



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
January 26, 2010 – 6 PM**

Work Session – 6:00 PM

1. Code Update Discussion

Business Meeting – 7:00 PM

1. Call to Order/Roll Call

2. Agenda Review

3. **Consent Agenda** Meeting minutes from January 12, 2010.

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.

9. New Business:

- a. Public Hearing Industrial Design Standards (PA 09-01): The Planning Commission will consider proposed revisions to the Sherwood Zoning and Community Development Code. The proposed changes insert industrial design standards into the "Site Plan" section of the code (16.90). It also includes changes to the review process for industrial developments to allow for staff-level review if specific design standards are met. Finally, the proposal includes changes to the Light Industrial (LI) standards in chapter 16.32 and the General Industrial (GI) zoning district in chapter 16.34 to comply with Title 4 of the Metro Urban Growth Management Functional Plan (UGMFP). Specifically, these changes limit the amount of space dedicated to certain uses including: business and professional offices; farm and garden supply stores and retail plant nurseries; building material sales; and restaurants. The Planning Commission will make a recommendation to the City Council who will make the ultimate decision.

Applicable Criteria: Sherwood Zoning and Community Development Code Sections 16.32, 16.34, 16.72, 16.90 and 16.98, Chapter 4 of the Sherwood Comprehensive Plan, and Statewide Land Use Planning Goals 1- Citizen Involvement and 9- Economic Development.

10. Comments from Commission

11. Next Meeting: February 9, 2010

12. Adjourn

City of Sherwood, Oregon
Draft Planning Commission Minutes
January 12, 2010

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 10th, 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 20th 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 14th and 1st 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 uses 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 being 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 exparte' 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.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.ci.sherwood.or.us

Mayor
Keith Mays

Council President
Dave Heironimus

Councilors
Dave Grant
Linda Henderson
Lee Weislogel
Del Clark
Robyn Folsom

City Manager
Jim Patterson

DATE: January 15, 2010
TO: Planning Commission
FROM: Julia Hajduk, Planning Manager
SUBJECT: Sherwood Cannery Square PUD

At the last Planning Commission meeting, deliberations were made and general direction provided on modifications to the staff report that would enable the Commission to forward a recommendation of approval to the City Council. Specifically you recommended the following changes/clarifications be made:

- Prior to final detailed plan/site plan for the east and west residential buildings, an updated traffic study shall be prepared that does not make the same exclusions as the DKS 2009 study. Specially, reviewing local street impacts east of the project site on Willamette.
- 25% reduction of the proposed density down to 75 units with the same number of parking spaces proposed.
- Revise/modify the mass of the building so that the frontage along Willamette is 1-2 stories and with a more consistent look of those single family dwellings across Willamette
- Modify condition E.15 to include the option that they actually meet the open space requirement on-site (versus providing documentation to support it not being necessary or provided within the buildings)
- Clarify in conditions that they are approved for "modified" compact as opposed to standard compact (shorter but not narrower)
- Include a recommendation that there be more office (not a condition)
- Condition that no less than 60% of the Machine Works building shall be for public use.

The attached document is a draft recommendation. Please note that it incorporates all the recommended changes included in the January 5th version (except as modified by Commission direction). Track changes identify where changes were made to update findings and conditions to support the direction provided.

Please review the attached document to ensure that it accurately reflects the Planning Commission recommendation.

Attachment list:

1. Draft Planning Commission recommendation dated January 26, 2010

CITY OF SHERWOOD

Planning Commission Recommendation (Draft)

Date: January 26, 2010

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

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

The Planning Commission held two public hearings (November 10, 2009 and December 12, 2009) to take testimony and consider the proposed planned unit development, subdivision and plan amendment. The Planning Commission has recommended modifications to the proposal in regards to density of the residential units and design of the structures to minimize impacts on surrounding neighborhoods and to ensure that the project is in the best interest of the community. While they did not recommend a specific condition be imposed, the Commission indicated that they would like to see more office provided throughout the development.

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 th 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 22560 SW Pine Street Sherwood, OR 97140 Tom Nelson – Contact		Planner/Contact: Keith Jones, AICP keithj@hhpr.com Engineer: Ben Austin, P.E. ben@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 20th 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. Public comments were received by the Planning Commission orally as well as in writing. Exhibits H through Y are written comments received by the Commission.~~

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 1st 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 DLCDC 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.

The Planning Commission determined that the Machine Works building being utilized as a cultural arts facility/community center was an integral part of the overall benefits of the PUD. As such, they recommend a condition be added that no less than 60% of the Machine Shop building shall be dedicated for public use.

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. The Commission does not find the applicant 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 without the Machine Shop building being utilized as a cultural arts facility/community center, therefore the following condition is recommended.

CONDITION: No less than 60% of the Machine Shop building shall be utilized for public use. Up to 40% of the existing building may be utilized for commercial uses, provided the remainder of the building is being utilized as public space such as a cultural arts facility.

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 18 foot (modified compact). 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, however, the Commission felt the proposal did not adequately demonstrate how the development will harmonize with the existing residential area to the south. 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 responded 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 height is within the permissible range for the HDR zone, the Commission determined that in order to find this standard was met more effort to transition the mass of the building was needed. In addition, the Commission determined that the density proposed was too high to harmoniously blend with the surrounding area. As a result the Commission recommended conditions be applied that provides the general flexibility desired by the applicant while ensuring the project is in harmony with the surrounding area. If the conditions recommended are applied. The PUD and design standards will ensure a higher quality design than perhaps would otherwise be provided.

FINDING: As discussed above, this standard is not met with the proposal, however if the following conditions are applied, this standard will be met.

CONDITION:

1. Prior to final detailed plan approval/site plan approval for the east or west residential buildings, the buildings shall be designed such that they "step down" in height from the north to the south with buildings having an orientation to all street frontages at a scale consistent with the developments nearby.
2. The total number of units permitted on the east and west residential units combined shall not exceed 75 units.

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. The applicant indicated that 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. While the Commission accepts some level of urban density provides for a vibrant project, they do not feel the amount proposed in this portion of the site is a benefit. While 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 2nd, 3rd and 4th 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 it must also and allows the development to fit into the surrounding environment, while still ensuring marketability. The Commission, therefore, recommends reducing the overall permitted number of units and submitting a design that "steps down" in height to transition the building height from the northern portion of the residential portion to the southern portion.

FINDING: As discussed above, the applicant has not demonstrated the benefits of this proposal to the community, however if conditions previously recommended in criteria 4, above, are met, this standard will be met, 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

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.

The Planning Commission determined that the applicant had not adequately evaluated the impacts of the residential development on the local street system and intersections. As a result, the Commission recommends that prior to final detailed plan and site plan approval for either the east or west residential building, an additional traffic study must be prepared that, among other things, looks more closely at local street impacts on Willamette and intersections on a route from Highland to Oregon Street via Willamette.

FINDING: As discuss above, this standard is not met but can be met if the following conditions are 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).
- f.g. Prior to final detailed plan and site plan approval for either the east or west residential building, an additional traffic study must be prepared that, among other things, looks more closely at local street impacts on Willamette and intersections on a route from Highland to Oregon Street via Willamette

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. While the Commission recommends the proposed density be reduced by 25%, this continues to meet this objective.

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 “modified” compact.

There was a significant amount of public comment received regarding the amount of parking proposed and concerns that this would not be sufficient for the number of units proposed. The Commission, in recommending a reduction in density made it clear that the same number of parking spaces proposed should be provided, thereby addressing the public concerns.

FINDING: The applicant has indicated this standard can be met and the Commission’s recommendation to reduce the number of units will ensure even more parking per unit will be provided. 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 “modified” 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, this standard will be addressed via the Commission's recommendation that all street frontages be considered front facing for purposes of

building orientation and design 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, this standard will be addressed as conditioned previously in this recommendation, 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
	18-24 feet in height:	7 feet
	Greater than 24 feet in height: (See setback requirements in Section 16.68.030B)	
	Corner Lot (street side)	30 feet
3.	Rear yard:	20 feet

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 Commission has recommend a condition that may change the proposed footprint; however all setbacks will be reviewed at the site plan review. 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

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

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.

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.

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 curbline 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 cannot 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 cannot 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. Alternatively, they can revise their plans to meet the terms of 16.142.020.

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.

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

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.
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.
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.
7. All phases shall provide 65% of the required parking with no more than 50% of that parking being "modified" compact parking spaces (9 feet wide by 18 feet long).
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.
9. Trash enclosures must be placed consistent with Pride Disposal requirements
10. No outdoor storage is permitted.
11. Any outdoor sales and merchandise display must be approved as part of a CUP per 16.98.040
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).
 - g. Prior to final detailed plan and site plan approval for either the east or west residential building, an additional traffic study must be prepared that, among other things, looks more closely at local street impacts on Willamette and intersections on a route from Highland to Oregon Street via Willamette
13. The west and east residential phases shall demonstrate compliance with the Old Cannery standards as outlined and modified in the pattern book.
 14. The east, west, south and NE phases shall demonstrate full compliance with the Old Cannery Standards as outlined and modified in the architectural pattern book submitted as part of the application materials.
 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. Alternatively, they can revise their plans to meet the terms of 16.142.020.
 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.
 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.
 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)
 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/3rd 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 1st Street/Pine Street and 3rd 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:
- 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.
 - b. Specifies what metal panels may and shall not look like.
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.
23. No less than 60% of the Machine Shop building shall be utilized for public use. Up to 40% of the existing building may be utilized for commercial uses, provided the remainder of the building is being utilized as public space such as a cultural arts facility.
24. Prior to final detailed plan approval/site plan approval for the east or west residential buildings, the buildings shall be designed such that they "step down" in height from the north to the south with buildings having an orientation to all street frontages at a scale consistent with the developments nearby.
25. The total number of units permitted on the east and west residential units combined shall not exceed 75 units.

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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
 - 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
 - AA.

End of Report

TO: SHERWOOD 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: January 26, 2010

FROM: PLANNING DEPARTMENT

Heather M Austin

Heather Austin, AICP, Senior Planner

Proposal: The purpose of this staff report is to summarize proposed changes to include industrial design standards in "Division V. Community Design" of the Sherwood Zoning and Community Development Code. The proposed code changes to Chapter 16.90.020.4 provide design review criteria applicable to any industrial development. The purpose of these code changes is to foster enhanced industrial development visible from public collector and arterial streets while allowing a developer options in proposing a quality design.

Changes are also proposed to Chapter 16.32 "Light Industrial" and Chapter 16.34 "General Industrial". These changes will bring the Code into compliance with Title 4 of Metro's Urban Growth Management Functional Plan (discussed in further detail below).

Changes to Chapter 16.72 include the addition of Industrial "Design Upgraded" projects to the Type II review procedure and add Type IV review procedures for site plans requiring a design review hearing (16.72.010.1.D.4 should have been added during the Commercial Design Standard update approved by Ordinance Number 2009-005 on June 2, 2009).

There is also one change proposed to Chapter 16.98, changing the word "Commission" to "Review Authority", allowing material storage to be reviewed by staff (in the case of a Type II application) or the Hearings Officer (in the case of a Type III application) in association with a submitted land use application.

I. BACKGROUND

A. Background

The City of Sherwood currently does not regulate architectural design of industrial buildings. General site design requirements do include things such as parking, landscaping and screening standards. However, there are no standards for industrial building materials, façade details (or lack thereof) and overall site aesthetics. This has led to several industrial developments that lack character and appeal.

One of Sherwood's primary goals is to increase economic development opportunities throughout the city. One possible way to do this is to attract industrial developers by showcasing existing industrial development that is lively, prosperous and aesthetically

appealing. In order to create this type of industrial development, the city can utilize flexible design standards and review processes, as proposed in the attached Code language (Exhibit A).

- B. 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. An appeal would be heard by the Land Use Board of Appeals (LUBA).
- C. Public Notice and Hearing: Notice of the application was posted in five locations throughout the City on January 6, 2010. The notice was published in The Times on January 14 and 21, 2010 in accordance with Section 16.72.020 of the SZCDC.
- D. Review Criteria: The required findings for a "Plan Amendment" are identified in Section 16.80 of the Sherwood Zoning and Community Development Code. In addition, applicable Comprehensive Plan policies are found in Chapter 4 – Land Use. Statewide Land Use Planning Goal 9- Economic Development and Title 4 of Metro's Urban Growth Management Functional Plan are applicable to this application. Compliance with the applicable criteria is discussed further in this report.

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 January 12, 2010. No agency comments have been received as of the date of this report.

IV. PLAN AMENDMENT REVIEW

A. APPLICABLE DEVELOPMENT CODE CRITERIA

16.80.030.1

Text Amendment- This section states that an amendment to the text of the Comprehensive Plan may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and the Zoning and Community Development Code.

The plan amendment for PA 09-01 is reviewed for compliance with applicable Comprehensive Plan policies, statewide planning goals and Metro Functional Plan policies within this report.

The proposed code changes include two new processes for industrial site plan review- a list of design options a developer may choose from and a more discretionary review route that requires a hearing before the Planning Commission if an application does not meet the minimum number of standards from the list. Both new processes provide a clear and objective review standard. The new processes are intended to result in a higher level of design incorporated into industrial developments while providing options to developers. The proposed "Industrial 'Design Upgraded'" review process could expedite the development review process for small to medium size industrial developments.

FINDING: As discussed in detail throughout this report, 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.**

DISCUSSION: The modifications in the Sherwood Zoning and Community Development Code to implement industrial design standards and provide flexibility in building and site design will not negatively affect any transportation facilities in the City or surrounding areas. Rather, the proposed changes provide an adequate level of flexibility that can help to ensure development is respectful of site-specific limitations while ensuring a safe transportation system. The proposed code changes do not affect current standards limiting access to major roadways or otherwise change any standards that would affect a transportation facility. The use of property is not changing with the exception of limiting business and professional offices that are not otherwise associated with an industrial use on the same site. This limit on service sector uses will only serve to reduce the number of trips to a site from what would be permitted currently. Therefore, once these standards are in place, a *proposed* development's maximum *potential* impact on the transportation system as a whole will be reduced.

FINDING: The proposed changes to implement the Industrial Design Standards are consistent with the Transportation Planning Rule and this standard has been met.

B. APPLICABLE COMPREHENSIVE PLAN POLICIES

The applicable Comprehensive Plan Policies for Economic Development and Commercial Land Use are found in Chapter 4 – Land Use. The following policies from Chapter 4 of the Comprehensive Plan are applicable:

- **Economic Development Policy 5:** “The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.”
- **Community Design Policy 4:** “Promote creativity, innovation and flexibility in structural and site design.”

DISCUSSION: The proposed changes are consistent with both of the above policies. The proposed code changes allow flexibility in industrial site design which will allow diversity of uses. In addition to flexibility in the standards, there is flexibility in the proposed design review process. Any industrial development that cannot meet four of the six proposed design criteria can go before the Planning Commission for a design review hearing, allowing developments that are creative, innovative and/or expansive to the city’s tax base to be reviewed objectively.

FINDING: As discussed above, the proposed Industrial Design Standards amendments to the Development Code are consistent with and supportive of existing Comprehensive Plan policies.

C. APPLICABLE STATEWIDE PLANNING GOALS

Goal 1 (Citizen Involvement)

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)

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)

FINDING: The Statewide Planning Goals 2-8 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Goal 9 (ECONOMIC DEVELOPMENT)- To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

DISCUSSION: The proposed amendments are consistent with Statewide Planning Goal 9 in that they provide flexibility in site and building design for industrial developers while enhancing the design and character of industrial development as a whole. The proposed standards implement a moderate level of design requirement while allowing

the developer to choose areas on which to focus resources, thus increasing opportunities for economic growth.

FINDING: As discussed above, the proposed amendments are consistent with Statewide Planning Goal 9.

- 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 10-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Title 4 of Metro's Urban Growth Management Functional Plan (Industrial and Other Employment Areas)-

The City of Sherwood has no parcels designated "Regionally Significant Industrial Areas". The majority of parcels in the city zoned Light Industrial or General Industrial are designated "Industrial Areas". There are several parcels in the city designated "Employment Areas". These are primarily zoned General Commercial, though a few are zoned Light Industrial and two are zoned Office Commercial (See Exhibit B- Metro's "Title 4 Industrial and Employment Lands" Map). Standards for Industrial Areas and Employment Areas are found below.

Title 4 Section 3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses - such as stores and restaurants – and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices - in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

- 1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and**
- 2. Training facilities whose primary purpose is to provide training to meet industrial needs.**

DISCUSSION: The proposed code language implements the size limits discussed above for all industrially zoned parcels (this includes all areas designated "Industrial Areas" as well as five parcels designated "Employment Areas" and three parcels not designated located on SW Sherwood Boulevard).

FINDING: This standard is met through the proposed code language.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro's Freight Network Map, November, 2003. Such measures may include, but are not limited to restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

DISCUSSION: In Sherwood, the only Main Roadway Route is Highway 99W and the only Roadway Connector is Tualatin-Sherwood Road. ODOT has jurisdiction over access to Highway 99W and Washington County has jurisdiction over access to Tualatin-Sherwood Road. Therefore, access restrictions to these routes imposed by the City would not apply. The proposed code language limits the siting of the uses described in Subsection A.

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

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

FINDING: The City does not plan to amend the industrial zones to authorize retail and service uses that were not authorized prior to July 1, 2004. This standard is met.

D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

- 1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.**
- 2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.**
- 3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.**
- 4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:**
 - a. To provide public facilities and services;**

- b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;**
- c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or**
- d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.**

DISCUSSION: The City of Sherwood had one lot in an area designated as "industrial" that is larger than 50 acres; however, the lot was granted site plan approval in 2002 to grade and construct a city street bisecting the property. No partition plans are known for this development but there is a public road bisecting the property. Because site plan has been approved and the road constructed, the site is, in effect, two parcels that are smaller than 50 acres in size.

There is one lot within the Tonquin Employment Area that the city is in the process of concept planning. Title 4 land division standards will certainly apply to this parcel as it is designated "industrial".

FINDING: There are currently no parcels within the City of Sherwood to which this standard would apply.

E. Notwithstanding subsection A of this section, a city or county may allow the lawful use of any building, structure or land existing at the time of adoption of its ordinance adopted pursuant to this section to implement this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection D of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.

DISCUSSION: The proposed code language allows business and professional offices to continue operating in buildings that received site plan approval prior to January 1, 2010 (this could be changed to the date of adoption of this ordinance).

FINDING: This standard has been met.

Title 4 Section 3.07.440 Employment Areas

A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code Section 3.07.130, cities and counties shall limit new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.

The majority of parcels designated "Employment Areas" are zoned General Commercial. Two parcels are zoned Office Commercial (discussed in subsection B below) and five are zoned Light Industrial. One parcel is zoned Light Industrial PUD. Limits on new and expanded retail commercial uses are discussed in subsections B, C, D and E below.

B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use in an Employment Areas with more than 60,000

square feet of gross leasable area in a single building, or retail commercial uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

DISCUSSION: There are two properties (TLs 2S129B001900 and 2S129A001400) that were rezoned from Light Industrial to Office Commercial as part of the Adams Avenue North Concept Plan in 2009 (Ord. 2009-009). When these properties were rezoned, a plan text amendment to the Office Commercial zoning was adopted placing the following limitations on development of these two parcels:

Within the Adams Avenue Concept Plan study area as identified in Ordinance 2009-009 the following additional standards apply:

- A. Retail uses and restaurants, taverns and lounges are limited to no more than 10% of the square footage of each development proposed. Drive-through restaurants are prohibited.
- B. Only non-residential uses are permitted on the ground floor.

FINDING: This restriction of retail uses and restaurants, taverns and lounges effectively limits the development potential of these types of uses consistent with Title 4 and this standard is met.

C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize retail commercial uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.

DISCUSSION: Subsection C above permits retail commercial uses in excess of 60,000 square feet gross leasable area if they were authorized prior to January 1, 2003 and they are listed on Table 3.07-4. The only zone listed for Sherwood on Table 3.07-4 is General Commercial. All of the parcels zoned General Commercial and designated Employment Areas were authorized to develop with retail commercial uses prior to January 1, 2003.

FINDING: Based on the zoning of the General Commercial properties designated "Employment Areas" in place in 2003, no zoning restriction is required on General Commercial properties designated Employment Areas.

D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize retail commercial uses with more than 60,000 square feet of gross leasable area in that zone if:

1. **The ordinance authorized those uses on January 1, 2003;**
2. **Transportation facilities adequate to serve the retail commercial uses will be in place at the time the uses begin operation; and**
3. **The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.**

DISCUSSION: The parcel zoned Light Industrial- PUD designated an "Employment Area" was authorized for commercial uses when the PUD was approved prior to 2003. Transportation facilities in Sherwood's Transportation System Plan assume potential build out of retail commercial development of this parcel and, therefore, adequate

transportation facilities have been identified. Any development application on this site will require a traffic analysis and compliance with the TSP.

FINDING: Based on the discussion above, no zoning restriction is required on Light Industrial-PUD parcels.

E. A city or county may authorize new retail commercial uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:

- 1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and**
- 2. Meet the Maximum Permitted Parking – Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.**

DISCUSSION: The five parcels zoned Light Industrial that are designated Employment Areas are developed with retail and service-oriented uses. Of these five parcels, one is a city-owned access (not dedicated right-of-way), one is the Home Depot development that is fully built-out, one is the Billet site adjacent to Sherwood's Old Town and two are office buildings with flex tenant space. It is anticipated that, over time, the tenants in the flex tenant space will change but an increase in site-generated vehicle trips greater than 25% is not anticipated. Existing parking on each of these sites does not exceed the maximum permitted parking- Zone A requirements and is not anticipated to increase to a point where it would be out of compliance (for example- the Home Depot would need to add 100 parking spaces to exceed the Zone A Maximum).

In addition to the above factors, the proposed code language would limit retail and office uses of new buildings to the "Industrial Area" standards as the proposed limits would apply to all industrially zoned parcels.

FINDING: Based on the discussion above, the existing development and proposed code language address the properties zoned Light Industrial and designated "Employment Areas".

Title 4 of Metro's Urban Growth Management Functional Plan Finding:

The proposed code language meets all of the standards of Title 4.

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, regional and state criteria.

Staff recommends the Planning Commission **RECOMMEND APPROVAL** of PA 09-01 Industrial Design Standards to the Sherwood City Council.

Exhibits

- A – Proposed Development Code Amendments-
Chapters 16.32, 16.34, 16.72, 16.90 and 16.98
- B – Metro's "Title 4 Industrial and Employment Land" Map

Chapter 16.32

LIGHT INDUSTRIAL (LI)*

Sections:

- 16.32.010 Purpose**
- 16.32.020 Permitted Uses**
- 16.32.030 Conditional Uses**
- 16.32.040 Prohibited Uses**
- 16.32.050 Dimensional Standards**
- 16.32.060 Community Design**
- 16.32.070 Flood Plain**

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

16.32.010 Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission. (Ord. 93-964 § 3; 86-851)

16.32.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII. Incidental retail sales, limited to 10% of the total floor area of a business, may be permitted as a secondary function of a permitted or conditional use, subject to the review and approval of the Hearing Authority. (Ord. 2001-1119 § 1; 93-964)

- A. Contractor's offices and other offices associated with a use permitted in the LI zone.
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, sewage treatment plants, water wells and public work yards.
- C. Glass installation and sales.
- D. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.32.040(E).
- E. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.
- F. Other similar light industrial uses subject to Chapter 16.88.
- G. Dwelling unit for one (1) security person employed on the premises, and their immediate family.
- H. PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted within the boundaries of the PUD. Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD. (Ord. 98-1051 § 1; 86-851)

Exhibit A- Proposed Development Code Amendments

- I. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86.
- J. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.(Ord. 97-1019 § 1)
- K. Business and professional offices associated directly with another permitted use in this zone and do not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).
- L. Business and professional offices in buildings that received land use approval prior to January 1, 2010 that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).
- M. Business and professional offices in buildings that received land use approval after January 1, 2010 that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.
- N. Training facilities whose primary purpose is to provide training to meet industrial needs.
- ~~E~~Q. Tool and equipment rental
- ~~M~~P. Blueprinting, printing, publishing, or other reproduction services.
- ~~N~~Q. Farm and garden supply stores and retail plant nurseries (limited in size similar to M. above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.
- ~~O~~R. Medical, dental and similar laboratories.
- ~~P~~S. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:
 - 1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 16.32.040.
 - 2. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electronic motors and generators, heating and cooling equipment, lawn mowers, rototillers, and chain saws, vending machines, and similar products and associated small parts.
 - 3. Cosmetics, drugs, pharmaceuticals, toiletries, chemicals and similar products, except as prohibited by Section 16.32.040.
 - 4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.
 - 5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.
 - 6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and associated small parts, but excluding motorized equipment unless otherwise permitted by Section 16.32.020 or 16.32.030.
 - 7. Musical instruments, toys and novelties.

Exhibit A- Proposed Development Code Amendments

8. Pottery and ceramics, limited to products using previously pulverized clay.
9. Textiles and fiber products.
10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.
(Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964; 91-922; 86-851)

16.32.030 Conditional Uses

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

- A. Laundry, dry cleaning, dyeing or rug cleaning plants.
- B. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.
- C. Offices associated with a use conditionally permitted in the LI zone.
- D. Sawmills.
- E. Radio, television and similar communication stations, including transmitters and wireless communication towers, except for towers located within 1,000 feet of the Old Town District which are prohibited.
- F. Restaurants without drive-thru limited in size similar to 16.32.020.M.
- G. Hospitals and emergency care facilities.
- H. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.
- I. Commercial trade schools.
- J. Wholesale building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- K. Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms. (Ord. 2000-1092 § 3)
- L. Power generation plants and associated facilities.
- M. Veterinarians offices and animal hospitals.
- N. Automobile, boat, trailer and recreational vehicle storage. (Ord. 93-964 § 3)
- O. Daycares and pre-schools, if fully integrated with and secondary to a use elsewhere permitted in Section 16.32.020 or 16.32.030.
- P. Government facilities, including police, fire and vehicle testing stations.
- Q. Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property or under power line easements. (Ord. No. 2009-009, 7-21-2009; Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964)

16.32.040 Prohibited Uses

The following uses are expressly prohibited:

- A. Adult entertainment businesses. (Ord. 86-851 § 3)
- B. Any use permitted or conditionally permitted under this Chapter that is not specifically listed in this Section, and any use listed in this Section.

Exhibit A- Proposed Development Code Amendments

- C. Auto wrecking and junk or salvage yards.
- D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.
- E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products or substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:
 - 1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.
 - 2. Ammonia, chlorine, sodium compounds, toxins, and similar chemicals.
 - 3. Celluloid or pyroxylin.
 - 4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.
 - 5. Explosives and radioactive materials.
 - 6. Fertilizer, herbicides and insect poison.
 - 7. Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.
- F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.
- G. Pulp mills and paper mills.
- H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.
- I. Leather tanneries.
- J. General purpose solid waste landfills, incinerators, and other solid waste facilities. (Ord. 93-964 § 3)
- K. Restaurants with drive-thru facilities.
- L. Business and professional offices in buildings that received land use approval after January 1, 2010 that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) that occupy more than 5,000 square feet of sales or service area in a single outlet or more than 20,000 square feet of sales or service area in multiple outlets in the same development project.
- M. Retail trade, except as permitted by Section 16.32.020 above. (Ord. 2001-1119 § 1)

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16.32.050 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Ord. 91-922 § 3)

A. Lot Dimensions

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

1.	Lot area:	10,000 sq ft
2.	Lot width at front property line:	100 feet
3.	Lot width at building line:	100 feet

Exhibit A- Proposed Development Code Amendments

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	Twenty (20) feet, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
3.	Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
4.	Corner lots:	Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone. (Ord. 86-851 § 3)

16.32.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX. (Ord. 91-922 § 3; 86-851)

16.32.070 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply. (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Chapter 16.34

GENERAL INDUSTRIAL (GI)*

Sections:

- 16.34.010 Purpose**
- 16.34.020 Permitted Uses**
- 16.34.030 Conditional Uses**
- 16.34.040 Prohibited Uses**
- 16.34.050 Dimensional Standards**
- 16.34.060 Community Design**
- 16.34.070 Flood Plain**

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

16.34.010 Purpose

The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.
(Ord. 86-851 § 3)

16.34.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII.

- A. Contracting and building material and equipment storage yards, cold storage facilities, equipment rental and sales, building materials sales, and building maintenance services yard, except as prohibited by Section 16.34.040. (Ord. 93-964 § 3; 86-851)
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells, and public works yards. (Ord. 86-851 § 3)
- C. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.34.040. (Ord. 93-964 § 3; 86-851)
- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing, or storage of the following articles or products, except as prohibited in Section 16.34.040:
 - 1. Drugs, pharmaceuticals, toiletries, cosmetics, chemicals and similar products, except as prohibited in Section 16.34.040.
 - 2. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communication and similar instruments, components appliances and systems, and similar products and associated small parts.
 - 3. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods, baked goods, and meat and poultry, except as per Section 16.34.040.
 - 4. Furniture, cabinetry, upholstery, and signs and display structures.
 - 5. Glass and ceramics. (Ord. 86-851 § 3)

Exhibit A- Proposed Development Code Amendments

6. Iron, steel, sheetmetal, other metal products, hand tools, including machining, welding, electroplating, and casting and molding of semi-finished and finished metals, except as prohibited by Section 16.34.040.
 7. Leather products, except as per Section 16.34.040.
 8. Musical instruments, toys, and novelties.
 9. Paper, wood, lumber and similar products, except as prohibited by Section 16.34.040.
 10. Plastics and plastic products.
 11. Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and farm equipment and greenhouses.
 12. Boxes and containers made from paper, wood, metal and other materials.
 13. Textile and fiber products. (Ord. 86-851 § 3)
 14. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electric motors and generators, heating and cooling equipment, lawn mowers, rototillers, chain saws, vending machines, similar products or associated small parts.
 15. Other small products and tools composed of previously prepared or semi-finished materials, building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.
- E. Wholesale plumbing supplies and service. (Ord. 93-964 § 3; 86-851)
- F. Blueprinting, printing, publishing or other reproduction services. (Ord. 86-851 § 3)
- G. Laundry, dry cleaning, dyeing, or rug cleaning plants. (Ord. 93-964 § 3)
- H. Truck and bus yards and terminals. (Ord. 86-851 § 3)
- I. Wholesale trade, warehousing, commercial storage, and mini-warehousing, except as prohibited in Section 16.34.040. (Ord. 93-964 § 3; 86-851)
- J. Other similar general industrial uses, subject to Chapter 16.88. (Ord. 86-851 § 3)
- K. Dwelling unit for one (1) security person employed on the premises and their immediate family. (Ord. 86-851 § 3)
- L. PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted in other underlying zoning within the boundaries of the PUD. Approved PUDs may elect to establish uses which were permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD. (Ord. 98-1051 § 1; 86-851)
- M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86. (Ord. 86-851 § 3)
- N. Other uses permitted outright in the LI zone, Section 16.34.020, except for those uses listed as a conditional use in the GI zone and except for adult entertainment businesses which are prohibited. (Ord. 93-946 § 3; 86-851)
- O. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible. (Ord. 97-1019 § 1)
- P. Business and professional offices associated directly with another permitted use in this zone and do not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).

Exhibit A- Proposed Development Code Amendments

- Q. Business and professional offices in buildings that received land use approval prior to January 1, 2010 that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).
- R. Business and professional offices in buildings that received land use approval after January 1, 2010 that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.
- S. Training facilities whose primary purpose is to provide training to meet industrial needs.
- T. Tool and equipment rental.
- RU. Building material sales (limited in size similar to R. above), lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- SV. Farm and garden supply stores and retail plant nurseries (limited in size similar to R. above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.
- FW. Medical, dental and similar laboratories. (Ord. 98-1051 § 1)

16.34.030 Conditional Uses

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

- A. Government facilities, including but not limited to postal, police and fire stations. (Ord. 2002-1136 § 3; 86-851)
- B. Sand and gravel pits, rock crushers, concrete and asphalt mixing plants, and other mineral and aggregate extraction subject to Section 16.34.040 and Chapter 16.138. (Ord. 93-964 § 3; 91-922; 86-851)
- C. Radio, television and similar communication stations, including transmitters and wireless communication towers except for towers located within 1,000 feet of the Old Town District which are prohibited. (Ord. 97-1019)
- D. Hospitals and emergency care facilities.
- E. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.
- F. Power stations serving a permitted use.
- G. Restaurants without drive-thru limited in size similar to 16.34.020.R.
- H. Daycares and preschools if fully integrated with and secondary to a use elsewhere permitted in Section 16.34.020 or 16.34.030. (Ord. 2002-1136 § 3; 98-1051)
- I. Solid waste transfer stations.
- J. Commercial trade schools. (Ord. 98-1051 § 1)
- K. Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms. (Ord. 2000-Metro title compliance)
- L. Compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products, except that outside storage of these materials shall be prohibited:

Exhibit A- Proposed Development Code Amendments

- 1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.
 - 2. Ammonia, chlorine, sodium compounds, toxins, and similar chemicals.
 - 3. Fertilizer, herbicides and insecticides.
- M. Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration. (Ord. 2002-1136 § 3; 98-1051)

16.34.040 Prohibited Uses

The following uses are expressly prohibited:

- A. All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 16.34.020 and 16.34.030.
- B. Auto wrecking and junk or salvage yards.
- C. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

(Ord. 86-851 § 3)

- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products or substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:

- 1. Celluloid or pyroxylin.
- 2. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.
- 3. Explosives and radioactive materials.
- 4. Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.

(Ord. 2002-1136 § 3; 86-851)

- E. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.
- F. Saw mills and paper mills.
- G. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering. (Ord. 93-964 § 3; 86-851)
- H. Leather tanneries. (Ord. 93-964 § 3)
- I. General purpose solid waste landfills, incinerators, and other solid waste facilities except as permitted per Section 16.34.030 and Chapter 16.140. (Ord. 93-964 § 3; 91-922)

- J. Business and professional offices in buildings that received land use approval after January 1, 2010 that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) that occupy more than 5,000 square feet of sales or service area in a single outlet or more than 20,000 square feet of sales or service area in multiple outlets in the same development project.

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16.34.050 Dimensional Standards

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

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Exhibit A- Proposed Development Code Amendments

said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Ord. 91-922 § 3)

A. Lot Dimensions

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

1.	Lot area:	20,000 sq ft
2.	Lot width at front property line:	100 feet
3.	Lot width at building line:	100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
3.	Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.
4.	Corner lots:	None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone. (Ord. 86-851 § 3)

16.34.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX. (Ord. 91-922 § 3; 86-851)

16.34.070 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply. (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Note: The Special Industrial (SI) Zoning District, originally established as Chapter 16.34 of the SZCDC by Ord. 86-851, was repealed by Ord. 91-922 § 3.

Chapter 16.72

PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

Sections:

- 16.72.010 GENERALLY**
- 16.72.020 PUBLIC NOTICE AND HEARING**
- 16.72.030 CONTENT OF NOTICE**
- 16.72.040 PLANNING STAFF REPORTS**
- 16.72.050 CONDUCT OF PUBLIC HEARINGS**
- 16.72.060 NOTICE OF DECISION**
- 16.72.070 REGISTRY OF DECISIONS**
- 16.72.080 FINAL ACTION ON PERMIT OR ZONE CHANGE**

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

16.72.010 GENERALLY

1. Classifications

Except for Administrative Variances, which are reviewed per Section 16.84.020, and Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

A. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

1. Signs
2. Property Line Adjustments
3. Interpretation of Similar Uses
4. Temporary Uses
5. Final Subdivision Plats
6. Final Site Plan Review
7. Time extensions of approval, per Sections 16.90.020; 16.124.010

B. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

1. Minor Land Partitions
2. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

Exhibit A- Proposed Development Code Amendments

3. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010D, below.
4. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.
5. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.

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C. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

1. Conditional Uses
2. Variances, including Administrative Variances if a hearing is requested per Section 16.84.020.
3. Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010D, below.
4. Subdivisions -- Less than 50 lots.

D. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

1. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.
2. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.
3. Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.
4. Site Plans subject to Section 16.90.020.4.G.6.
5. Industrial Site Plans subject to Section 16.90.020.4.H.2.
46. Subdivisions -- More than 50 lots.

E. Type V

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

1. Plan Map Amendments
2. Plan Text Amendments

Exhibit A- Proposed Development Code Amendments

3. Planned Unit Development -- Preliminary Development Plan and Overlay District. (Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148 § 3; 2001-1119; 99-1079; 98-1053)

2. Hearing and Appeal Authority

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

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

The quasi-judicial Hearing and Appeal Authorities shall be as follows:

- A. The Type I Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 1. The Planning Director's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
 2. The applicant may appeal the Planning Director's decision.
- B. The Type II Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 1. The Planning Director's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 100 feet of the proposal. Any person may submit written comments to the Planning Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.
 2. Any person providing written comments may appeal the Planning Director's decision.
- C. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.
 1. The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 2. Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.
- D. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
 1. The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 2. Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

Exhibit A- Proposed Development Code Amendments

E. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA). (Ord. 2003-1148 § 3; 2001-1119)

3. Approval Criteria

A. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions or approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

B. In addition to paragraph A above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

(Ord. 2003-1148 § 3)

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Division V. COMMUNITY DESIGN

Chapter 16.90

SITE PLANNING*

Sections:

16.90.010 PURPOSE

16.90.020 SITE PLAN REVIEW

Field Code Changed

Field Code Changed

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

16.90.010 PURPOSE

1. Generally

This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code. (Ord. 86-851 § 3)

2. Objectives

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - 1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
 - 2. Vehicular and pedestrian ways and parking areas.
 - 3. Existing or proposed alteration of natural topographic features, vegetation and waterways.

(Ord. 86-851 § 3)

16.90.020 SITE PLAN REVIEW

1. Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 16.46.010, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed in accordance with Chapter 16.72. For the purposes of Section 16.90.020, the term "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

- A. The activity alters the exterior appearance of a structure, building or property.
- B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
- C. The activity involves non-conforming uses as defined in Chapter 16.48.
- D. The activity constitutes a change in a City approved plan, as per Section 16.90.020.
- E. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.

Exhibit A- Proposed Development Code Amendments

- F. The activity is subject to site plan review by other requirements of this Code.
- G. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020.
(Ord. 2006-021)

2. Exemptions

The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76. (Ord. 98-1053 § 1; 86-851)

3. Plan Changes and Revocation

A. Changes

Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee. (Ord. 2006-021; 98-1053 § 1; 86-851)

B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked. (Ord. 98-1053 § 1; 86-851)

4. Required Findings

No site plan approval shall be granted unless each of the following is found:

- A. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.
- B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
- C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
- D. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code. (Ord. 2006-021; 91-922 § 3; 86-851)
- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed

Exhibit A- Proposed Development Code Amendments

use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein. (Ord. 2005-009 § 8)

- F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.
- G. The proposed office, retail multi-family institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
 4. As an alternative to the above standards G.1.--3., the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional and/or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards G.1.--3. above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.I.B.

COMMERCIAL DESIGN REVIEW MATRIX

- A. Building Design (21 Total Points Possible, Minimum 12 Points Required). Note: These standards may be applied to individual buildings or developments with multiple buildings.
1. Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative-patterned masonry, wood = 1; a mixture of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative-patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.
 2. Roof Form: Flat (no cornice) or single-pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof

Exhibit A- Proposed Development Code Amendments

- with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.
3. Glazing: 0--20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing - actual windows) = 3; >20% glazing on all street-facing sides (active glazing-actual windows) = 4.
 4. Fenestration (on street-facing elevation(s)): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.
 5. Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc provided near the entrance and covered = 4.
 6. Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000--79,999 square feet = 1; 40,000 = 59,999 square feet = 2; 20,000--39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)
- B. Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required).
1. Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.
 2. Orientation: Single-building site primary entrance oriented to parking lot = 0; single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.
 3. Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).
- C. Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required).
1. Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between

Exhibit A- Proposed Development Code Amendments

- any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.
2. Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.
 3. Vegetation: At least one "landscaped" island every 13--15 parking spaces in a row = 0; at least one landscaped "island" every 10--12 parking spaces in a row = 1; at least one landscaped "island" every 8--9 parking spaces in a row = 2; at least one landscaped island every 6--7 parking spaces in a row = 3.
 4. Number of Parking Spaces (% of minimum required): >120% = 0; 101--120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.
 5. Parking surface: Impervious = 0; some pervious paving (10--25%) = 1; partially pervious (26--50%) = 2; mostly pervious(>50%) = 3.
- D. Landscaping (24 Total Points Possible, Minimum 14 Points Required).
1. Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51--60% of existing trees on-site retained = 1; 61--70% of existing trees on-site retained = 2; 71--80% of existing trees on-site retained = 3; 81--100% of existing trees on-site retained = 4.
 2. Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25--50% of trees mitigated on-site = 1; 51--75% of trees mitigated on-site = 2; 76--100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.
 3. Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.
 4. Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.
 5. Landscaping trees greater than 3" caliper: <25% = 0; 25--50% = 1; >50% = 2.
 6. Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50--75% of landscaped areas = 1; 25--49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.
 7. Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10--15% of gross site = 1; 16--20% of gross site = 2; 21--25% of gross site = 3; >25% of gross site = 4.
 8. Automatic Irrigation: No = 0; partial = 1; yes = 2.
- E. Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).
1. Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.
 2. Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.

Exhibit A- Proposed Development Code Amendments

3. On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building) = 2.
4. Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500--1,000 square feet)=2; yes (>1,000 square square feet) = 3.
5. Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.
5. As an alternative to the above standards G.1--3., the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
6. As an alternative to the above standards G.1.--5., an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.020 of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing. (Ord. No. 2009-005, § 2, 6-2-2009)

H. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. The industrial development not visible from public arterial or collector streets provides employment opportunities for citizens of Sherwood and the region as a whole. Industrial design standards shall include the following:

1. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) shall meet any four of the following six design criteria:
 - a. A minimum 25% window glazing for all frontages facing an arterial or collector.
 - b. A minimum of two (2) building materials used to break up vertical façade street facing frontages (no T-111 or aluminum siding).
 - c. Maximum twenty-five (25) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).
 - d. Parking is located to the side or rear of the building when viewed from the arterial or collector.
 - e. Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If the loading area are visible from an arterial or collector, they must be screened with vegetation or a screen made of materials matching the building materials.
 - f. All roof-mounted equipment is screened with materials complimentary to the building design materials.
2. As an alternative to H.1 above, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):
 - a. Provide high-value industrial projects that result in benefits to the community, consumers and developers, provide diversified and innovative working environments that take into consideration community needs and activity patterns, support the City's goals of economic development and complement and enhance projects developed under industrial design standards.

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Exhibit A- Proposed Development Code Amendments

- b. Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered “entrances” to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.
- c. Reduce the “bulk” appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and/or landscaping.
- d. Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

5. Approvals

The application shall be reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action shall include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76. (Ord. 98-1053 § 1)

6. Time Limits

Site plan approvals shall be void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. (Ord. 2003-1148 § 3; 98-1053; 86-851)

Exhibit A- Proposed Development Code Amendments

16.98.030 MATERIAL STORAGE

1. GENERALLY

Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the ~~Commission Review Authority~~ as part of a site plan or as per Section 16.98.040. (Ord. 89-901 § 1; 86-851)

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2. Standards




Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot high, sight obscuring fence. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required. (Ord. 89-901 § 1)

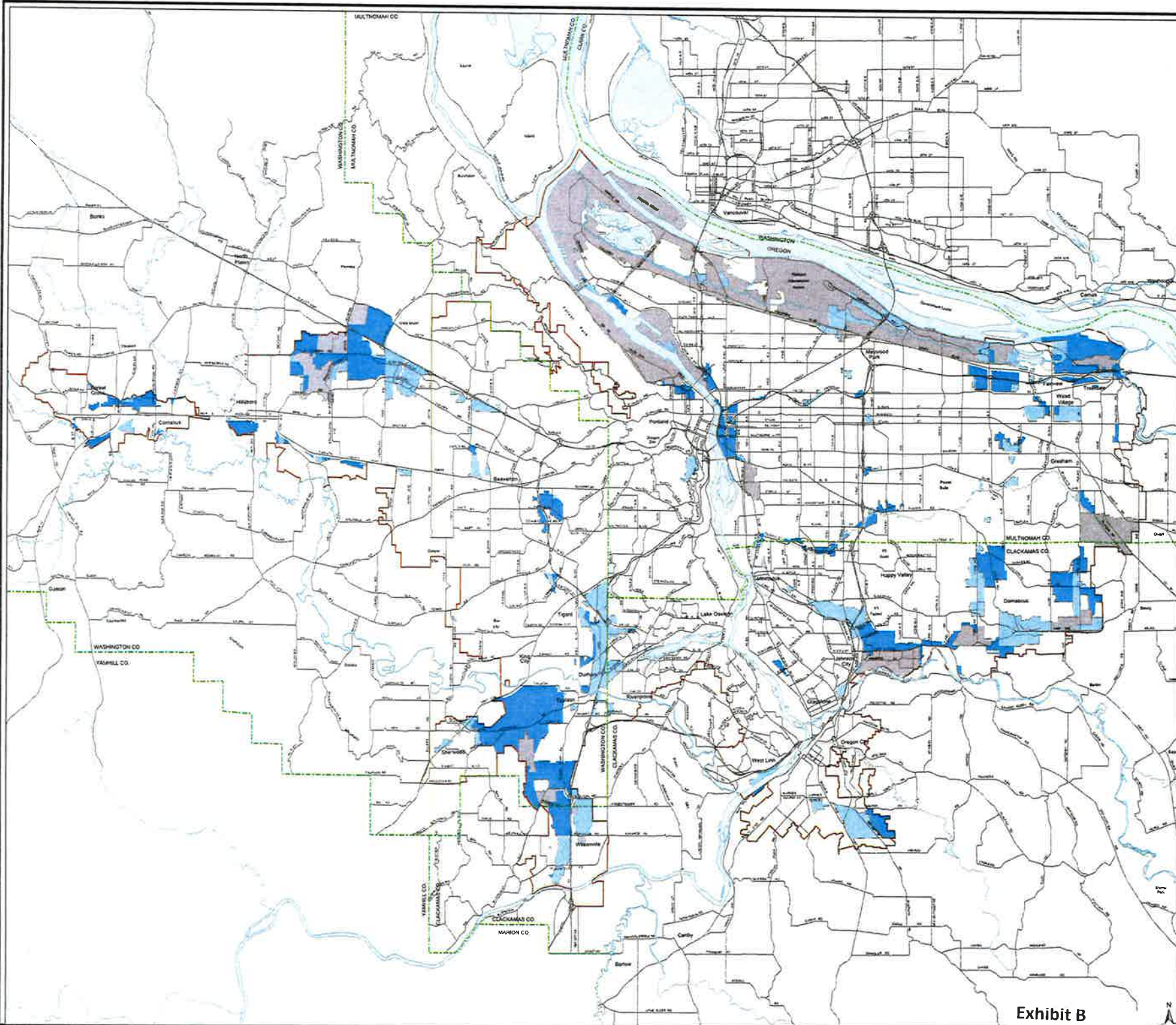
3. Hazardous Materials

Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations. (Ord. 89-901 § 1)

DRAFT

Title 4 Industrial and Employment Land

-  Employment Land
-  Industrial Land
-  Regionally Significant Industrial Area



Updated September 27, 2007

GENERAL NOTE: This map is based on the most current data available at the time of publication. It is not intended to be used for legal purposes. The Department of Planning and Economic Development is not responsible for any errors or omissions on this map. The Department of Planning and Economic Development is not responsible for any errors or omissions on this map. The Department of Planning and Economic Development is not responsible for any errors or omissions on this map.

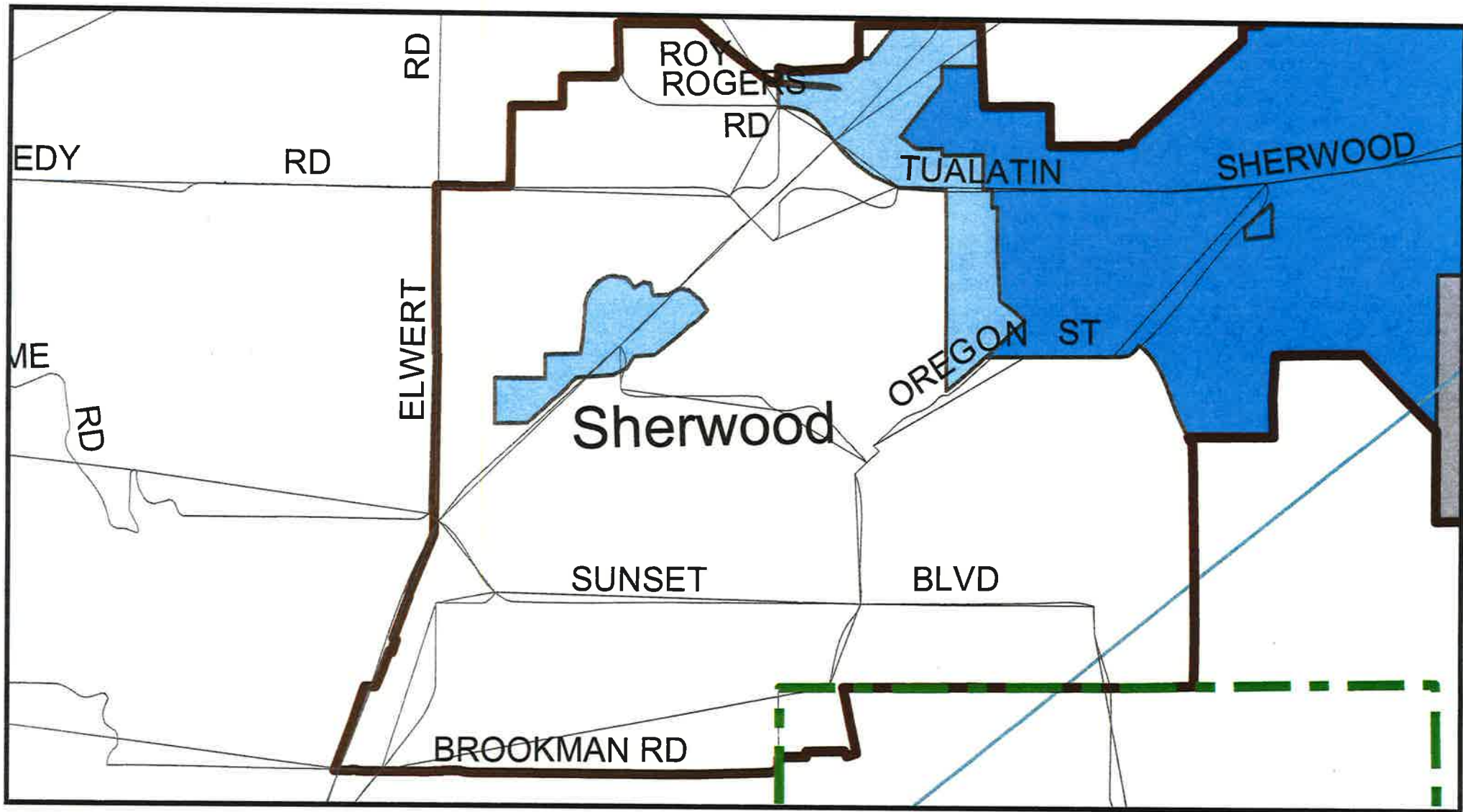


Location Map



DEPT. OF PLANNING AND ECONOMIC DEVELOPMENT
300 SOUTH MAIN STREET, SUITE 200, PORTLAND, OREGON 97204
TEL: 503.948.1100 FAX: 503.948.1102
WWW.PLED.OREGON.GOV

Exhibit B



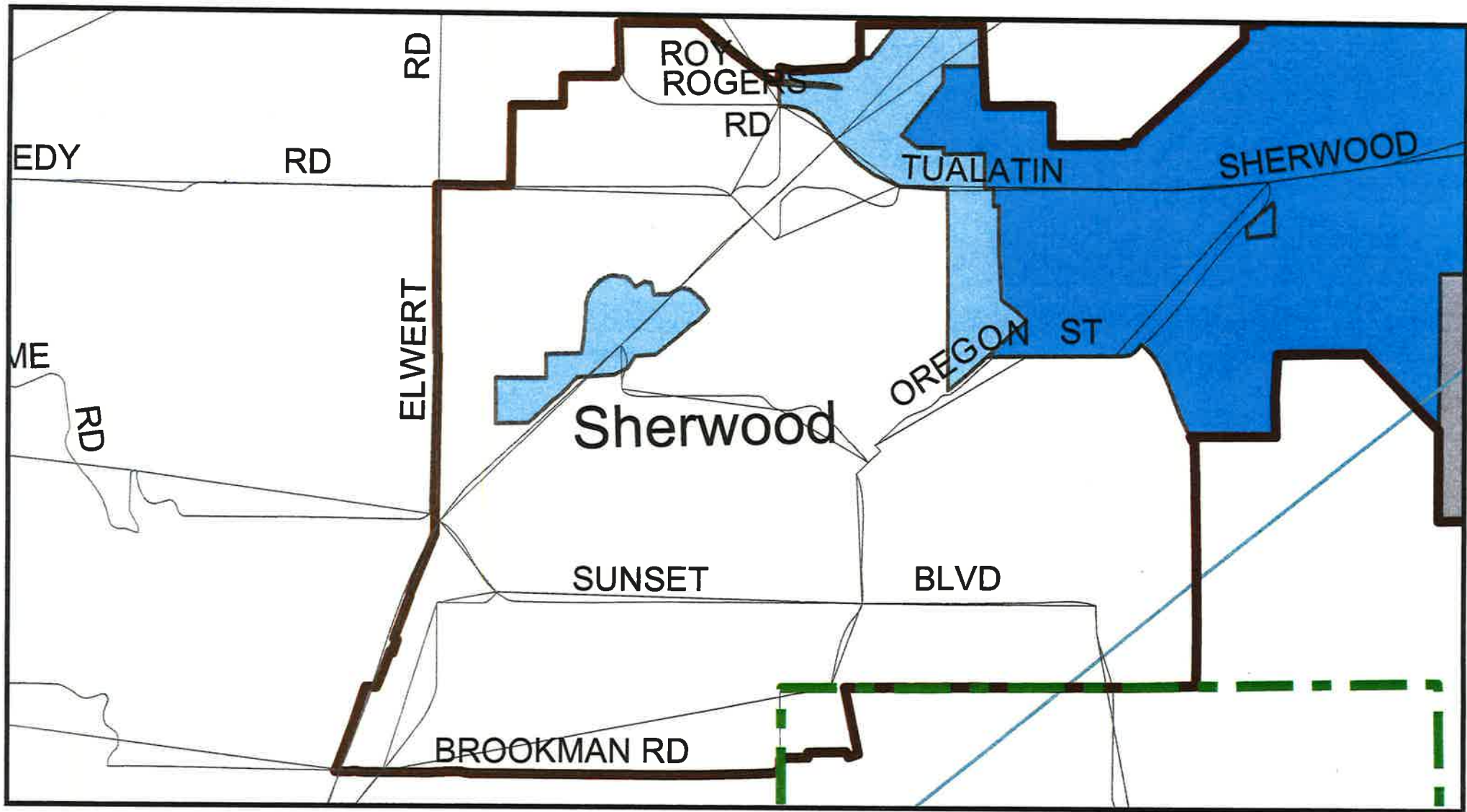


Exhibit B - I

In any City forum or meeting:

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.
- Comment time is 4 minutes with a Commission-optional 1 minute Q & A follow-up.
- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in their judgment, the best interests of the City would be served.
(Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

Persons who violate these rules may be asked to stop their comments by any member of the body. Community Comments beyond the 4-minute limit may not be included in the record of the meeting. Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

I have read and understood the Rules for Meetings in the City of Sherwood.

Agenda Item: Community Comment

I am: Applicant: Proponent: Opponent: Other

Name: Jim Clark

Address: Sherwood

City/State/Zip: _____

Email Address: N/A

I represent: Myself _____ Other

If you want to speak to Commission about more than one subject, please submit a separate form for each item.

Please give this form to the Recording Secretary prior to you addressing Planning Commission. Thank you.

Rules for Meetings in the City of Sherwood

It is the purpose of these rules to promote common courtesy and civility in all meetings of the City of Sherwood. All who wish to speak should expect to be treated fairly and with respect. All who speak should reciprocate by focusing on the issue being considered, while respecting the opinions of those with whom they may disagree. This will enable our community to establish an environment wherein all issues and opinions may be fairly considered and decisions, though sometimes difficult, will be made in a spirit of mutual respect of all citizens, no matter their differences.

Public Hearings before the City Council and other Boards and Commissions shall follow the following procedure:

- Staff Report--15 minutes
- Applicant--30 minutes(to be split, at the discretion of the applicant, between presentation and rebuttal.)
- Proponents—5 minutes each (applicants may not also speak as proponents.)
- Opponents—5 minutes each
- Rebuttal—Balance of applicant time(see above)
- Close Public Hearing
- Staff Final Comments—15 minutes
- Questions of Staff/Discussion by Body—no limit
- Decision

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I have read and understood the Rules for Meetings in the City of Sherwood.

Agenda Item: Community Comment

I am: Applicant: Proponent: Opponent: Other

Name: Susan Claus

Address: Sherwood

City/State/Zip: MA

Email Address: MA

I represent: Myself Other

*Did not speak
was not present @ time*

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Agenda Item: 9

I am: Applicant: Proponent: Opponent: Other

Name: Susan Clew

Address: Sherwood

City/State/Zip: _____

Email Address: _____

I represent: Myself Other

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I have read and understood the Rules for Meetings in the City of Sherwood.

Agenda Item: Industrial Design Standards

I am: Applicant: Proponent: Opponent: Other

Name: STU PETERSON

Address: 1800 SW 1st St 100

City/State/Zip: PORTLAND OR, 97201

Email Address: STU@maedamforbes.com

I represent: Myself Other

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Agenda Item: Hearings Office

I am: Applicant: Proponent: Opponent: Other

Name: Suzanne Claus

Address: 2224 SW Parkway

City/State/Zip: Sherwood

Email Address: _____

I represent: Myself _____ Other

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① Who selects?
② Is it a rotation?

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Agenda Item: Community Comments

I am: Applicant: Proponent: Opponent: Other

Name: Jim CLARK

Address: 2221 SW Parkway

City/State/Zip: Sherwood

Email Address: _____

I represent: Myself Other

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Agenda Item: 9

I am: Applicant: Proponent: Opponent: Other

Name: Jim Clew

Address: Sherwood

City/State/Zip: _____

Email Address: _____

I represent: Myself Other

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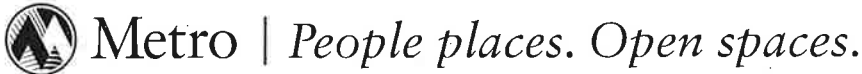
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January 22, 2010

Sherwood Planning Commission
c/o Heather Austin, AICP
Senior Planner
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Dear Sherwood Planning Commission:

Metro staff reviewed material related to PA 09-01 Industrial Design Standards, the proposed changes to the City of Sherwood Zoning and Community Development Code to bring it into compliance with Title 4 of the Urban Growth Management Functional Plan (Metro Code 3.07), specifically Code 3.07.430 Protection of Industrial Areas and 3.07.440 Protection of Employment Areas.

It is my understanding that the City does not currently have a 50 acre or larger parcel zoned as industrial land. The Tonquin Employment Area concept plan now underway will include a 50 acre parcel and the City will incorporate the appropriate Title 4 parcel division restrictions when the concept plan is complete and being implemented. The City could choose to adopt those requirements now.

Throughout the proposed code language, the date January 1, 2010 is used as the trigger for new development to meet the standards. I would encourage the city to change that date to July 22, 2007 which was the original deadline for local jurisdictions to be in compliance with Title 4.

I appreciate the opportunity to comment on these proposed code changes and I hope my comments are helpful. Please do not hesitate to contact me if you have any questions.

Sincerely,

Sherry Oeser
Principal Regional Planner
Planning & Development Department
503-797-1721

c: Heather Austin, City of Sherwood
Councilor Carl Hosticka, District No. 3
John Williams, Land Use Planning Manager

Submitted @
meeting

Printed on recycled-content paper.

Exhibit C

PA 09-01

January 25, 2010

City of Sherwood
Attention: Heather Austin, AICP, Senior Planner
22560 SW Pine Street
Sherwood, Oregon 97140

Re: **Proposed Industrial Design Standards**
City File Number: PA 09-01
Group Mackenzie Project Number 2080047.00

Dear Heather:

On behalf of Jim and Patty Dougherty, Group Mackenzie has reviewed the proposed text amendments related to industrial design standards, and we have summarized our comments below. Jim and Patty Dougherty are the owners of the approximately 16-acre "Gerda Lane" site located on Tualatin-Sherwood Road, just west of SW Gerda Lane. The site is currently being considered for redevelopment and is zoned GI (General Industrial).

First, we support the overall proposed purpose of the text amendments, and we understand most of the amendments are necessary to bring the City into compliance with Metro's Title 4 regulations. We also support the goal of increasing economic opportunities and ensuring industrial development is generally "aesthetically pleasing." City staff's desire to maintain flexibility in applying standards to industrial development is especially important as industrial projects have unique characteristics which require flexibility in order to accommodate various physical site conditions that may exist (i.e., site size/shape, natural resources, topography, orientation, etc.).

Our comments are primarily related to the details (although important ones) of the proposed text amendments as follows:

1. **Proposed Sections 16.32.020 (Q) and 16.34.020 (U & V):** The floor area limitation for "Farm and garden supply stores..." and "Building material sales..." is 5,000 SF for a single "outlet" (undefined) which is inadequate for nearly all of these types of uses. We believe the City should consider allowing these types of uses as a conditional use if larger than 5,000 SF (and possibly apply a limit of 60,000 SF).
2. **Proposed Sections 16.32.020 (M), 16.32.040 (L), 16.34.020 (R), and 16.34.040 (J):** These sections, relating to the amount of business and professional offices, include the term "development project." Although the term "development" is defined, it is unclear what "development project" is as it relates to a project that may (or already does) include multiple lots or buildings that may or may not be associated with each other. In our opinion, "development project" should relate to the specific project under review, and not the entire site or ownership.

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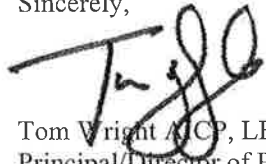
3. Proposed Section 16.72.010 (B-5): Although we recognize the City's need for a threshold, the range of 15,001 and 60,000 SF for floor area, parking, or seating capacity seems arbitrary, particularly since these design elements do not generally have an equal impact. Possibly providing some background information in the staff report regarding how this threshold was established would be a good start. Also, the term "Industrial Design Upgraded Projects" is not clear.
4. Proposed Section 16.72.010 (D-5): How does the term "Industrial Site Plans" differ from "Industrial Design Upgraded Projects?"
5. Proposed Section 16.90.020 (4-H-1): We fully support the concept of streamlining the site plan review process if certain criteria are met as proposed. Our primary concern is whether the proposed standards are realistic when considering the type of use, building style, and circulation needs of industrial uses. Although the option is allowed to review the project before the Planning Commission, this extends the review time and defeats the purpose of having standards if not realistic for typical industrial uses. Following are our initial concerns about the design standards:
 - a. A threshold of 25% window glazing is too high for industrial since the wall height and area are greater than office and retail. Also, for code and other design purposes, it may not be possible to comply with this standard particularly since it applies to all frontages facing an arterial or collector. Industrial uses often have conflicts with window areas, as their internal functions often include areas where material storage/work activities are not conducive to window areas. However, windows are beneficial to highlight and define main entrances or accessory showroom space. Possibly other options should be provided in lieu of glazing or reduce percentage of glazing.
 - b. This is generally acceptable since flexibility is given with the amount and type of materials.
 - c. A maximum 25-foot setback "...for all parts of the building..." is not always possible due to the need for circulation around a building for trucks/parking and fire access, particularly when combined with other landscape setbacks. Further, industrial buildings are often relatively tall to accommodate industrial users, which results in a towering effect if too close to a front property line. Consider increasing the maximum setback to 35 feet, and possibly providing flexibility such that only a portion of the building must comply with the maximum setback.
 - d. Since parking is generally located at the front of the building near the office entry, and the front of the building is usually oriented toward the arterial or collector, this standard will be difficult to meet. Standard 'a' is promoting glazing oriented towards the arterial/collector, which is characteristic of the office portion of an industrial building. Therefore, these standards are promoting office entry areas facing the street with no parking, which would not comply with ADA parking requirements and would result in parking in truck loading and maneuvering areas.

City of Sherwood
Proposed Industrial Design Standards
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- e. This is generally acceptable since it allows for screening if loading areas cannot be located at the side or rear of a building.
- f. This is generally acceptable, but the standard does not indicate from what direction the view is being screened (e.g., from the sidewalk at the arterial or collector street).

Thank you for the opportunity to provide these comments to staff and the Planning Commission. Please feel free to call me if you have any questions.

Sincerely,



Tom Wright AICP, LEED AP
Principal/Director of Planning

c: Jim and Patty Dougherty
Stu Peterson
Charles Huber
Wendie Kellington

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
January 26, 2010

Commission Members Present:

Jean Lafayette
Todd Skelton
Matt Nolan
Raina Volkmer
Lisa Walker

Staff:

Julia Hajduk, Planning Manager
Heather Austin, Senior Planner
Karen Brown, Recording Secretary

Commission Members Absent: Chair Allen, Commissioner Emery

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 two items; continuation of Sherwood Cannery Square and new business, a review of the Industrial Design Standards.
3. **Consent Agenda** – the consent agenda consisted of minutes from the January 12, 2010 meeting. Commissioner Nolan made a motion to accept the minutes. Vice Chair Lafayette seconded the motion. A vote was taken and all were in favor. Motion passed.
4. **Staff Announcements** – Julia talked about the Reserves Open House that was held on the 20th. It was very well attended. Approximately 150 people were in attendance and over 70 people signed up to testify in front of the Metro Council. Six of the Metro Councilors were in attendance as well.

The City Zoning Map has been updated and passed out to the Commissioners and is now available on line.

An early notice was given for the City's Arbor Day Celebration which is scheduled for April 16. This year's celebration will again include a fairly large tree planting project including help from children in the community.

Heather Austin gave an update on the Area 48 project. Currently work is being done on the traffic analysis. Staff is coordinating with the South West Tualatin Concept Plan since there is a shared boundary at 124th street. There is a tentative technical advisory committee and stakeholder group meeting at the end of March, and she hopes to be able to bring the project to a Commission work session in early June.

Julia continued with an update; Staff is currently exploring potential time extensions of Land Use approvals. Other jurisdictions throughout the state have also been looking into this. Generally land use approvals are valid for 1 to 2 years with a possibility of a year extension. Due to the current economic situation Julia has received several calls from developers that have been given approval, but have not been able to move forward with their projects. She will keep the Commission updated as information is obtained.

5. **City Council Comments** – Mayor Mays began by first saying that after a couple years away, he is again acting as the Council Liaison with Councilor Linda Henderson acting as alternate.

Tuesday, February 2nd, 2010 will be the date for the Council’s public hearing on the Cannery Site.

The Budget Committee and Staff will be looking at costs and options for videotaping and showing more meetings and community events on the public access channel.

6. **Community Comments** –

Robert James Claus 22211 SW Pacific Hwy., Sherwood, Oregon. Dr. Claus began by saying that at several of the past Commission Meetings, Chair Allen has made reference to things he has done and projects he has worked on. He then passed out a copy of a resume of Chair Patrick Allen’s from 2003. He commented that he would hope that Chair Allen would go over items he has discussed that are not shown on the resume’ that has been passed out, such as his experience with Urban Renewal. His reason for asking for this is that he believes there are two ways to assert yourself. One is through work experience and credits and the second being through academic affiliation through publications. He is troubled as he feels the Commission is often directed and led by Chair Allen. His point is that he has lived in this town for years and has watched people take the city down various avenues. He would like to have confidence in people that they either have experience, education or knowledge of this city. As Chair Allen was not present at this meeting Dr. Claus asked that Chair Allen be given a copy of the document provided and fill out the Urban Renewal projects he has worked on and any papers he has published. With this he stated that he would feel confident in knowing that the direction being followed by the Commission is not following a political lead to enhance a resume. He continued to state his concerns about Chair Allen’s experience outside of the Planning Commission.

7. **Old Business** –

- a. **Sherwood Cannery Square PUD (deliberation).**

Vice Chair Lafayette asked for any exparte contact or bias from the Commission. None was given.

Julia pointed out the memo she had prepared bulleting items she understood to be findings and recommended condition changes from the last meeting and is hoping to hear if there are changes to that list.

Discussion regarding the pattern book took place with Julia pointing out the changes that have been made in earlier versions of the staff report.

Questions regarding off-site mitigation were asked as far as timing. Julia explained that the street improvements that are required will have to be done as part of the public improvement plans for the subdivision and the traffic impacts will be tied to the final development plans for each phase.

Regarding the reduction to 75 units as opposed to 101 there were concerns that the ratio of bedrooms to parking spaces remain as originally proposed. Julia suggested addressing that by adding to condition E-25 stating “the total number of units permitted on east and west residential units combined shall not exceed 75 units with the parking space ratio to be no less than 1.9 parking spaces per unit and the ratio of bedrooms per unit being consistent with the applicants’ original proposal.” After some conversation there was a general consensus among the Commissioners regarding this change.

After reading the minutes from the last meeting, Commissioner Walker (who had not been able to attend) asked if she is correct in her understanding that the other Commissioners agreed at the January 12th meeting, that if the conditions that are being discussed at this meeting are met, that the project could be approvable. She also asked about how the percentage of public space in the Machine Works building was derived.

Dialogue among the Commissioners confirmed her observation about the approvability of the plan. She was informed that the percentage of square footage being designated in the Machine Works Building was obtained from information originally submitted by a representative of the applicant that showed a proposed drawing of the building. Vice Chair Lafayette acknowledged the challenge of determining the space allocation as the Cultural Arts Building will remain under the control of the City, so the City Council will have input as to what they would like to see happen with the building. The Commission wanted to be certain that some percentage of the building be designated as cultural arts.

Seeing no other issues to be discussed Commissioner Nolan made a motion that the Planning Commission recommend to the City Council, approval based upon the adoption of the Staff Report, findings of fact, staff recommendation, agency comments and conditions as revised of PUD 09-06, PA 09-05, SUB 099-02.

Commissioner Skelton seconded the motion.

A vote was taken, 4 Commissioners were in favor and one Commission abstained from voting. The motion passed.

8. New business –
a. Industrial Design Standards (PA 09-01)

Vice Chair Lafayette opened the public hearing for the Industrial Design Standards PA 09-01 and read the public hearing statement.

Heather Austin provided the Staff Report by explaining that the review of the Industrial Design Standards started at the same time as the review of the Commercial Design Standards. It was determined at that time by the Planning Commission that it would be

easier to separate those standards into two; Industrial Design and Commercial Design Standards. The Commercial Design Standards were adopted last summer. In addition to the Industrial Design Standards, Staff has also included regulations that Metro had adopted in 2004 for the protection of industrial lands which required certain thresholds of site sizes, building sizes and square footage percentages for mainly retail and service type uses.

Section 16.72 of the code relates to processes. There is a proposed Staff Level review that states if all 6 of the design review standards are met, then any project between 15,000 and 60,000 square feet could be a Staff Level, objective review. If a minimum of 4 standards cannot be met, but the project can demonstrate how it otherwise enhances or meets the Industrial Design Standard goals then it would be eligible for a Planning Commission review.

Heather noted that not included in the packet but distributed to the Commission (as well as being available in the room during this meeting) are exhibit C, a letter from Sherry Oesser from Metro and exhibit D is a letter from Tom Wright from Group Mackenzie representing an industrial property owner in Sherwood.

Heather discussed the letter from Sherry and pointed out that it requests the date of applicability be changed from January 1, 2010 to July 22, 2007 which was the latest date that Cities were required to come into compliance with these Metro standards. The City of Sherwood had applied for and was granted an extension to comply with those standards.

A discussion followed between Heather and the Commission regarding the request for “back dating” the code change. Heather restated that it would make these standards apply to buildings that have received Land Use Approval but have not yet been built. There are 6 businesses that had proposed something other than straight industrial use. Of those 6, one has expired and 4 of the remaining businesses have conditions limiting non-industrial uses. Specific use was not determined at the time of approval. The biggest issue would be parking. Most of these uses were granted with Industrial parking standards. If any were to come back now and propose an office use they would have to increase the number of parking spaces on the site. They all have conditions imposed that say if they are going to propose an office use then they must return to Staff and show what is proposed and allow for assessment of adequate parking. The one project that does not have these conditions is Olds Business Park. They have a total 24,000 sq ft, in three different buildings. 20,000 sq ft is the maximum allowed on a site, so if all 24,000 sq ft of their space were to develop as office uses they would be over the limit. However, they have already developed two of the bays with large roll up doors to accommodate warehouse type facilities, so it is unlikely they would ever devote the entire site to office uses without a major site plan modification being submitted.

It was clarified that the issue is not just office space, rather offices that cater to daily walk in customers. An office that supports industrial use, and that does not bring customers to the site is allowed.

Heather stated that in reviewing the projects that would fall into the gap between July 22, 2007 and January 1, 2010 Staff feels reasonably assured that the change will not be an

issue for any of those developments and is comfortable that the date could be set to July 22, 2007 which would be acceptable to Metro.

Concerns were expressed among the Commission about approving the standards and making them retroactive. Commissioner Walker suggested making a notation that explains that the change was extended due to extensions granted by Metro.

Julia agreed that they can try to push the issue with Metro and see what the response will be.

A question was posed about the Langer PUD which is light industrial and how it fits into the mix. Would they fall within the 2007 criteria?

Heather responded by saying that the Langer's PUD approval was granted in 1995. Their PUD approval would apply since they received Land Use Approval for the PUD prior to 2007. The first Title 4 regulations were in 1998, so the Langer PUD pre-dated the first restrictions on big box development.

Vice Chair Lafayette asked for clarification if the code has to be changed or if it is a recommendation.

Heather's response was that the City does need to come into compliance with Title 4, and there is a chance of being appealed by Metro and suggested Staff communicate with Metro.

Vice Chair Lafayette agreed to take Metro's recommendation under consideration.

Heather discussed issues she heard from the community since the public notice went out. One is the question of applicability. There are two properties within the City limits, on Sunset Blvd. that are zoned Light Industrial that are not designated on the Metro Title 4 map as employment or industrial. Also with the Brookman Road plan there are some light industrial parcels that are not on the map. The way the code language is currently proposed it would apply to everything zoned light industrial or general industrial, so Staff suggested the need for discussion regarding the potential of an overlay of the properties that would be immediately impacted by Title 4 or keeping it applicable to all light industrial areas with the intent that protection of industrial lands is a Sherwood goal as well.

Heather discussed the public notice provided. This is a legislative amendment, not a site specific zone change, so, as required by law, measure 56 notice was sent to every property owner of an industrially zoned parcel..

Heather noted that at a previous Commission meeting it was asked if examples could be given of existing developments to get an idea of the proposed 15,000 to 60,000 sq ft staff review process. Heather gave examples of the Safeway site, which is 55,000 that does not include the buildings attached to the store, the entire Safeway site including the bank and other buildings is 88,000 sq. ft., Olds Business Park is 24,000 sq. ft., in three different buildings, the Home Depot plus the garden center is 135,000, Wildrose Mini storage is 95,000 sq. ft. in two buildings.

A 5 min. recess was taken to read information provided to the Commission, and then the discussion was opened for public testimony.

Robert James Claus, 22211 SW Pacific Hwy, Sherwood, OR. Mr. Claus began by requesting that the record be left open for two weeks to allow additional testimony to be submitted. His first comments were that the notice given by Staff violates "50". He stated that the maps prove that notice was not given to certain property owners that are impacted by this decision. He wants the Commission to understand what he believes they are doing. He believes the Langer property is directly competitive with the General Commercial area. "This is what this Title 4 is starting to be over, is to see to it that we stop the zoning games that we played on Home Depot. It is an ironic that you mentioned Home Depot here, and the statements about Home Depot are also false. Home Depot is not completely developed. We stopped them with a legal action so they didn't put in a Wendy's out front in that light industrial." What he feels has happened repeatedly is that elected or appointed officials don't like the zoning, so they don't pay attention to it. He believes the transportation requirements are not being met. "You've said in the Cannery, we're not going to build it and yet you turned right around and said Langer's 57 acres is exempt from this. Make your mind up. Because either you are putting General Commercial, Wal-Mart, WinCo, Kohls out there or you're not and if you're not then you don't need to do your transportation plan."

The second item he is concerned about is that he feels that non-conforming uses are being created and asked if there is going to be anything done about that. "You are creating a prohibited; therefore it is an illegal use. It's not the place and it's not your role to do that. You're not elected, you're appointed, you make a recommendation. Now, the reason I'm taking the time to tell you this, you're going to mention National Wildlife Refuge here which is a significant resource under at least forest land, if not agricultural land, if not water and land resource qualities. You've ignored everything in this report, and this is done because you're trying to get around taking Langer's 57 acres out." He then handed a copy of exhibit C from this meetings packet, to the Commission, stating Metro was told there are not 50 acres of industrial land in the City. He also stated he would be submitting some IRS papers, (but did not submit anything at this time.) He concluded by saying that he was going to be reviewing the documents as he feels it is false from the start. "it misses everything and is deliberately meant to mask the fact that our Mayor and others are manipulating zoning in this town and you don't even know what's happening. But this time, we will, because we're going to take it to LUBA, the Staff is going to have to take a position, they're going to have to say oh, no, no, no, we've always exempted that and that goes back to your notice requirement. If Wal-Mart looked at Shannon and Broadhurst and wanted to go there and then were induced over to your light industrial, why didn't they get notice? It is competitive ground. It's competitive by legislative fiat not by what we did in this town, but finally what's nice is we're getting a record of the Staff pushing projects one place over and over and then saying another thing and another and a tax court saying another. So I want the record kept open. I'm going to give you full deal comments including the tax court records, including some other things and I recommend you read them because you may want to ask (inaudible comments) our Staff where they stand on telling the IRS one value exists when another does."

Susan Claus, 22211 SW Pacific Hwy, Sherwood, OR. Her first item was a general objection of form. Since there are 7 members of City Council and with as many Land Use decisions that are made in this town, she doesn't feel that it is appropriate for the Mayor to be the primary liaison to the Planning Commission. She hopes that can be reconsidered.

She also had questions regarding Title 4. The only standards she sees being worked are the industrial. The current Title 4 map that Staff is using has additional land that has an employment designation not an industrial designation. She would like some clarification. If this hearing is about implementing Title 4 into Sherwood's code she believes a section has been missed. She sees that what is being proposed for implementation is not only Metro but also code issues. She commented that part of what has recently been discussed in goal setting meetings with Council is that the code is inherently inconsistent and what could be done, what rules apply and what takes priority. As she heard it, in this project Staff has made an interpretation about 57 acres of industrial land that is in the City of Sherwood, specifically zoned industrial by a PUD, that the Staff is saying it is a 1995 exemption and she believes that is not true or accurate. Her concern is that if Metro is giving an okay, it is based on incorrect information. She asked how information regarding the Langer PUD was presented to Metro staff. She believes that if information is presented to the Commission saying, this is the way it is and Metro has already given their okay, it does not do honor to the Commission or Council to pretend it is a simple plan and that new information and inconsistency is not being presented and introduced into the code. She also asked that the record be held open and that until the code gets revamped that there is as much internal consistency as possible.

Stu Peterson, 1800 SW 1st Street, Suite 100, Portland, OR 97201 began by explaining that he is a commercial real estate Broker, developer and investor. Through his experience in working with committees doing architectural reviews and discussing zoning issues; glazing requirements continue to be a major issue. In his opinion the 25% glazing requirements in industrial zones is impractical. Many customers don't want that much fenestration on buildings due to the proprietary nature of the processes being carried out in the buildings or the valuable inventory being stored. They would rather people not be able to see through the windows.

Vice Chair Lafayette asked that if 25% was too much, would he make a recommendation.

Mr. Peterson gave an example that a typical office component of an industrial building is 10%. He has a complex on Tualatin/Sherwood road that several of the Commissioner's were familiar with and liked the appearance of and he stated that building has 14% windows across the front.

Conversation continued regarding attractive percentages of windows and the desirability and practicality to industrial tenants.

With no one else signed up to testify, Vice Chair Lafayette closed the public hearing but agreed to hold the written record open as requested for two weeks.

She then asked if what is being proposed is an overlay that addresses the Title 4 employments and industrial lands.

Heather acknowledged that Jean's question relates to a question asked by Susan Claus as well. As proposed it would apply to light industrial and general industrial properties. The map in the packet would not be adopted as a city map. The City's zoning map would be used and it would apply to light industrial and general industrial zones shown on that map. Staff's recommendation would be to have a City map that is not relying on a Metro map with a certain date.

Commissioner Nolan asked if the overlay map would include the employment lands.

Heather expanded her comments by saying another question that had come up was regarding the general commercial properties shown on the map, specifically along Hwy 99 and Tualatin-Sherwood Road including the Langer parcel. They are designated as employment lands not industrial. She realized where some confusion has come up. Sherry Oeser's letter from Metro says "it is my understanding the City does not currently have a 50 acre or larger parcel zoned as industrial land." According to the Metro Title 4 designation, the Langer parcel is employment not industrial. So the requirements to keep a 50 acre parcel protected apply to the industrial properties and not the employment properties. She will speak to Sherry and ask her to clarify her letter. The confusion is arising from Metro saying we don't have that parcel "zoned" industrial and as pointed out correctly by the Claus's it is city-zoned industrial, but it is not "designated" industrial by Metro. Similarly, the City zoning map identifies the Steel Tek development on Sunset as industrial, but Metro shows this property with no designation on their Title 4 map.

As proposed, the standards are being applied to every industrially zoned property that does not have a prior land use approval. If it is decided that the City only wants to impose Title 4 restrictions/protections of industrial lands on only the properties designated "industrial" by Metro, then the Steel-Tek parcel and the Brookman Road areas zoned Light Industrial, and any future industrial parcels not designated industrial by Metro, could be exempt.

Also, the Staff Report discusses the Retail Commercial uses with more than 60,000 sq. ft. of gross leasable area in an employment area, if they were authorized to use those uses before January 1, 2003 (which all of the general commercial properties were authorized prior to that date) they can continue to obtain approval to maintain their uses in excess of 60,000 sq. ft., so the City is not required to change the General Commercial code in any way.

Vice Chair Lafayette asked Heather to share comments she had compiled in response to a letter written by Group Mackenzie.

Heather began by addressing the first item on page one of the that letter that talks about the floor area limitations for farm and garden supply stores and building material sales and that limiting those areas to 5,000 would not permit those types of uses. She agrees the intent is to limit the sales portion of those types of uses, however in a case like a nursery or building material warehouse where a small sales area is needed to support the warehouse area that would be allowed.

Item #2 the term “development project” is also a Metro definition that needs to be clarified. Staff’s intentions are that it means the site or total project. So, the 20,000 sq. ft. limit would apply to the entire site.

Item #3 she believes is most related to the definition of the site plan being floor area parking and seating capacity. That is the current standard, however when the code changes are reviewed that is one that will be brought up to the Commission. For now floor area, parking or seating capacity are to be contiguous with what is already in the code.

Item #4 refers to section 16.72.010 and how the definitions differ from Industrial Site Plan and Industrial Design Upgrade Projects. Heather referred to page 12 of the Industrial Design Standards. She explained that exhibit A basically says that Industrial Design Upgrade Projects are those projects that meet all of the criteria. The intent is to define those as “perfect” industrial projects that fall within the squared footages, opposed to Industrial Site Plans that are subject to review before the Planning Commission.

Regarding Item #5, Mr. Peterson testimony seems to have addressed this question and that based on that testimony a project that is identified as acceptable would be at minimum 14% glazing so perhaps 15% may be a more reasonable standard.

Regarding letter C, under item #5 relates to setbacks. She suggested considering a 35’ setback as a standard.

Letter D relates to parking and ADA accessibility. Heather believes that if ADA parking is allowed to the side and there was an entrance on the same side of the building that the ADA Standards could easily be met. Vice Chair Lafayette added concerns about building with double frontages and how the standards would apply. Heather agreed to look into that as well.

Letter F refers to screening the roof mounted equipment. The intent is that the equipment is screened from all views. She added that it could be changed to say for example, “from the public view”.

Commissioner Walker added that having testimony from someone like Mr. Peterson that has first-hand experience was appreciated and asked if more of that could be provided.

Heather agreed and stated that Staff had conducted interviews with Industrial property owners, developers and builders prior to writing the code language and offered to try to re-connect with them and ask them for feedback on the proposed language.

Seeing no further questions for staff, a motion was made by Commissioner Nolan to keep the written record open for 14 days and continue the hearing until the February 23, 2010 meeting for deliberation. The motion was seconded by Commissioner Walker. A vote was taken. All were in favor, the motion passed.

9. Comments from Commission

Mayor Mays addressed the Commission and reminded them that in the coming year there will be training opportunities and encouraged them to attend, specifically the annual Planning Conference in Eugene. If they are interested in attending they should speak to staff regarding budgeting for those opportunities.

10. Next Meeting: February 9, 2010.

Vice Chair Lafayette closed the meeting at 8:45.

End of minutes

Note: If any Project related items have been submitted during this meeting they will be attached to the project file and available for review in the Planning Department inside City Hall.