside of this master plan.

A summary of all the recommended improvements is presented in Table ES-5. The table provides for prioritized project sequencing by illustrating fiscal year (FY) project needs for each facility or improvement category. Those improvements recommended for construction beyond FY 2025 are indicated as such. It is recommended that the City's capital improvement program (CIP) be funded at approximately \$920,000 annually for storage, pumping and distribution system piping improvements. While the funding needs for certain water system improvements may exceed this amount, the proposed improvements listed in Table ES-5 are phased and sequenced so that the ultimate 20-year average annual capital requirement is approximately \$920,000.

### ***Supply Source Improvements***

The seven supply source options and improvement alternatives identified in Section 5 were reviewed with City staff, City of Sherwood Planning Commission and with City Council as part of a public works session on April 5, 2005. At the conclusion of this process the City Council directed that two options be carried forward for further consideration. A copy of the City Council presentation of April 5, 2005 is provided in Appendix O. Based on this direction it is recommended that the City of Portland supply option and the Willamette River supply option be evaluated outside the scope of this master plan as part of a comprehensive source evaluation and selection program. As part of this evaluation it is recommended that a wide range of information and data be compiled for consideration and review by City policy makers and the citizens of Sherwood. Included in this information should be water quality data cost data and a long-term financial analysis of comparative capital costs and cost of water estimates.

### **Financial Evaluation Overview**

The purpose of the financial evaluation is to provide reasonable assurance that the City of Sherwood's Water Fund has and will have the financial ability to maintain and operate the water system on an ongoing basis, plus have the financial capacity to obtain sufficient funds to construct the water system improvements identified in Section 6.

**Table ES-5  
Water System Master Plan  
Distribution System Capital Improvement Program Summary**

Category	Project Description	Project Location	Capital Improvement Schedule and Project Cost Summary by Fiscal Year																	Estimated Project Cost											
			2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022												
Storage Facilities	New Reservoirs	380-Foot Pressure Zone Reservoir																													
		533-Foot Pressure Zone Reservoir																													
	Reservoir Upgrades	Main Reservoir																													
		Reservoir Upgrade																													
Sub-Total			\$ 25,000	\$ 35,000	\$ 1,050,000	\$ 1,150,000	\$ 600,000	-	-	-	\$ 2,350,000	\$ 2,350,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ 4,560,000	\$ 11,870,000			
Pumping Facilities	Pump Station Upgrades	Booster Pump Stations																													
		Groundwater Walls																													
Sub-Total			\$ 458,000	\$ 490,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ 840,000	\$ 948,000		
Distribution System Piping	Transmission Improvements	380-Foot Pressure Zone																													
		315-Foot Pressure Zone																													
		435-Foot Pressure Zone																													
	Free Flow Improvements	380-Foot Pressure Zone																													
		535-Foot Pressure Zone																													
		435-Foot Pressure Zone																													
	System Expansion Improvements	380-Foot Pressure Zone																													
		535-Foot Pressure Zone																													
	Pressure Reducing Facilities	Water Main Relief Valve																													
Sub-Total			\$ 267,350	\$ 895,850	\$ 3,393,050	\$ 3,393,150	\$ 363,350	\$ 375,750	\$ 451,650	\$ 35,600	\$ 15,000	\$ 76,610	\$ 247,700	\$ 64,970	\$ 190,750	\$ 175,510	\$ 70,000	\$ 111,310	\$ 112,110	\$ 126,570	\$ 3,772,410	\$ 233,190	\$ 491,750	\$ 10,799,040	\$ 25,759,940						
Other	Distribution System Valves	City of Duluth																													
	Pressure Relief	Manitoulin Sub-Zone Pressure Relief																													
Sub-Total			\$ 131,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ 131,000			
Total			\$ 886,350	\$ 1,415,850	\$ 5,536,100	\$ 5,528,150	\$ 602,350	\$ 357,000	\$ 527,650	\$ 35,600	\$ 76,610	\$ 247,700	\$ 64,970	\$ 190,750	\$ 175,510	\$ 70,000	\$ 111,310	\$ 112,110	\$ 126,570	\$ 3,772,410	\$ 233,190	\$ 622,750	\$ 11,998,040	\$ 37,658,940							

Old Town Improvement Project  
Street Improvement Project

<b>2011 Total</b> \$ 8,338,350	<b>2012 Total</b> \$ 10,475,350	<b>2013 Total</b> \$ 11,213,650	<b>2014 Total</b> \$ 11,536,710	<b>2015 Total</b> \$ 11,213,650
<b>Grand Total</b> \$ 7,773,000	<b>Grand Total</b> \$ 7,773,000	<b>Grand Total</b> \$ 7,773,000	<b>Grand Total</b> \$ 7,773,000	<b>Grand Total</b> \$ 7,773,000

As discussed in Section 5, the City has explored the feasibility of several long-term water supply alternatives to meet the City's future water demands. At this point, two water supply options have been selected for further evaluation:

- Supply from the City of Portland (four capital cost scenarios, with varying treatment processes, are under evaluation) – *Preliminary capital cost estimates range from \$31.0 to \$51.0 million, depending upon the ultimate use and selection of a treatment process and other factors.*
- Supply from the Willamette River Water Treatment Plant in the City of Wilsonville (two capital cost scenarios, with varying transmission routing alternatives, are under evaluation) – *Preliminary capital cost estimates range from \$21.6 to \$24.5 million, depending upon the transmission routing.*

The ultimate cost of capital and/or water costs under each supply alternative is not currently known, as additional project details and negotiations are ongoing. The cost of water to the City may also be impacted by how needed supply capacity improvements are funded and constructed. For purposes of providing a potential range of impacts within this Section, capital costs for each alternative are amortized over a 20-year period.

As part of this effort, the City planned to have a rate study conducted to include a revenue requirement analysis, cost of service analysis, rate design, and system development charge (SDC) analysis. Since the supply alternatives are currently under evaluation, the cost of service/rate design portions of the study have been deferred until after selection of the supply source. The revenue requirement and SDC analyses have been completed to include the impacts of current operations and the water distribution system improvements identified in Section 6. Potential cost impacts integrating the City's long-term water source and supply decision will be briefly discussed.

It is anticipated that rate increases will be needed as the City implements the selected long-term water supply option. The financial evaluation did find that the water fund for recommended distribution system capital improvements is adequate. The actual need for and extent of water rate increases will vary depending on the ultimate selection and timing of a long-term water supply source.

## **Study Recommendations**

It is recommended that the City take following actions:

1. Formally adopt this study as the City of Sherwood's Water System Master Plan.
2. Adopt the prioritized recommended system improvements described in Section 6 and specifically listed on Table ES-5 as the capital improvement plan (CIP) for the water service area.

3. Proceed with the evaluation and selection of a long-term water supply option as recommended in Section 6 and follow the recommendations generated through this process.
4. Review and update this plan within five to seven years to accommodate changed or new conditions.

## **Summary**

Sherwood continues to experience steady population and water demand growth. This water system master plan evaluated the City water system's ability to adequately meet existing and future water needs. The ultimate completion of recommended improvement to the distribution system will ensure that the water system has adequate storage, pumping and distribution system piping capacity to meet these needs well into the future. The City faces a major decision in the selection of its long-term water supply option. Both options recommended for further study as part of this master planning effort can ultimately be developed to adequately meet the City's long-term needs. The financial evaluation found that for the recommended distribution system improvement the City currently has adequate funding resources. This financial evaluation further found that the development and implementation of a long-term water supply option must include a financial planning and analysis element to determine the ultimate impact on City rate payers and to determine overall capital funding needs.

# Oregon DEQ Facility Profiler 2.0

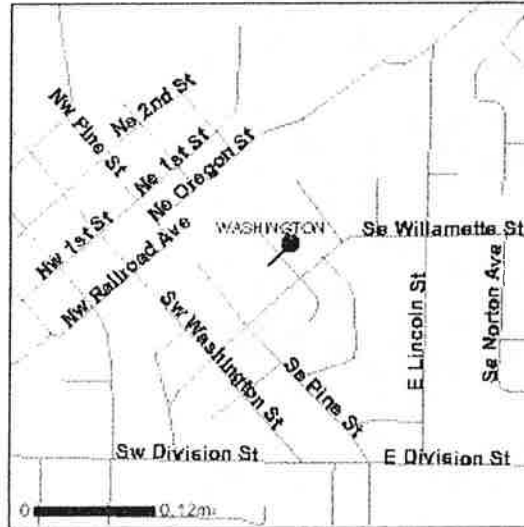
[Help] [Close Window]



## Facility Summary Report

Facility Profiler [Print Report](#)

### Maps



### Facility / Site Information for Location 95186

Facility/Site Name: OLD SHERWOOD CANNERY  
 Address: 220 SE WILLAMETTE ST  
 City State Zip: SHERWOOD OR 97140

Latitude: 45° 21' 21.6"  
 Longitude: -122° 50' 17.9"  
 Location Accuracy: HIGH  
 Last Updated: 7/21/2006 9:54:00 AM

### Aliases

FORMER SHERWOOD CANNERY/REINHARDT TRUST LUST Graves Cannery ECSI  
 Old Sherwood Cannery ECSI

### Geographic Features

Township: T2S-R1W-S32 Congress Dist: 1 Forest Type: N/A  
 County: WASHINGTON OR Senate Dist: 13 Vegetation: Urban and industrial  
 Watershed: TUALATIN OR House Dist: 26 Agricultural Land: N/A  
 Drinking Water Source: N/A

### Oregon DEQ Program Information

#### Leaking Underground Storage Tanks (LUST)

Log Number	Received	Cleanup Initiated	Cleanup Complete	Type	Heating Oil Tank	UST Facility ID	Status	Detail Information <sup>1</sup>
34-97-0179		03/10/1997		REGULATED		11690	CLEANUP_COMPLETED	<a href="#">LUST Site Report</a>

#### Environmental Cleanup (ECI)

Operation ID	Start Date	NFA Date	Permit Type	Permit SubType	Status	Detail Information <sup>1</sup>	EPA Number
4624	04/26/2006		Contaminated Site		Suspect site requiring further investigation	<a href="#">ECI Site Report</a>	

<sup>1</sup> Linked reports may be unavailable from 9:00pm to 7:00am PST due to system maintenance.

<sup>2</sup> DEQ does not maintain air discharge permit information for Lane County.

# Oregon DEQ Facility Profiler 2.0

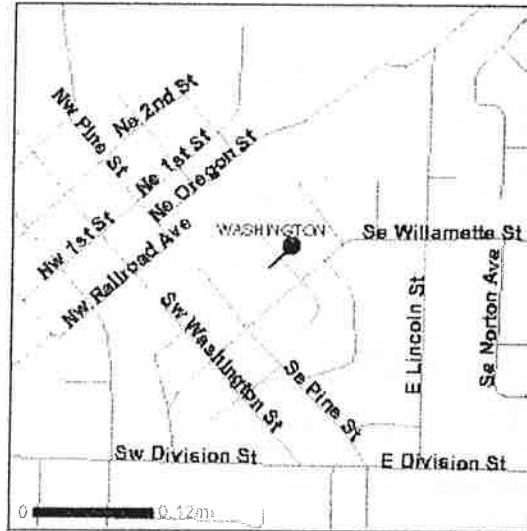
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## Facility Summary Report

[Facility Profiler](#) [Print Report](#)

### Maps



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**Watershed:** TUALATIN **OR House Dist:** 26 **Agricultural Land:** N/A  
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Operation ID	Start Date	NFA Date	Permit Type	Permit SubType	Status	Detail Information <sup>1</sup>	EPA Number
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**More Information on this location**

[Oregon DEQ Neighborhood Info \(by region/county\)](#)

[See wells in the same Township Range Section from the Oregon Water Resources Department Well logs Application](#)

[See county's scanned assessor maps through ORMAP](#)

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### Land Quality

### Environmental Cleanup

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## Environmental Cleanup Site Information (ECSI) Database Site Summary Full Report - Details for Site ID 4624, Old Sherwood Cannery

This report shows data entered as of December 14, 2009 at 8:23:21 AM

This report contains site details, organized into the following sections: 1) Site Photos (appears only if the site has photos); 2) General Site Information; 3) Site Characteristics; 4) Substance Contamination Information; 5) Investigative, Remedial and Administrative Actions; and 6) Site Environmental Controls (i.e., institutional or engineering controls; appears only if DEQ has applied one or more such controls to the site). A key to certain acronyms and terms used in the report appears at the bottom of the page.

Go to DEQ's Facility Profiler to see a site map as well as information on what other DEQ programs may be active at this site.

### General Site Information

Site ID: 4624	Site Name: Old Sherwood Cannery	CERCLIS No:
Address:	220 SE Willamette St. Sherwood 97140	
	County: Washington	Region: Northwest
Other location information:		
Investigation Status:	Suspect site requiring further investigation	
	Brownfield Site: Yes	NPL Site: No
		Orphan Site: No
Property:	Twtnshp/Range/Sect: 2S , 1W , 32	Tax Lots: 00100
	Latitude: 45.356 deg.	Longitude: -122.8383 deg.
Other Site Names:	Graves Cannery	

### Site Characteristics

**General Site Description:** This is a flat, 5.85 acre site located just south of old town Sherwood, Oregon. The site is bordered to the north/northwest by a railroad grade, to the south and southeast by residential properties and the northeast by commercial/light industrial properties.

**Site History:** Former cannery (1918 to 1971) and other small warehousing. Brake parts business operated on the site for a brief period, nominally between late 1980s to late 1990s. Near building two area - Tualatin

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**General Site Information**

Site ID: 4624	Site Name: Old Sherwood Cannery	CERCLIS No:
Address:	220 SE Willamette St. Sherwood 97140	
	County: Washington	Region: Northwest
Other location information:		
Investigation Status:	Suspect site requiring further investigation	
	Brownfield Site: Yes	NPL Site: No
		Orphan Site: No
Property:	Twnsnp/Range/Sect: 2S , 1W , 32	Tax Lots: 00100
	Latitude: 45.356 deg.	Longitude: -122.8383 deg.
		Site Size: 5.85 acres
Other Site Names:	Graves Cannery	

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**Site History:** Former cannery (1918 to 1971) and other small warehousing. Brake parts business operated on the site for a brief period, nominally between late 1980s to late 1990s. Near building two area - Tualatin

Electric Company Pump House and Sub-Station was present in 1929.

**Contamination Information:**

**Manner and Time of Release:**

One known release from former UST removal. Cleanup completed in September of 1997 (LUST log #34-97-0179), but a pocket of contamination was left in place so as not to disturb the building's foundation.

**Hazardous Substances/Waste Types:**

(10/11/06 CWH/SAP) The 2006 Site Specific Assessment (aka Targeted Brownfield Assessment) found concentrations of chlorinated pesticides (dieldrin, DDT, DDE) in sediments of moribund wastewater treatment system solids settling ponds (concrete) that pose an unacceptable risk to ecological receptors and potentially to humans.

Polychlorinated biphenyls (PCBs) were detected in one sample, in a location below a wooden floor board inside Building #3, at a concentration that is above risk-based protective criterion for human health exposure in a residential setting.

Some low levels of petroleum hydrocarbons were also measured, but not above any risk-based concentrations. Lead was detected in several shallow soil samples at concentrations above established background concentrations.

**Pathways:**

**Environmental/Health Threats:**

**Status of Investigative or Remedial Action:**

(10/11/06 CWH/SAP) The 2006 Site Specific Assessment results show that there are unacceptable concentrations of legacy chlorinated pesticides (dieldrin, DDT, DDE) in sediments of moribund wastewater treatment system solids settling cells (concrete). These sediments will need to be removed and properly disposed.

DEQ has recommended that a soil management plan be developed to address several known areas of soil contamination and to plan for unanticipated discoveries of localized contamination during future site development.

Groundwater sampling showed non-detect for petroleum hydrocarbons.

**Data Sources:**

**Substance Contamination Information**

Substance	Media Contaminated	Concentration Level	Date Recorded
No information is available			

**Investigative, Remedial and Administrative Actions**

Action	Start Date	Compl. Date	Resp. Staff	Lead Pgm
Site added to database	04/26/2006	04/26/2006	Aaron Dennis	
TARGETED BROWNFIELD ASSESSMENT	05/01/2006	09/29/2006	Charles Harman	
Remedial Action recommended (RA) (Primary Action)	10/11/2006	10/11/2006	Charles Harman	SAS

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**CERCLIS No.:** The U.S. EPA's Hazardous Waste Site identification number, shown only if EPA has been involved at the site.

**Region:** DEQ divides the state into three regions, Eastern, Northwest, and Western; the regional office shown is responsible for site investigation/cleanup.

**NPL Site:** Is this site on EPA's National Priority List (i.e., a federal Superfund site)? (Y/N).

**Orphan Site:** Has DEQ's Orphan Program been active at this site? (Y/N). The Orphan Program uses state funds to clean up high-priority sites where owners and operators responsible for the contamination are absent, or are unable or unwilling to use their own resources for cleanup.

**Study Area:** Is this site a Study Area? (Y/N). Study Areas are groupings of individual ECSI sites that may be contributing to a larger, area-wide problem. ECSI assigns unique Site ID numbers to both individual sites and to Study Areas.

**Pathways:** A description of human or environmental resources that site contamination could affect.

**Lead Pgm:** This column refers to the Cleanup Program affiliation of the DEQ employee responsible for the action shown. SAS or SAP = Site Assessment; VCS or VCP = Voluntary Cleanup; ICP = Independent Cleanup; SRS or SRP = Site Response (enforcement cleanup); ORP = Orphan Program.

You may be able to obtain more information about this site by contacting Charles Harman at the Northwest regional office or via email at [harman.charles@deq.state.or.us](mailto:harman.charles@deq.state.or.us). If this does not work, you may contact Gil Wistar at (503) 229-5512, or via email at [wistar.gil@deq.state.or.us](mailto:wistar.gil@deq.state.or.us) or contact the Northwest regional office.

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For more information about **ECSI** call Gil Wistar at 503-229-5512 or email.

For more information about **DEQ's Land Quality Division and its programs**, see the contact page.

**Oregon Department of Environmental Quality**

Headquarters: 811 Sixth Ave., Portland, OR 97204-1390

Phone: 503-229-5696 or toll free in Oregon 1-800-452-4011

Oregon Telecommunications Relay Service: 1-800-735-2900 FAX: 503-229-6124

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## Service Provider Letter

CWS File Number

09-000783

This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 07-20).

Jurisdiction:	<u>Sherwood</u>	Review Type:	<u>Tier 2 Alternative Analysis</u>
Site Address / Location:	<u>15601 SW Willamette ST Sherwood, OR 97140</u>	SPL Issue Date:	<u>June 08, 2009</u>
		SPL Expiration Date:	<u>June 08, 2011</u>

<b>Applicant Information:</b>		<b>Owner Information:</b>	
Name	<u>SHERWOOD, CITY OF</u>	Name	<u>SHERWOOD, CITY OF</u>
Company	<u></u>	Company	<u></u>
Address	<u>22560 SW PINE ST SHERWOOD OR 97140</u>	Address	<u>22560 SW PINE ST SHERWOOD OR 97140</u>
Phone/Fax	<u>503-925-2303</u>	Phone/Fax	<u>503-925-2303</u>
E-mail:	<u></u>	E-mail:	<u></u>

Tax lot ID	Development Activity
<u>2S132BD00150, 00151, 00200, 00800, and 00900</u>	<u>Mixed-Use Development</u>

<b>Pre-Development Site Conditions:</b>	<b>Post Development Site Conditions:</b>
Sensitive Area Present: <input checked="" type="checkbox"/> On-Site <input checked="" type="checkbox"/> Off-Site	Sensitive Area Present: <input checked="" type="checkbox"/> On-Site <input checked="" type="checkbox"/> Off-Site
Vegetated Corridor Width: <u>Variable; 15-50 feet</u>	Vegetated Corridor Width: <u>Variable; 10-35 feet</u>
Vegetated Corridor Condition: <u>Marginal/Degraded</u>	

Enhancement of Remaining Vegetated Corridor Required: <input checked="" type="checkbox"/>	Square Footage to be enhanced: <u>6,009</u>
---	---

**Encroachments Into Pre-Development Vegetated Corridor:**

Type and location of Encroachment:	Square Footage:
<u>ROW</u>	<u>704</u>
<u>South Building Parking</u>	<u>1,767</u>
<u>West Apartment Building and Parking</u>	<u>1,220</u>
<b>Total</b>	<b><u>3,691</u></b>

**Mitigation Requirements:**

Type/Location	Sq. Ft./Ratio/Cost
<u>Off-site Mitigation (Tax lot 2S131DB01900)</u>	<u>4,614/ 1.25:1</u>

Conditions Attached     Development Figures Attached (8)     Planting Plan Attached     Geotech Report Required

**This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.**



## Service Provider Letter

CWS File Number  
09-000783

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Phone/Fax	<u>503-925-2303</u>	Phone/Fax	<u>503-925-2303</u>
E-mail:	<u></u>	E-mail:	<u></u>

<b>Tax lot ID</b>	<b>Development Activity</b>
<u>2S132BD00150, 00151, 00200, 00800, and 00900</u>	<u>Mixed-Use Development</u>

<b>Pre-Development Site Conditions:</b>	<b>Post Development Site Conditions:</b>
Sensitive Area Present: <input checked="" type="checkbox"/> On-Site <input checked="" type="checkbox"/> Off-Site	Sensitive Area Present: <input checked="" type="checkbox"/> On-Site <input checked="" type="checkbox"/> Off-Site
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<u></u>	<u></u>

Conditions Attached    Development Figures Attached (B)    Planting Plan Attached    Geotech Report Required

**This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.**

In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 07-20, Chapter 3.
2. Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 07-20, Section 3.06.1 and per approved plans.
3. Prior to any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits. **No Activity Authorized.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. Prior to ground disturbance an Erosion Control Permit through the City or Clean Water Services is required. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.
6. Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.
7. Activities located within the 100-year floodplain shall comply with R&O 07-20, Section 5.10.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. The stormwater planters shall be planted with Clean Water Services approved plant species, and designed to blend into the natural surroundings.
10. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**

#### SPECIAL CONDITIONS

11. For Vegetated Corridors up to 50 feet wide, the applicant shall enhance the entire Vegetated Corridor to meet or exceed good corridor condition as defined in R&O 07-20, Section 3.14.2, Table 3-3.
12. Prior to any site clearing, grading or construction, the applicant shall provide Clean Water Services with a Vegetated Corridor enhancement/restoration plan. Enhancement/restoration of the Vegetated Corridor shall be provided in accordance with R&O 07-20, Appendix A, and shall include planting specifications for all Vegetated Corridor, including any cleared areas larger than 25 square feet in Vegetated Corridor rated "good." **A general enhancement/restoration plan has been provided for the on-site Vegetated Corridor and off-site Mitigation area. Please see SPL attachments 5 and 7, respectively for the locations of enhancement.**
13. Prior to installation of plant materials, all invasive vegetation within the Vegetated Corridor shall be removed per methods described in Clean Water Services' Integrated Vegetation and Animal Management Guidance, 2003. During removal of invasive vegetation care shall be taken to minimize impacts to existing native tree and shrub species.
14. Clean Water Services shall be notified 72 hours prior to the start and completion of enhancement/restoration activities. Enhancement/restoration activities shall comply with the guidelines provided in Landscape Requirements (R&O 07-20, Appendix A).
15. Maintenance and monitoring requirements for both the on-site Vegetated Corridor and off-site Vegetated Corridor Mitigation area shall comply with R&O 07-20, Section 2.11.2. If at any time

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during the warranty period the landscaping falls below the 80% survival level, the owner shall reinstall all deficient planting at the next appropriate planting opportunity and the two year maintenance period shall begin again from the date of replanting.

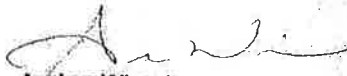
16. Performance assurances for the Vegetated Corridor shall comply with R&O 07-20, Section 2.06.2, Table 2-1 and Section 2.10, Table 2-2.
17. **Clean Water Services shall require an easement over the on-site Vegetated Corridor and off-site Mitigation area** conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

#### FINAL PLANS

18. **Final construction plans shall include landscape plans.** In the details section of the plans, a description of the methods for removal and control of exotic species, location, distribution, condition and size of plantings, existing plants and trees to be preserved, and installation methods for plant materials is required. Plantings shall be tagged for dormant season identification and shall remain on plant material after planting for monitoring purposes.
19. **A Maintenance Plan shall be included on final plans including methods, responsible party contact information, and dates** (minimum two times per year, by June 1 and September 30).
20. **Final construction plans shall clearly depict the location and dimensions of the sensitive area and the Vegetated Corridor** (indicating good, marginal, or degraded condition). Sensitive area boundaries shall be marked in the field.
21. **Protection of the Vegetated Corridors and associated sensitive areas shall be provided by the installation of permanent fencing and signage between the development and the outer limits of the Vegetated Corridors.** Fencing and signage details to be included on final construction plans.

This Service Provider Letter is not valid unless CWS-approved site plan is attached.

Please call (503) 681-3653 with any questions.

  
Amber Wierck  
Environmental Plan Review

Attachments (8)



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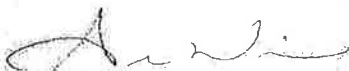
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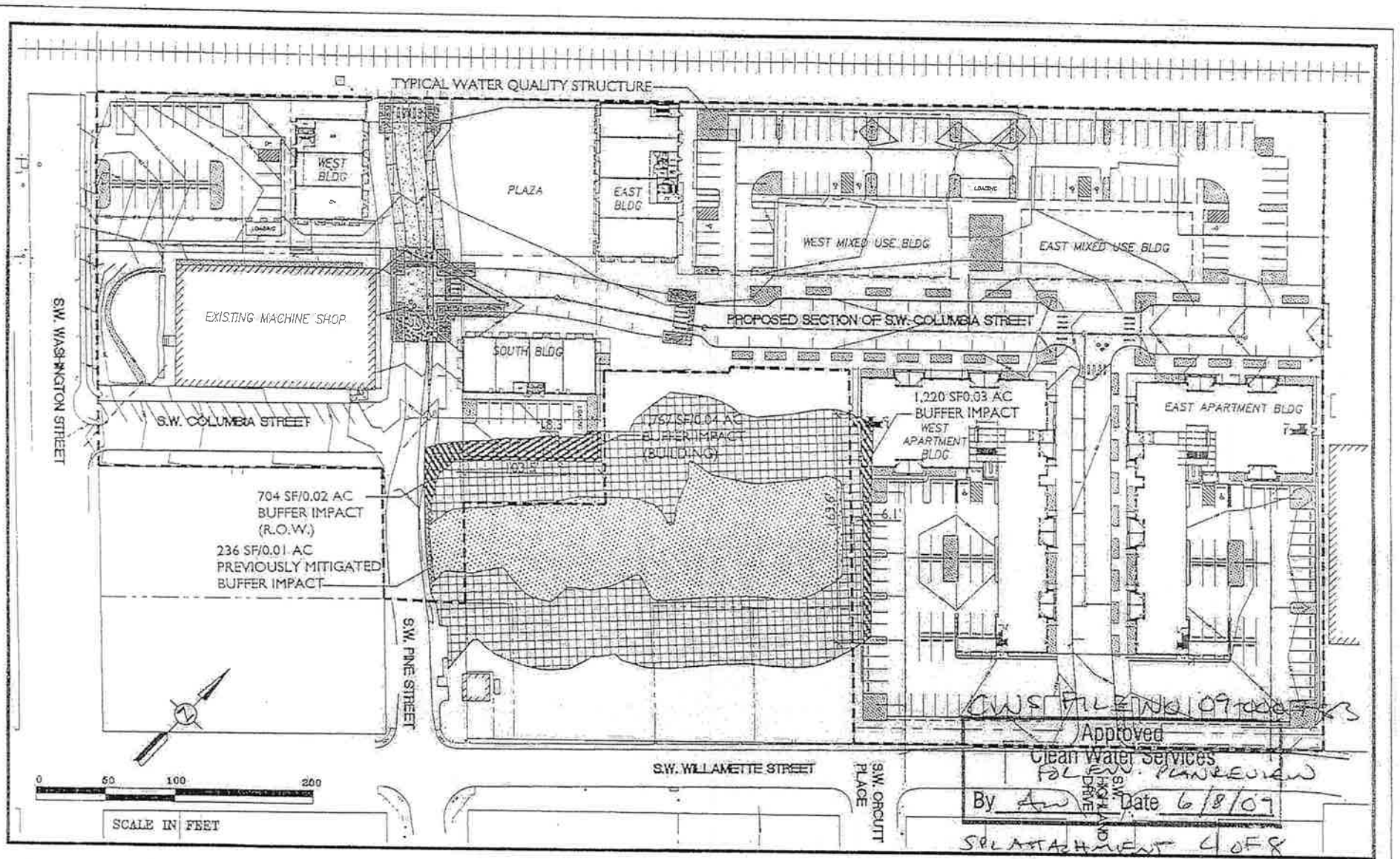


FIGURE  
7

Site plan and proposed buffer impacts at the Cannery Site PUD in Sherwood, Washington County, Oregon.

4408  
5/5/09



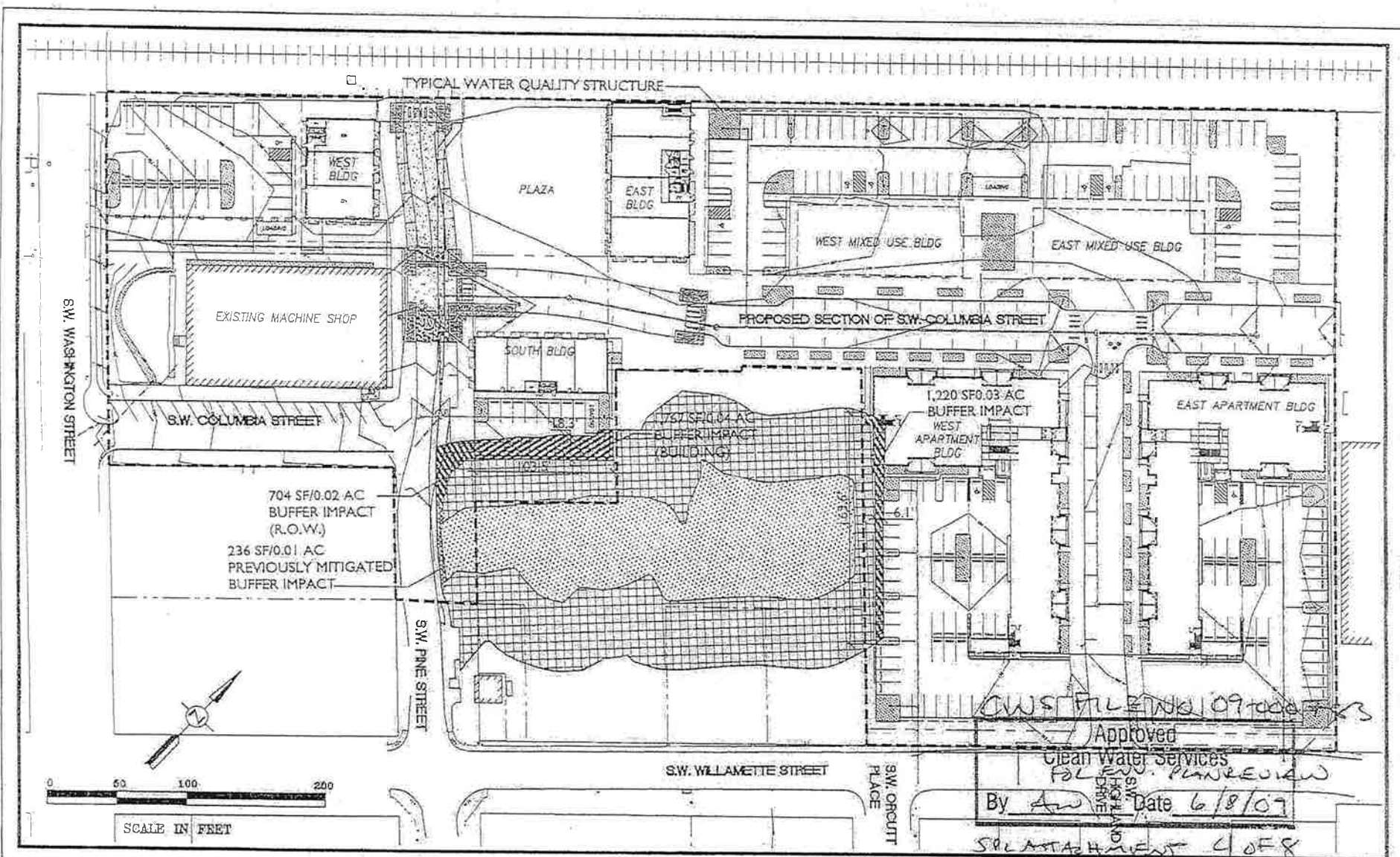


FIGURE  
7

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Pacific Habitat Services, Inc.





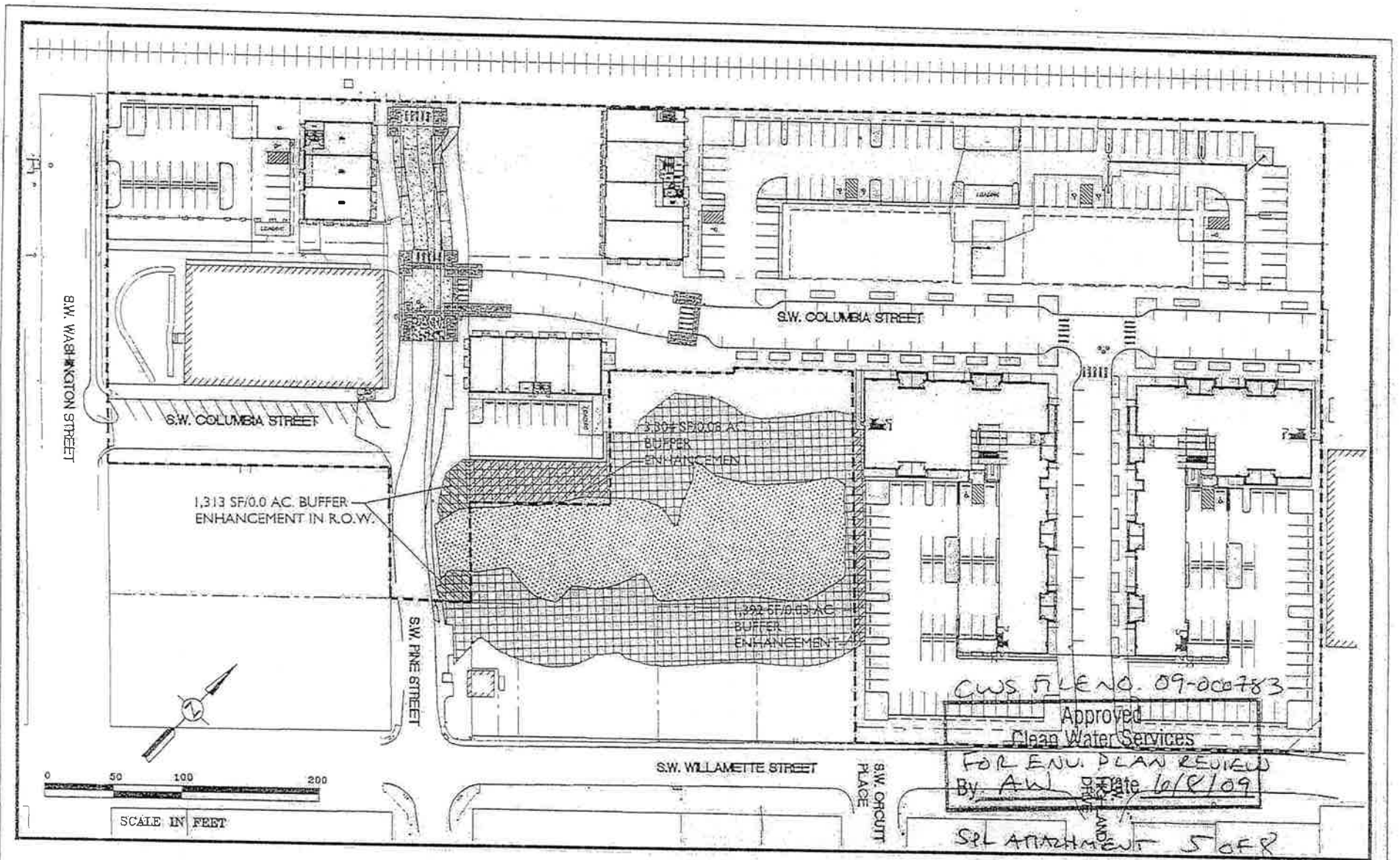


FIGURE  
9

Proposed onsite buffer enhancement at the proposed Cannery Site PUD in Sherwood, Washington County, Oregon.

4408  
5/5/09



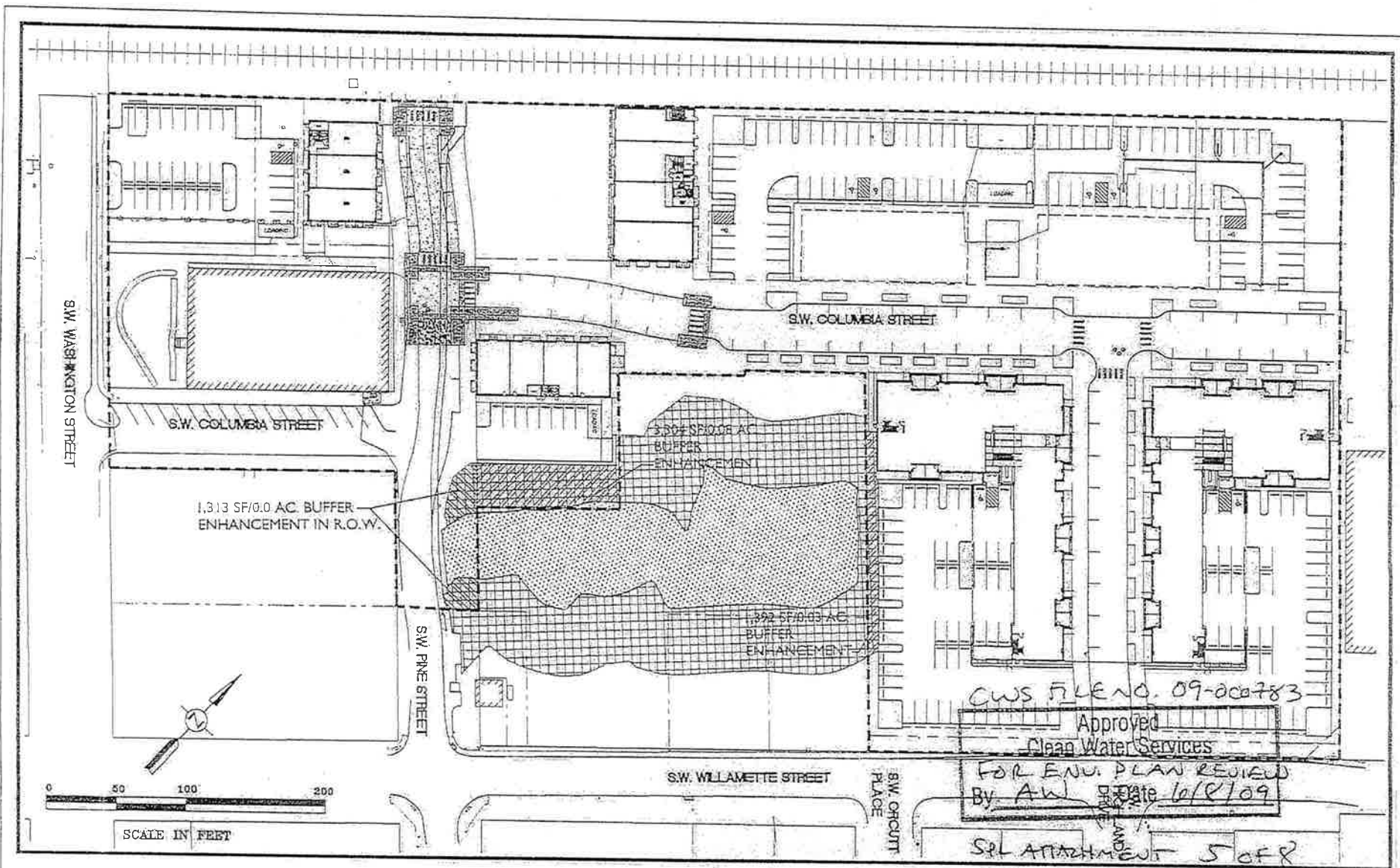


FIGURE  
9

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4408  
5/5/09



Approved  
 Clean Water Services  
 FOR ENV. PLAN REVIEW  
 By AW Date 6/8/09

Native Plant Communities and Species Diversity

Function: Support of Characteristic Vegetation

The native plant community and species diversity rates low for the wetland and buffer. The wetland and buffer are dominated by non native and noxious plants. Support of characteristic vegetation functions will be improved by planting native trees and shrubs and removing the invasive Himalayan blackberry and non-native grasses in the buffer. SPL Attachment  
6 of 8

**5.5 On Site Vegetated Corridor Enhancement**

The area of regulated on site VC to be enhanced is 6,009 square feet/0.14 acre (Figure 9). The on-site VCs will be enhanced by removing noxious/invasive species and planting native trees, shrubs, herbaceous cover, and an herbaceous seed mix. The existing vegetation will need to be taken into consideration when preparing a landscape plan.

Table 5 lists native plants recommended for installation throughout the vegetated corridor. The plant species were chosen for their suitability to the soils and hydrology of the site, and their natural occurrence in the area.

**Table 5. Suggested On Site VC Enhancement Plantings**

Botanical Name	Common Name	Minimum rooting size
<b>TREES</b>		
60 Total TREES Req'd		
<i>Acer circinatum</i>	Vine maple	2 gallon
<i>Acer macrophyllum</i>	Big leaf maple	2 gallon
<i>Crataegus douglasii</i>	Douglas hawthorn	2 gallon
<b>SHRUBS</b>		
300 Total Shrubs Req'd		
<i>Amelanchier alnifolia</i>	Western serviceberry	1 gallon
<i>Berberis aquifolium</i>	Tall Oregon grape	1 gallon
<i>Lonicera involucrata</i>	Black twinberry	1 gallon
<i>Oemleria cerasiformis</i>	Indian plum	1 gallon
<i>Polystichum munitum</i>	Sword fern	1 gallon
<i>Ribes sanguineum</i>	Red flowering current	1 gallon
<i>Rosa nutkana</i>	Nootka rose	1 gallon
<i>Symphoricarpos albus</i>	Snowberry	1 gallon
<b>HERBACEOUS SEED MIX</b>		
Application rate		
<i>Agrostis exarata</i>	Spike bentgrass	8 lbs per acre
<i>Bromus carinatus</i>	California brome	10 lbs per acre
<i>Elymus glaucus</i>	Blue wildrye	10 lbs per acre

Enhancement will be consistent with Clean Water Services' standards (R&O 07-20). The overall goal of the enhancement is to restore the corridor to 'Good' condition, as required.

**5.6 Off Site Vegetated Corridor Mitigation**

Mitigation for impacts to the VC are proposed at Woodhaven Park located approximately 1.2 miles southeast of the proposed project (Figure 1). The 7-acre park is owned and operated by the City of Sherwood located at 17375 Sunset Boulevard (Township 2 South, Range 1 West, Section 31 Tax lots 1800, 1900, 2000). The proposed mitigation site will be located on tax lot 1900 (Figures 10A and B). The mitigation site was selected because it is within park property

CWS FILE NO. 09-000783

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 Clean Water Services  
 FOR ENV. PLAN REVIEW  
 By AW Date 6/8/09

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<i>Polystichum munitum</i>	Sword fern	1 gallon
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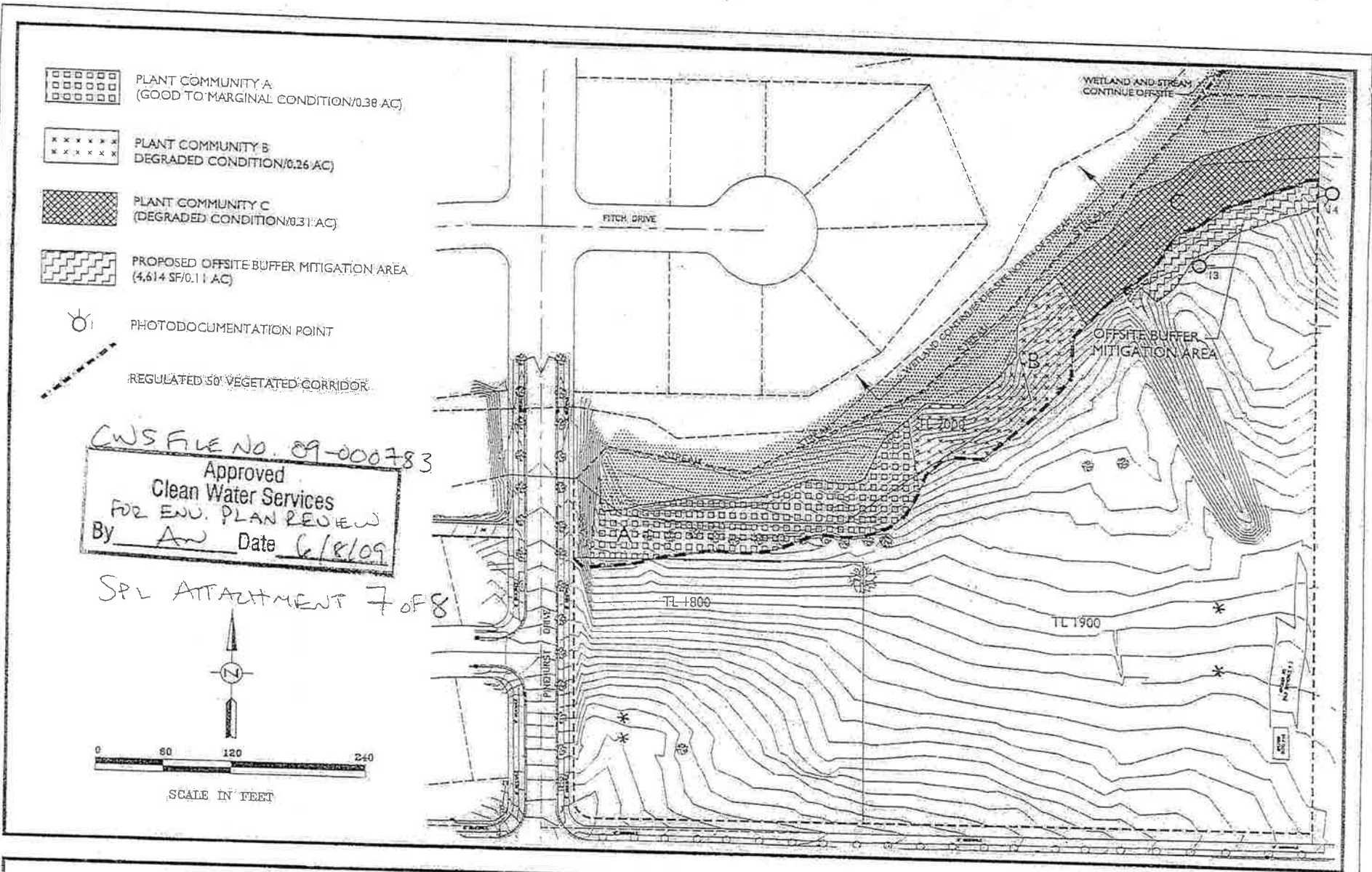


FIGURE  
10A

Location of proposed offsite buffer mitigation area at Woodhaven Park in Sherwood, Oregon. Base map provided by Westlake Consultants, 2001.

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5/5/09

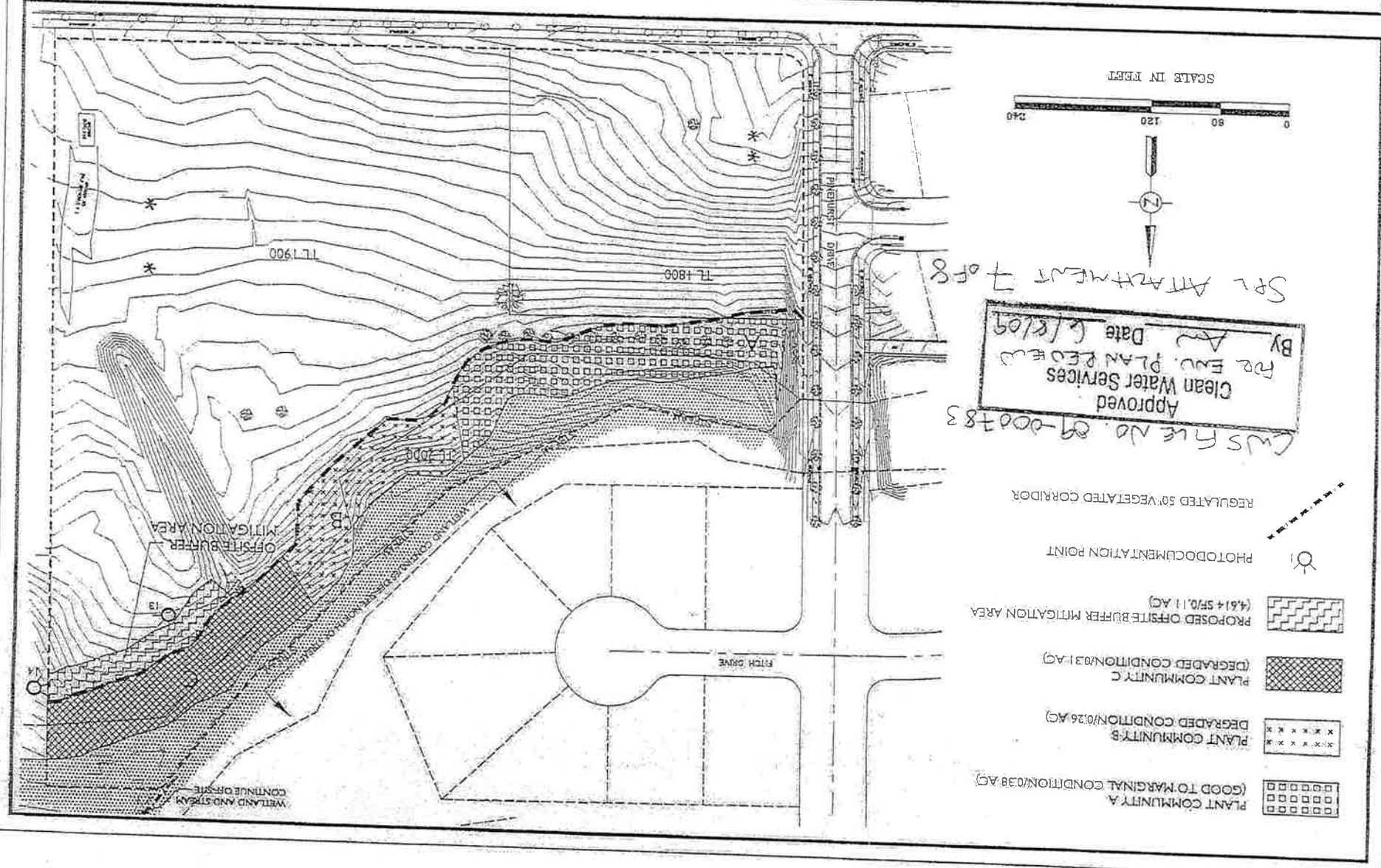


FIGURE 10A

Pacific Habitat Services, Inc.

Location of proposed offsite buffer mitigation area at Woodhaven Park in Sherwood, Oregon. Base map provided by Westlake Consultants, 2001.

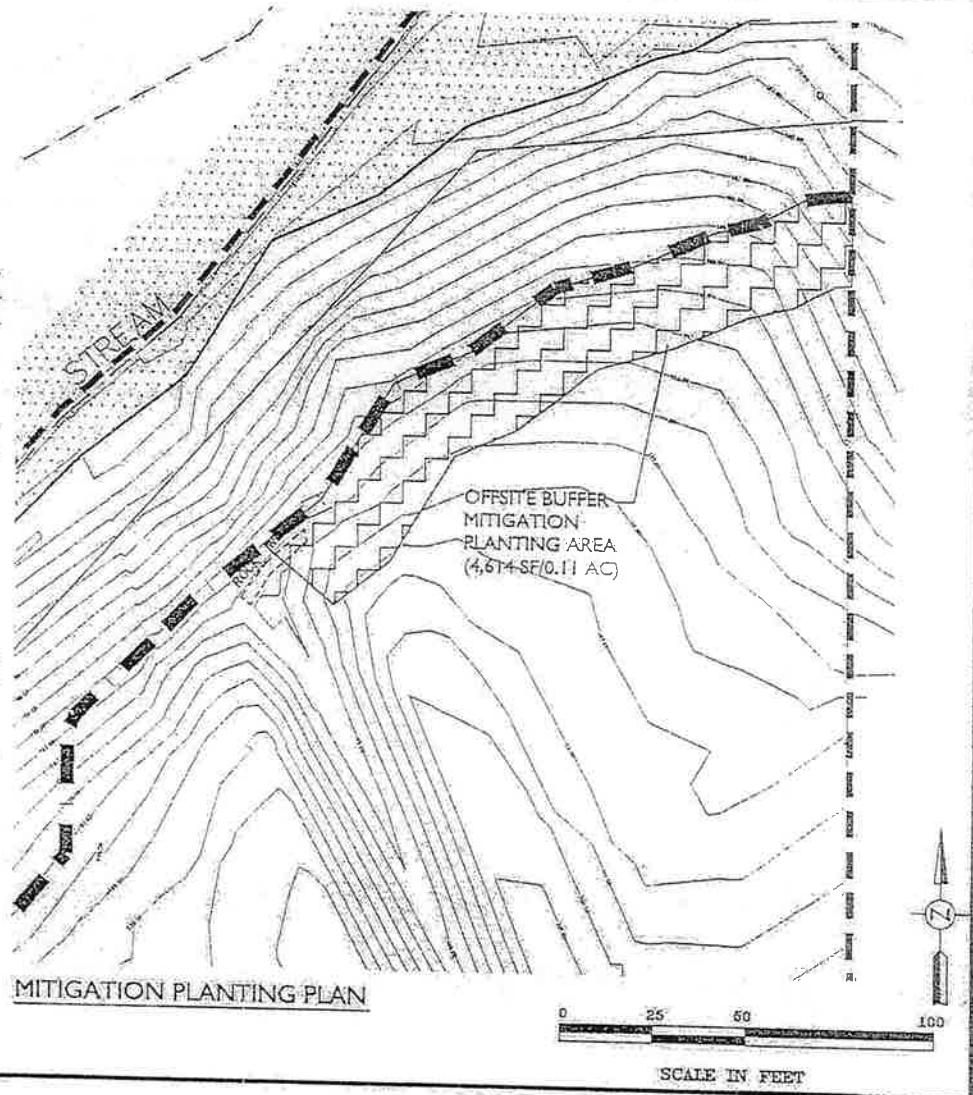
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Approved  
Clean Water Services  
FOR ENV. PLAN REVIEW  
By *[Signature]* Date 6/8/09

**PLANT LIST**

Botanical Name	Common Name	Size	Quantity
<b>TREES</b>			
<i>Acer circinatum</i>	Vine maple	2 gallon	46
<i>Acer macrophyllum</i>	Big leaf maple	2 gallon	12
<i>Crataegus douglasii</i>	Douglas hawthorn	2 gallon	10
<i>Pseudotsuga menziesii</i>	Douglas fir	2 gallon	10
<b>SHRUBS</b>			
<i>Amelanchier alnifolia</i>	Western serviceberry	1 gallon	231
<i>Berberis aquifolium</i>	Tall Oregon grape	1 gallon	26
<i>Lonicera involucrata</i>	Black twinberry	1 gallon	30
<i>Oemleria cerasiformis</i>	Indian plum	1 gallon	30
<i>Polystichum munitum</i>	Sword fern	1 gallon	25
<i>Ribes sanguineum</i>	Red flowering current	1 gallon	30
<i>Rosa nutkana</i>	Nootka rose	1 gallon	30
<i>Symphoricarpos albus</i>	Snowberry	1 gallon	30
<b>SEED MIX</b>			
		Rate	
<i>Agrostis exarata</i>	Spike bentgrass	8 lbs per acre	0.14 lbs
<i>Bromus carinatus</i>	California brome	10 lbs per acre	0.11 lbs
<i>Elymus glaucus</i>	Blue wildrye	10 lbs per acre	0.11 lbs



CWS FILE NO. 09-000783

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 By AW Date 6/8/09

SPL ATTACHMENT 8 of 8

FIGURE  
 10B

Proposed offsite buffer mitigation planting plan at Woodhaven Park in Sherwood, Oregon.  
 Base map provided by Westlake Consultants, 2001.

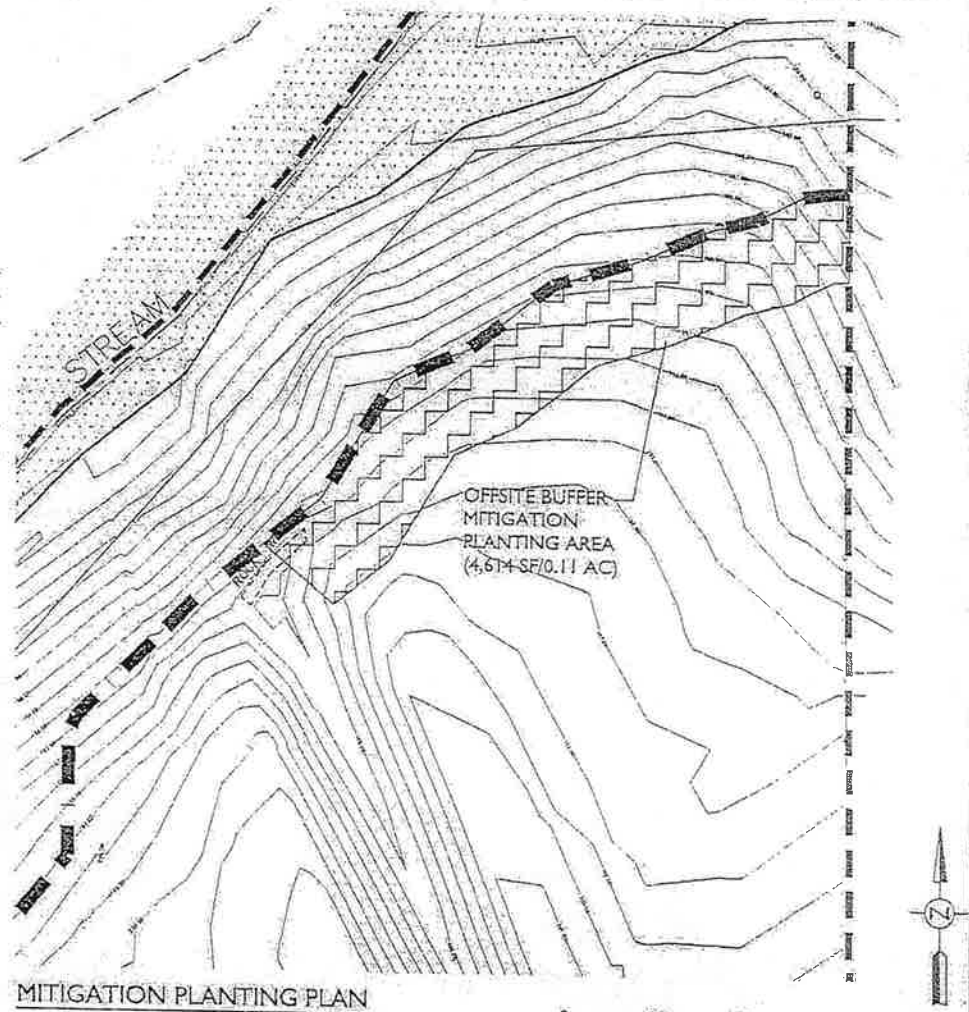
4408  
 5/5/09

Pacific Habitat Services, Inc.



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MITIGATION PLANTING PLAN



CWS FILE NO. 09-000783

Approved  
Clean Water Services  
FOR ENV. PLAN REVIEW  
By AW Date 6/8/09

SPL ATTACHMENT 8 of 8

FIGURE  
10B

Proposed offsite buffer mitigation planting plan at Woodhaven Park in Sherwood, Oregon.  
Base map provided by Westlake Consultants, 2001.

4408  
5/5/09

Pacific Habitat Services, Inc.







# EPA Brownfields Cleanup Grants: Interested in Applying for Funding?

*Here's what you need to know to get started...*

## What is EPA's Brownfields Program?



Lakewood, Colorado

The U.S. Environmental Protection Agency's (EPA) Brownfields Program is designed to empower states, communities, and other stakeholders to work together in

a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. EPA provides technical and financial assistance for brownfields activities through an approach based on four main goals: protecting human health and the environment, sustaining reuse, promoting partnerships, and strengthening the marketplace. Brownfields grants serve as the foundation of the Brownfields Program and support revitalization efforts by funding environmental assessment, cleanup, and job training activities. Thousands of properties have been assessed and cleaned up through the Brownfields Program, clearing the way for their reuse.



Lakewood, Colorado

A brownfield is defined as: real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The 2002 Brownfields Law further defines the term to include a site that is: "contaminated by a controlled substance; contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance'; or mine-scarred land."

## What are the Four Grant Types?

- ✓ Assessment grants provide funding for brownfields inventories, planning, environmental assessments, and community outreach.
- ✓ Revolving Loan Fund grants provide funding to capitalize a revolving loan fund that provides subgrants to carry out assessment and/or cleanup activities at brownfields.

- ✓ *Cleanup grants* provide direct funding for cleanup activities at specific sites.
- ✓ *Job Training grants* provide environmental training for residents of brownfields communities.

## What are Cleanup Grants?

Brownfields Cleanup grants provide funding for a grant recipient to carry out cleanup activities at brownfield sites. Funds may be used to address sites contaminated by petroleum and/or hazardous substances, pollutants, or contaminants (including hazardous substances commingled with petroleum).

**For the complete discussion of Brownfields Program grant funding, refer to the EPA Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup grants at: <http://www.epa.gov/brownfields/applicat.htm>**

## How Do I Apply for a Cleanup Grant?

Applicants submit a proposal for each grant type that they are applying for (i.e., assessment, revolving loan fund, and/or cleanup). Each proposal must address the selection criteria outlined in the guidelines.

Grant proposals should be concise and well organized, and must provide the information requested in the guidelines. Applicants must demonstrate that they meet threshold criteria requirements and must respond to evaluation criteria. Factual information about your proposed project and community must be provided.

Proposals must include:

- ✓ Cover letter describing project
- ✓ Applicant information
- ✓ Applicable mandatory attachments (e.g., state letter)
- ✓ Responses to evaluation criteria

All applicants must refer to the Proposal Guidelines published by EPA.

## Who is Eligible to Apply for a Cleanup Grant?

Eligible entities include: state, local, and tribal governments, with the exception of certain Indian tribes in Alaska; general purpose units of local government, land clearance authorities, or other quasi-governmental entities; regional council or redevelopment agencies; states or legislatures; or nonprofit organizations.

Some properties are excluded from the definition of a brownfield unless EPA makes a site-specific funding determination that allows grant funds to be used at that site.

In order to receive a Cleanup grant, the applicant must be the sole owner of the property that is the subject of its cleanup grant proposal by time of proposal submission. For the purposes of eligibility determinations in the guidelines only, the term "own" means fee simple title. A written ASTM or equivalent Phase I report must be completed and a minimum of an ASTM or equivalent Phase II site assessment must be underway or completed prior to proposal submission.

### *How Much Cleanup Grant Funding is Available?*

- ✓ Up to \$200,000 per site – no entity may apply for funding cleanup activities at more than five sites.
- ✓ Cleanup Grants require a 20 percent cost share, which may be in the form of a contribution of money, labor, material, or services, and must be for eligible and allowable costs.

### *How Long is the Cleanup Grant Period?*

The performance period for a cleanup grant is three years.

### *Where Do I Find the Proposal Guidelines?*

Electronic copies of the Proposal Guidelines can be obtained from the EPA brownfields Web site at:  
<http://www.epa.gov/brownfields/applicat.htm>

Additional information on grant programs may be found at: [www.grants.gov](http://www.grants.gov)

### *Is Pre-Application Assistance Available?*

If resources permit, EPA Regions may conduct open meetings with potential applicants. Check with your regional office for date and location information. Your regional Brownfields Program contacts can be found at:  
<http://www.epa.gov/brownfields/corcntct.htm>

EPA can respond to questions from applicants about threshold criteria, including site eligibility and ownership.

### *What is the Evaluation/Selection Process?*

Brownfields grants are awarded on a competitive basis. Evaluation panels consisting of EPA staff and other federal agency representatives assess how well the proposals meet the threshold and ranking criteria outlined in the Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup grants. Final selections are made by EPA senior management after considering the ranking of proposals by the evaluation panels. Responses to threshold criteria are evaluated on a pass/fail basis. If the proposal does not meet the threshold criteria, the proposal will not be evaluated. In some circumstances, EPA may seek additional information.

# THE QUESTIONS OF DENSITY & RECREATION/OPEN SPACE

TO: Sherwood Planning Commission  
FR: Susan Claus  
DT: 15 December 2009  
RE: Sherwood Cannery Square PUD 09-01, SUB 09-02, PA 09-05  
Additional comments for the Hearings Record

RECEIVED

DEC 15 2009

City of Sherwood

## SOME CODE SECTIONS TO CONSIDER:

### 16.02.020 Purpose

This Code is enacted to:

- A. **Encourage the most appropriate use of land.**
- B. **Conserve and stabilize the value of property.**
- C. Preserve natural resources.
- D. Facilitate fire and police protection.
- E. Provide adequate open space for light and air.
- F. **Minimize congestion on streets.**
- G. **Promote orderly growth of the City.**
- H. **Prevent undue concentrations of population.**
- I. **Facilitate adequate provision of community facilities.**
- J. **Promote in other ways the public health, safety, convenience, and general welfare.**
- K. Enable implementation of the Sherwood Comprehensive Plan in compliance with State Land Use Goals.

These are fundamental reasons why the Sherwood City Code was enacted. Look how many of these reasons directly reflect concerns of residents in the established neighborhoods near the proposed 101 multi-family primary use apartments being proposed as part of the Sherwood Cannery PUD. Even though a "cannery standard" 65% parking reduction may be allowed within the Cannery district—that standard does not compel or "legislate out" typical human behavior. People will continue to own cars. They will want to park the cars as close to their apartment units as possible. They will look to adjoining neighborhoods to find parking for themselves and their visitors. Just the lack of parking itself for the proposed 101 units violates Letters A,B,F,G,H,I, and J above in the simple reading of the language.

Despite the creative arguments from the applicant that the Planning Commission and City Council allow them to depart from Division VIII of SDC Chapter 16.142.020 Multi-Family Developments, the applicant must provide 20% dedicated recreation and open space for those apartment dwellers ON SITE for the tenants' recreation. The language reads "SHALL" not, "at the applicant's discretion." See the language below from the Code:

Page 1 of 5

Exhibit W

## 16.40.060 Non-Residential (Commercial or Industrial) PUD

### A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, **subject to Division VIII.** (Ord. 91-922 § 3; 86-851)

## DIVISION VIII

### 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:

##### 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 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.

##### 4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities **shall be clearly specified** in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance **must include provisions** suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection. (Ord. 91-922 § 3)

**(NOTE: EMPHASIS ADDED)**

### 16.02.050 Interpretation

The provisions of this Code shall be interpreted as minimum requirements. When this Code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Code shall control.

### 16.02.070 Conflicting Ordinances

All zoning, subdivision, and other land development ordinances previously enacted by the City are superseded and replaced by this Code.

## 16.10.020 SPECIFICALLY

The following terms shall have specific meaning when used in this Code:

**Density:** The intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net acre means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses.

## PLANNED UNIT DEVELOPMENT CODE INFORMATION

### 16.40.040 General Provisions

#### C. Multiple Zone Density Calculation

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, **provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s)** in terms of:

location of uses, (TOO MUCH Proposed DENSITY  
NEXT TO MDRL)  
building height,  
design and  
access.

(Ord. No. 2008-015, § 1, 10-7-2008)

### 16.40.060 Non-Residential (Commercial or Industrial) PUD

#### C. Development Standards

##### 6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.

Per the applicant's Preliminary Plat Map submitted, the detail of the area is summarized:

Lots 1, 3-8                      99,389 sq.ft. RC zone

**Residential units above commercial uses  
as a secondary use (Mixed Use) is not  
the same as primary multifamily uses on  
discreet lots—Can't compare apples to  
oranges**

Lot 2                    23,027 sq.ft.                    **(This is an existing building and not eligible to add back density to the HDR portion of the site)**

Lot 9                                    40,329 sq.ft. HDR/RC zone

Lot 10                                    38,069 sq.ft. HDR/RC zone

1.80 acres                    HDR/RC combined Lots 9&10

1.32 acres                    Underlying HDR zone (57,600 sf)  
24 units/acre

-----  
32 units                    Allowable Density HDR Apartments

You don't get the extra density on the HDR portion of the PUD site because:

- 1) there is no flood plain
- 2) density clustering doesn't apply—too much negative impact to the neighborhoods from reduced parking standards
- 3) Secondary "mixed-use " uses of residential above Retail Commercial is not the same as single use apartments on separate, saleable parcels
- 4) Underlying HDR zone was not intended to carry that many units

#### **16.20.010 PURPOSE**

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed.

#### **16.40.060 Non-Residential (Commercial or Industrial) PUD**

##### **6. Density Transfer**

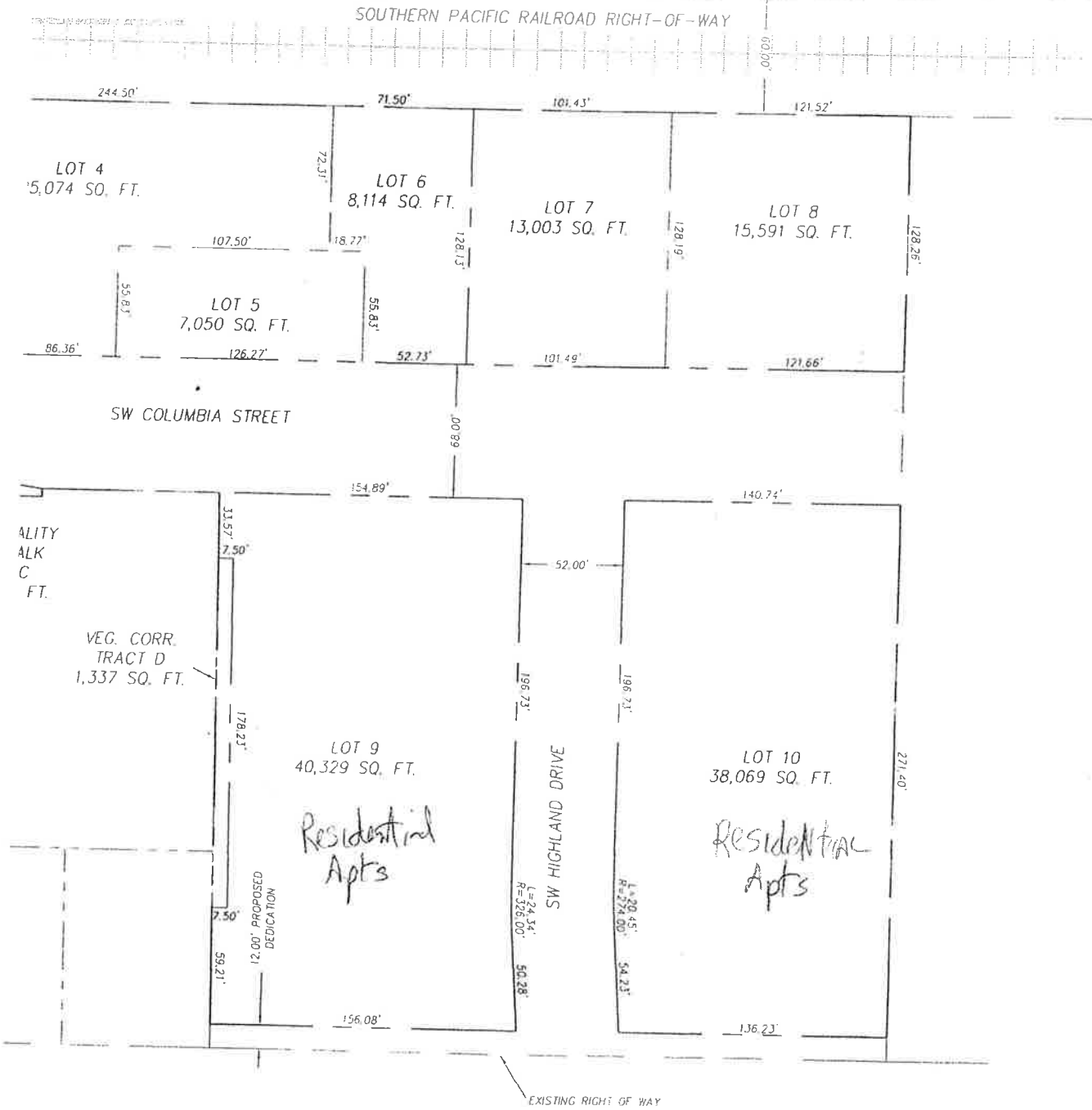
Where the proposed PUD **includes lands within the base floodplain**, a density transfer may be allowed in accordance with Section 16.142.040.

**NOTE: THERE ARE NO LANDS WITHIN THE BASE FLOODPLAIN SO THERE IS NO DENSITY TRANSFER**

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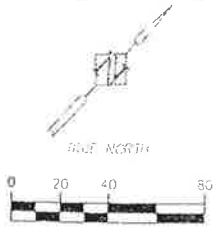
**Summary:** Even if the density was allowed, the clustering next to the MDRL zoning is unacceptable. Too intense, reduced typical parking standards, using other off site parking to reach the "reduced" parking amounts adversely impacts the surrounding established neighborhoods.

---



**AREA SUMMARY**

LOT/TRACT	AREA
1,3 - 10	177,787 SQ. FT.
2	23,027 SQ. FT.
TRACT A	12,004 SQ. FT.
TRACT C	1044 SQ. FT.
NET BUILDABLE	213,862 SQ. FT.
NET BUILDABLE	213,862 SQ. FT.
NEW RIGHT OF WAY	56,416 SQ. FT.
VEG. CORR TRACTS	4,783 SQ. FT.
TOTAL	275,061 SQ. FT.



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 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171  
 ANK-112 DESIGNED BY: HHPR DRAWN BY: HHPR CHECKED BY: BRA

ANIKOMY MONICANI

Sherwood Cannery Square PUD

MARK D

DATE:	
JOB:	
FILE:	
DRAWN:	
CHECKED:	

COPYRIGHT ASSOCIATE

PREL. PLAT

C

**Analysis of what Capstone will be paying for the various parcels in the proposed PUD**

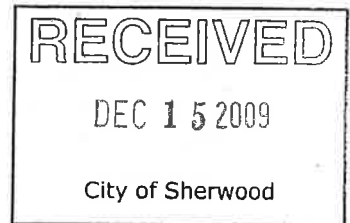
Based on the Amended Purchase Price agreement between the Urban Renewal Agency and Capstone for the West and East Apartment Sites (from URA minutes dated 11-3-2009):

**Purchase Price Amounts. Section 3.3 of the Purchase Agreement shall be deleted and replaced with the following:**

**The Purchase Price for West Residential Phase (Site C) and East Residential Phase (Site D) shall be the product of the actual land area of the Residential Phase to be acquired (but not more than \$12.00 per square foot nor less than \$8.00 per square foot), which residual land value shall be determined by a multi-family appraiser mutually selected by Purchaser (subject to approval by Seller, which approval shall not be unreasonably withheld, conditioned or delayed) using Purchaser's actual cost assumptions, revenue and operating expense assumptions to assist such appraiser in determining such residual land value.**

Based on the plans submitted by the applicant (Preliminary Plat C2.2), the lot size for the West Residential Phase is 40,329 sq.ft. The East Residential Phase is 38,069 sf. The range of purchase price for those two parcels is:

<u>Parcel</u>	<u>\$8/sfPrice</u>	<u>\$12/sf Price</u>
West Parcel 40,329 sf	\$322,632	\$483,948
East Parcel 38,069 sf	\$304,552	\$456,828
<b>TOTAL Apt Land</b>	<b>\$627,184</b>	<b>\$940,776</b>



**Purchase Price Amounts. Section 3.4 of the Purchase Agreement shall be deleted and replaced with the following:**

**The Purchase Price for any Phase or lot within the NE Phase shall be \$16.00 per square foot of land that comprises the Phase or lot to be acquired.**

Based on the plans submitted by the applicant (Preliminary Plat C2.2), the lot sizes for the NE Phase are:

Lot 4	25,074 sf	x	16	=	\$401,184
Lot 5	7,050 sf	x	16	=	112,800
Lot 6	8,114 sf	x	16	=	129,824
Lot 7	13,003 sf	x	16	=	208,048
Lot 8	15,591 sf	x	16	=	249,456
	68,832 sf				<b>\$1,101,312</b>

Additional lots on Plat not in NE Phase

Lot 3	9,797 sf	x	16	=	156,752
Lot 1	20,760 sf	x	16	=	332,160
	30,557 sf				<b>\$ 488,912</b>

Lot 2-Machine Works ( 23,027 sf) N/A

Exhibit X



The Urban Renewal Agency obtained a USPAP appraisal from Craig Zell and Associates on October 1, 2009 valuing the two Robin Hood Theater lots at \$25 / sf. (copy of Zell appraisal letter included). The Urban Renewal District has purchased both of those lots from the City Of Sherwood at the \$25 / sf price. The lots are zoned the same as the proposed Lots 1-8 of this application.

**WHY is there a 36% discount or \$9 / sf price reduction given to Capstone Partners for these Urban Renewal Agency lots? That amounts to a discount of approximately (\$9 x 68,832 sf) \$619,488 if Capstone only purchases Lots 4 through 8.**

During the December 8, 2009 hearing, Ms. Hajduk stated that Capstone would be buying nine of the ten lots in the Cannery PUD. If so, then Capstone would also be purchasing Lots 1 and 3 and receiving the 36% discount for those lots of approximately (30,557 sf x \$9) \$275,013. **Again, WHY?**

The Oregonian article from Brad Schmidt offers a slightly different analysis of the Capstone commitment to purchase the Retail Commercial lots in the PUD (See attached Oregonian article dated December 4, 2009). According to the information that Mr. Schmidt received from the Sherwood staff and the Mayor, the Mayor stated in the article that Capstone is only committed to buy 40,000 sf of RC land. In that analysis, Capstone would be paying the URA a total of \$640,000 (based on the \$16/sf price) vs. the \$1,000,000 they would be paying if they had to pay \$25 / ft. **WHY the discount?**

**With purchases that could take several years to consummate, why would the Urban Renewal Manager negotiate a pre-determined discounted price and not agree to get market appraisals at the time that the applicant notified the UR agency of its intent to purchase? Who knows what the market will be like seven years from now? All that the Urban Renewal Manager has guaranteed is that Capstone will continue to buy if the property remains discounted at the set rate of \$16/sf. That type of negotiating is not in the best interest of the URA or the citizens—especially negotiating a set price to the buyer over an extended period of time with the buyer having ongoing contingencies that let them walk if the \$16/sf price becomes less than a good deal for the buyer.**

#### **SOME OF CAPSTONE'S CONTINGENCIES per the agreement with URA**

The latest agreement between the Sherwood Urban Renewal Agency and Capstone also provides among other provisions for:

- “The Closing of the purchase and sale of the Property shall occur in multiple phases to allow for the purchase of any individual Phase or lot or combination of Phases or lots.” (Sec 9.1)
- The First Takedown can be beginning up to two years following completion of public infrastructure (Sec 9.2)
- The Last Takedown can be for seven years following completion of public infrastructure (Sec 9.2)
- Public Infrastructure Milestone is projected at this time to be completed in Fall of 2010
- Nothing can happen until the Urban Renewal Agency receives a “No Further Action” (NFA) letter and authorization from the Department of Environmental Quality and Clean Water Services regarding the total clean up of the contaminated Cannery site. At this time the URA stills needs to provide a Soil Management Plan that is reviewed and accepted by DEQ as well as signed off. It is unknown how many months it will take to receive the NFA letter.
- Capstone’s “Due Diligence Contingency Date shall be ninety(90) days after the later to occur of: (i) Purchaser’s receipt of the ‘no further action letter’ from the Oregon Department of Environmental Quality, and (ii) final binding approval in form acceptable to Purchaser of the preliminary PUD and Subdivision for the proposed development of the Old Cannery Site.” (Sec 6.2)

- Another Capstone contingency is that it “also has to obtain a “service provider letter” from Clean Water Services in form and content acceptable to Purchaser allowing for the proposed development of the Old Cannery Site” (Sec 5.1).
- Purchaser’s obligations under this Agreement are contingent upon the receipt of a construction financing commitment with respect to the development of the portion of the Property to be acquired upon such terms and from such lender as is reasonably acceptable to Purchaser. (Sec 7.9)
- Purchaser’s obligations under this Agreement are contingent upon obtaining pre-lease or pre-sale commitments for a minimum of 40% of the proposed retail, office and/or commercial buildings contemplated to be developed on the portion of the Property to be acquired, or as may be required by the Purchaser’s construction lender. (Sec 7.10)

It is clear from the agreement that Capstone still has maximum flexibility to walk from this project or portions of this Cannery PUD project.

**Why does that matter?** Because you are being asked to approve a time sensitive planned unit development that has EXTENDED time frames. Clearly the intent of the general provisions of Chapter 16.4.040 A.1 & A.2 for PUDs is being violated. Based on the applicant and city’s timeline, it is almost impossible that the entire PUD could be completed within 24 months of any approval. The applicant has offered no phasing plan and in fact has asked for maximum flexibility and NOT commit to a defined phasing plan. In fact, Section 9.2 the underlying agreement between the URA and the applicant allows for up to more than seven years before the applicant would have to commit to the final take down. The underlying agreement violates the basic provisions of Chapter 16.4 of the zoning code as it applies to PUDs.

This PUD is premature and lacks clarity for the surrounding properties. It does not provide adequate information for completion of the various uses within the PUD.

Sincerely,



Susan Claus

Enclosures:

“Sherwood Cannery Redevelopment Delayed But Still on Track” Brad Schmidt, The Oregonian (Dec 4, 09)  
Sherwood Cannery Square PUD, Preliminary Plat, Map C2.2  
Summary Appraisal of the Robin Hood Theater Site, Sherwood, Oregon. Craig Zell and Assoc. (Oct 1, 09)

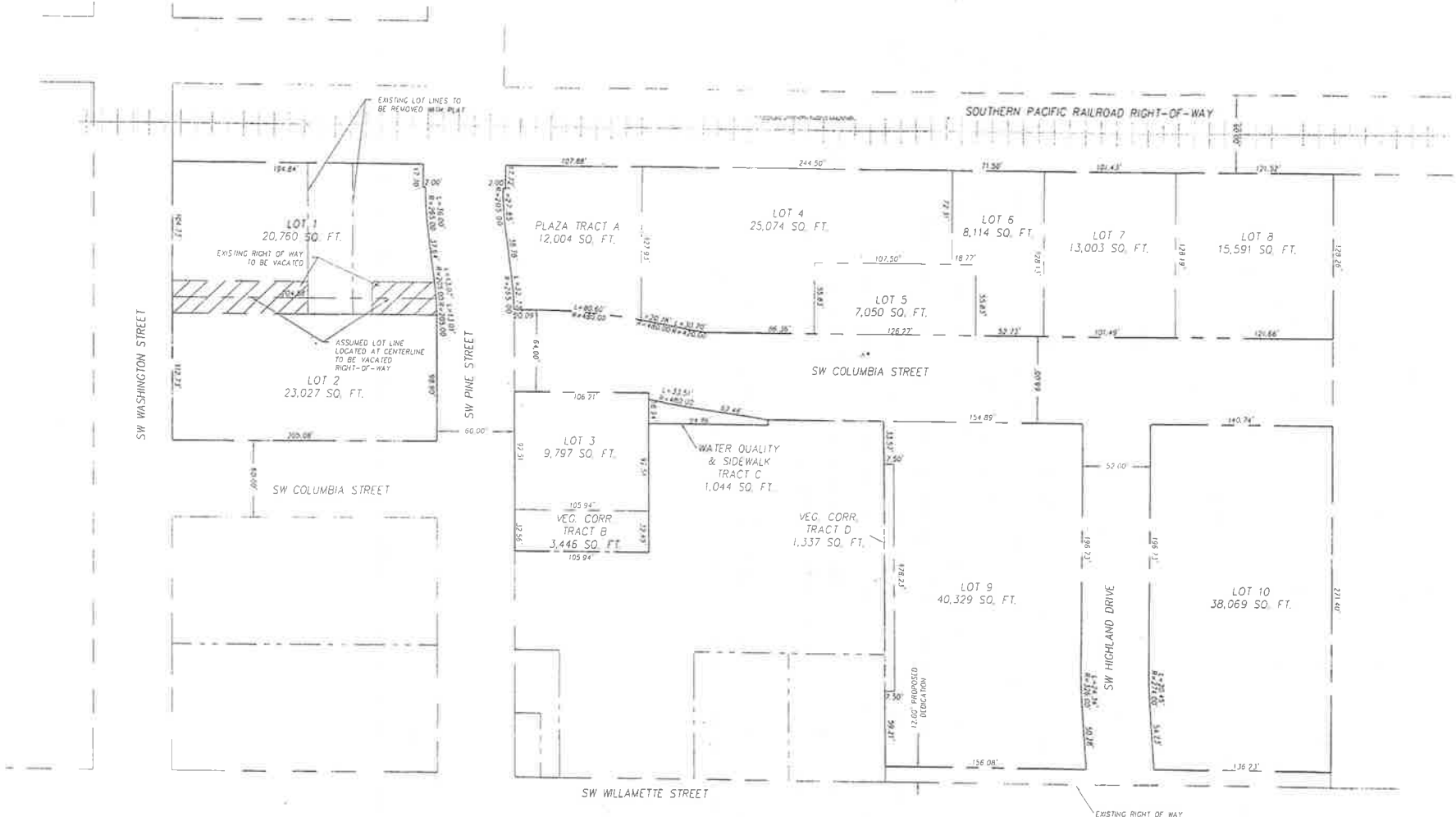
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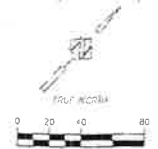
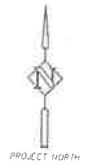
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PRELIMINARY PLAT

C2.2



AREA SUMMARY	
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1, 3 - 10	177,787 SQ. FT.
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TRACT B	1044 SQ. FT.
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TOTAL	275,061 SQ. FT.



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ANK-112 DESIGNED BY: HHPR DRAWN BY: HHPR CHECKED BY: DBA

# Sherwood cannery redevelopment delayed but still on track

By Brad Schmidt, The Oregonian

December 04, 2009, 3:34PM

SHERWOOD -- The wait for the most extensive redevelopment project in downtown Sherwood is getting longer. Much longer.

The proposed cannery redevelopment by **Capstone Partners LLC** was supposed to begin this summer with construction of three commercial structures and two apartment buildings. A final commercial phase was supposed to kick off by the end of 2012.

But various delays prompted **city leaders** to approve a revised schedule in which private redevelopment would begin by fall 2012 and finish by about 2017. And the promise of private investment is tied to upfront taxpayer investments for a public plaza, new roads and government becoming a retail landlord at one building.

City officials say those taxpayer-backed improvements will benefit the area and prompt major investment. The project is expected to generate \$28 million to \$33 million of private investment, said Tom Nelson, Sherwood's economic development manager.

"If we're improving the area, we expect that it's going to make the whole project more attractive," he said.

Specifics of the cannery proposal will be reviewed at 7 p.m. Tuesday by **Sherwood's planning commission**. If approved, the **Sherwood City Council** will review the plan sometime in early 2010.

Cannery redevelopment is seen as the hallmark of a revitalized downtown. Sherwood's Urban Renewal Agency has purchased more than \$4 million in land and is poised to spend about \$8.4 million for the plaza, new streets and renovation of the 13,000-square-foot machine works building into a cultural center and commercial space. Rent from businesses in the building likely would go toward operating costs for the center, Nelson said.

The revised development agreement, approved last month by the Urban Renewal Agency, calls for those taxpayer projects to be complete by winter 2010. The revised agreement allows Capstone to purchase and redevelop property individually, rather than in two phases, and gives the company until 2017 to purchase land for the project.

Sherwood Mayor Keith Mays said the new schedule contains "worst-case dates" and provides Capstone needed flexibility to build in phases, as the post-recession market demands. If completed, Capstone would develop about 40,000 square feet of commercial space and 101 apartments.

"Yes, we'd like to be further along," Mays said. "But we are still very happy with Capstone and we're making progress."

The city in 2004 bought the 6.4-acre cannery property, which long ago was a fruit processing plant. Efforts to sell the land to a developer stalled and the Urban Renewal Agency bought the land in 2008. Capstone reached an agreement later that year to develop, but wetland mitigation and environmental approvals from the state have taken longer than anticipated.

Martha Shelley, a principal at Capstone, said the company won't seek construction financing until it receives enough commitments from potential tenants, on a building by building basis. Capstone won't begin seeking those commitments until the project receives final approval from the city, she said. At buildout, Capstone is expected to buy about \$2 million of property from the Urban Renewal Agency.

"We want this to be a huge success and we want the users to tell us what needs to get built first and when, so that we don't have any empty buildings there," Shelley said.

Some citizens have questioned whether the project includes adequate parking or whether it will generate too much traffic. Others say three-story apartment buildings are too large for downtown and wonder whether there is demand for additional commercial space in an old-style downtown featuring a handful of local restaurants and antique stores.

-- Brad Schmidt

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# Zell & Associates

Real Estate Appraisers and Counselors

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October 1, 2009

The City of Sherwood  
Tom Nelson  
22560 SW Pine Street  
Sherwood, OR 97140

Summary Appraisal of the Robin Hood Theater Site  
Zell File No. 09-176

Mr. Nelson,

At your request, I have personally completed an appraisal of the property noted above and more fully described in this report. Per your request, I have appraised the property using a complete appraisal, but for simplicity of reading and reduction of cost, reported the results in a summary format. This format briefly describes the property and our findings for purposes of valuation. The documentation has been retained in our work files, however if at any time you need additional information regarding the analysis, it is available to you upon short notice. The following identifies the property and summarizes some characteristics:

**Property Location:** On the south corner of NW First and SW Pine Streets, City of Sherwood, Washington County, Oregon

**Date of Value:** October 1, 2009

**Assessors Map Numbers:** 2S1W Section 32BC Tax Lots 3700 and 3800

**Land Size:** 10,000 Square Feet

**Access:** Directly on First and Pine Streets with an alley off Pine

**Topography:** Level

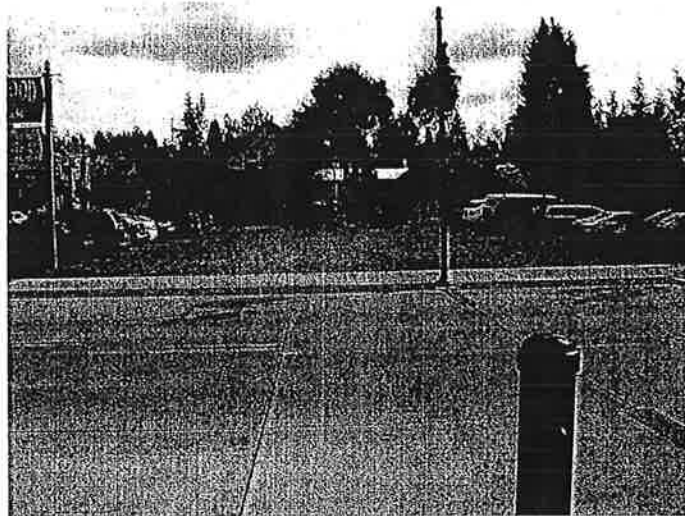
**Utility Services:** Assumed all available without extra cost

**Zone:** RC – Retail Commercial with a design overlay

**Urban Growth Boundary Inclusion:** Inside UGB, City of Sherwood

**Improvements:** None except for gravel parking surface and original sign for the theater

**Highest and Best Use:** Commercial or mixed use building



## ASSUMPTIONS OR LIMITING CONDITIONS

This appraisal report and the certification of value are expressly contingent upon and subject to the following:

1. The appraiser has not been supplied with a metes and bounds legal description, but the property is assumed to be a 100' X 100' square as depicted on the county plat map. All matters of a legal nature or facts which might be revealed by a survey or title examination are excluded from the opinion of value herein.
2. That the title to the property is assumed to be good and merchantable.
3. That the property is free and clear of all liens or encumbrances including taxes and assessments not specifically referred to in the appraisal.
4. That management of the property and ownership is responsible.
5. Subsoil and flood plain characteristics of the subject site appear to be suitable for the intended use. No further studies were taken and no responsibility is assumed. Subsurface rights were not considered in making this appraisal.
6. We are not qualified to determine the presence of toxic or hazardous substances or materials which may influence or be associated with the subject or adjacent properties. We have made no investigation or analysis as to the presence of such materials. Value estimates set forth herein are net values after all costs or expenses have been paid by others to render the property suitable for its intended use.
7. It is assumed that full compliance has been made with all applicable federal, state and local environmental regulations and laws unless specifically stated otherwise in this report. It is assumed that all applicable zoning and use regulations and restrictions have been complied with unless specifically stated otherwise in this report. It is assumed that the improvements, if any, are within the boundaries or property lines of the property described and that there is no encroachment or trespass unless specifically stated otherwise in this report.
8. The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. Any fractional use of the portions of this report with any other appraisal is invalid.
9. Possession of this report, or any portion thereof, does not carry right of publication. Neither all nor any portion of this report may be disseminated to the public through any media or communication without the prior written consent of the appraiser, nor may it be used for any purpose by anyone but the client without previous written consent of the appraiser and then only under the proper qualifications and in its entirety.
10. In the event of a subpoena or other required appearance before any court or other formal hearing concerning any or all of the subject matter of this report, the

customary charge will be made for any appearance and we are not required to give further consultation or testimony unless arrangements have been made previously.

11. The comparable sales data outlined in this report has been checked as closely as possible for errors and is considered accurate, but this accuracy is limited to the reliability of the people contacted who were involved in the sale and to the information they passed on to the appraiser during his investigation.
12. The general economic conditions will remain stable during the projected marketing period. The current unemployment rate for the State of Oregon is 12.4% and retail vacancy is 7.1% for the second quarter of 2009 for the Portland Metropolitan area. These numbers are higher than what we have seen in the recent past and an economic recovery is anticipated.
13. Competent management and aggressive marketing will be retained at all times during the marketing period.

### **Intended Use and User of the Appraisal Report**

The intended user of this appraisal report is the City of Sherwood. Any other user is prohibited without prior written consent of the appraiser. Reliance on the analysis or conclusions within this report is limited to the user. The appraiser's responsibility is limited solely to the client. The intended use of this appraisal is for potential market pricing purposes.

### **Purpose and Function of the Appraisal**

The purpose of this appraisal is to estimate the current market value of the subject in its "As Is" condition for marketing purposes. The function of the report is to communicate the data and reasoning used by the appraiser. In this regard, I must caution you that the limited summary format, although easily and quickly read, can result in such a limited degree of presentation as to be misleading if used or relied upon by parties unfamiliar with the market, the neighborhood or real estate in general.

**RELIANCE ON THIS REPORT IS THUS LIMITED TO ONLY THE CLIENT WHO IS ASSUMED TO HAVE THE KNOWLEDGE AND EXPERIENCE TO UNDERSTAND THIS LIMITED SUMMARY FORMAT REPORT.**

### **Scope of the Appraisal**

The scope of the appraisal encompasses the necessary research and analysis to prepare the report in accordance with the intended use, as well as in accordance with The Uniform Standards of Professional Appraisal Practice and the laws of the State of Oregon.

The property was identified by means of the Washington County Tax Assessor's Map and MetroScan. An on-site inspection of the property was performed by means whereby the appraiser walked the site sufficient to view significant features of the land. No other tangible property was considered. Additional features of the property were obtained from the internet including aerial photography and zoning information. Information critical to the analysis and relied upon for the conclusions was obtained from the owner and others as identified throughout the appraisal.

The highest and best use conclusion was developed through an analysis of the physical aspects of the subject property and its surrounding neighborhood. The legal aspects were considered as reflected in applicable zoning ordinances and on observations of other development in the neighborhood. The financial feasibility conclusion was based on general market trends obtained from the MLS and other sources. The property could support a wide variety of commercial development, with or without a residential component, depending on the needs of a particular buyer. The determination of the ideal improvement is considered outside the scope of the appraisal and the most productive use was considered to be for commercial or mixed use development.

All approaches to value were considered and ultimately only the sales comparison approach was considered appropriate in this analysis. Comparable sales data was



obtained from RMLS, CoStar Comps, public records through MetroScan, and conversations with local builders and developers. Each of the sales was confirmed through a person familiar with the sale, typically a real estate agent or buyer. Where this was not possible the appraiser has relied on County Records and conversations with planning staff. Each of the sales used in the analysis for comparison purposes was physically viewed and photographed.

### **Definition of Market Value**

This appraisal has been completed for the purpose of estimating market value of the subject property, defined as:

*"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:*

- a) buyer and seller are typically motivated;*
- b) both parties are well informed or well advised, and each acting in what they consider their own best interest;*
- c) a reasonable time is allowed for exposure in the open market;*
- d) payment is made in terms of cash in US dollars or in terms of financial arrangements comparable thereto; and*
- e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."<sup>1</sup>*

### **Property Rights Appraised**

This assignment concerns the appraisal of the fee simple interest. "Fee Simple" is defined as follows:

*"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."<sup>2</sup>*

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<sup>1</sup> Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions {f}.

<sup>2</sup> The Dictionary of Real Estate Appraisal, Third Edition, Appraisal Institute, Chicago, 1993, Page 140.

### **Competency Provision**

The Uniform Standards of Professional Appraisal Practice (USPAP) requires that “*prior to accepting or entering into an agreement to perform any assignment, an appraiser must properly identify the problem to be addressed and have the knowledge and experience to complete the assignment competently.*”<sup>3</sup> The appraiser hereby certifies that he/she has the necessary experience and knowledge to complete this assignment competently.

### **Availability of Information**

The information necessary to complete this assignment properly was available to the appraiser during the course of assignment unless otherwise noted in the individual sections of the appraisal or the attached Assumptions and Limiting Conditions. The appraiser was not supplied with a current Title Report for the purposes of this appraisal and cannot take responsibility for issues of ownership.

### **Compliance**

This appraisal has been prepared in compliance with our best interpretation of the current Uniform Standards of Professional Appraisal Practice, any client Supplemental Standards and the laws of the State wherein the property is located. Should this report be transferred to another party and/or is reviewed by another party and there are questions or additional work necessary to comply with their subsequent standards, the appraiser reserves the right to charge appropriate additional fees for the work and time expended.

### **Personal Property, Fixtures or Intangible Items**

No personal property, fixtures or intangible items were included in the valuation.

### **Dates of Significance**

Craig Zell, MAI, SRA and Robert Atchison have inspected the subject property on multiple occasions. The most recent inspection was on October 1, 2009, the effective date of the “As Is” value estimate.

### **Legal Description**

The subject is identified on Washington County Tax Map 2S1W Section 32BC as Tax Lots 3700 and 3800. The legal description is Lots 1 & 2, Block 1 Smockville.

### **Statement of Ownership, Sales and Marketing History**

The property owner is the City of Sherwood according to county records as reported by MetroScan. The property was purchased improved with the old theater for \$200,000 in 1998, though there appears to have been some additional property included in the sale. No other sales, listings, or significant transfers of ownership over the last three years are known to the appraiser. The appraiser was not supplied with a current Title Report for

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<sup>3</sup> USPAP, 2005 Edition, The Appraisal Foundation

the purposes of this appraisal and cannot take responsibility for issues of ownership or legal issues uncovered in title examination.

### **Location of the Property and Identification of the Market**

The subject property is located on the southwest corner of NW First and SW Pine Streets, City of Sherwood, Washington County, Oregon. The location is within the historic Sherwood Downtown known locally as Old Town or Smockville. The market is considered to be the entire City of Sherwood, but with an emphasis on the area within the Old Town design overlay.

### **Indicated Exposure Time in "As Is" Condition**

Exposure time is defined as *"The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market."*<sup>4</sup> It is noted that the overall concept of reasonable exposure encompasses not only adequate, sufficient and reasonable time, but also adequate, sufficient and reasonable effort. Based upon conversations with brokers and developers, the exposure time for commercial properties within the subject's market area, at values in the range of those concluded within this appraisal, appears to be 18 to 24 months.

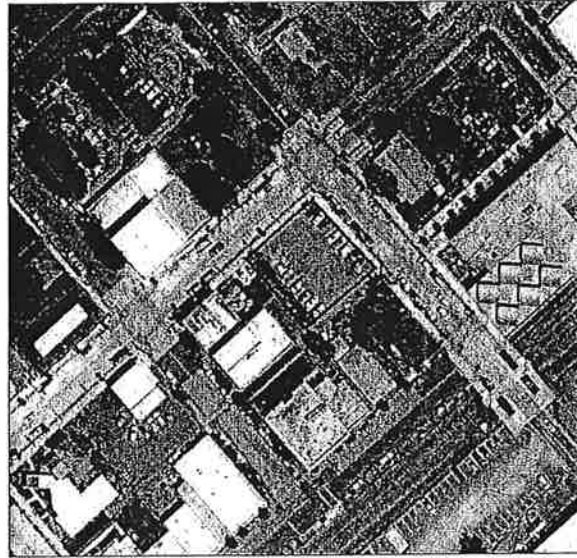
### **Neighborhood Description**

The subject is located in the Old Town neighborhood of Sherwood which is the historic city center that could be characterized as 'in process'. Newer businesses are present in some recently renovated buildings and the area has a thriving antique trade. The City has recently constructed a new municipal building that houses City Hall and the Sherwood Public Library and has completed an extensive streetscape plan that made the Old Town area more pedestrian friendly. The City purchased the Old Cannery which is about 6 acres zoned for retail commercial and high density residential that is located just to the south across the railroad tracks. The City has recently submitted a request for proposals for development of a mixed use area with a mix of pedestrian and medium density housing. Given the city government's commitment to the area one would expect to see continued improvement in the area as the city grows.

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4 Uniform Standards of Professional Appraisal Practice, Appraisal Institute, Chicago, 1/97, Statement on Appr. Std. No. 6, Page 77.

## Site Description



The subject property, according to the Oregon State plat maps, currently contains 10,000 square feet and is square. The topography is level and there are no improvements save for a gravel parking surface and the old sign for the Robin Hood Theater which once occupied the site. Surrounding uses are mostly commercial and include the new City Hall and Library to the east. The immediate area has been streetscaped, including the sidewalks that run along two sides of the subject. It is assumed that the subject has access to all utilities at the street and is a 100' by 100' square as indicated on the plat maps with two 50"x 100" lots of record. The appraiser was not supplied with a Title Report for this assignment and it is an assumption of the report that there are no easements or encroachments that would have a negative effect on value.

The subject property is under the jurisdiction of the City of Sherwood and is located in the RC or Retail Commercial zone. The zone is intended to allow retail and service uses in areas already predominantly built in this manner and in newer commercial areas. Additionally, the subject is located within the Old Town Overlay, a historic district intended to "preserve and enhance the area's commercial viability and historic character." This overlay has the effect of allowing flexibility in use, setbacks, and coverage, while requiring design elements which are keeping in the style of the downtown neighborhood. The zoning should allow a building covering the entire site area up to three stories in height. A combination of uses is allowed, for instance first floor retail with offices or apartments upstairs.

## Highest and Best Use

The subject site would support a wide variety of possible uses given the standards of the RC zone. The most likely options to be legal, physically possible, financially feasible and maximally productive would be for a three story improvement with first floor retail

and offices or condominiums above. Other uses could also be possible depending on the needs of a particular buyer. The determination of the ideal improvements is considered outside the scope of the appraisal and the appraiser has not been supplied with plans or cost estimates in order to conduct a detailed feasibility analysis. The highest and best use is concluded to be for development of a commercial or mixed use improvement as intended by the zone. Condominium use is also assumed allowable in mixed uses with office and/or retail. Development of the subject at this time would negatively affect financial feasibility due to the lack of market demand. Therefore, the maximally productive use is to hold for future development.

**Valuation**

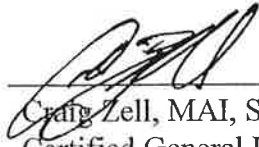
The appraiser has given consideration to sales of similarly zoned land in similar periphery neighborhoods in the metro area. Sale 1 was confirmed with the buyer and we have added \$10,000 to the purchase prices for demolition of existing structure that was on the site at time of purchase. Sale 2 is in the Tigard Triangle area and has been adjusted \$25,000 for two residences and outbuildings that were on site. Sale three is in the Gladstone area which is considered similar to the subject. All of the sales are larger in size when compared to the subject with the exception of sale one. The three sales that are largest in size have the lowest price per square foot indicating a law of diminishing return for lot size.

Land Sales Summary								
Sale No.	Name	City	Date	Sale Price	Zone	Net Size Acres	Net Size SF	Price Per SF
Subj	16020 SW 1st Street				RC	0.23		
1	22415 SW Pine Street	Sherwood	Apr-07	\$125,000	RC	0.11	5,000	\$25.00
2	SW Gonzaga St	Tigard	Oct-08	\$750,000	MUE	0.71	30,904	\$24.27
3	735 E Clarendon St	Gladstone	Feb-08	\$528,000	C-3	0.46	19,994	\$26.41
4	29112 SW Town Ctr Lp	Wilsonville	Jul-08	\$900,000	OM	1.15	50,251	\$17.91
5	29174 SW Town Ctr Lp	Wilsonville	Aug-08	\$825,000	OM	0.96	41,835	\$19.72
	MINIMUM					0.11		
	MAXIMUM					1.15		
	AVERAGES					0.68		

Based on the previous sales the appraiser has concluded a value for the 10,000 square foot site of \$25 per foot, or **\$250,000**. This "As Is" value is effective as of the most recent date of inspection, October 1, 2009. This assumes that the subject is configured as it currently sits, as two tax lots which could be sold together or separately.

If I may be of further assistance to you or your department in this matter, please don't hesitate to contact me. Again, I remind you that this is a restricted report. Reliance is limited to the client and the report cannot be understood properly without the additional information found within the appraiser's file.

Respectfully Submitted,



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Craig Zell, MAI, SRA  
Certified General License #C000108  
Expires 5/31/10



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Robert Atchison  
Certified General License #C000860  
Expires 7/31/11

**SHERWOOD URBAN RENEWAL AGENCY BOARD OF DIRECTORS  
MEETING MINUTES**

**April 15, 2008**

**REGULAR MEETING**

**1. CALL TO ORDER:** Chair Keith Mays called the URA Board meeting to order at 8:10 pm.

**2. BOARD PRESENT:** Chair Keith Mays, Vice Chair Dave Grant, Board members Dave Heironimus, Linda Henderson, Dan King and Lee Weislogel. Board member Dave Luman was absent.

**3. STAFF PRESENT:** City Manager Ross Schultz, Assistant City Manager Jim Patterson, Economic Development Manager Tom Nelson and District Recorder Sylvia Murphy.

Prior to addressing the Consent Agenda, Board Member Lee Weislogel mentioned an error to URA Resolution 2008-009, as Mr. Scott Johnson was being appointed not reappointed to SURPAC. District Recorder Sylvia Murphy acknowledged the error and will make the correction.

**4. CONSENT AGENDA**

- A. Approval of March 18, 2008 URA Board Meeting Minutes
- B. URA Resolution 2008-007 Reappointing Mark Cottle to SURPAC
- C. URA Resolution 2008-008 Reappointing Charlie Harbick to SURPAC
- D. URA Resolution 2008-009 Appointing Scott Johnson to SURPAC

**MOTION: FROM MR. LEE WEISLOGEL TO APPROVE THE CONSENT AGENDA SECONDED BY MR. DAVE GRANT, APPROVED BY ALL MEMBERS PRESENT.**

Chair Mays addressed the next agenda item and Tom Nelson Economic Development Manager came forward.

**5. NEW BUSINESS**

**A. URA Resolution 2008-010 a Resolution of the Urban Renewal Agency of the City of Sherwood for Purchase of Real Property**

Chairs Mays stated odds are strong that this property will be purchased and questioned language in the Resolution. Tom Nelson stated the language in question gives the ability to make the purchase and said the process for

purchasing the property was done with the previous amendment of the URA Plan and the amendment of the Plan gave the right to develop the property.

Chairs Mays replied, then its redevelopment, it's not saying how redevelops it. Tom Nelson replied this was correct.

Ms. Henderson asked if the language "privately" can be removed. Tom Nelson replied, what the language is saying is that we *may* privately redevelop it.

Mr. Heironimus commented the language states "to be" privately redeveloped and Tom Nelson replied it can be changed to say "may be" privately redeveloped.

The Board concurred to amend URA Resolution 2008-010 and remove the language of "privately" and replace with "may be".

*District Recorder Note: Board members are referring to the fourth "whereas" in the Resolution that reads: "Whereas, the agency plans for the Machine Shop to be privately redeveloped as set forth in Sections 501 and 600 of the Plan"*

Mr. Heironimus commented in regards to buying a piece of property, if the Board needed to state a public purpose other than stating condemnation or friendly sale. Tom Nelson replied we have basically stated the purpose of redeveloping the property due to blight.

City Manager Schultz commented the reasons the Board can spend URA District funds is because it meets criteria for dealing with blight and this is stated in the language of the Resolution.

Chair Mays asked for other questions, with none heard he asked for a motion.

The District Recorder reminded the Chair that a motion to amend the Resolution was needed.

Chair Mays asked for a motion to amend the Resolution to strike the language "to be" and replace with "may be".

**MOTION: FROM VICE CHAIR DAVE GRANT TO AMEND THE RESOLUTION  
SECONDED BY MS. HENDERSON, APPROVED BY ALL MEMBERS  
PRESENT.**

Chairs Mays asked for discussion on the amended Resolution, with none heard he asked for a motion to approve the amended Resolution.



**MOTION: FROM VICE CHAIR DAVE GRANT TO ADOPTED URA RESOLUTION 2008-010 AS AMENDED, SECONDED BY MR. LEE WEISLOGEL, APPROVED BY ALL MEMBERS PRESENT.**

Chair Mays addressed the next agenda item.

**B. URA Resolution 2008-011 A Resolution directing the Urban Renewal Manager to sign a Memorandum of Understanding for the Redevelopment of Real Property**

Tom Nelson came forward and explained staff has negotiated with Capstone Partners and they are here this evening to make a presentation on projects their firm has worked on. Tony Reser and Colleen Colleary, Commercial Realtors with GVA Kidder Matthews are also present this evening.

Tony Reser and Colleen Colleary came forward and stated they were engaged by the City of Sherwood to solicit for the redevelopment of the Cannery site property and have developed a detailed and comprehensive RFP (Request for Proposal) which was put forth to developers locally, nationally and regionally in retail, commercial and housing segments. Mr. Reser explained a website for the RFP was created which linked to the City of Sherwood website and advertisements were run in the Tigard Times, Portland Business Journal and Daily Journal of Commerce for a three week period. Mr. Reser informed the Board the RFP process took approximately 90 days and they are pleased to have secured Capstone Partners.

Colleen Colleary informed the Board that City Manager Schultz and Assistant City Manager Patterson were very helpful through the process and stated Capstone Partners has been very responsive partner.

The Board thanked Mr. Reser and Ms. Colleary and welcomed Capstone Partners.

Chris Nelson, Jeff Sackett, Eric Lindahl, Scott Wagner and Murray Jenkins with Capstone Partners made a presentation to the Board showing projects their firm has worked on.

Mr. Heironimus briefly recapped his involvement in the process and stated he felt Capstone was a good match for the project and thanked the group and staff for their work.

Ms. Henderson commented in regards to the MOU she was pleased with section 3.6, "Elements of this project shall demonstrate substantial conformance with the overlay district standards for Old Town Sherwood".

Chair Mays asked for other Board comments, with none heard he thanked Mr. Heironimus for his participation in the process.

Chair Mays asked for staff comments. Tom Nelson came forward and stated staff is asking the Board to approve the Resolution authorizing the MOU.

Chairs Mays asked for a motion.

**MOTION: FROM MR. DAVE HEIRONIMUS TO ADOPT URA RESOLUTION 2008-011, SECONDED BY MR. DAVE GRANT, APPROVED BY ALL MEMBERS PRESENT.**

Chair Mays addressed the next agenda item.

### **C. Review of the RFP for the Old School House (No legislation)**

Tom Nelson came forward and stated at the last URA Board meeting the Board discussed this and directed staff to proceed with the RFP for this property. Staff is seeking Board member comments on the RFP.

Mr. Heironimus asked in regards to page 32 of the meeting packet (page 3 of the RFP), Item C and asked for clarification on the Data Co-location Center, who will own it and how much space will this take.

Tom Nelson stated common interest will give us ownership of a portion that we will determine in the future with the successful bidder what this will be. At this time we would like to just address it. Mr. Heironimus asked if the bidder was not in support of this would the RFP be disqualified. Tom Nelson replied that will have to be determined after everything is reviewed and decide at that time.

Ms. Henderson asked where will the RFP be advertised. Tom Nelson replied, locally as well as a broader base. City Manager Schultz replied the standard is to post in the Daily Journal of Commerce and in the Tigard Times and there is not reason why we can't post in the Gazette. Mr. Heironimus recommended posting in the Portland Business Journal.

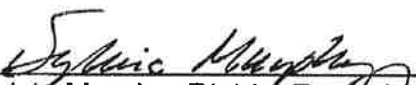
Chair Mays asked if the board was comfortable with the time line. Ms. Henderson replied it was aggressive, but this was not necessarily a bad thing and Mr. Weislogel replied it was good.

Ms. Henderson commented to Tom Nelson, he had a very aggressive schedule and in regards to the selection committee, she would like to participate on this committee.

Chair Mays commented if anyone else was interested in serving to please email staff. Chair Mays thanked staff and asked for Board comments or announcements. With none heard he adjourned the URA Board Meeting.

**6. ADJOURNED:** Chair Mays adjourned the URA Board of Directors meeting at 8:35pm and announced the City Council would reconvene to an Executive Session. (see City Council minutes).

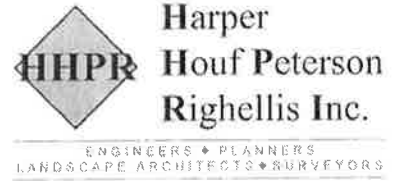
Submitted by:

  
Sylvia Murphy, District Recorder

Approved:

  
Keith S. Mays, Chairman

Job No.: ANK-112  
Date: December 22, 2009  
To: Julia Hajduk  
From: Keith Jones



Project/Subject: Cannery PUD – December 8, 2009 Planning Commission Hearing  
Open Record Comments

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This memo is to provide a response to the issues raised by the Planning Commission and by public testimony and open record comments from the December 8, 2009 hearing. These issues are summarized below:

**1) Open Space for Multi-family Open Space Requirement**

The applicant finds that the requirement should not apply as explained in detail in the applicant's letter dated November 6, 2009 attached. These points are summarized below:

- a. The Old Cannery Standards did not contemplate stand-alone multi-family  
Clarification: if apartments are proposed above retail, this provision is not required so why would it be imposed just because there is no ground floor retail?
- b. Open space is provided because of the PUD

Clarification #1: Additional public open space is required only by the PUD. If apartments were placed above retail this provision would not apply as a PUD would not be needed.<sup>1</sup> Further as explained in point #2 below a far more dense project could be built without a PUD.

Clarification #2: The primary open space proposed, the 12,000 square foot Cannery Square Plaza is highly improved (fountain, hardscape, lawn and covered areas) is centrally located for use both by residents as well as the entire citizenry.

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<sup>1</sup> The two lots where the multi-family buildings are proposed are split zoned. The north half is Retail Commercial (RC) and the south half is High Density Residential (HDR). All of the property is in the Old Cannery Overlay which allows more intensive use than the underlying zone including 100% lot coverage and 4-story height limit. Stand-alone multi-family is only allowed in the RC portion of the lot as part of the PUD. Any multi-family built in RC as PUD must meet HDR standards. Therefore a PUD is proposed. Any standard can be varied as part of the PUD.

c. Provision is contrary to the purpose of the Old Cannery Standards

Clarification: The Old Cannery standards do not specify multi-family open space and this provision would not apply if apartments were placed above retail. Other projects have been built in Old Town without the open space requirement simply because they had ground floor retail.

2) **Density**

This issue was addressed in the memo dated December 1, 2009 attached. An analysis of the amount of density that could be constructed with and without the PUD was provided. The applicant found more dwelling units could be constructed without the proposed PUD than with. A total of 391 units could be built under the standard zoning and only 139 with the PUD. The applicant proposes 101 units well below the maximum allowed with or without a PUD.

The applicant would also like to clarify that the proposal is not a density transfer but a density cluster allowed under PUD Section 16.40.030(C). This is an important distinction since the applicant is not proposing to transfer additional density from constrained lands that could not otherwise be developed, but instead to **cluster** the allowed density on a portion of the site. Density was calculated from the net buildable acreage of the property and excluded sensitive areas and public right-of-ways. Since the gross acreage was not used in the calculation no density transfer is proposed.

3) **Phasing**

The PUD will take more than 24 months to complete and therefore is required to provide a phasing plan per Section 16.40.040(A). The phasing plan to be provided by the applicant is not sequential and some phases may be combined. The applicant will propose a phasing plan to respond to market demand and the then current market realities. This phasing plan, with some flexibility to be noted, will be submitted for approval by the Planning Commission as part of the applicant's initial PUD Final Development Plan submittal.

Traffic improvements and infrastructure must be in place to support each phase of development as required through conditions of approval. Each phase is required to have a detail final development plan approved by the Planning Commission to ensure compliance.

"Noted"

4) **Parking**

As previously provided, the parking planned for the proposed multifamily residential development is sufficient to meet code requirements for the City of Sherwood, without adjusting for the reduction allowed in the Old Town Overlay.

Additionally, the Applicant believes that the parking provided for the proposed residential development is consistent with parking provided at other existing apartment properties within the region. The following table compares five other multifamily properties, two of which are in the City of Sherwood, two in Tualatin, and one in Wilsonville, with the

proposed Cannery site residential project. The number of parking stalls per apartment unit provided at the Cannery residential project, at 1.45 parking stalls per residential unit, is within the range provided by the market comparables. However, when considering the size (number of bedrooms) for each of the comparable apartment properties, the number of parking stalls planned for the Cannery residential project is actually above the range indicated by the market comparables. The Applicant believes that this is the most realistic measure to predict actual parking needs.

Project Names: Project Location:	Sunfield Lakes Sherwood	Creekview Crossing Sherwood	Forest Rim Tualatin	Hedges Creek Tualatin	Canyon Creek Wilsonville	Proposed Cannery Apts. Sherwood <i>(Residential Only)</i>
Studio/1 BD	40	19	154	204	84	69
2 BD	120	104	90	168	240	32
3 BD	40	60	56	36	48	0
Total Units	200	183	300	408	372	101
Total Parking	401	160	519	669	581	146
No. of Stalls / Unit	2.01	0.87	1.73	1.64	1.56	1.45
<b>No. of Stalls / Bedroom</b>	<b>1.00</b>	<b>0.39</b>	<b>1.03</b>	<b>1.03</b>	<b>0.82</b>	<b>1.10</b>

Finally, the total number of parking stalls planned for the proposed Cannery PUD compares favorably with the most recent residential and mixed-use projects developed in Sherwood – Creekview Crossing, Sherwood Lofts, Old Town Lofts, and Hunters Ridge. The total number of building square feet per parking stall (all uses combined) for the Cannery PUD is 449 sf per parking stall. As shown in the on the next page, the number of building sf per parking stall for other recent Sherwood projects range from 581 sf per parking stall at Hunters Ridge to 2,024 sf per stall at Old Town Lofts. The lower the sf per parking stall, the higher the ratio of parking to building square footage. Therefore, the total parking planned to be provided for the proposed Cannery PUD exceeds the amount of parking provided at these other recent Sherwood developments.

Even if an allowance is made for on-street parking adjacent to the two existing Old Town Sherwood projects (Sherwood Lofts and Old Town Lofts), the Cannery PUD ratio is far in excess of these mixed-use projects. Furthermore, the total parking count included for the Cannery PUD does not include the additional parking area on the south side of the railroad, west of Washington Street, which is operated by the City and proposed to be improved concurrent with the Cannery PUD public improvements. Including these additional parking stalls will further reduce the ratio of building sf per parking stall for the proposed Cannery PUD beyond the ratio show in the table below.



Project Name:	Creekview Crossing	Hunters Ridge	Old Town Lofts	Sherwood Lofts	Proposed Cannery PUD
Project Location:	Sherwood	Sherwood	Sherwood	Sherwood	Sherwood
No. Residential Units	183	64	4	8	101
Residential SF	220,581	82,903	3,959	13,010	80,508
Average SF / Unit	1,205	1,295	990	1,626.25	797
No. Live-work Units	-	-	4	-	-
Live-work SF	-	-	3,753	-	-
Average SF / Unit	N/A	N/A	938	N/A	N/A
Commercial Units	-	Unknown	1	Unknown	TBD
Commercial SF	-	28,054	1,552	3,180	53,600
Average SF / Unit	N/A	N/A	1,552	N/A	TBD
Total Combined SF	220,581	110,957	9,264	16,190	134,108
Total Parking Spaces	160	191	6 <i>(estimate)</i>	8	299
<b>SF per Parking Stall</b>	<b>1,379</b>	<b>581</b>	<b>1,544</b>	<b>2,024</b>	<b>449</b>

We trust that this memo address concerns raised by the Planning Commission and the public.

Also attached are comments from Tom Nelson, the City Economic Development Manager, that further addresses comments raised.



ANK-112

November 6, 2009

Julia Hajduk  
Planning Manager  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140



**RE: Cannery Square PUD November 3, 2009 Staff Report Recommendation to the Planning Commission (PUD 09-01)**

Dear Julia:

Thank you for your assistance on this project. This letter is to address recommended Condition E-13 of the November 3, 2009 staff report. Just prior to the staff report being issued it was discovered that Section 16.142.020, open space for multi-family dwellings, had not been addressed and may apply to the project. Therefore Condition E-13 is recommended by staff to address this standard if the Planning Commission determines that it does apply. However, the applicant believes that the provision should not apply to the project as the PUD open space requirements supersede this requirement and because the standard is not consistent with the Old Town Overlay. This judgment is based on the following:

1) The Old Cannery Design Standards did not contemplate a stand-alone multi-family building.

In review of the Old Town Overlay District permitted uses (Section 16.162), the code provides for mixed-use buildings and not stand-alone multi-family buildings. In particular, Section 165.162.080 states that these design standards are for commercial, institutional and mixed-use structures with no mention of multi-family structures. The standards even contemplated mixed-use buildings in the High Design Residential (HDR) zone as Retail Commercial (RC) uses are allowed on the ground floor near Columbia Street.<sup>1</sup> Since stand-alone multi-family buildings were not contemplated, exemption from the multi-family open space requirement was not provided. This is the case with newer projects in Old Town. The Old Town Lofts for example did not provide open space since it is a mixed-use project and not a stand-alone multi-family structure.

Although each proposed multi-family building when reviewed by itself does not meet this standard, the applicant finds that the desired mixture of uses as envisioned by the Old Town Overlay is being created at the neighborhood scale with this PUD. In other words, commercial and residential is being provided in the same project and the project is mixed-use when viewed as a whole. The flexibility of the PUD is only allowed on larger scale projects such as this one, as the minimum PUD site size is 5 acres.

2) The open space requirements have been met through the PUD standards.

The applicant has provided an extensive narrative citing how the proposal complies with various standards, criteria and policy. In particular page 22 and 23 of the applicant's

<sup>1</sup> Retail Commercial (RC) uses are allowed in High Density Residential (HDR) zones within 100 feet of Columbia Street per Section 16.162.030.H.



narrative provide details on the PUD open space requirements. The applicant finds that the PUD standards that would not be required in a standard development should be required in place of the multi-family open space standard.

In addition to meeting the PUD open space standards, the applicant is proposing interior common areas within each multi-family building for the exclusive use of the residents. While building design is conceptual and will not be fully defined until the final development plan stage, the buildings will include space for use as lounges, meeting areas, recreation/fitness, and/or other uses based on then current market demand.

3) Provision is for suburban-type development and contrary to Old Town Standards and purpose.

The applicant believes that this provision is intended for areas of the City that are not as walkable or close to the amenities provided within Old Town. Certainly suburban areas attract families with children who would utilize this type of space. The intent of this project and the Old Town Overlay is to provide higher densities and create urban spaces that efficiently use limited urban land. The higher densities provide housing for more people downtown with the intent that they venture out from their residences and use the public plazas, coffee shops, library, restaurants, walking paths, community center, the proposed Cannery Square and other pedestrian-scale amenities of Old Town and surrounding parklands.

The applicant is requesting that this project be reviewed in its entirety as an overall neighborhood concept and PUD. In doing this we believe what is being proposed is consistent with the vision for Old Town and the intent of the PUD. Therefore the applicant respectfully requests that this standard not apply as part of the PUD approval and that Condition E-13 be removed from the Planning Commission recommendation to the City Council.

Thank you again for all your assistance on this project and we look forward to presenting it to the Planning Commission next Tuesday evening.

Sincerely,

HARPER HOUF PETERSON RIGHELLIS INC.

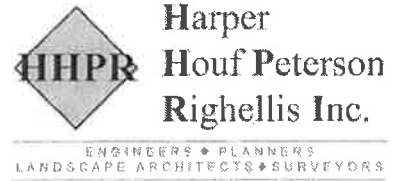


Keith B. Jones, AICP  
Senior Planner

Copy: Tom Nelson, City of Sherwood  
Jeff Sackett, Capstone Partners LLC  
Martha Shelley, Capstone Partners LLC  
Murray Jenkins, Ankrom Moisan Associated Architects  
Kurt Lango, Lango Hanson



Job No.: ANK-112  
 Date: December 1, 2009  
 To: Julia Hajduk  
 From: Keith Jones



**Project/Subject: Cannery PUD – November Planning Commission Hearing Follow-up.**

Fax - Number: \_\_\_\_\_; Number of pages \_\_\_\_\_  
 (If you did not receive the correct number of pages, please call 503-221-1131)  
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This memo is to provide a response to the issues raised by the Planning Commission and by public testimony at the November 10, 2009 hearing. These issues are itemized below:

**1) Parking amount for multi-family buildings**

Concern was raised about the amount of parking provided for the multi-family buildings. Multi-family parking standards are 1.25 spaces per dwelling unit for studio and 1-bedroom and 1.5 spaces per unit for 2-bedroom per Section 16.94.020. The Old Cannery Area allows for a reduction to 65% of the minimum off-street parking required per Section 16.162.070-C. The applicant meets the off-street parking standard and also is providing on-street parking as overflow as demonstrated in the tables below.

**East Residential Phase**

Unit Type	Units	Required Parking Stalls/Unit	Required Parking (Base Zone)	Required Parking (Old Town Overlay)	Parking Provided
Studio & 1 Bedroom	33	1.25	41	27	
2 Bedroom	16	1.5	24	16	
<b>Totals</b>	<b>49</b>		<b>65</b>	<b>43</b>	<b>48</b>

Adjacent On-Street Parking Provided	17
<b>Total Parking Provided</b>	<b>65</b>

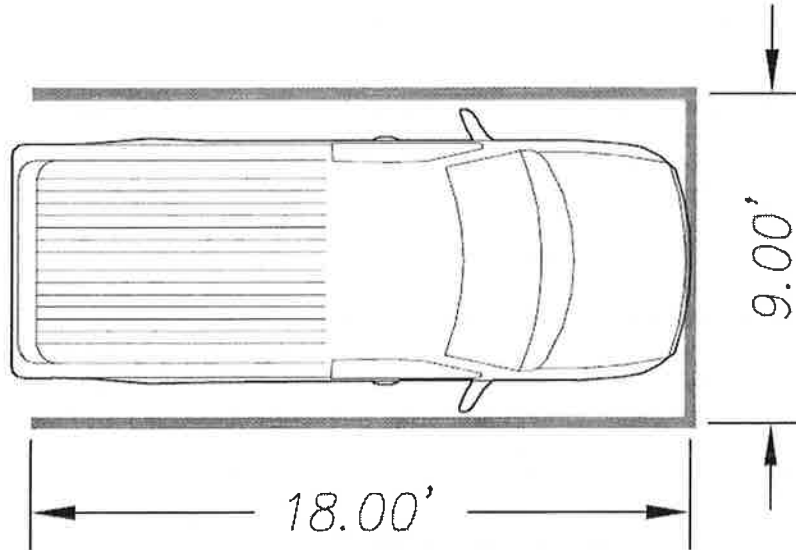
**West Residential Phase**

Unit Type	Units	Required Parking Stalls/Unit	Required Parking (Base Zone)	Required Parking (Old Town Overlay)	Parking Provided
Studio & 1 Bedroom	36	1.25	45	29	
2 Bedroom	16	1.5	24	16	
<b>Totals</b>	<b>52</b>		<b>69</b>	<b>45</b>	<b>54</b>

Adjacent On-Street Parking Provided	17
<b>Total Parking Provided</b>	<b>71</b>

**2) Compact parking stall size**

The applicant has requested that a higher percentage of parking stalls be allowed to be “compact.” Section 16.94.020-1 defines standard stalls as 9’ x 20’ and compact stalls as 8’ x 18’. The applicant proposes “compact” stalls at 9’ x 18’ and believes this size is adequate to accommodate larger passenger vehicles. No change in the required 24-foot wide parking lot drive aisles is proposed. Below is a scale drawing of Chevrolet Suburban, the largest likely vehicle to be accommodated, in a 9’ x 18’ “compact” parking stall.



**3) Commercial loading.**

The required loading spaces are shown on Sheets C3.0, C3.1 and C3.2 of the applicant’s plan set. The loading space for the East Building is provided in the northwest corner of the parking lot, however the label was omitted from the site plan.

**4) Residential height and scale**

The Planning Commission requested additional information on the proposed scale of the residential buildings. To help clarify the design intent, attached is a perspective sketch of the residential buildings from the vantage point of one of the residences on the south side of Willamette Street. The drawing shows the proposed landscaping and proposed 3-story structures beyond.

Additionally, partial elevation sketches have been provided of the residential buildings as well as the proposed two story commercial structure (East Building) adjacent to the plaza and the existing City of Sherwood Public Library/City Hall, all at the same scale. The intent of this drawing is to show relative building heights (in feet) which vary based on floor-to-floor heights and roof types. The three story residential building is only slightly higher than the proposed two story commercial building and shorter than the existing two story Public Library/City Hall.

The proposed residential structures are within the zoning height limitation of the HDR standards (3 stories or 40 feet per Section 16.20.040-C) and well below the RC zone height standard of the Old Town Overlay (4 stories or 50 feet per Section 16.162.60-C). In addition to being approximately 25% lower than allowed by code, the Applicant believes the scale of the proposed buildings is appropriate for this development and the adjacent downtown Sherwood.

**5) 10-foot residential setback.**

This issue was raised by a citizen at the hearing. There is a 10-foot building setback required between RC property and HDR property as stated in Section 16.28.050-B. This standard does not apply in the Old Cannery Area as stated in Section 16.162.060.

**6) Residential density and density clustering issues.**

The Planning Commission sought a better understanding of the differences between the density allowed with or without a PUD and how this compares to the proposal. The following describes three development scenarios ranging from highest to lowest density. The analysis is based only on zoning code criteria; transportation constraints would likely limit densities, but theoretically these could be mitigated as well and so are not considered here.

**Scenario 1 – Existing zoning (no PUD)**

The majority of the site is zoned RC and there is no minimum or maximum density stated in the RC zone Section 16.28 or the Old Town Overlay standards Section 16.162. The amount of commercial building space and residential units allowed would be limited only by the dimensional standards (setbacks, height, and open space). Since there are no setbacks or open space requirements under the base zone and parking could be provided underground, the entire site excluding street rights-of-way could be developed with ground floor retail and 3 stories of residential above (see table below).

**Scenario 1 - Existing Zoning (no PUD)**

Land Use Zone	Land Area (SF)	Maximum Residential Density	Maximum Units
RC Zoned Property	159,087	3 Stories above Ground Floor Commercial (assumptions: 1,000 SF/unit average, 75% site coverage per floor)	358
HDR Zoned Property	54,775	8,000 SF Land for First 2 Units, 1,500 SF for Each Additional	33
<b>Totals</b>	213,862		<b>391</b>

**Scenario 2 – PUD developed as all HDR (vertical mixed-use)**

The code requires that multi-family residential be developed in a PUD as if it were in an HDR zone. This scenario assumes that the entire property is developed as multi-family residential. Maximum residential density is then determined by the amount of lot area needed per unit in the HDR zone (Section 16.20.040).



**Scenario 2 - PUD Developed as all HDR (vertical mixed use)**

Land Use Zone	Land Area (SF)	Maximum Residential Density	Maximum Units
RC & HDR Zoned Property	213,862	8,000 SF Land for First 2 Units, 1,500 SF for Each Additional	139
<b>Totals</b>	213,862		<b>139</b>

**Scenario 3 – Proposed PUD (horizontal mixed use)**

The Applicant proposes to cluster all 101 total units on the two lots that are bisected by the RC/HDR zone line (see site plan sheet C 3.0 of application book). These two lots would then be solely residential and the balance of the property (all with base zone RC) would be developed solely as commercial. This accomplishes the mixed-use nature that the base zoning and existing code contemplates, but in a way that the applicant believes is more appropriate for the site and its neighboring uses. The proposed PUD is 30 units below the maximum density under Scenario 2 above and significantly below maximum density allowed if no PUD were proposed as in Scenario 1 above (see table below).

**Scenario 3 - PUD as Proposed (horizontal mixed use)**

Land Use Zone	Land Area (SF)	Maximum Residential Density	Proposed Units
RC & HDR Zoned Property	213,862	See Scenario 2 above	101
<b>Totals</b>	213,862		<b>101</b>

Density Reduction from Scenario 1 Above	218
Density Reduction from Scenario 2 Above	139

**7) Front porches on residential buildings**

The Planning Commission asked for further clarification regarding the design intent for the front porches of the ground floor residential units. The staff report states that the applicant is requesting to modify the front porch requirement as part of the PUD approval. However the Old Cannery standards only apply to commercial, institutional and mixed-use structures in the Old Cannery Area and not stand-alone multi-family buildings per Section 16.162.080.

While the requirements of the Old Cannery Standards do not apply to residential buildings (meaning that technically no porches are required), the Architectural Pattern Book adds requirements similar to the Old Cannery Standards' front porch. The ground floor residential units will each have a porch fronting a public right-of-way; they will not quite meet the dimensional standards for covered space per the Old Cannery Standards Section 16.162.08-D (5' deep vs. 6' depth in the Old Cannery Standards), but will actually have larger total porch area than would otherwise be required (45 SF for a single entry vs. 36 SF in the Old Cannery Standards). They will also not have pitched roofs.

To clarify the design intent of the residential unit entries an enlarged portion of the site plan showing the proposed ground floor residential unit entries is attached.



## **Tom Nelson Comments for the Record on Sherwood Cannery Square PUD**

**Parking:** While several of the citizens who provided testimony about the project were concerned with “parking”, the project proponent has met or exceeded parking standards for this development. This is a “public-private” partnership, and as such the City/URA will also create additional spaces around the public spaces which should further assist in parking demand.

In my experience in assisting other downtowns in the State, the perception of a “parking problem” is a consistent theme. However, it is rarely a reality. Contrary to what some citizens maintain about an existing parking problem in downtown, there is no evidence to support that conclusion. Except for the two events that generally close downtown to traffic “Crusin’ Sherwood and Robin Hood Festival”, people can find a parking spot within a block of their downtown destination any hour of the day.

**Machine Shop / Cultural Arts Center / Cultural Arts Survey:** Several comments have been made about the City’s obligation to provide a cultural arts facility in this development. The initial work done by David Leland and the subsequent RFP (both provided in recent written testimony) did not even envision a cultural arts facility. Furthermore, a community wide survey completed in 2008 resulted in little support for a specific cultural arts facility. One noticeable result of that survey reported that there was little support for paying for “programming” of a cultural arts facility with “tax dollars”.

However, based on an opportunity we had to purchase the “Machine Shop”, and some of the decision makers’ remarks, staff has worked with Capstone to include it as part of the development with the hope of utilizing approximately 5,400 s.f. of space for a Community and Cultural Arts Center. What is also being proposed is that some of the building be developed into leasable space that could generate revenue to support the on-going maintenance of the facility, and therefore recognize the outcome of the cultural arts survey.

**Purchase Negotiations:** The purchase and sale negotiations for the Cannery project are not germane to this land use decision. The City Council and the URA previously made decisions based on informed negotiations with Capstone.

The sales price of the Cannery property is a matter of public record, and is not germane to this land use issue.

While Capstone’s proposal did not exactly match the concept delivered by the Leland study, it most closely offered the elements of mixed use, residential, commercial, and retail. It also reflected the realities of the market. Capstone met with City staff and council representatives, David Leland, and our Realtors, Tony Reser and Colleen Collery to review the proposal. All agreed that it was a good proposal, and a MOU was written and approved by the Council to proceed with negotiations. The City’s attorneys, realtors, and Capstone representatives, as well as the URA Board were all involved in

the negotiations for the property. As stated before, these negotiations are not germane to this land use decision.

**Environmental Integrity:** A Phase I and Phase II environmental assessment have been completed on the Cannery property and the Machine Shop property which determined that no environmental risks exist on the properties, except those identified on the Cannery property which have been removed. A letter of "No Further Action" will be received by DEQ for the Cannery property as a part of the owner's due diligence before transfer and development of the property.

**Personal Attacks:** Personal attacks in the written record are not germane to the land use decision, and should be stricken from the record.

TO: PLANNING COMMISSION

Pre-App. Meeting: N/A-Staff Initiated  
App. Submitted: N/A- Staff Initiated  
App. Complete: N/A- Staff Initiated  
120-Day Deadline: N/A- Staff Initiated  
Hearing Date: December 8, 2009

FROM: PLANNING DEPARTMENT

  
Michelle Miller, Associate Planner

**Proposal:** The application proposes to amend the current development code standards regarding the Hearings Officer Appointment process and criteria, §16.08.010. The proposed code amendment language authorizes the City Council to appoint more than one Hearings Officer at a time and allows the Hearings Officer to serve at the pleasure of the City Council under current contracting guidelines for personal service contracts. The current Code language requires a reappointment of the Hearings Officer once every two years and only one Hearings Officer is appointed at a time. In the event that the Hearings Officer is unavailable, the Planning Commission would serve as the hearing authority. See **Exhibit A** for the specific proposed code language. (Attached)

I. **BACKGROUND**

- A. **Legislative History:** The current Hearings Officer provisions of SZDCD § 16.08.010, allow the City Council to appoint the Hearings Officer for a period of two years, after requesting applications and interviewing selected candidates. A majority of the City Council members may terminate the appointment of the Hearings Officer.

The Hearings Officer acts as the Type III Hearing Authority for the City and may review quasi-judicial actions pertaining to conditional uses, variances, site plans between 15,001-40,000 square feet of floor area, parking or seating capacity except those within the Old town Overlay District, and subdivisions less than 50 lots.

Recently, there was an interview process for the selection and subsequent appointment of the Hearings Officer by the City Council. It was during this time that the existing interview and appointment process followed as outlined in the Code was found to be somewhat cumbersome, and the two-year appointment length was too stringent. Additionally, the Code did not allow for appointment of more than one Hearings Officer to serve as an alternate when the Hearings Officer is not available.

- B. **Location:** Citywide



- C. Review Type: The legislative change to the Development Code requires a Type V review with a public hearing before the Planning Commission who will make a recommendation to the City Council. The City Council will then hold a public hearing and make a decision after consideration of public comment. The Land Use Board of Appeals (LUBA) would hear an appeal.
- D. Public Notice and Hearing: Staff posted notice of the pending hearing in five locations throughout the City on November 18, 2009. The notice was published in the Tigard/Tualatin Times on November 25, and December 3, 2009 in accordance with Section 16.72.020 of the SZCDC.
- E. Review Criteria: The required findings for a "Plan Amendment" are identified in Section 16.80 of the Sherwood Zoning and Community Development Code.

## II. PUBLIC COMMENTS

Staff has received no written comments as of the date of this report.

## III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on November 2, 2009. The City received responses from the following agencies indicating that they had not comment or objections: Kinder Morgan, ODOT Signs, and TVWD.

Notice was sent to the following agencies and no comments have been received as of the date of this report: Tri-met, NW Natural, Sherwood Broadband, BPA, CWS, DSL, Sherwood School District, TVF&R, Pride, Raindrops 2 Refuge, Portland Western RR, Metro, Washington County, ODOT, PGE

## IV. PLAN AMENDMENT REVIEW

### A. APPLICABLE DEVELOPMENT CODE CRITERIA

#### 16.80.030.1

##### Text Amendment:

**An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.**

Need: As described in the background section of this report, on October 20, 2009, City Council appointed a new Hearings Officer for land use action and some general questions about the process arose. When looking at the existing process in the Code, staff and legal counsel found the process was cumbersome and difficult to administer every two years as the Code mandates. Additionally, it did not allow for the appointment of additional or alternate hearing officers should the City's only Hearings Officer be unavailable for a hearing. Legal staff advised that the

process found in the City's personal service contracting requirements could also be applied to the Hearings Officer selection process providing uniformity and consistency throughout the City. Allowing the Council to determine the length of service of the Hearings Officer, consistent with the time limits of a personal services contract, provides for the added flexibility necessary for a timely and consistent development process.

Plan Provisions: The plan amendment is reviewed for consistency with applicable Comprehensive Plan policies and the statewide planning goals within this report. No applicable Metro Functional Plan policies affect this decision.

Applicable State statutes: The proposed language for the appointment provision "serving at the pleasure of the City Council" is taken directly from ORS§ 227.165 and therefore complies with the state statute.

**FINDING:** Based on the above discussion, the proposed amendment complies with this standard.

#### **16.80.030.3 - Transportation Planning Rule Consistency**

- A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.
- B. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan
- C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.

**FINDING:** The proposed language does not affect the transportation system and this section is not applicable.

#### **B. APPLICABLE COMPREHENSIVE PLAN POLICIES**

The purpose of the Comprehensive Plan is to guide the growth and development of the Sherwood Planning Area consistent with the City policy goals and State goals and guidelines. The City Council appoints the Hearings Officer to render land use decisions and ensure that certain development occurring in the City meets the applicable development code criteria, including compatibility with the Comprehensive Plan. The criteria for appointment of the Hearings Officer are not addressed directly in any of the applicable comprehensive plan sections. The proposed amendment of the Hearings Officer Appointment criteria does not explicitly affect any applicable comprehensive plan policies but streamlines the appointment process and allows for

more discretion by the Council as to the number of appointments and the length of service. The modifications to the appointment criteria do not negatively affect any of the other Comprehensive Plan policies but is consistent with the general themes found within the Comprehensive Plan.

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

### **C. APPLICABLE STATEWIDE PLANNING GOALS**

**Goal 1 (Citizen Involvement) To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

Staff posted notice of the text amendment at five locations throughout the City. Notice of this amendment was published in the local paper two times before the date of this hearing.

**FINDING:** Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1.

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

**FINDING:** Although the Hearings Officer makes land use decisions on behalf of the City and is a part of the land use process, the selection and the length of service of the Hearings Officer are at the discretion of each local jurisdiction and not subject to any Goal 2 requirements. This Goal is not applicable.

**Goal 3 (Agricultural Lands)**

**Goal 4 (Forest Lands)**

**Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)**

**Goal 6 (Air, Water and Land Resources Quality)**

**Goal 7 (Areas Subject to Natural Hazards)**

**Goal 8 (Recreational Needs)**

**Goal 9 (Economic Development)**

**Goal 10 (Housing)**

**Goal 11 (Public Facilities and Services)**

**Goal 12 (Transportation)**

**Goal 13 (Energy Conservation)**

**Goal 14 (Urbanization)**

**Goal 15 (Willamette River Greenway)**

**Goal 16 (Estuarine Resources)**

**Goal 17 (Coastal Shorelands)**

**Goal 18 (Beaches and Dunes)**

**Goal 19 (Ocean Resources)**

**FINDING:** The Statewide Planning Goals 3-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

**Staff assessment and recommendation on Plan Amendment:**

Based on the discussion, findings of fact and conclusions of law detailed above, staff finds that the proposed plan amendment meets applicable local and state criteria and there are no applicable regional criteria.

Staff recommends the Planning Commission **RECOMMEND APPROVAL** of *PA 09-06 Hearings Officer Appointment Process and Criteria Code Amendment* to the Sherwood City Council.

Exhibits

A – Proposed Development Code amendments to Chapter 16.08.010

Exhibit A

PA 09-06

Hearings Officer Appointment Process and Criteria Code Amendment

Existing Code Proposed Code Language

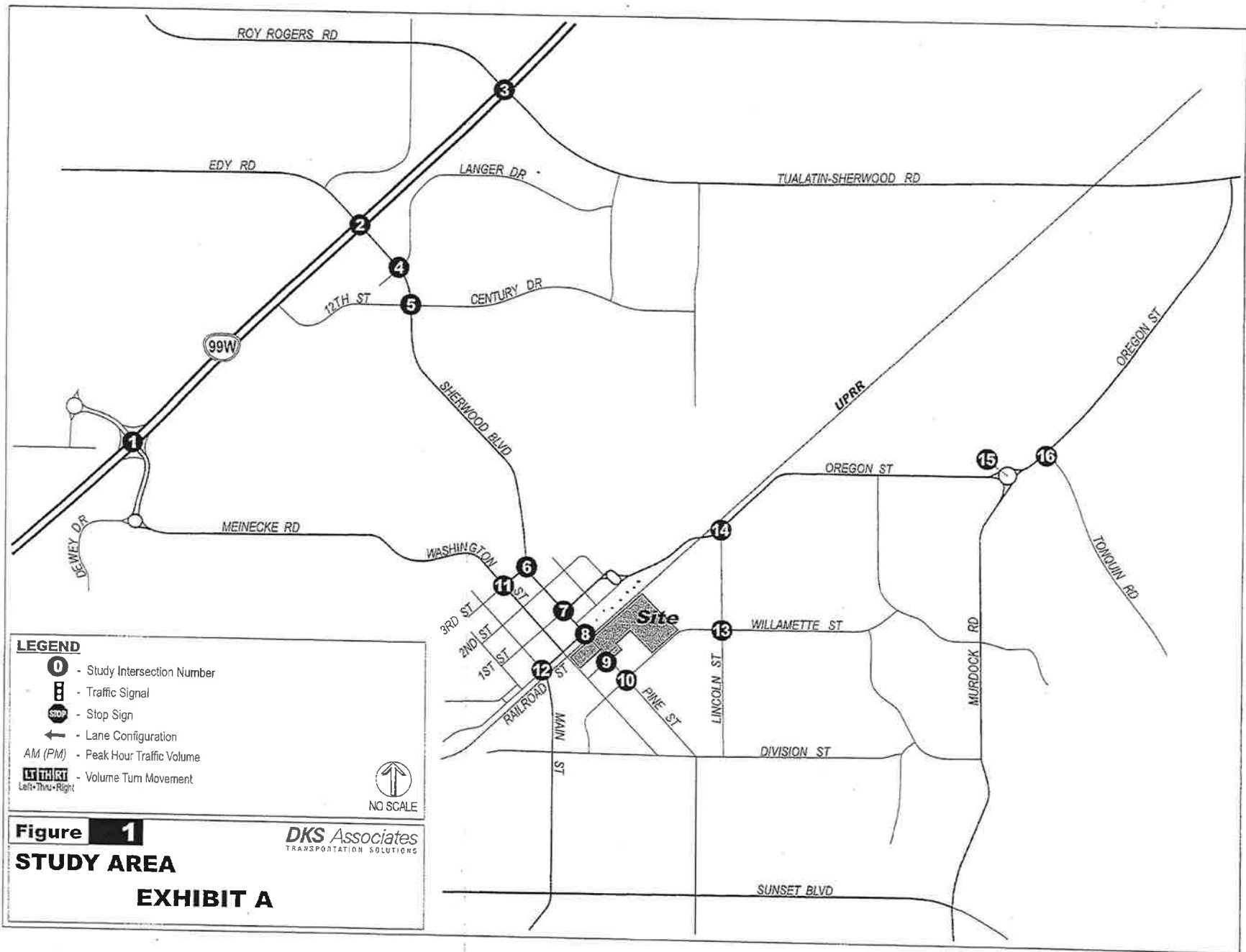
16.08.010 Appointment

A. The City Council shall appoint one or more Hearings Officer(s) ~~for a term of two (2) years.~~ to serve at the pleasure of the City Council. The Hearings Officer shall be selected as provided in the City's contracting rules for personal service contracts. ~~The Hearings Officer shall be selected after requesting applications and interviewing selected candidates.~~ The Hearings Officer may be terminated by a majority vote of the City Council.

B.

C.B. If the office of Hearings Officer is vacant or the Hearings Officer is unavailable, the Planning Commission shall perform all duties of the Hearings Officer.

comm. Lafitte ~~was~~ moved  
recommendation  
all were in favor.



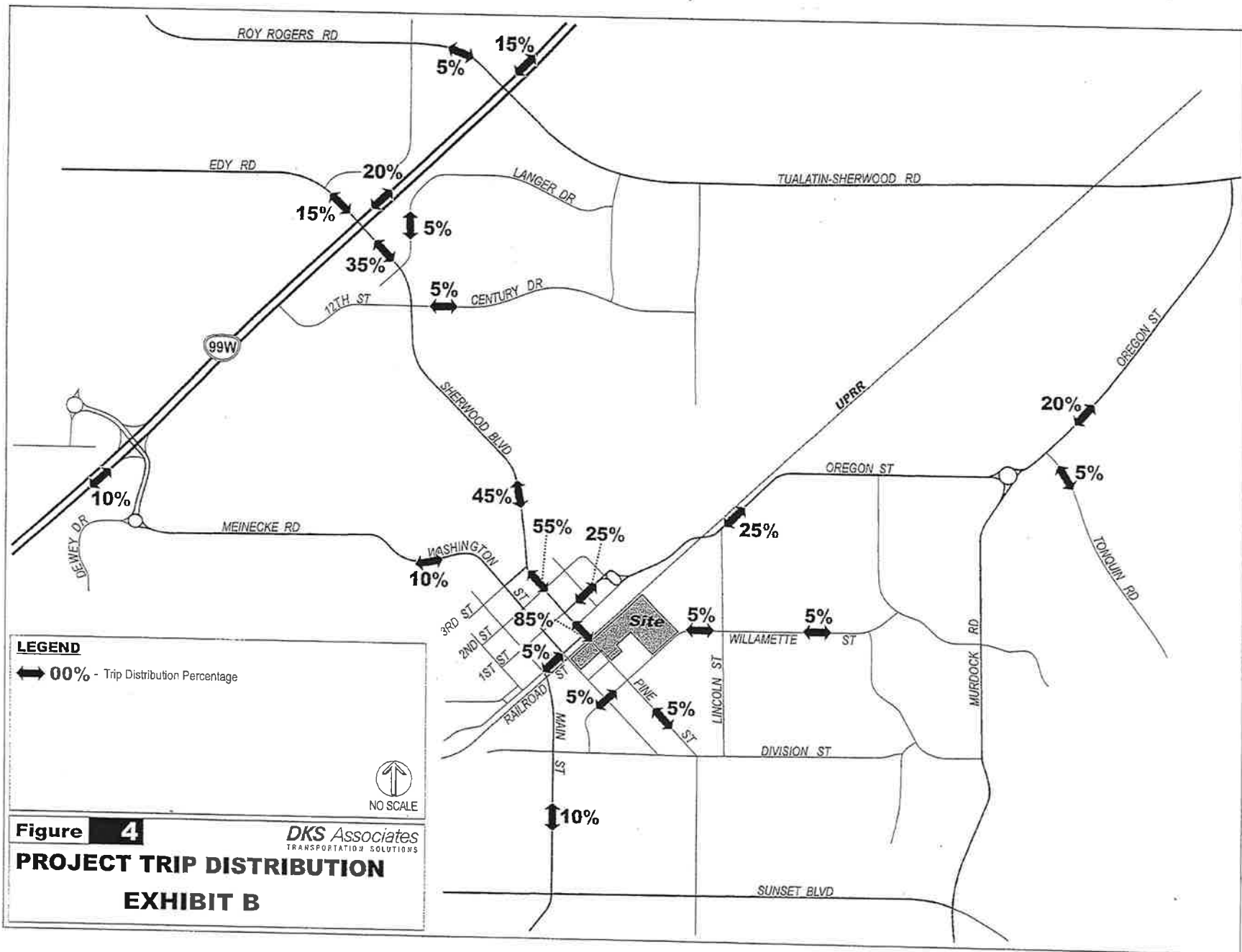
**LEGEND**

- 0 - Study Intersection Number
- B - Traffic Signal
- STOP - Stop Sign
- ← - Lane Configuration
- AM (PM) - Peak Hour Traffic Volume
- L T R - Volume Turn Movement

NO SCALE

**Figure 1**  
**STUDY AREA**  
**EXHIBIT A**

*DKS Associates*  
 TRANSPORTATION SOLUTIONS



# EXHIBIT C1

## PROJECT TRAFFIC IMPACT

The additional traffic from the proposed project combined with background growth to 2017 would degrade traffic operations below the City of Sherwood's level of service standards at eight study intersections. Operations at two of these intersections are currently below the standards. All three intersections of Highway 99W and would experience a significant increase in volume-to-capacity (V/C) ratio with the addition of background growth to 2017. However, the trips associated with the proposed project would not worsen the operating conditions at the intersection of Highway 99W/Meinecke Road. All other intersections would meet applicable performance standards during the three study periods. Table 2 lists the existing intersection operating conditions and the 2017 plus project operating conditions. A series of transportation recommendations are outlined to reduce the transportation impacts of the proposed development and future traffic growth.

**Table 2: Existing and 2017 With Project Intersection Performance**

Intersection	Existing (2008)		2017 With Project	
<b>Unsignalized—Two Way Stop Control</b>	Major /Minor LOS, Minor V/C		Major /Minor LOS, Minor V/C	
	<i>AM Peak</i>	<i>PM Peak</i>	<i>AM Peak</i>	<i>PM Peak</i>
Sherwood Boulevard /Century Drive	A/T > 1.00	A/D 0.44	B/T > 1.00	A/T > 1.00
Pine Street/Railroad Street	A/B 0.22	A/B 0.24	A/C 0.34	A/C 0.40
Pine Street/Site Access	--	--	A/B 0.14	A/B 0.21
Pine Street/Columbia Street	A/A 0.00	A/A 0.00	A/A 0.00	A/A 0.00
Main Street/Railroad Street	A/B 0.17	A/B 0.22	A/D 0.37	A/C 0.30
Oregon Street/Lincoln Street	A/B 0.10	A/B 0.04	A/B 0.16	A/B 0.06
Oregon Street/Tonquin Road	B/D 0.56	A/T > 1.00	C/T > 1.00	A/T > 1.00
<b>Unsignalized--All-Way Stop Control*</b>	Delay, LOS, V/C		Delay, LOS, V/C	
	<i>AM Peak</i>	<i>PM Peak</i>	<i>AM Peak</i>	<i>PM Peak</i>
Sherwood Boulevard/3 <sup>rd</sup> Street	15.1 C 0.60	17.1 C 0.72	55.5 F 0.82	52.8 F 0.92
Pine Street/1 <sup>st</sup> Street	13.6 B 0.63	17.7 C 0.67	75.6 F 0.81	96.3 F 0.84
Pine Street/Willamette Street	8.3 A 0.25	8.2 A 0.28	10.3 B 0.39	9.3 A 0.34
Washington Street/3 <sup>rd</sup> Street	13.9 B 0.48	7.8 A 0.26	84.7 F 0.60	8.8 A 0.36
Willamette Street/Lincoln Street	7.6 A 0.19	7.4 B 0.19	7.8 A 0.21	7.7 A 0.24
Oregon Street/Murdock Road (Roundabout)	1.0 A 0.45	0.4 A 0.48	--	--
<b>Signalized*</b>	Delay, LOS, V/C		Delay, LOS, V/C	
	<i>AM Peak</i>	<i>PM Peak</i>	<i>AM Peak</i>	<i>PM Peak</i>
Highway 99W/ Meinecke Rd	35.7 C 0.94	15.6 B 0.68	59.9 E 1.09	19.0 B 0.76
Highway 99W/ Edy Road/ Sherwood Boulevard	52.2 D 0.94	40.3 D 0.84	92.8 F 1.12	53.1 D 1.01
Highway 99W/ Roy Rogers Drive	60.7 E 0.75	68.1 E 1.00	57.6 E 0.86	100.9 F 1.13
Sherwood Boulevard/Langer Drive	18.1 B 0.51	20.3 C 0.48	18.9 B 0.53	21.3 C 0.55

\*Average intersection values reported

Note: Shaded values exceed jurisdiction's performance standard



**EXHIBIT C2**

Table 9 lists the performance at study intersections when site traffic is added to background conditions. The analysis indicates the intersection of Pine/1<sup>st</sup> Street will exceed the City of Sherwood LOS standards (AM and PM peak) as a result of the Phase I (2014) development program. The Phase II development program will result in the City of Sherwood LOS standard being exceeded at the intersection of Sherwood Boulevard/3<sup>rd</sup> Street. Four intersections are deficient in 2014 with the Phase I development and six intersections are deficient in 2017 with the project build out.

**Table 9: 2014 and 2017 with Project Traffic Intersection Performance**

Intersection	2014 Traffic With Project (Phase I)		2017 Traffic With Project (Phase II--Build Out)	
	AM Peak	PM Peak	AM Peak	PM Peak
<b>Unsignalized--Two Way Stop Control</b>	Major /Minor LOS, Minor V/C		Major /Minor LOS, Minor V/C	
Sherwood Boulevard /Century Drive	A/F >1.00	A/E >1.00	B/F >1.00	A/E >1.00
Pine Street/Railroad Street	A/C 0.31	A/C 0.35	A/C 0.34	A/C 0.40
Pine Street/Site Access	A/B 0.12	A/B 0.14	A/B 0.14	A/B 0.21
Pine Street/Columbia Street	A/A 0.00	A/A 0.00	A/A 0.00	A/A 0.00
Main Street/Railroad Street	A/C 0.29	A/B 0.27	A/D 0.37	A/C 0.30
Oregon Street/Lincoln Street	A/B 0.14	A/B 0.05	A/B 0.16	A/B 0.06
Oregon Street/Tonquin Road	B/F >1.00	A/E >1.00	C/F >1.00	A/E >1.00
<b>Unsignalized--All-Way Stop Control*</b>	Delay, LOS, V/C		Delay, LOS, V/C	
✓Sherwood Boulevard/3 <sup>rd</sup> Street	33.6 D 0.76	34.7 D 0.86	55.4 F 0.82	52.8 F 0.92
✓Pine Street/1 <sup>st</sup> Street	37.6 E 0.75	56.9 F 0.76	75.6 F 0.81	96.3 F 0.84
→ Pine Street/Willamette Street	9.5 A 0.36	8.9 A 0.32	10.3 B 0.39	9.3 A 0.34
✓Washington Street/3 <sup>rd</sup> Street	44.4 E 0.55	8.4 A 0.32	84.7 F 0.60	8.8 A 0.36
Willamette Street/Lincoln Street	7.7 A 0.20	7.6 A 0.22	7.8 A 0.21	7.7 A 0.24
Oregon Street/Murdock Road (Roundabout)	1.8 A 0.58	0.5 A 0.54	2.4 A 0.65	0.6 A 0.56
<b>Signalized*</b>	Delay, LOS, V/C		Delay, LOS, V/C	
Highway 99W/ Meinecke Rd	37.9 D 0.95	17.4 B 0.73	42.1 D 0.99	19.0 B 0.76
Highway 99W/ Edy Road/ Sherwood Boulevard	68.5 E 1.02	47.6 D 0.95	64.1 E 1.01	53.1 D 1.01
Highway 99W/ Roy Rogers Drive	57.7 E 0.83	90.5 F 1.10	57.6 E 0.86	100.9 F 1.13
Sherwood Boulevard/Langer Drive	18.6 B 0.50	20.8 C 0.54	18.5 B 0.58	21.3 C 0.55

\*Average intersection values reported  
Note: Shaded values exceed jurisdiction's performance standard

The capacity deficiencies at the six deficient locations were reviewed to identify improvements to meet performance standards. Table 10 identifies the needed improvement and the resultant performance levels with mitigation for these eight intersections.

## EXHIBIT D

### Definitions

**Level of Service (LOS)** – a qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience; can be calculated for roadway segments, intersections, merges, diverges, weaving areas, and other roadway features. The level of service (LOS) designation is a mathematical area defined within the volume to capacity ratio (V/C) curve. There are six defined areas (LOS A through LOS F) within the V/C curve.

**V/C ratio** – volume-to-capacity ratio is a measure of the amount of traffic on a given roadway in relation to the amount of traffic the roadway was designed to handle. The V/C ratio value varies based on the classification of the roadway and the design speed. A freeway experiences higher V/C ratio values for the individual LOS levels as the speed increases. For urban roadways (arterial, collector, neighborhood and residential classifications), the V/C ratio values for the individual LOS levels tend to be much lower. The V/C ratio is also an indicator of the amount of delay an intersection experiences.

### LOS A

- LOS A represents free flow conditions. Individual users are virtually unaffected by the presence of other users in the traffic stream.
- The user is free to select desired speed and to maneuver within the traffic stream without impedance from other users.
- The general level of comfort and convenience provided to the user is excellent.
- Intersection traffic delay is 10 seconds or less.

### LOS B

- LOS B represents stable flow, however the presence of other users within the traffic stream is beginning to be noticeable.
- The user's ability to select the desired speed remains relatively unaffected, however, there is a slight decrease in the user's ability to maneuver within the traffic stream.
- The level of comfort and convenience provided the user is slightly reduced as the presence of other users within the traffic stream begins to affect individual user behavior.
- Intersection delay is between 10 to 20 seconds.

### LOS C

- LOS C represents stable flow, however, the presence of other users within the traffic stream begins to significantly affect the individual operational behavior of users.
- The user's ability to select speed is decreased, and there is a significant decrease in the ability of the user to maneuver within the traffic stream.
- A substantial amount of awareness and vigilance is required by the user at this level.

- The level of comfort and convenience provided the user declines noticeably at this level.
- Intersection delay is between 20 and 35 seconds.

#### LOS D

- LOS D represents high-density, but stable flow.
- The user's ability to select speed and maneuver within the traffic flow are highly restricted.
- The user experiences a poor level of comfort and convenience at this level.
- Small increases in traffic flow will generally cause operational problems at this level.
- Intersection delay is between 35 and 55 seconds.

#### LOS E

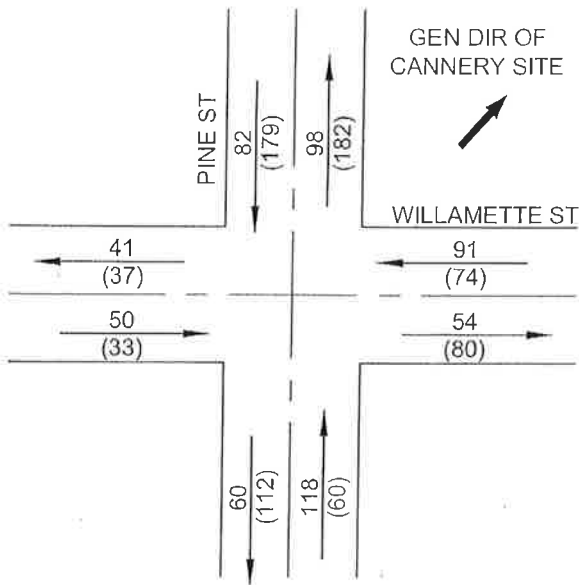
- LOS E represents operational conditions at or near the traffic flow capacity level.
- All speeds are reduced to a low, but relatively uniform value.
- Freedom to maneuver within the traffic stream is extremely difficult, and is generally accomplished by users forcing their way into the adjacent traffic stream.
- The user experiences an extremely poor level of comfort and convenience, and generally has a high level of frustration.
- Operational conditions at this level are usually unstable. Small increases in traffic flow or minor incidents within the traffic stream will cause operational breakdown.
- Intersection delay is between 55 and 80 seconds.

#### LOS F

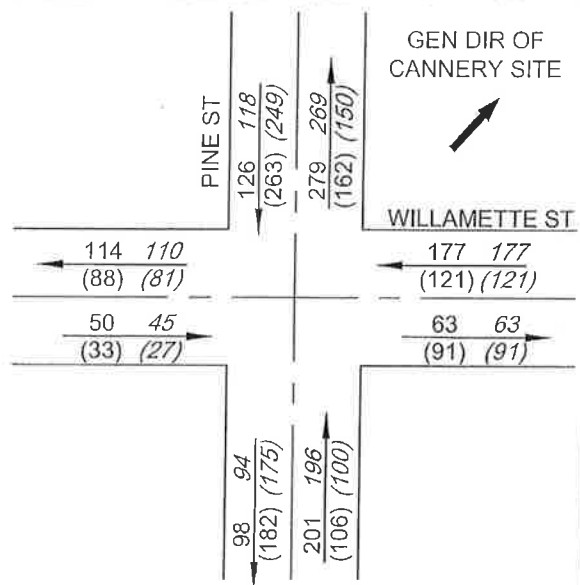
- LOS F represents forced or operational breakdown flow. Traffic flow exceeds the traffic flow capacity of the roadway.
- At such points where this level occurs, traffic queuing results. Operations at these points are characterized by stop and go traffic flow.
- Traffic flow within this level is extremely unstable.
- It is at this point that the user experiences the worst level of comfort and convenience.
- Intersection delay is greater than 80 seconds.

NUMBERS SHOWN IN PARENTHESIS ARE PM VOLUMES  
 ITALICIZED NUMBERS ARE BACKGROUND VOLUMES

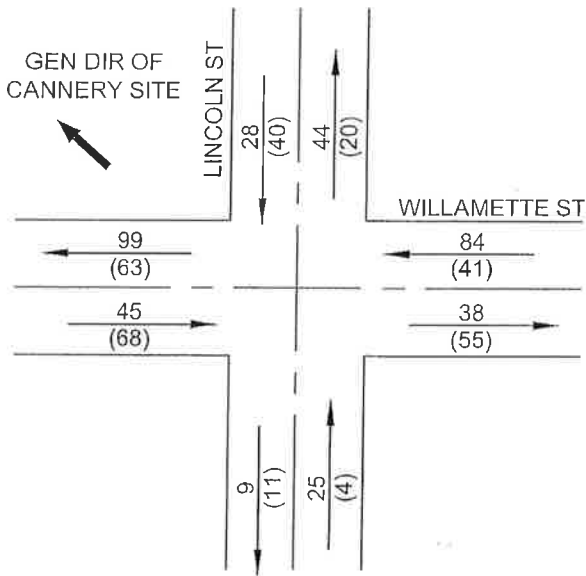
EXHIBIT E1



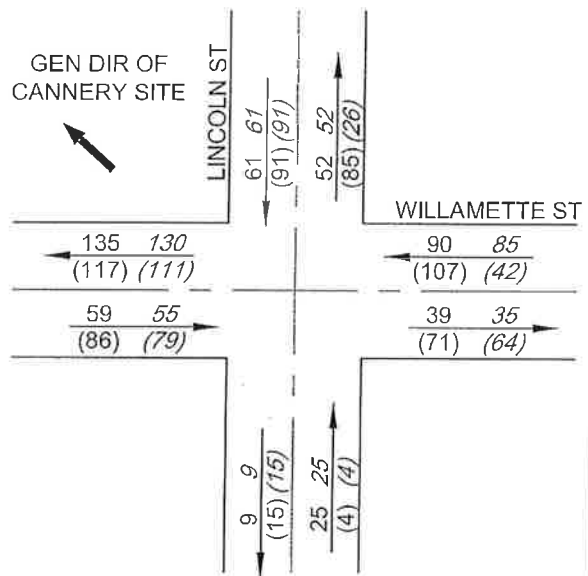
WILLAMETTE ST/PINE ST INTERSECTION  
 EXISTING CONDITION TRAFFIC VOLUME



WILLAMETTE ST/PINE ST INTERSECTION  
 BACKGROUND & FULL BUILD-OUT TRAFFIC VOLUMES



WILLAMETTE ST/LINCOLN ST INTERSECTION  
 EXISTING CONDITION TRAFFIC VOLUME



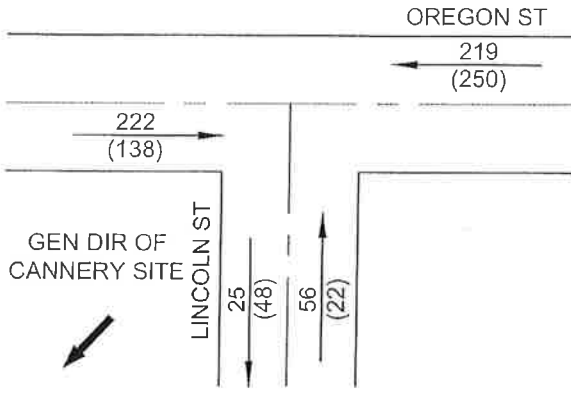
WILLAMETTE ST/LINCOLN ST INTERSECTION  
 BACKGROUND & FULL BUILD-OUT TRAFFIC VOLUMES



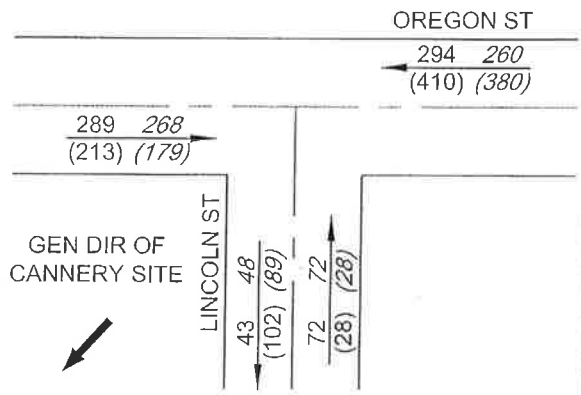
STANDARD DRAWING TITLE		DRAWING NUMBER
CANNERY SITE INTERSECTION STUDY		C-1
Any alteration of this drawing may not be associated in any way with the City of Sherwood Standard Drawings.	SCALE	DATE
	N.T.S.	DEC 2009

## EXHIBIT E2

NUMBERS SHOWN IN PARENTHESIS ARE PM VOLUMES  
 ITALICIZED NUMBERS ARE BACKGROUND VOLUMES



OREGON ST/LINCOLN ST INTERSECTION  
 EXISTING CONDITION TRAFFIC VOLUMES



OREGON ST/LINCOLN ST INTERSECTION  
 BACKGROUND & FULL BUILD-OUT  
 TRAFFIC VOLUMES



	STANDARD DRAWING TITLE	DRAWING NUMBER
	CANNERY SITE INTERSECTION STUDY	C-2
Any alteration of this drawing may not be associated in any way with the City of Sherwood Standard Drawings.	SCALE	DATE
	N.T.S.	DEC 2009

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**January 12, 2010**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Matt Nolan  
Raina Volkmer  
Adrian Emery  
Todd Skelton

**Staff:**

Julia Hajduk, Planning Manager  
Michelle Miller, Associate Planner  
Karen Brown, Recording Secretary

**Commission Members Absent:** Lisa Walker

**Council Liaison – Mayor Mays**

1. **Call to Order/Roll Call – Chair Allen** called the meeting to order. **Karen Brown** called roll.
2. **Agenda Review** – consisted of 2 public hearings; the deliberation phase on the Sherwood Cannery Square PUD 09-01, PA 09-05, SUB 09-02 and a code amendment for the Hearing Officer Appointment Process PA09-06.
3. **Consent Agenda – Minutes from 11/10/09 and 12/8/09.** **Chair Allen** began by opening the discussion about the minutes from November 10<sup>th</sup>, that had been held over for further review. One set of additional comments from a citizen had been submitted and included in the packet. Commissioner Lafayette also added that there were two items missing from the minutes: In the public testimony given by Anthony Weisker, he had mentioned that as he calculated the parking he believes that 101 units would equal 200 cars. Further, in testimony given by Lori Randel she had asked who will be responsible for paying for the Cultural Arts Building. Other than those changes there were no other corrections to the minutes. Commissioner Lafayette moved that the consent agenda be adopted. Commissioner Nolan seconded the motion. All were in favor, the motion carried.
4. **Staff Announcements** – Julia indicated that a Regional Open House and Metro Public Hearing discussing Urban and Rural Reserves Process will be held in Sherwood January 20<sup>th</sup> from 4:30 to 6:30. The Metro Public Hearing on the proposed Urban and Rural Reserves Maps will begin at 6:00
5. **City Council Comments** – **Mayor Mays** was present however had no comments.

**Community Comments –**

*Robert James Claus 22211 SW Pacific Hwy, Sherwood OR 97140* addressed disclosures of exparte' contact made in the last two meetings by Chair Allen, of having read comments about the project posted on the reader board on SW Pacific Hwy. He feels that

calling that exparte' contact is a dramatic mis-statement. According to Dr. Claus the sign on Hwy. 99 is actually a form of media and it is protected by numerous cases and is not exparte' in his opinion. "What I would be cautious of is those 4 little magic words; time, place and manner and content neutrality. A judge can have rules but you are really constrained by the content neutrality which in my opinion and belief you are not now following because you've got off into areas where you have look strictly the content of the speech in order to allow it. But simply as a tolerance for you and a sign code you have draft, be careful, because it is the 14<sup>th</sup> and 1<sup>st</sup> amendment you are playing with and that brings in title 42 U.S. C. 1983 and 1988 which allow both damages and personal attorney costs to obtain them." He suggests that you look at the sign as you would look at the news paper.

*Susan Claus 22211 SW Pacific Hwy. Sherwood OR 97140* asked that if after the public hearing was closed and new information comes in from the staff to be deliberated on, does the public have a chance to comment on new information.

Chair Allen agreed that it is a good question and reiterated her question by saying that since the public hearing was closed to the public and the applicant; if the Staff comments introduce new information, what would the status be on those comments.

Attorney Chris Crean responded by saying that, in general communications between Commission and Staff are not considered exparte' communications as well as the introduction of new evidence including information that comes in after the public hearing that has been summarized, distilled or presented to the Commission. If new information is received and put into the record by staff, normally the record would be re-opened and allow parties to respond to the information. Since, in this case the Planning Commission's task is to forward a recommendation to the City Council, they can consider the information without re-opening the record, since any response to the new information can be presented at City Council. This is not the last opportunity for people to respond to the information.

Chair Allen asked Mrs. Claus what the new information is that she is referring to.

She explained that the traffic report that the City Engineer generated has information that is between the City Engineer and DKS and is not the same information that was submitted with the Cannery.

Chair Allen said the Commission would take that under consideration.

As no other public testimony was provided Chair Allen re-opened the hearing for purposes of discussion, not testimony on PUD 09-01, PA 09-05 and SUB 09-02 and read the portion of the Public Hearing script, referencing the conclusion of order of business. Chair Allan asked for any exparte contact and again discloses his previous disclosures of reading comments about the project on the reader board on SW Pacific Hwy. Commissioner Lafayette disclosed that as the Commission representative she attended the SWOT meeting held by City Council. At that meeting other boards mentioned the Cannery project. Nothing definitive was discussed though as it is an ongoing process. She also spoke with Charlie Harbick as they were both part of the original process when the Leland group was involved. They had a brief discussion about the original process



which is all part of the public record so she does not believe that these conversations would prevent her from participating in the process.

6. **Old Business** – Sherwood Cannery Square PUD 09-01, PA 09-05, SUB 09-02. Chair Allen referred to Julia for any Staff comments on additional materials received and supplementary packet.

Julia briefly described the items included in the Planning Commissioners' packet including attachment 4 which includes exhibits R – X that were submitted into the record. She also clarified that in the Applicant's submittal attachment 5, exhibit- Z they include an analysis of parking for other projects in the area, including Creekview Crossing. The number of parking spaces given there is incorrect. There are actually 315 parking spaces provided bringing the number of stalls per unit to 1.72 and stalls per bedroom was .77.

Julia invited Bob to expand on his memo.

Bob Galati, the City Engineer stated that all of the information provided in his memo can be found throughout the Traffic Impact Analysis. He tried to condense the information so that it would be more logical and easier to find. There is no *new* information being supplied by him, just information reconfigured for easier understanding. The only information that he commented on, that was not originally in the Traffic Impact Study, was a response to a question raised by residents regarding the Langer development. There was a traffic impact study done by DKS for the applicant that was part of the original submittal.

Commissioner Lafayette commented that she does appreciate Bob's summary of the Traffic Impact Study. She went on to ask about the trip distribution laid out in figure-4 and assumed traffic flow.

A conversation ensued between Commission members and Bob about that traffic flow. The Commission does not believe that no one will come from the apartment buildings and travel toward Foundry Street or Lincoln to Oregon. Bob explained that with the configuration of the roads like Oregon Street that have no parking and fewer driveways people will prefer to travel there less impeded than trying to navigate through the residential areas on Willamette. Again the Commission questioned the assumption in the report that states no one will travel east on Willamette. Bob explained that with the improvements to streets with the development, people will prefer to take the route through Old Town. There are future projects planned in that area that he feels will address some of the concerns voiced by the Commission such as the Oregon Street Railroad crossing that will extend toward their area of concerns.

Chair Allen summarized that there may need to be two sets of mitigations. One asking what could be done to prevent traffic from choosing to travel down Lincoln. The other would be if they believe that people will still choose the route what can be done to better accommodate the flow.

Julia added a reminder that this is not the last chance to look at projects associated with this so there would be an opportunity to ask for more detailed traffic information and clarification. Regardless of those issues, if the Commission is going to place conditions

on an application they must be based on facts in the record and right now the facts in the record are in question. Commissioner Nolan clarified that it is opinion, not fact.

After continued discussion between the Commission and Staff, Chair Allen asked Julia what their options are if they have substantial doubt about information or evidence that has been offered in the record as they feel there is some information submitted by the applicant that is not credible.

Julia suggested that one option would be for the Commission to ask for more information; or if a recommendation is forwarded to the Council state that there are questions and recommend a condition that says prior to a decision being made a more detailed traffic study must be done and if necessary additional mitigation measures be applied.

Attorney Chris Crean agreed with Julia's suggestions and restated several options including: asking for additional information from the applicant and when that information comes in, re-open the hearing on that subject; Commission could forward a recommendation to the City Council as has been presented with a recommendation that the Council inquire further into this particular issue; or add a condition of approval that when a subsequent application comes the Lincoln Street connection would have to be further evaluated.

Commissioner Lafayette suggested that the condition to be added would be that when either of the residential sites submits a final plan, a new traffic study incorporating local residential streets must be prepared. It was added that it would need to be certain to not make the exclusions that the first traffic did.

Chris Crean asked what the next land use approval that the applicant would be seeking was and if the downtown transportation improvements would be required to be installed prior to the approval.

Julia's response was that whichever phase or building or combination of those the applicant chooses to submit first would get final detailed plan approval and site plan approval concurrently. They would submit a phasing plan at that time and the requirement for transportation improvements are tied to specific phases.

Bob added that mitigation improvements would occur as the phases are being done. There are some background deficiencies that would need to be completed no matter what, but there are certain other mitigation requirements that occur with phase one and at full build out at phase two.

Julia suggested wording such as "prior to final plan approval".

Chair Allen discussed how he thinks the deliberation should follow from here by suggesting first asking questions about the East and West residential, non-mixed use apartment buildings as that will affect most of the remaining decisions. His struggle has been with the fact that there are many interesting public policy issues that are being raised here, different than the Leland report, which are different than what he sees is the

real question which is “can you do this according to the code and does this meet the requirements of a PUD.” Commissioner Nolan agreed.

Conversation followed directed specifically at opinions of the proposed apartment building and if they would meet the current code.

Commissioner Volkmer was generally not in favor of the apartment buildings.

Commissioner Lafayette discussed her thoughts on the proposal. She explained that the purpose of a PUD is to offer the Community a benefit they would not have normally received. As it has been stated, the benefits the City would receive by allowing this PUD would be:

1. A potential Cultural Arts Center with no guarantees and it is not conditioned and not the entire building.
2. Buildings that are unified in their appearance (which we already have design standards in place for Old Town and the Cannery that help to incorporate a unified look and feel).
3. The community would also get “green streets” with storm water features. (We are already getting those in other developments that are not PUD’s like a recent project on Galbreath.
4. There is one benefit that would be received that could potentially not be received if the project was not a PUD and that is the plaza area.

She stated that getting the plaza in exchange for the residential buildings with their size and scale does not seem to be a fair exchange for what we would be giving up as a community. The Community would be giving up what they believed was offered and discussed in a huge public process with Leland consulting which consisted of; high density near the railroad tracks, and stair stepped scaled down residential to blend in with the Community. She feels the applicant has done a good job getting the project to blend in with the Old Town side of the site, but not at all with the residential areas to the south of the project the way a PUD should. She has run the numbers and calculated that with 101 units at 24 units per acre that would take up almost 4 ¼ acres of the entire site, leaving 30,000 sq ft for commercial develop. That equates to double density in her opinion. They get all the residential area they want and all of the commercial area with a plaza size that does not seem fair to her especially considering that fact that the Cultural Art Center is not even being conditioned.

Commissioner Emery has concerns as well and feels Commissioner Lafayette brought up a lot of good points. He believed that originally what he envisioned was less apartments and more office space. He feels that more office space is something that is really needed in Sherwood and thought this was going to be a great opportunity to add that space. He feels that if you want people to work in Sherwood, this would be an ideal place. It doesn’t have to be huge amounts of space, but some more would be better. Another major concern for him is the idea of no open space. Had it been condominiums, due to the nature of the residential mix it would not be as important, but with apartments he believes there will be more children and they will have no safe place to be outside.

Commissioner Volkmer agreed with Commissioner Emery regarding the need for office space. She also agrees that it does not need to be larger spaces, and in fact she feels that at least in the fledgling stages, smaller spaces with lower lease fees might be more inviting.

Commissioner Nolan's main concerns are the density of the apartments and parking issues. While he feels the plaza space would be nice, whether or not it is the right amenity for Old Town would be a Council decision. He sees apartments with essentially one parking stall per bedroom and thinks that will be a fiasco not to mention the shortened size of parking spaces adding to the congestion.

Commissioner Skelton has concerns as well about the size and number of parking spaces, but his main concern is similar to Commission Emery's and that is the lack of open space and area for children. There is no facility close enough that makes sense for children to safely play outside their homes. Although it will be an open area the plaza will not be a playground.

Chair Allen's concerns are more about the size of the apartments rather than open space for playgrounds. He believes there are so many other options for families with children that the marketplace will sort that issue out. His question to the Commission is that if they were to condition the Arts facility and they were to look at the west and east building and require those be stair stepped up from the south in height, which in his mind would provide a smoother transition from the residential areas to the south, and by keeping the lots the same, there would be some units lost, tipping the parking balance a bit differently, would that help the issues people have with the apartments.

Commissioner Emery indicated no, as he still feels strongly there is a need for open space.

Commissioner Lafayette feels that looking at how much work went into the original Cannery Master Plan and overlay, if they built what was originally designed the City would be much better off than what would be obtained with the PUD. There would be appropriate density in the residential area, there would be retail/commercial near the railroad tracks and the zoning in the residential area would require a play area. She feels that they would be better off not doing a PUD and asking people to consider doing the development as it is zoned and recommending denial of the PUD.

Commissioner Nolan pointed out that there is a condition that sets aside 60% of the Machine works building for public space.

Commissioner Lafayette clarified that amount was not her recommendation. She had just used that amount as an example and had not intended it to be exact.

Commissioner Lafayette asked Chair Allen what his thoughts are on the idea of the developer getting double density (100% of residential area all squished into one area and 100% of commercial area in the rest.)

He believes, fundamentally the way to get a thriving revitalized downtown area is to have lots of people living and working there, but that it does needs to be done carefully and in

a way that fits the context of the area. If the project were to be conditioned related to the Machine Works building and then with the combination of the Machine Works and the plaza, then that starts looking like a trade. A degree of residential density can be a good thing, but as configured here, it is too high.

Conversation continued among Commissioners mainly focusing on how the density could be reduced and parking and office space increased. Chair Allen commented that having been involved in re-developments of downtown areas since the late 80's he sees that if you try to make a downtown area inviting to shoppers so they come here rather than the mall or on-line it does not work well. It is the combination of having people who spend their day or evenings and weekends in an area that want to do things close by, that creates the human and economic energy that causes revitalization.

Julia added that the northeast area of the project, has not been fully planned out, but the idea has been to include some office and retail in that area as well.

Chair Allen felt that what he was hearing is that the project is not approvable at this time.

Commissioner Lafayette, speaking from experience strongly recommends that if the recommendation is for denial that there needs to be specific conditions in place in case the Council approves the plan, to ensure the concerns that the Commission has spent hours and hours listening to testimony and reading information about and have discussed at length on, are still addressed.

Chair Allen suggested setting aside a recommendation for denial for the moment, going through the items that would make it "if approved" a better package and then look at that final result and ask again if it looked approvable or not.

All agreed.

To begin with, reducing the bulk, scale and number of units in the residential area is the first concern.

Commissioner Lafayette feels that the density is exorbitantly high. She asked if they could recommend residential in that area with a configuration similar to the submitted plan in condominiums and townhomes or cottages, condos and apartments with a pre-determined total density maintaining harmony within the community. One of her concerns has continued to be that the applicant does not see that there are two frontages to the project. She wants to be sure that the frontage facing Willamette Street is complementary to the residential scale already existing.

Julia suggested being as specific as to say the first "X" number of feet of buildings facing Willamette Street be of a certain scale.

Chair Allen suggested making a reduction of 25% in units which equates to 75 units remaining which would then have a corresponding 25% reduction in traffic and result in 1.9 parking spaces per unit. The aim would be a 25% reduction in the number of residential units in the east and west buildings and revisions in the architectural mass that

would cause the south phase to blend better with the neighboring residential zone on the south side of Willamette Street.

Commissioners agreed with that

Secondly, the lack of open space is a concern for several of the Commissioners.

Commissioner Lafayette read an existing condition E-15 that says “prior to approval of residential phases of the PUD the applicant shall provide detailed information on the expected tenant make-up in the residential units along with the discussion of how these tenants will be provide public and semi-public space to recreate outside of their individual units.” She would recommend adding “or meet section 16.142.020a” which is the residential code requirement for 20% open space, 50% active 800 sq. ft.

All Commissioners were agreeable to that addition.

It was also suggested that a correction to item E-7 was needed. The term “compact parking spaces” needs to be clarified that they are modified spaces which are allowed to be shorter, but not to allow them to be actual “compact spaces” as defined by the code.

Chair Allen asked if all were in favor of specifying dedication of 60% of the Machine Works Building to public use.

All were in favor.

After a brief recess Chair Allen resumed the meeting. He began by saying that he had reviewed the original long list of issues that needed to be resolved and with the way they have addressed the residential buildings and the Machine Works building earlier in this meeting, the majority of issues on that list have been resolved.

Commissioner Lafayette agreed that most of the concerns had been discussed. She did refer back to an earlier topic which was the double frontage concern and what changes would need to be made. She referred to page 17 of 39 and questioned if the wording would need to be revised to say that both the frontages on Willamette and Columbia would need to be considered. Further, condition E-3 states that prior to occupancy of any phase of the PUD, on site public improvements must be completed as determined by the City Engineer. She thought that it had been discussed to include off-site improvements as well. She wants to be sure that all of the public improvements are completed. She and Julia discussed the issue and resolved that on-site improvements must be complete and that the off-site transportation improvements would be phased based on submittals of additional developments. Julia reminded them that as each new site plan is submitted they will come to the Planning Commission for review with the potential for additional conditions as necessary. As discussed earlier, an additional condition that prior to anything occurring in the residential area, a more comprehensive traffic study will be done with potential additional mitigation could be required. Her final concern at this point is what the number of parking spaces is for the Machine Works building. If there is a 220 seat theater in that building, how is the number of parking spaces determined.

Julia responded by reading from the applicant's submittal on page 41; "the reuse of the 1350 sq ft Machine Works Building is as yet undermined, and therefore parking requirements will need to be determined when a specific proposal is available, however there are 17 on-street angled spaces south of the building on the to-be improved section of Southwest Columbia and 21 off-street spaces not needed by the West Building. Further the City of Sherwood leases the property from the railroad that is adjacent and south of the railroad tracks between Washington and Main, this lot has the capacity for approximately 49 cars. All of these spaces and potentially some of the parallel on-street spaces proposed on Pine and Columbia could be used as required parking for redevelopment of the Machine Works Building." She went on to say that while the Code does not have specific requirements for Cultural Arts, the requirements for movie theaters are .3 spaces per seat and using the Old Cannery Standards 65% of that would be required.

Commissioner Lafayette asked if the ownership of the Machine Works Building is following the rest of the project.

Julia understands that the building will be retained by the City. It is part of the PUD in terms of the overall parking, density, traffic impact and those types of elements and will remain part of the site.

Chair Allen provided a re-cap of the discussions from this meeting including discussions about:

- Conditions related to a subsequent traffic analysis
- Conditions related to alternatives regarding open space requirements
- The density of the residential units has been reduced and asked that their form be changed with the respect to the neighboring development to the south.
- Conditioning public use to 60% of the Machine Works Building
- Recommendation for more office use in the remainder of the project

He then asked that with that list in mind, does the Commission believe that this could be an approvable project.

All Commissioners present agreed that it could be an approvable project.

Discussion continued on how and when to proceed from here.

It was determined that Julia would prepare an updated Staff Report and bring it back to the Commission for review at the next Commission meeting on January 26, 2010.

Commissioner Lafayette made a motion to continue PA 09-01, PA 09-05 and SUB 09-2 to the January 26, 2010 meeting, motion was seconded by Commissioner Nolan, a vote was taken and all were in favor. Motion carried.

## **7. New business – PA 09-06 Code Amendment -**

Chair Allen opened the Public Hearing on PA09-06 the Hearing Officer Appointment Process by reading the meeting disclosure statement, and asking for any ex parte contact. None was given.

Michelle Miller presented the Staff Report. She explained what the change will essentially do is allow the City Council more discretion in the appointment of Hearing Officers. The amendment change would allow the Council to appoint more than one Officer at a time and possibly extend the length of the time of an Officer's appointment. The change will move the criteria for appointment from the Development Code to the City Municipal Code where criteria for personal services contracts can be found. Staff is asking for forwarding of a recommendation of approval to the City Council.

Commissioner Volkmer asked if the Hearing Officer is a paid position and if this change would add an expenditure to the budget. She also asked if there has been an increase in activity or if we are preparing for more. What is the reasoning behind adding another position?

Michelle confirmed that the appointed person does receive compensation for their time.

Chair Allen added that it is similar to hiring a specialized Attorney. An Attorney that would hear land use decisions that don't come to the Commission.

Michelle explained that compensation is based on time, so if there were three hearings, whether one Officer heard one and the other heard two, or one heard all three, the compensation and cost would be the same and the change will not impact budgetary concerns in anyway. Michelle continued by saying that the development code language has been very specific and the appointments were for two years, which would require City Council to re-examine and re-appoint an Officer. With only one Officer serving at a time this could pose difficulties in scheduling if another Officer needed to be appointed.

Chair Allen opened the floor for public testimony.

*Robert James Claus 22211 SW Pacific Hwy, Sherwood OR 97140*, wanted to explain to the Commission why they were hearing this proposal. He stated that he had been in a meeting with Tom Pessemier and Julia in which he pointed out to them he believed they were in violation of the Code. Paul Norr's (the previous Hearing Officer) appointment had not been discussed over those past two years. He was concerned that any decision made by Mr. Norr on an upcoming subdivision of his would not be valid.

He went on to discuss his concerns with the way one of his projects had been dealt with by Mr. Norr and his subsequent appeal. He indicated that if the Commission is going to review this, they should review the whole code. He stated that it's about time you start looking at the process, because that's the problem. The problem is the process. .

*Susan Claus 22211 SW Pacific Hwy, Sherwood, OR 97140* began by reiterating what Dr. Claus had emphasized in that it is the process that needs to be looked at. If there are going to be multiple Hearing Officers, they should be put on a rotating basis, so the discretion is taken out of Staffs hands as to who gets assigned to what. She wants to be sure that there is no hint of trying to pander toward the staff to get more work. She went on to ask, if they are not put on a rotation, who will be assigning the projects to them. She went on to talk about a specific instance that had happened to her and questioned the ability of staff to have input on the Hearing Officer decision. In talking about her recent experience with the Hearing Officer she questioned "do we have the ability to work with



a hearings officer, is he or she so third party neutral that they are out there in the corner and once we give input as a staff we don't have the ability to pick up the phone and say you know what, I'm just reviewing what you've got here, before you make it final I just noticed a couple things." She asked if in the mix of everything that we are trying to accomplish here, can we stream line the process and put some sensibility into it with some managerial effort to make a basic decision when everybody knows the intent. She requested that "as a Planning Commission who deals extensively in the planning issues of this town and in the process if you could please help line out line out the process and help us so we're not favoring one hearings officer over the other and it turns political."

Seeing that there were no other public comments, Chair Allen closed the public testimony and moved to additional Staff comments.

Chair Allen stated that while he has no reason for concern that Staff would manipulate the process of choosing a Hearing Office, he can imagine that there could be circumstances that could give the appearance of having manipulated the process. He asked Michelle what steps could be taken to manage the process to eliminate any possible issues.

Michelle indicated she had thought about this issue as well, and suggested that the City Council or Planning Commission could set some procedural guidelines that Staff would then follow. There are a couple options including alternating Officers assigned to projects or one predominate Officer, that when they are unavailable, the backup officer would fill in. While she understands the concerns, she does not believe it needs to be codified in the development code as that could lead to issues as well as an example if the alternating plan is chosen and an Officer is not available for their turn, then would the developer be delayed waiting for the availability of that Hearings Officer.

Discussion continued with Chair Allen suggesting having City Council codifying something for everyone's protection so everyone can point to a standard that was met, and not get into what could be an argument every time an officer is given a project. Julia commented that she was in full agreement with Michelle and elaborated by saying that as they were interviewing and found several very qualified candidates they realized that having an alternate, in times when backup is needed, (if the primary is unable to provide services for any reason) would be a sound idea. Right now the code specifies one Hearings Officer, not even leaving an option of having a backup.

Chris Crean suggested it say that we hire a Hearings Officer and that the Council may hire a second Hearings Officer to act as a back up and be used with justification as to why the Primary Officer was not used.

Tom Pessemier added some information to the discussion, by saying that the intent of the legislation proposed was to provide backup. He concurred with Chris Crean's idea and suggested adding that the Primary Hearings Officer respond in writing to requests for services when he/she would be unavailable, to insure that there is no appearance of any favoritism regarding the selection.

Chris suggested amending the current wording being proposed which states "the City Council shall appoint one or more Hearings Officers to serve at the pleasure of the

Council.” By saying “the City Council shall appoint a Hearings Officer to serve at the pleasure of the Council. Then adding a paragraph B that states; The Council may appoint a second Hearings Officer to serve as a backup to the Hearings Officer appointed under A.

Commissioner Lafayette then moved that the Planning Commission recommend approval on PA 09-06 based on the adoption of the Staff Report, findings of fact, public testimony, Staff and Legal Council recommendations and language as revised.

The motion was seconded by Commissioner Nolan.

A vote was taken and all Commissioners present were in favor. The motion carried.

A bit of additional conversation ensued leading Chris to restate a portion of the proposed language as two sentences saying: The Council may appoint a second Hearings Officer as a backup to the Hearings Officer appointed under paragraph A, and a second sentence which reads, the Hearings Officer appointed under paragraph A shall notify Staff in writing when he or she is not available.

It was clarified that the statements by Chris were to be used in the recommendation to Council.

8. **Council Comments:** Commissioner Emery asked for the status on the Brookman Road project. Per Julia, that project is still under appeal with LUBA. Chris added that in October a letter was submitted jointly requesting it be set over for 6 months to try to come to an agreement. Where it stood last was the City Manager, Jim Patterson met with Mike Jordan the Chief Operating Officer at Metro to discuss options available. It looks like Staff will most likely go through the exemptions process, but prior to that want some assurance that there is a chance it would be supported.

Commissioner Emery asked what the process would be if an appeal to LUBA was lost.

Chris explained that the entire concept plan would most likely be remanded back to the City for further action on any item that was found to have been violated.

Commissioner Lafayette wanted to report back from her participation in the SWOT analysis with the City Council. She was excited about the input and questions that came from the Council. She observed that they were taking notes and asked specific questions about items she was concerned about including Industrial Design Standards as well as the importance of communication with citizens as well as between Council and the Commission. She felt her visit was very successful.

**The next meeting is scheduled for January 26, 2010.**

**Chair Allen** closed the meeting at 9:25 p.m.

End of minutes.