



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
June 23, 2009 – 7 PM**

**Business Meeting – 7:00 PM**

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda**
4. **Staff Announcements**
5. **Council Announcements** (Dave Heironimus, Planning Commission Liaison)
6. **Community Comments** (*The public may provide comments on any non-agenda item*)
7. **Business Carried Forward:**
  - a. **SP 08-13 / CUP 08-03 Villa Lucca** – The applicant requests preliminary site plan approval and a conditional use permit to construct two buildings: a 99-unit, four-story Independent Living Facility and 2,700 square foot mixed use building. The applicant will extend SW Cedar Brook Way along the western property line and northward from SW Meinecke Parkway just northeast of 99W. Forty-eight above ground and forty-six below grade parking spaces will be created on site as well as a pathway to connect with the residential properties to the west. The total site area is approximately 5.77 acres
9. **New Business:**
  - a. **PA 09-04 Chapter 16.112 (water) updates-** The City is proposing updates to the current development code standards to reference Water System Master Plan updated adopted in 2006 and to clarify over-sizing requirements and reimbursement options.
10. **Comments from Commission**
11. **Next Meeting:** July 14, 2009
12. **Adjourn**



## MEMORANDUM

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

DATE: June 16, 2009  
TO: Planning Commission  
FROM: Michelle Miller, Associate Planner  
SUBJECT: SP 08-13, CUP 08-03 Villa Lucca aka Avamere at Cedar Brook

**Mayor**  
Keith Mays

**Council President**  
Dave Heironimus

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

**City Manager**  
Jim Patterson

The Planning Commission was scheduled to hold a public hearing on the **Villa Lucca Site Plan** on May 12, 2009. However, the applicant requested that the hearing be continued to June 9, 2009 and then again to June 23, 2009. **Staff asks the Commission to review the file materials previously distributed in the May 5, 2009 packets for this land use application.** In addition, staff received two agency comments after the May 5<sup>th</sup> packet was mailed and one property owner citizen comment. While included in the June 9, 2009 packet, they are attached to this memorandum.

**Exhibit K**, *Letter from Jennifer Lekas, 21704 SW Roellich, in response to the application*

**Exhibit L**, *ODOT Response to the Land Use Notification*

**Exhibit M**, *Tualatin Valley Fire & Rescue response to the application*

To: Sherwood Planning Committee  
From: Jennifer Lekas, Vineyards Resident

Re: Application for case file No. SP08-13/ CAP 08-03 Villa Lucca

This letter is response to the inquiry regarding land use by applicant J. Patrick Lucas of Cedar Brook Way, LLC. The proposal to construct the 99 unit, four-story facility, with its neighbor, a 2700 sq. ft mixed use facility is not a welcomed addition to the area nor a good idea. It is met with the strongest opposition for a number of reasons. The recent construction surrounding the Vineyards, that include medical facilities completed and non completed, as well as the new apartments, and additionally, the development of two new schools in the neighborhood, has shifted the face of the community and rapidly. With the projected idea of closely building other facilities that will increase the local population to potentially large numbers, would, in my opinion, have a negative impact on the sustainability and livability of the Vineyards residents and their right and desire to maintain a quiet, contained and modest neighborhood community.

The addition of the proposed site is also very close, **too** close to the green space and walking path that offer Vineyards residents serenity and a barrier if you will, to the bustling and burgeoning growth of Sherwood. The opportunity to have such allure in the middle of suburbia cannot be articulated suitably with words. Any changes made to the area, even if **one** tree is moved, cut or the property line nearing the creek and its natural inhabitants are altered or compromised, it would be a very disappointing, and impertinent act at the councils (*potential*) discretion and tact.

With having discussed the pleasing aspects of the area, it is not without burden to mention recent questionable activity and eyesores that have given reason to question the safety and candor of the neighborhood. Empty liquor bottles, cigarettes and containers and surprisingly even vehicle traffic have been witnessed on the pathway, all of which is essentially in my backyard (a crushed alcohol bottle was recently found in my **driveway**). I fully intend to address these concerns to our HOA and it's newly appointed board, but I understand that the city of Sherwood is responsible for this piece of property and feel that you as a city should be aware of its present state. Likely, and assumable, though not for certain, it may be the actions of youth in the area, but even potentially adult misconduct or worse yet, transient trespass, seeking safe haven from the showing town. These issues, not consistent with the precedence or desired integrity of the neighborhood can potentially be a temporary and limited situation, though not without involvement of the council and the Vineyards HOA. If construction of the complex is to be allowed as well as its proposed adjacent entry to the existing walkway, the results of an influx of apartment residents using the neighborhood path could potentially aggravate our present situation. How do you avoid additional harmful activity should it arise, and what measures would you seek to impede it? How do you govern and monitor such an issue?

If the construction of the projected outline succeeds, and there is no stopping the units and commercial addition from being built, let it be strongly noted, not my desired outcome, I would then most respectfully ask you to consider the above statements and opinions.

**Exhibit K**

In summary, please allow the wild area to remain as is: No altering, no destruction and least of all, no additional access to the already established property. Let us continue to retain our portion of the community, the neighborhood we feel affection for and to keep what is currently, our own sense of privacy and sought after safety. Shouldn't every homeowner be afforded that comfort and feeling of assurance?

As the city considers these many logistical plans, please be accessible and supportive of our need to further address the recent boost in off-putting litter and dodgy behaviors presently taking place. I look forward to assisting you in any way I am capable.

Thank you most sincerely for reviewing my comments and I hope you will come to an agreeable and promising conclusion to this proposal.

Respectfully,  
Jennifer Lekas

Vineyards Resident  
21704 SW Roellich Avenue  
Sherwood, OR 97140



# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

Region 1 Land Use Planning

123 NW Flanders

Portland, Oregon 97209-4012

Telephone (503) 731-8200

Fax (503) 731-8259

Date: 5/6/09

### ODOT Response to Local Land Use Notification

<b>Project Name:</b> Villa Lucca	<b>Applicant:</b> Cedar Brook Way, LLC
<b>Jurisdiction:</b> City of Sherwood	<b>Case #:</b> CUP08-03, SP08-13
<b>Site Address:</b> No Situs - Pacific Hwy W (OR 99W) @ Meineke, Sherwood, OR	<b>Legal Description:</b> T02SR01WS30CD
<b>State Highway:</b> 99W	<b>Tax Lot(s):</b> 13400
	<b>Mileposts:</b> 15.9

The site is adjacent to the referenced state highway. ODOT has permitting authority for the state highway and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

#### ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

Curb, sidewalk, bikeways and road widening shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards.

An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

#### ADDITIONAL COMMENTS:

While the current proposal is a low traffic generator, the traffic study provided by the applicant shows that the second phase of this development will contribute significantly more traffic to highway intersections that are already over capacity. At the time that the application for the second phase is submitted, ODOT will require a more detailed traffic study in order to identify the appropriate highway improvements that will mitigate the additional traffic impacts. Please contact Doug Baumgartner at the phone number below to scope the traffic study for the second phase.

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209

Exhibit L

<b>Development Review Planner</b> Seth Brumley	<b>Phone:</b> (503) 731-8234
<b>Traffic Contact:</b> Doug Baumgartner	<b>Phone:</b> (503) 731-8225
<b>District 2A Contact:</b> Steve Schalk	<b>Phone:</b> (503) 229-5267



**TUALATIN VALLEY FIRE & RESCUE - SOUTH DIVISION**  
COMMUNITY SERVICES • OPERATIONS • FIRE PREVENTION

May 15, 2009

Michelle Miller  
Associate Planner  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

**Re: SP 08 – 13 CUP 08-03 Villa Lucca**

Dear Ms. Miller;

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- 1) **AERIAL FIRE APPARATUS ACCESS:** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (IFC D105) ***If building exceeds 30 feet in height, please designate where aerial apparatus road will be located.***
- 2) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (IFC D103.6) ***Show "No Parking" signs locations for approval.***
- 3) **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (IFC 503.3) ***Provide painted curbs where needed.***
- 4) **GATES:** Gates securing fire apparatus roads shall comply with all of the following: (IFC D103.5)  
Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island.  
Gates shall be set back at minimum of 30 feet from the intersecting roadway.  
Gates shall be of the swinging or sliding type  
Manual operation shall be capable by one person  
Electric gates shall be equipped with a means for operation by fire department personnel  
Locking devices shall be approved.
- 5) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20

**Exhibit M**

psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (IFC B105.2) **Please provide a current fire flow test of the nearest fire hydrant demonstrating available fire flow at 20 psi residual pressure, as well as fire flow calculation worksheets. Fire Flow calculation worksheets and instructions are available on our website: [www.tvfr.com](http://www.tvfr.com).**

- 6) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1. **Number and distribution of fire hydrants will be determined from fire flow worksheet.**

**Considerations for placing fire hydrants may be as follows:**

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
  - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
  - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
  - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.
- 7) **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (IFC C102.1)
- 8) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (IFC 508.5.4)
- 9) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (IFC 1410.1 & 1412.1)
- 10) **KNOX BOX:** A Knox Box for building access is required for this building. For gates securing an emergency access road a Knox box or Knox padlock will be required; a Knox switch will be required for electrically operated gates. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (IFC 506)
- 11) Complete the Building Survey Form prior to the issuance of the Building Permit:  
[http://www.tvfr.com/Dept/fm/brochures/document\\_files/building\\_survey\\_form\\_ifc.pdf](http://www.tvfr.com/Dept/fm/brochures/document_files/building_survey_form_ifc.pdf)
- 12) Resubmit plans for final approval.

If you have questions, please call me at (503) 612-7012.

Sincerely,

*Karen Mohling*

Karen Mohling  
Deputy Fire Marshal

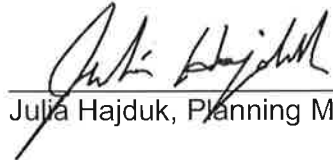
Updates to Chapter 16.112 (Water) of the SZCDC

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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: June 23, 2009

FROM: PLANNING DEPARTMENT

  
Julia Hajduk, Planning Manager

**Proposal:** Amend the public utilities section of the development code to reflect the updated water system master plan (Adopted in 2005) and to clarify over-sizing requirements. The proposed amendments are attached as Exhibit A

## I. BACKGROUND

### Background

The City adopted the Water System Master Plan in 2006 via Ordinance 2005-016. The adoption included updating the Water System map in the Comprehensive Plan but did not include updates to the development code. In preparation of the City taking back management of the water system, the Public Works department has asked for updates to ensure there is no confusion over the correct water system maps and standards utilized.

- A. 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).
- B. Public Notice and Hearing: Notice of the application was posted in five locations throughout the City on June 22, 2009. The notice was published in the Tigard/Tualatin Times on June 11 and June 18, 2009 in accordance with Section 16.72.020 of the SZCDC.
- C. 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 7 – Community Facilities and Services. Statewide Land Use Planning Goals 1, 2 and 11 are applicable to this application. Compliance with the applicable criteria is discussed further in this report.

## II. PUBLIC COMMENTS



Public notice was posted in five locations throughout the City on June 2, 2009. Notice was published in The Times on June 11 and June 18, 2009. Staff has received no written comments as of the date of this report.

### III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on June 1, 2009. The City received responses from the following agencies indicating that they had not comment or objections: Kinder Morgan, ODOT Signs, and TVWD.

Notice was sent to the following agencies and no comments have been received as of the date of this report: Trimet, NW Natural, Sherwood Broadband, BPA, CWS, DSL, Sherwood School District, TVF&R, Pride, Raindrops 2 Refuge, Portland Western RR, Metro, Washington County, ODOT, PGE

The City of Sherwood Public Works and Engineering departments provided comments which directly influenced the revisions proposed.

### 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.

As discussed in detail further in this report, the plan amendment for PA 09-04 is reviewed for compliance with applicable Comprehensive Plan policies and the statewide planning goals within this report. There are no applicable Metro Functional Plan policies.

**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.**

**FINDING:** This section is not applicable

## **B. APPLICABLE COMPREHENSIVE PLAN POLICIES**

The applicable Comprehensive Plan Policies and Objectives are found in Chapter 7 (Community Facilities and Services). The stated policy is “To insure the provision of quality community services and facilities of a type, level and location which is adequate to support existing development and which encourages efficient and orderly growth at the least public cost.” The applicable listed objectives are

1. **Develop and implement policies and plans to provide the following public facilities and services; public safety fire protection, sanitary facilities, water supply, governmental services, health services, energy and communication services, and recreation facilities.**
2. **Establish service areas and service area policies so as to provide the appropriate kinds and levels of services and facilities to existing and future urban areas.**

The proposed amendment to the Development Code is consistent with these stated objectives because they make more clear the appropriate service maps and design standards to be utilized in the construction of water lines. In addition, it clarifies that over-sizing of lines may be required as part of a development in order to be consistent with the Master Plan but that reimbursement will be provided.

**FINDING:** As discussed above, the proposed update to the water section of 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)**

**FINDING:** The proposed amendments are housekeeping measures to clarify reference to the Water System Master Plan adopted in 2005 and implemented as an appendix to the Comprehensive Plan.

### **Goal 3 (Agricultural Lands)**

### **Goal 4 (Forest Lands)**

### **Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)**

### **Goal 6 (Air, Water and Land Resources Quality)**

### **Goal 7 (Areas Subject to Natural Hazards)**

### **Goal 8 (Recreational Needs)**

### **Goal 9 (Economic Development)**

**Goal 10 (Housing)**

**FINDING:** The Statewide Planning Goals 3-10 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

**Goal 11 (Public Facilities and Services)**

**FINDING:** The proposed amendments are fully consistent with Goal 11. The Water System Master Plan was developed consistent with Goal 11 requirements and the amendments merely provide housekeeping to clarify references to the adopted Plan Map and updated Engineering Design and Construction Standards.

**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 12-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

**Staff assessment and recommendation on Plan Amendment:**

Based on the discussion, findings of fact and conclusions of law detailed above, staff finds that the proposed plan amendment meets applicable local and state criteria and that there are no applicable regional criteria.

Staff recommends the Planning Commission **RECOMMEND APPROVAL** of PA 09-04 Chapter 16.112 (Water) updates to the Sherwood City Council.

**Exhibits**

A – Proposed Development Code amendments to Chapter 16.112

## Chapter 16.112 - WATER SUPPLY\*

Sections:

16.112.010 REQUIRED IMPROVEMENTS

16.112.020 DESIGN STANDARDS

16.112.030 SERVICE AVAILABILITY

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

16.112.010 REQUIRED IMPROVEMENTS

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.

(Ord. 86-851 § 3)

16.112.020 DESIGN STANDARDS

1. Capacity

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Engineering Design and Standard Details Manual~~Service Plan Map, attached as Appendix D, Chapter 7 of the Community Development Plan,~~ and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions. (91-922 § 3; 86-851)

2. Fire Protection

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.  
(Ord. 91-922 § 3; 86-851)

3. Over-Sizing

A. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.  
B. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.  
C. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.

(Ord. 91-922 § 3; 86-851)

16.112.030 SERVICE AVAILABILITY

Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development



PATHWAY PART OF JSP

1. IT IS SPRINKLED?!?  
2. POTENTIAL CONFLICT OF INTEREST.  
- ACTUAL CONFLICT OF INTEREST.

CITY OF SHERWOOD  
Staff Report

Date: May 5, 2009  
File No: SP 08-13 CUP 08-03

Villa Lucca aka Avamere at Cedar Brook Way

TO: Planning Commission

Pre-App. Meeting: June 17, 2008  
App. Submitted: November 17, 2008  
App. Complete: April 9, 2009  
120-Day Deadline: August 7, 2009  
Hearing Date: ~~May 12, 2009~~ JUNE 23, 2009

FROM: Planning Department

Michelle Miller  
Associate Planner

**Proposal:** The applicant requests site plan approval and a conditional use permit to construct two structures: a ninety-nine unit independent living facility, approximately 124,675 square feet and a 2,700 square foot mixed use building to be used for two live/work units. The applicant proposes forty-eight surface parking spaces and forty-six underground spaces on the nearly six acre parcel. The applicant proposes to use two on site and five on street parking spaces for the live-work building. The applicant proposes to extend SW Cedar Brook Way from the roundabout northward on SW Meinecke Parkway around the western edge of the site to the multifamily development adjacent to the site just off of 99W. A southern portion of the site will remain undeveloped and is not part of this application. The applicant's submittal packet is attached as Exhibit A.

**I. BACKGROUND**

A. Applicant/Owner: J. Patrick Lucas  
Cedar Brook Way, LLC  
20512 SW Roy Rogers Road, #150  
Sherwood OR 97140

Applicant's Representative AKS Engineering & Forestry, LLC  
13910 SW Galbreath Drive, Suite 100  
Sherwood OR 97140

Contact: Monty Hurley and Chris Goodell  
(503)-925-8799

B. Location: 2S130CD13400 SW Cedar Brook Way and Meinecke Parkway

C. Parcel Sizes: 5.77 acres total, including area for Cedar Brook Way extension

D. Existing Development and Site Characteristics: The site is vacant with a vegetated corridor along the western and northern edges of the property line. The vegetated corridor is approximately fifty feet in most places and slopes to the western edge of the site into the vegetated corridor. Nine trees are to remain within this corridor. The rest of the site is vacant and level. SW

Meinecke Parkway, a fully developed roadway extends to the roundabout at the intersection of SW Meinecke Parkway and SW Cedar Brook Way with curb tight sidewalks to the roundabout.

- E. Site History: Initially, part of a three lot minor land partition Cedar Brook Way MLP (05-05), approved in 2005. When the Oregon Department of Transportation (ODOT), in cooperation with the City constructed the western extension of SW Meinecke Parkway terminating in a traffic roundabout at SW Cedar Brook Way, tax lots 100 and 101 were physically created with the road separating them. The three lots were zoned General Commercial. Two of those lots have office buildings currently constructed or under construction. This third lot is the subject of the land use application.
- F. Zoning Classification and Comprehensive Plan Designation: The site is zoned General Commercial (GC) for commercial purposes.
- G. Adjacent Zoning and Land Use: Land to the east is zoned High Density Residential (HDR) with multifamily housing. Land to the south and across SW Meinecke is also zoned GC, developed with two separate office buildings. To the west and across the vegetated corridor buffer, is a residential subdivision with single family homes zoned low density residential, planned unit development (LDR-PUD), Wydham Ridge. See Exhibit I.
- H. Review Type: Due to the size of the building and site, the site plan and conditional permit requires a Type IV review with a public hearing and decision made by the Planning Commission after consideration of public comment. An appeal would be heard by the City Council.
- I. Public Notice and Hearing: Notice of the application was mailed to property owners within 100 feet, posted on the property and in five locations throughout the City on April 21, 2009. The notice was published in the Tigard/Tualatin Times on April 30, and May 7, 2009 in accordance with Section 16.72.020 of the SZCDC.
- J. Review Criteria: Sherwood Zoning and Community Development Code, 16.22 (General Commercial), 16.36 (Institutional and Public), 16.58.010 (Clear Vision), 16.58.030 (Fences, Walls and Hedges), 16.62 (Chimneys, Spires, Antennas, and Similar Structures) 16.82 (Conditional Uses), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), 16.98 (On-Site Storage), Division VI 16.104-16.118 (Public Improvements), 16.142 (Parks and Open Space), 16.48 (Vibrations), 16.150 (Air Quality), 16.52 (Odors), 16.154 (Heat and Glare), and 16.156 (Energy Conservation).

## II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on April 21, 2009. Staff has received two written comments as of the date of this report that are marked as Exhibit B and C.

### III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on April 9, 2009. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

#### Sherwood Engineering Department:

##### Grading and Erosion Control:

Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.

##### Other Engineering Issues:

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

An eight-foot wide public utility easement is required adjacent to the right-of-way of all street frontages. (Reference code 16.118.020.B).

All existing and proposed utilities shall be placed underground.

Obtain a right-of-way permit for any work required in the public right-of-way, (reference City Ordinance 2006-20).

All public easements must be in submitted to the City for review, signed by the City and Applicant, recorded by the applicant with the original recorded easements on file at the City prior to the release of public improvement plans.

##### Miscellaneous:

At the City's discretion Applicant may be required to install infrastructure for Sherwood Broadband as noted in City Ordinances 2005-17 and 2005-74.

Clean Water Services: Jackie Humphreys provided comments on the noting that Service Provider Letters were granted for this development and the applicant is required to meet the conditions as set forth in that letter. Her detailed comments are attached as Exhibit D.

### IV. CONDITIONAL USE REVIEW– REQUIRED FINDINGS (SECTION 16.82)

The use of the site for an independent living facility (facility) requires conditional use approval under the general commercial zone. The following addresses this portion of the land use application submittal.

- A. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements**



**needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.**

The applicant proposes to extend the sanitary sewer, water, storm and electrical system to the site and provide adequate services to the development. The applicant will construct a storm water quality treatment facility on City of Sherwood property but adjacent to the site to the west within the vegetated corridor buffer. The public improvements will be discussed within the applicable code criteria sections in further detail later within this report.

The applicant plans to extend SW Cedar Brook Way from the roundabout to the property to the north where the Creekview Crossing, a multi-family development is under construction. This will provide adequate circulation and serve as a frontage road along 99W through the adjoining properties. The applicant proposes a pedestrian connection to an existing trail system to the west. Tract A, owned by the City and approximately 6.12 acres provides adequate open space and separation of the independent living facility (ILF) and subdivision. Coupled with the 1.22 acres of open space within the site along SW Cedar Brook Way there is adequate buffering. The applicant also proposes a landscaped courtyard within the development to provide an open space area for the residents to congregate.

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

**B. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.**

The dimensional standards for the GC zone including setbacks and height elements are met and will be discussed in further detail under the appropriate section. The surrounding property to the east is also a multifamily type of development and thus will generate similar noises associated with residential uses. The office buildings operate during general business hours and will be not in conflict with the facility use as office noise is relatively quiet. Adequate sidewalks exist throughout the perimeter of the site to support safe pedestrian connectivity with the adjoining properties.

**FINDING:** As discussed above, this standard has been met.

**C. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.**

The Comprehensive Plan calls for a variety of housing types and this particular facility accommodates the segment of the senior citizen community wishing to reside in a more independent-type of facility, but not requiring assisted living. Residents looking to relocate to this facility may be relatives of Sherwood residents looking to be closer to family or existing Sherwood residents moving from single family homes. An independent living facility is not currently available as a specific housing type for the City; however it is most similar to an assisted living facility in that there is a common open eating area large food preparation area.

The applicant has provided site plans that indicate completion of a segment of SW Cedar Brook Way which complies with the City of Sherwood Transportation System Plan (TSP). Also, the

applicant proposes a trail connection the development to the west, also in compliance with the TSP.

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

**D. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.**

The use is similar to the multi-family development adjacent to the site and is in compliance with the height requirements of the general commercial zone. Where the building is within 100 feet of the HDR zone, the applicant proposes the building height to be 40 feet. The applicant's proposal situates the building away from the adjoining properties thereby lessening the impact of the size of the structure. A parking area, perimeter landscaped buffers also mitigate some of the intensity of this use.

The applicant proposes the addition of another small commercial mixed use building along the western border of the site, near the location of the other commercial buildings along 99W. Natural buffers separate the Wydham Ridge subdivision due the vegetated corridor and proposed SW Cedar Brook Way.

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

**E. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.**

The site is 5.77 acres and irregularly shaped. Other commercial property surrounds the property to the south. The applicant proposes to leave a southern portion of the site vacant for now, but plans three commercial buildings to be located nearby. Site plan compliance will be considered at the time of that land use action, but by illustrating the approximate location and size, it shows conceptually that the ILF can be accommodated. The applicant has located the building on the flattest portion of the site where little natural vegetation is occurring. The residents will be able to view the preserved natural area. Although the building is relative large, it will be heavily landscaped with open space and half of the parking will be underground.

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

**F. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.**

The applicant proposes to locate the facility across the street from the natural area and SW Cedar Brook Way. This proposed separation and mitigation measures serve to protect the natural area by providing an adequate buffer from the development. The mixed use building is also located outside of the buffered area. The site plan for this project has been reviewed by Clean Water Services (CWS) who approved of the preliminary design.

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

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

The proposal must satisfy the requirements of the Highway 99W Capacity Allocation program. The applicant submitted a CAP and traffic analysis which has been reviewed by DKS Engineering, the City's traffic consultants. DKS provided comments and recommendations which indicate the project complies subject to potential mitigation. Their CAP analysis is discussed and conditions imposed if needed further within this report.

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

**V. SITE PLAN REVIEW– REQUIRED FINDINGS (SECTION 16.90)**

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

As discussed above, the ILF conditionally meets the applicable zoning requirements. The dimensional setbacks will be discussed further within this report.

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

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

The applicant submitted utility plans that have been reviewed and commented on by City Engineer. His recommendations are discussed further within this report.

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

- 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.**

No covenants, agreements or other documents are specifically required for on-site features.

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

- D. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation, 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)**

The Metro inventory of regionally significant habitat lists the western portion of this property as having a sensitive wildlife habitat. This is a high value vegetation corridor will be protected via a buffer. The vegetated corridor buffer will be protected via a tract that will not be developed. Additionally, the applicant proposed a pathway that will connect the corridor with the existing development which has been provisionally approved by CWS through the Service Provider letter submitted with the application materials.

**FINDING:** Based on the discussion above, the proposed development fully complies with this standard.

- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein. (Ord. 2005-009 § 8)**

The applicant submitted a traffic analysis and CAP documentation that has been reviewed by DKS Engineering and their analysis and recommendations are discussed further within this report.

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

- F. For developments that are likely to generation 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.**

The applicant has submitted a traffic impact study (TIS) prepared by Charbonneau Engineering for the proposed site. This traffic study was analyzed by the City's transportation consultants, DKS Engineering. The study showed that the impacts of the ILF will require some mitigation, but the proposed project does not add significant traffic volume to the failing movements of the existing intersections of 99W/Meinecke Parkway and Hwy 99W/Sherwood Blvd. Specifically the right and left turn lane warrants were analyzed for two-way stop controlled study intersections. The left turn lane warrants were not met based on the analysis. Right turn lane warrants were triggered with the proposed development, although the added right turn traffic is less than five vehicles per hour. The traffic signal warrants were reviewed, but none of the unsignalized study intersections met the warrants due to low traffic volumes. DKS did make recommendations based on the impacts to the transportation system of the proposed development.

**FINDING:** The applicant has not met the criterion, but could be met with the conditions discussed under the street section of this report based on the impact to the transportation system.

- G. The proposed commercial, multi-family development, and 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 and setback standards of the underlying zone.**

The plans indicate that there is an entrance along SW Cedar Brook Way which is oriented to the street. This entry way is well defined with stone accents and a covered area. A drop off and loading area is specifically defined for access to the building. A wide walkway differentiated with tiled pavers leads the pedestrian to the street. There is a massive entry located in the arcade with another covered entry located near the parking area. The entire building wraps closely along SW Cedar Brook Way, is flush with the street and provides an adequate entry for pedestrians.

The mixed use building also has a distinctive entry point along SW Cedar Brook Way with a similar design that blends in with the ILF. The size of the building is less than 3,000 square feet. The building will have no setbacks in the front which is typical of commercial buildings. A seating area will be provided in the entry plaza located at the front of the building. An attached two-car garage will be located on the northern side of the building.

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

- 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, metal roofs, and artificial stucco material shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and division to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum three feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.**

The architecture of the ILF and the live work building can be characterized as in the "Tuscan style." The buildings are oriented to the pedestrian through the distinctive entry plaza with benches and landscaping throughout the side facing SW Cedar Brook Way and around the building. Other architectural elements include distinctive pavers at the entryway, bicycle racks, terra cotta roofing material, several different colors of paint and stone along the ground floor. Additional architectural details include balconies, shutters, awnings and different sizes of windows. Both the different types of building materials used and the various architectural details provide the distinctive breaks in the façade.

The live-work units are comprised of similar materials and design. The articulation of the building is also facing SW Cedar Brook Way. The building entrances have awnings that provide shelter from the rain.

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

**VI. APPLICABLE CODE PROVISIONS**

**A. 16.30 .030 Conditional Uses-General Commercial**

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. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.**

**J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building as defined in section 16.30.030(B).**

The conditional use criteria are discussed above and this use, although not a residential care facility will operate in the same manner as a special care or residential care facility in that a senior community will reside together in an apartment-like setting. For the smaller building, the applicant has proposed residential living quarters located on the upper floors of a commercial office building.

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

**16.30.050 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.

**16.30.050.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:	70 feet
3.	Lot width at building line:	70 feet

**FINDING:** The lot width is approximately 100 feet at the front at the building line. The site is 5.77 acres, well above the minimum lot area dimensions. The applicant meets this criterion.

**16.30.050.B. Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	None, except when the lot abuts a residential zone, the front yard shall be that required in the residential zone.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of ten (10) feet.

3.	Rear yard:	None, except twenty (20) when abutting a residential zone
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The east side yard of the ILF abuts a residential zone and thus the standard of twenty feet applies. The proposed ILF is situated so that it is at least twenty feet from the residential zone as the parking area separates the buildings from the multifamily development. No other setbacks are required for this building.

In regard to the live-work building, the rear yard abuts City-owned property, zoned residential. This area separates the single family residential area with approximately 6 acres of vegetated buffer and the tax lot 13700. No residences are located within these tax lots. The pedestrian pathway is located through this open area. This area is well over the twenty feet of require rear yard setback.

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

**16.30.050.C. Height**

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

The height of the proposed building is approximately 40 feet where it is within 100 feet of the abutting multi family development. The portion of the building outside of the 100 foot limitation will be 50 feet. The elevator towers are located on the roof of the building. The applicant proposes to extend the tower five feet over the height limit of 50 feet. This is discussed further within this report under the applicable code section.

**FINDING:** Based on the above discussion, the applicant meets this criterion except for the elevator tower which falls under the exception discussed later within this report.

**16.30.060 Community Design**

**2. The residential portion of a mixed use can be considered clearly secondary to commercial uses in mixed use developments when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor.**

The live-work building will have commercial activities on the ground floor with the living component on the second floor, denoting the secondary residential use.

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

**16.58.010 Clear Vision Areas**

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

**A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or,**

where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides. (Ord. 86-851 § 3)

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

The following requirements shall govern clear vision areas:

A. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.

B. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

C. Where no yards are required, buildings may be constructed within the clear vision area.

**FINDING:** The site plans show that there is no obstruction to the clear vision area. On a recent site visit, it is clear that no obstructions exist on the site. Staff cannot confirm this standard has been fully met until the final inspection of the site, but it is possible to demonstrate compliance with this standard if the applicant meets the condition below.

**RECOMMENDED CONDITION:** Prior to final inspection approval, submit plans for verification that the clear vision areas of the access drive are in compliance with § 16.58.010.

B. Division V- Community Design

The applicable provisions of Chapter 5 include: 16.90 (Site Planning), 16.62 (Chimneys, Spires, Antennas, and Similar Structures), 16.92 (Landscaping), 16.94 (Off-street parking and Loading), and 16.96 (On-site Circulation). 16.98 Compliance with the standards in these sections is discussed below:

16.62 Chimneys, Spires, Antennas, and Similar Structures

16.62.010 Heights

Except as otherwise provided the height limits established by this Code shall not apply to chimneys, stacks, water towers radio or television antennas, towers windmills, grain elevators, silos, elevator penthouses, monuments, domes spires belfries, hangars, solar heating devices, and to wireless communication facilities two hundred (200) feet in height or less.

The applicant proposes to extend the elevator tower approximately five feet above the roof amounting to a building height of 55 feet where the towers are located. This is a specific exemption to the height requirement as outlined in this code section.

**FINDING:** Based on the above discussion, the five feet extension of the building height at this location for the elevator tower meets this criterion.



#### **16.92.010 Landscape Plan**

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

#### **16.92.020 Landscaping Materials**

**16.92.020.1 Varieties** - Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter.

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

**16.92.020.4 Existing Vegetation** - All developments subject to site plan review as per Section 16.90.020 and required to submit landscaping plans as per Section 16.92.020 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 16.142.060.

The applicant submitted a landscape plan that shows landscaping throughout the site with a variety of plants. The applicant proposes a variety of street and site trees with shrubs and groundcovers. The applicant proposes over 28,000 square feet of landscaping around the surface parking area and buildings to meet this requirement. The plans indicate that this landscape design is preliminary, and therefore the final landscape plan cannot be verified for the exact composition or the size of the plants to be planted and maintained.

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

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

**16.92.030.01 Perimeter Screening and Buffering** - A minimum six (6) foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. In addition, plants and other landscaping features may be required by the Commission in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

The applicant proposes a combination of fencing and landscaping along the eastern border of the site where the property line separates the multi-family development. The applicant has proposed a fence as well as additional landscaping to separate these developments. The location and type of landscaping will provide adequate screening between the developments. Also, the applicant has situated the building to provide adequate privacy between the developments.

**FINDING:** As described above, the applicant satisfies this criterion.

**16.92.030.2 – Parking and Loading Areas:**

**16.92.030.2.A - Total Landscaped Area**

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

The parking lot landscaping is 5,747 square feet. The surface parking area consists of forty-eight (48) parking spots totaling 17,760 square feet which includes the circulation drives. The amount of landscaping proposed is approximately 32 %.

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

**16.92.030.2.B - Adjacent to Public Rights-of-Way**

**A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 16.58.030.**

**FINDING:** The applicant proposes the boundary of the parking area includes a landscaped area. The applicant has illustrated adequate landscaping for the parking area and thus meets this criterion.

**16.92.030.2.C - Perimeter Landscaping**

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

**FINDING:** An existing perimeter landscape area is outlined to the east of the site which separates the parking area from the Creekview Crossing. The applicant has submitted a preliminary plan that provides for adequate screening that meets this criterion.

**16.92.030.D - Interior Landscaping**

**A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall**

**be provided after every fifteen (15) parking stalls in a row. Storm water bio-swales may be used in lieu of the interior landscaping standard.**

The applicant proposes interior landscaped area between parking stalls so that there are no stalls with over ten stalls in a row between landscaped islands. These islands are over sixty four feet in area.

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

**16.92.030.E Landscaping at Points of Access**

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

Two entrances are located along SW Cedar Brook Way for the ILF. Both of these drives have landscaping on both sides. The applicant has shown on the plans that there will no sight obstructions at these entrances, but has not delineated the clear vision triangles or provided sight distance verifications.

**FINDING:** The applicant appears to comply with this standard at this time, but it cannot fully be complied without the following condition.

**RECOMMENDED CONDITION:** Prior to final site plan approval, submit revised plans that clearly show no vegetation growing taller than 2 ½ feet will be located within the required 30 foot vision clearance area, unless trees proposed in this area have no limbs or leaves lower than 7 feet above the ground.

**16.92.030.3 - Visual Corridors**

**New developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Section 16.142.**

**FINDING:** The site abuts a local street, SW Cedar Brook Way and thus this section is not applicable.

**16.94.010 – General Off-street parking and loading**

**16.94.020 Off-street parking standards**

**16.94.020.02 – Minimum parking spaces**

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

The applicant has provided parking for the ILF consisting of approximately 46 garage spaces, 48 surface spaces with 18 on street spaces along SW Cedar Brook Way. The Code does not specifically address the minimum number of required spaces for this type of facility. The Code allows for a use not specifically listed could be determined based upon the requirements of comparable uses. The ILF use could be characterized as either a multi-family facility or a nursing home. The multi-family provides for the number of spaces based upon number of bedrooms in each unit. Based on that calculation, 1.3 spaces are provided per unit. Nursing homes do not provide for any minimum

number of parking spaces. While some residents are anticipated to drive, it is expected that many will not drive or own a vehicle. It is likely that the number of required spaces will fall somewhere in between. The residents will likely have more visitors and there will be a staff working on site as well who will probably drive to the site creating an additional parking need.

The applicant provided information on parking studies conducted on similar senior housing facilities that is persuasive. In their experience in developing these types of properties, only 55% of the residents owned a car, and those that did own a car, drove infrequently. The amount of one space per unit adequately satisfied the parking need. Other jurisdictions also provide for a ratio of one space per unit. Since the applicant provides for a ratio of 1.3 spaces per unit, this surpasses the amount established in other jurisdictions.

In regard to the live work building, the applicant shows a covered parking garage for two vehicles. The applicant proposes that seven total parking spaces are required for this type of building. It is difficult to determine whether that is adequate or not based on the information provided. The applicant does not outline the residential space from the office or commercial space to know how much parking should be required. The applicant believes that the five other spaces could be provided on street, but does not show that on the plans.

**FINDING:** Based on the above discussion, the applicant meets this criterion with respect to the ILF. The applicant has not met this criterion with respect to the live work building.

**RECOMMENDED CONDITION:** Prior to final site plan approval, provide sufficient detail of the uses and allocation of use within the building to show that the parking requirements can be met on site or show that the parking spaces exist on the street as it relates to the live work building .

#### **16.94.020.1 Miscellaneous Standards**

##### **16.94.020.A – Dimensional Standards**

**For the purpose of Section 16.94, a "parking space" generally means a minimum stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.**

**FINDING:** The applicant proposes <sup>94</sup>~~96~~ onsite parking spaces without distinguishing the compact spaces or whether the applicant will utilize the compact stalls. If the applicant proposes compact spaces, the applicant will need to clearly mark those spots on the plans. The applicant's standard stall width and length are in compliance with this section. The applicant has not met this criterion, but may with the following condition.

**RECOMMENDED CONDITION:** Prior to final site plan approval, submit plans that show that any compact parking stalls are clearly marked on the plans.

##### **16.94.020. B – Parking Layout**

**Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required. All parking areas shall meet the minimum standards shown in Appendix G.**

**FINDING:** The applicant proposes access drives that are clearly defined and do not require backing into the street. The drive is approximately 24 feet wide and thus meets the requirements of Appendix G.

**16.94.020.C – Wheel stops**

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

**FINDING:** The site plan for the site show wheel stops within the parking spaces appropriately. The applicant meets this criterion.

**16.94.020.02. - Bicycle Parking Facilities**

**WAVE**

1. **Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture. Street furniture includes benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted “U shaped” design is appropriate. Alternative, creative designs are strongly encouraged.
2. **Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage; Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
3. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
4. **Lighting.** Bicycle parking shall be least as well lit as vehicle parking for security.
5. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
6. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

The applicant proposes four bicycle parking spaces near the front entrance and by the existing parking area. According to the Code, the number of bicycle parking spaces corresponds to the number of allocated parking spaces. There is no specific requirement for an independent living facility, but the community service category allocates for one bike parking per twenty auto spaces. This would mean that four bike spaces are required. The applicant shows four spaces. The applicant proposes that the bicycle parking will be located in the garages of the live-work building. The applicant has not indicated whether this area will be clearly marked and reserved for bike parking. Additionally, it is difficult to determine if customers will be able to find the bicycle area in the garage.

**FINDING:** Based on the above discussion the applicant meets this criterion with respect to the independent living facility. The applicant has not met this criterion with respect to the live work building. The applicant could meet the requirement with the following condition.

**RECOMMENDED CONDITION:** Prior to final site plan approval, submit revised plans that show the bicycle racks in compliance with §16.94.2. The bicycle racks must be covered, well lit and well marked to identify their location.

#### **16.94.030 Off-Street Loading Standard**

**16.94.030.1.B** indicates that the minimum standards for a loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet. In addition, for buildings 20,000 square feet or greater in size, an additional minimum of 500 square feet of loading area is required.

**16.94.030.2** states that any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations. (Ord. 86-851 § 3)

The applicant indicates the loading area is to be located on the northern side of the building. The applicant proposes the loading area to be separated from the off-street parking area away from the public streets.

Pride Disposal has provided comments that are attached as Exhibit G. The location appears to be adequate, but does not meet some of these specific requirements.

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

**RECOMMENDED CONDITION:** Prior to final site plan approval, submit verification from Pride Disposal that the location of the trash and recycling receptacles and design can be serviced by their trucks.

#### **16.96 On-Site Circulation**

##### **16.96.010 – On-site pedestrian and bicycle circulation**

**On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.**

The applicant proposes a pathway to connect the site with the existing pathway along the perimeter of the subdivision to the west. There are sidewalks on both sides of the street that extend connecting to SW Meinecke to 99W. Parking is available on both sides of the street. Based

on the cross section provided and in compliance with the City standards, bicycle lanes are provided along SW Cedar Brook Way.

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

**16.96.010.02 – Joint Access**

**Two (2) or more uses, structures, or parcels of land may utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.**

The applicant proposes two entrance drives: one on the northern side of the development to SW Cedar Brook Way and the other along the southern portion of the development connecting to the roundabout. Ultimately, the applicant will develop the southern portion of the site and will utilize this drive as well for that portion of the development. The applicant proposes the live work to share a driveway onto the site.

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

**16.96.010.03 - Connection to Streets**

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

**FINDING:** The applicant proposes sidewalks on both sides of the street, with connections to the entryways of both buildings and thus meets this criterion.

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

**FINDING:** The applicant proposes sidewalks on both sides of the street, with connections to the entryways of both buildings and thus meets this criterion.

**16.96.030 Minimum Non-Residential Standards**

**2. Sidewalks and Curbs**

**C. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least 6 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include paint striping.**

The live work building will have commercial purposes so it would need to meet this non-residential standard. The applicant proposes a pathway that will extend from the development to the existing trail located on the City tract located along the western portion of the site. This will provide a connection to the existing trail and is part of the TSP trail plan. This plan is attached as Exhibit G.

**FINDING:** The applicant may be able to meet this condition with respect to the gravel pathway, but it will be difficult to determine the durability of the surface and ADA accessibility until the final inspection. Based on this discussion the applicant has not met this criterion, but may with the following condition.

**RECOMMENDED CONDITION:** Prior to final occupancy, provide a pathway that is ADA accessible and meets their surface requirements.

**C. Division VI - Public Improvements**

**16.108– Streets**

**16.108.030.01 – Required Improvements**

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

Cedar Brook Way is to be extended through the site adjacent to and east of the vegetated corridor. The street section is to conform to the existing Cedar Brook Way street section, except in that section where encroachment into the vegetated corridor is being avoided. In that section of the roadway, the applicant has requested a design modification to the standard street section.

An additional width street section is shown on the east side of Cedar Brook Way between street station 13+50 and 14+50. This area is suggested as being a drop-off/pick-up zone for the building. Since the street is configured for on-street parking the addition of this area is not needed, and creates additional issues with portions of public sidewalk being located outside the public right-of-way, and within a proposed easement. A drop-off/pick-up zone of this nature can be created by street signage limiting parking to drop-off and pick-up only.

The street modification request includes:

1. Omitting the street tree planter area along the west side of Cedar Brook Way between street station 10+00 and street station 14+50.
2. Reducing the sidewalk width from 8' to 6' along the west side of Cedar Brook Way from street station 10+00 to street station 14+50.
3. Providing an additional street width drop-off/pick-up zone between street station 13+50 and 14+50.

The City Engineer reviewed the request and determined that the requested modification to be the minimum necessary to avoid encroachment into the vegetated buffer. He determined that the modification will continue to result in a street a street system that will function to accommodate the anticipated traffic and demand provided that certain criteria are met.

**FINDING:** Based on the above discussion, and in consideration of the comments attached, the plans provided do not fully comply with the standards but could with compliance with the following conditions.



**RECOMMENDED CONDITIONS:**

1. The applicant shall comply with the recommended conditions of approval listed in TIS Technical Review, performed by DKS Associates, dated April 21, 2009, and modified as follows:
  - a. Construct full street improvement along the site fronting Cedar Brook Way, as required by the City.
  - b. Restrict and maintain landscaping, signs, monuments, and other obstructions in the site access sight distance triangles to provide adequate sight distance at access locations.
  - c. Final sight distance verification shall be provided by the project's stamping engineer.
2. Omit the street tree planter area along the west side of Cedar Brook Way between street station 10+00 and street station 14+50.
3. Reduce the sidewalk width from 8' to 6' along the west side of Cedar Brook Way from street station 10+00 to street station 14+50.
4. Cedar Brook Way pavement section shall be a minimum of 4" of Level 2, ½" Dense HMA pavement, over 10" of crushed aggregate base rock.
5. No on-street parking will be permitted on either side of Cedar Brook Way between the driveway accesses, approximate street station 14+50, and the roundabout on Cedar Brook Way.
6. A drop-off/pick-up zone may be created along the east side parking lane of Cedar Brook Way between street stations 13+50 and 14+50, by use of street signage. If created, then the zone will be shown on the street signage and striping plan.

**16.108.050.14.B.- Roadway Access** No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

4. Principal Arterials, Arterials, and Highway 99W - Points of ingress or egress to and from Highway 99W, principal arterials, and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:
  - a. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W, principal arterials, and arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
  - b. Other private ingress or egress from Highway 99W, principal arterials, and arterial roadways shall be minimized. Where alternatives to Highway 99W, principal arterials, or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage road. When alternatives do not exist, access shall comply with the following standards:

**FINDING:** The applicant proposes access onto SW Cedar Brook Way, a local street and therefore this section is not applicable.

**16.108.070 HWY. 99W CAPACITY ALLOCATION PROGRAM (CAP)**

**A. Purpose - The purpose of the Highway 99W Capacity Allocation Program is to:**

- 1. Prevent failure of Highway 99W through Sherwood.**
- 2. Preserve capacity on Highway 99W over the next 20 years for new development within Sherwood.**
- 3. Preserve land values in Sherwood by preventing failure of one of the City's key transportation links.**
- 4. Insure improvements to Highway 99W and adjacent primary roadways are constructed at the time development occurs.**
- 5. Minimize the regulatory burden on developments that have minimal impact on Highway 99W**

**F. Trip Allocation Certificate**

**1. General**

- a. Trip Allocation Certificates shall be issued by the City Engineer.**
- b. Trip Allocation Certificates shall be valid for the same period as the land use or other city approval for the regulated activity.**
- c. The City Engineer may invalidate a Trip Allocation Certificate when, in the City Engineer's judgment, the Trip Analysis that formed the basis for award of the Trip Allocation Certificate no longer accurately reflects the activity proposed under the base application.**

**2. Approval Criteria**

**a. Upon receipt of a Trip Analysis, the City Engineer shall review the analysis. The Trip Analysis shall meet both of the following criteria to justify issuance of a Trip Allocation Certificate for the regulated activity:**

- 1. Adequacy of analysis; and**
- 2. Projected net trips less than the site trip limit.**

**b. Adequacy of Analysis**

**The City Engineer shall judge this criterion based on the following factors:**

- 1. Adherence to the Trip Analysis format and methods described in this chapter.**
- 2. Appropriate use of data and assumptions; and**
- 3. Completeness of the Trip Analysis.**

**FINDING:** This site is subject to the CAP. The applicant's traffic study has indicated that the site will generate an increase in trips that does not warrant mitigation. The site will generate approximately twenty one new PM peak hour trips with Phase 1 of the assumed development and an additional 135 to 140 new PM peak hour trips in Phase 2. Although phase 2 is not part of this application, DKS reviewed its feasibility so as to not go over the CAP trip requirement. The site trip limit is 248 PM peak hour trips and thus this application will not go over that amount. The City Engineer preliminarily reviewed this development and indicated that a CAP Trip Allocation Certificate could be issued for the proposed development. (See Exhibit E, DKS Associates Memorandum). This criterion cannot be met until the following condition is met.

**RECOMMENDED CONDITION:** Obtain a Final Highway 99W CAP Trip Allocation Certificate from the City Engineer.

**16.110 - Sanitary Sewers**

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

On preliminary review by the City Engineer, the applicant's sewer design appears to be of adequate size for the proposed use. Once the applicant submits for engineering review, the plans will specifically address the construction standards required by the engineering staff. The on-site sanitary sewer system extends across the east side of the site and will serve the future lot development area on the southern portion of the lot. If in the future this undeveloped portion of the lot is partitioned off, then the sanitary sewer mainline that serves the partitioned lot will need to be placed within a public utility easement. There is no indication that the undeveloped portion of the overall lot is being partitioned and that the sanitary sewer service for the lot is a private system.

**FINDING:** Based on the preliminary review, the applicant appears to meet this criterion.

**16.112– Water Supply**

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

The on-site water system extends across the south side of the currently developed portion of the site and will serve the future lot development area on the southern portion of the lot. If in the future this undeveloped portion of the lot is partitioned off, then the water system that serves both lots will need to be placed within a public utility easement.

There are existing 8 inch public water mains in both streets that sub into the property. The project will connect these water mains through the connection of SW Cedar Brook Way. Both buildings will connect to this main.

**FINDING:** The applicant meets criterion.

**16.114 Storm Water**

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

The on-site storm water system extends across the east side of the currently developed portion of the site and will serve the future lot development area on the southern portion of the lot. If in the future this undeveloped portion of the lot is partitioned off, then the storm water system mainline that serves the both lots will need to be placed within a public utility easement.

A stormwater quality treatment swale is proposed to treat storm water runoff from the site. The stormwater quality swale is located between the back of sidewalk and the vegetated corridor, between street station 10+00 and 11+00. The stormwater quality treatment swale design

includes a retaining wall along the street frontage side. A safety railing will need to be installed along the length of the retaining wall.

The applicant's engineer will provide the City with an operations and maintenance (O&M) manual at the completion of the project. The owner shall be required to submit the City a yearly report on any maintenance performed on the facility in compliance with the O&M manual.

The owner shall be required to sign an access and maintenance agreement which gives the City permission to enter onto the site and inspect the stormwater facility, and if needed perform necessary maintenance in compliance with the O&M manual, in the event of the owners failure to provide maintenance.

**FINDING:** Based on the above discussion, the applicant has not met this criterion, but could with the following conditions.

**RECOMMENDED CONDITIONS:**

1. Install a pedestrian safety rail along the entire length of the retaining wall fronting the sidewalk.
2. The applicant's engineer will provide the City with an operations and maintenance (O&M) manual at the completion of the project. The owner shall be required to submit the City a yearly report on any maintenance performed on the facility in compliance with the O&M manual.
3. The owner shall be required to sign an access and maintenance agreement which gives the City permission to enter onto the site and inspect the stormwater facility, and if needed perform necessary maintenance in compliance with the O&M manual, in the event of the owners failure to provide maintenance.

**16.116.010 - Fire Protection**

**When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 500 feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety. In addition capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.**

Karen Mohling, Deputy Fire Marshall from Tualatin Valley Fire and Rescue provided verbal comments in a telephone conversation on May 5, 2009. In her initial assessment, the project appears to meet general guidelines of the building height and access to the building. However, the applicant will need to conduct fire flow calculations and show that an adequate number of hydrants for the development and ensure that the building meets the setbacks required by the fire official.

**FINDING:** All Tualatin Valley Fire and Rescue (TVF&R) requirements apply to this development. Compliance with the standard TVF&R requirements will be required throughout the development of this project. The applicant has not fully complied with this criterion, but can do so with the following condition.

**RECOMMENDED CONDITION:** Prior to final site plan approval, provide written approval from TVF &R that adequately addresses the fire department's requirements including a fire flow calculation, radius turns, and the number of required hydrants.

**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 of the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

**FINDING:** The applicant proposes that all utilities will be placed underground, and therefore meets this criterion.

**D. Division VIII – Environmental Resources-16.142 – Parks and Open Space**

**16.142.030.A Visual Corridors**

**A. Corridors Required**

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

	Category	Width
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. (Ord. 2006-021)

**FINDING:** The applicant is not located major streets or corridors and thus this section is not applicable.

**16.142.050. Trees along Public Streets or on Other Public Property**

Trees are required to be planted consistent with the standards in 16.142.050.A by the land use applicant. These standards require a minimum of one (1) tree for every twenty-five (25) feet of public street frontage within any new development. Planting of such trees shall be a condition of development approval. The trees must be a minimum of two (2) inches DBH and minimum height of six (6) feet.

Street trees have been planted along the property's frontage of SW Meinecke. Street trees will be planted along the proposed extension of SW Cedar Brook Way. The applicant proposes additional plantings along the vegetated corridor buffer. The applicant proposes 15 street trees along the ILF

side of SW Cedar Brook Way and nine trees along the other side of the street that is not in the vegetated corridor. The applicant has not delineated the size of the street trees or the height.

**FINDING:** Based on the above discussion the applicant has not met this criterion, but could meet it with the following condition.

**RECOMMENDED CONDITION:** Submit public improvement plans to the Engineering Department, with a copy of the landscaping plan to the Planning Department, for review and approval that show 25 street trees a minimum of two inches DBH and minimum height of six feet.

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

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

The site contains nine trees that will remain on site. The applicant recently removed one tree from the site prior to this current land use application, so that tree will require mitigation. The applicant provided the information that the tree removed was 17 inches DBH. The applicant plans to mitigate for that amount with some of the landscaping planned for the site. This will be sufficient to mitigate for the cut tree. The applicant will be required to install tree protection fencing as it relates to the development within the vegetated corridor buffer.

**RECOMMENDED CONDITION:** Prior to issuance of grading or corrosion control permits from the Building Department, submit a tree protection plan showing how the trees to be retained will be protected throughout the construction of the site.

**16.146 .020- Noise Sensitive Uses**

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

A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.

B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.

C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

(Ord. 91-922 § 3)

**FINDING:** Although there will be a large quantity of people residing on the site, it will generate the normal type of noise associated with residential use rather than commercial uses and thus not necessitate a special compliance response to this standard.

**16.148 – Vibrations**

All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer. (Ord. 91-922 § 3)

**FINDING:** The use of the property as an independent living facility is not likely to generate any vibrations that would warrant a special certification and thus this section is not applicable.

**16.150 – Air Quality**

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

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.
  - B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.
  - C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.
- (Ord. 91-922 § 3)

**FINDING:** The use of the property as an independent living facility is not likely to generate any air quality issues that would lead to special permitting requirements and thus this section is not applicable.

**16.152.020 - Odors**

The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors. (Ord. 91-922 § 3)

**FINDING:** The ILF is very unlikely to emit any harmful odors and thus this section is not applicable.

**16.154 - Heat and Glare**

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

**FINDING:** The applicant has submitted a photometric plan that shows that the site will not exceed the heat and glare standards and thus the applicant meets this criterion.

**RECOMMENDATION**

Based upon review of the applicant’s submittal information, review of the code, agency comments and consideration of the applicant’s revised submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. Therefore, staff recommends **approval with conditions**.

## VI. CONDITIONS OF APPROVAL

### A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans dated March 19, 2009 prepared by AKS Engineering and Ankron Moisan Architecture except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. Noise shall be kept to the minimum level possible during construction. The applicant shall agree to aggressively ensure that all vehicles working on the site shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

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

1. Obtain City of Sherwood Building Department approval of grading plans.
2. Submit a tree protection plan showing how the trees to be retained will be protected throughout the construction of the site.
3. The applicant's engineer is required to provide a site specific erosion control and drainage plan to temporarily collect, route, and treat surface water and ground water runoff during each phase of construction. The construction plans shall specifically identify how the storm drainage system and erosion and sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control collection and treatment of storm water and ground water runoff. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.
4. The applicant's contractor shall arrange for the City's erosion and sediment control inspector to perform a site inspection of the installed erosion and sediment control measures. Acceptance by the



City's erosion and sediment control inspector of the installed ESC measures is mandatory prior to any construction activity occurring on site.

5. The Erosion and Sediment Control Plan shall include a plan to implement and maintain wet weather measures within 14 days of final site grading and between the months of October 1<sup>st</sup> and April 30<sup>th</sup>.

**C. Prior to approval of the public improvement plans:**

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) **to the Sherwood Engineering Department**. The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards. The plans shall be in substantial conformance with the utility plans dated March 18, 2009 and prepared by AKS Engineering with the following modifications.
2. The applicant shall comply with the recommended conditions of approval listed in TIS Technical Review, performed by DKS Associates, dated April 21, 2009, and modified as follows:
  - a. Construct full street improvement along the site fronting Cedar Brook Way, as required by the City.
  - b. Restrict and maintain landscaping, signs, monuments, and other obstructions in the site access sight distance triangles to provide adequate sight distance at access locations.
  - c. Final sight distance verification shall be provided by the project's stamping engineer.
3. Omit the street tree planter area along the west side of Cedar Brook Way between street station 10+00 and street station 14+50.
4. Reduce the sidewalk width from 8' to 6' along the west side of Cedar Brook Way from street station 10+00 to street station 14+50.
5. Cedar Brook Way pavement section shall be a minimum of 4" of Level 2, ½" Dense HMA pavement, over 10" of crushed aggregate base rock.
6. No on-street parking will be permitted on either side of Cedar Brook Way between the driveway accesses, approximate street station 14+50, and the roundabout on Cedar Brook Way.
7. A drop-off/pick-up zone may be created along the east side parking lane of Cedar Brook Way between street stations 13+50 and 14+50, by use of street signage. If created, then the zone will be shown on the street signage and striping plan.
8. All public easements dedication documents must be submitted to the City for review signed by the City and the applicant and recorded by the applicant with a certified copy of the easements.
9. Submit public improvement plans to the Engineering Department, with a copy of the landscaping plan to the Planning Department, for review and approval that show 25 street trees a minimum of two inches DBH and minimum height of six feet.

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

1. Submit the required final site plan review fee along with a brief narrative and supporting documents demonstrating how each of the final site plan conditions are met.

2. Submit a detailed landscape plan along with certification that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.

3. Submit plans that show the pathway on the western edge of the property to be of hard, durable surface at least six feet wide and conform to ADA standards. *Correct - No longer ADA requirement of hard surface*

4. Provide written approval from TVF &R that adequately addresses the fire department's requirements including a fire flow calculation, radius turns, and the number of required hydrants.

5. Submit revised plans that clearly show no vegetation growing taller than 2.5 feet will be located within the required 30 foot vision clearance area, unless trees proposed in this area have no limbs or leaves lower than seven feet above ground.

6. Submit revised plans that provide sufficient detail of the uses and allocation of use within the building to show that the parking requirements can be met on site or show that the parking spaces exist on the street as it relates to the live work building.

7. Submit plans that show that any compact parking stalls are clearly marked on the plans.

8. Submit revised plans that show the bicycle racks in compliance with §16.94.2. The bicycle rack must be covered, well lit and well marked to identify their location.

9. Submit verification from Pride Disposal that approves of the location and design of the trash and recycling receptacles and that it can be serviced from their trucks.

10. Submit a Final CAP certificate issued by the City Engineer.

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

1. Install tree protection fencing surrounding the drip-line of the existing trees on the site that may be impacted by construction.

2. Obtain final site plan approval from the Planning Department.

3. Obtain a right-of-way permit for any work required in the public right-of-way, (reference City Ordinance 2006-20) including plans that show street trees, undergrounding of utilities, public storm water improvements and public utility easements.

4. Install a pedestrian safety rail along the entire length of the retaining wall fronting the sidewalk.

5. The applicant's engineer will provide the City with an operations and maintenance (O&M) manual at the completion of the project. The owner shall be required to submit the City a yearly report on any maintenance performed on the facility in compliance with the O&M manual.

The owner shall be required to sign an access and maintenance agreement which gives the City permission to enter onto the site and inspect the stormwater facility, and if needed perform necessary maintenance in compliance with the O&M manual, in the event of the owners failure to provide maintenance

**F. Prior to Issuance of a Final Certificate of Occupancy for the site:**

1. Request a final site inspection from the Planning Department.
2. Prior to final inspection approval, submit plans for verification that the clear vision areas of the access drive onto the alley are in compliance with this Code Section.
3. The applicant's engineer will provide the City with an operations and maintenance (O&M) manual at the completion of the project. The owner shall be required to submit the City a yearly report on any maintenance performed on the facility in compliance with the O&M manual.
4. The owner shall be required to sign an access and maintenance agreement which gives the City permission to enter onto the site and inspect the stormwater facility, and if needed perform necessary maintenance in compliance with the O&M manual, in the event of the owners failure to provide maintenance

**G. On-going Conditions:**

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

**VII. Exhibits**

- A. Applicant's submittal with narrative and supporting documents dated and March 19, 2009
- B. Public Comments from Pamela Wolf dated April 29, 2009
- C. Public Comments from Sherrie Halter and Dale Halter dated April 22, 2009
- D. Letter from CWS dated, April 28, 2009
- E. DKS Engineering Memo dated March 10, 2009
- F. DKS Engineering Memo dated April 21, 2009
- G. Pride Disposal Company Comments dated April 30, 2009
- H. TSP Pedestrian Master Plan Figure 5-1
- I. Wyndham Ridge Phase I Preliminary Site Plan dated November 7, 1995
- J. Cedar Brook Way MLP 05-05 Preliminary Plat dated July 26-2005



Home of the Tualatin River National Wildlife Refuge

### MAILED NOTICE – PUBLIC COMMENTS SP 08-13/ CUP 08-03 Villa Lucca

The Planning Department has received an application for approval for a 99- unit independent living facility. The applicable criteria are identified on the front page of this notice. This request is a Type IV land use application, requiring review and approval by the Sherwood Planning Commission.

The submitted materials will be available at the Sherwood City Hall and may be able to be provided via email depending on size. If you would like to obtain additional information, please contact Michelle Miller, Associate Planner in the Planning Department at (503) 625-4242 or via email at [millerm@ci.sherwood.or.us](mailto:millerm@ci.sherwood.or.us)

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:

\_\_\_\_\_

We encourage denial of this request for the following reasons:

*Believe that the 2700 sq ft mixed use building will affect privacy & home value. Don't want path connected to our existing one. More noise, people affects privacy*

Please feel free to attach additional sheets as needed to complete your comments.

Comments by: Pamela J. Wolf Date: 4-29-09  
 Address: 21780 SW Roelich Tel.: 503 625-9090 (optional)  
Sherwood OR 97140 Email: \_\_\_\_\_ (optional)

**Exhibit B**

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.

*The 99 unit independent living building - what's that? The condo project @ 99W was condo now rezoned to apartments. Too ify. rezoning seems to be too easy maybe due to economy.*

For comments to be addressed in the staff report please submit comments by **May 1, 2009** to:

Planning Department  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140

*with new school already will have much congestion with roads. need no more.*

*Don't believe a mixed used building is necessary in this area. Way to much added traffic.*

*Paid a premium for this lot for the privilege of privacy.*

*Believe trouble teens, etc. would increase in the wetlands/path area promotes insecurity to myself as homeowner.*



**MAILED NOTICE – PUBLIC COMMENTS  
SP 08-13/ CUP 08-03 Villa Lucca**

The Planning Department has received an application for approval for a 99- unit independent living facility. The applicable criteria are identified on the front page of this notice. This request is a Type IV land use application, requiring review and approval by the Sherwood Planning Commission.

The submitted materials will be available at the Sherwood City Hall and may be able to be provided via email depending on size. If you would like to obtain additional information, please contact Michelle Miller, Associate Planner in the Planning Department at (503) 625-4242 or via email at [millerm@ci.sherwood.or.us](mailto:millerm@ci.sherwood.or.us)

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:

\_\_\_\_\_  
\_\_\_\_\_

We encourage denial of this request for the following reasons:

*We do not want the smaller building or connecting pathway to interfere with our already established properties!*

*Please feel free to attach additional sheets as needed to complete your comments.*

Comments by: Sherrie Halter and Dale Halter Date: 4-22-09  
 Address: 21888 SW Roellich Tel.: 503-625-0540 (optional)  
Sherwood, OR, Email: \_\_\_\_\_ (optional)  
97140

**Notice to mortgagee, lien holder, vendor or seller:** The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.

For comments to be addressed in the staff report please submit comments by **May 1, 2009** to:

Planning Department  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140

*Exhibit C*

MEMORANDUM

**Date:** April 28, 2009  
**To:** Michelle Miller, Associate Planner, City of Sherwood  
**From:** Jackie Sue Humphreys, Clean Water Services (the District)  
**Subject:** Villa Lucca, SP 08-13 and CUP 08-03, 2S130CD13400

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

**PRIOR TO ANY WORK ON THE SITE**

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

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

- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. A “Sensitive Area” is in the vicinity of the site. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 08-003594, dated April 6, 2009.
- i. Developer may be required to preserve a corridor separating the sensitive area from the impact of development. The corridor must be set aside in a separate tract, not part of any buildable lot and, shall be subject to a “Storm Sewer, Surface Water, Drainage and Detention Easement over its entirety”, or its equivalent.
- j. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
- k. Any proposed offsite construction activities or significant changes to the original plans submitted for review, will require an update or amendment to the current Service Provider Letter for this project.

## CONCLUSION

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

## MEMORANDUM

**DATE:** March 10, 2009

**TO:** Michelle Miller, City of Sherwood

**FROM:** Chris Maciejewski, P.E.  
Garth Appanaitis

**SUBJECT:** Sherwood Cedar Brook Way ILF – TIA Completeness Review #2

P007233-018-000

We have reviewed the revised Capacity Analysis Program (CAP)<sup>1</sup> and Transportation Impact Analysis (TIA)<sup>2</sup> materials submitted by Charbonneau Engineering LLC for the proposed Cedar Brook Way Independent Living Facility (ILF) site. These materials were submitted in response to our review comments dated December 15, 2008 that found the previous CAP<sup>3</sup> and TIA<sup>4</sup> submittals incomplete. This review again focused on determining if adequate information and methods were included to deem the CAP and TIA analyses complete.

This memorandum summarizes our review comments and identifies that both the CAP and the TIA are considered complete. With these updated materials, we will begin our technical review and develop recommendations for the land use application.

### CAP Review

The following section summarizes the CAP analysis. The items that were requested in our prior review dated December 15, 2008 have been added to the analysis.

- The proposed mixed use site of five structures would consist of two phases with the following land uses:
  - Phase 1 (Included in current application) – Year 2010
    - General office (2,700 sq ft)
    - Apartment (2 units)
    - Independent living facility (100 units)

<sup>1</sup> *Site Trip Analysis for Cedar Brook Way*, prepared by Charbonneau Engineering LLC, January 22, 2009.

<sup>2</sup> *Traffic Analysis Report for Cedar Brook Way*, prepared by Charbonneau Engineering LLC, January 22, 2009.

<sup>3</sup> *Site Trip Analysis for Cedar Brook Way*, prepared by Charbonneau Engineering LLC, October 21, 2008.

<sup>4</sup> *Traffic Analysis Report for Cedar Brook Way*, prepared by Charbonneau Engineering LLC, October 22, 2008.



- Phase 2 (Future uses for ultimate site buildout) – Year 2013
  - General office (30,667 sq ft)
  - Medical/dental office (15,333 sq ft)
  - Specialty retail (wine and floral) (3,000 sq ft)
  - Sit down restaurant (3,000 sq ft)
  - Independent living facility (30 units)
- The development would occupy the 5.77 acres of tax lot 2S130CD13400. The lot is currently vacant, and is zoned as General Commercial (GC). It is anticipated that Phase 1 buildout would be year 2010 while Phase 2 would be completed in 2013.
- Residential trips were included in the site trip calculation as requested.
- Institute of Transportation Engineers (ITE) trip generation procedures consistent with CAP requirements were utilized for ITE land use codes 710 (general office), 220 (apartment) and 252 (senior adult housing - attached) for Phase 1. Phase 2 included 710 (general office), 720 (medical-dental office), 814 (specialty retail), 931 (quality restaurant) and 252 (senior adult housing – attached). The analysis used trip rates listed in *Trip Generation, 8<sup>th</sup> Edition*<sup>5</sup>.
- The site would generate approximately 21 new PM peak hour trips with Phase 1 of the assumed development, and an additional 135 to 140 new PM peak hour trips in Phase 2. A total of 1 site trip was assumed to be a pass-by trip during the PM peak hour. Based on the internal trip reduction calculations provided, there are no internal trip reductions for the site.
  - *Table 1b indicates 100 new AM trips and 140 new PM trips, though the individual land uses sum to 95 and 135 trips, respectively. However, this difference in calculated trips does not significantly change the findings of the CAP analysis (both cases do not exceed the site trip limit). The higher trip totals shown in Table 1b will be assumed for Phase 2 unless additional documentation is submitted.*
- The “site trip limit” is 248 PM peak hour trips (5.77 acres \* 43 trips/acre).
- The trip distribution for site trips is based on existing traffic patterns and engineering judgment, and is provided for the senior housing trips and the combined office/apartment trips.
- Figures 11a and 11b show the total site traffic using each study intersection or “full access intersection”<sup>6</sup>, the trip assignment for each land use is shown in Figure 8a, 8b, 10a and 10b. The trip assignment indicates that only two of the five “full access intersections” on Highway 99W (Highway 99W/Meinecke Road and Highway 99W/Edy Road) will be impacted by 10 or more PM peak hour site trips during the proposed Phase 1 of development. A traffic impact analysis was provided to address the potential impacts to these and other locations.

<sup>5</sup> *Trip Generation, 8<sup>th</sup> Edition*, published by Institute of Transportation Engineers, Washington DC, 2008.

<sup>6</sup> City of Sherwood Municipal Code 16.108.070 C 3 designates the following locations on Highway 99W as “full access intersections”: Sunset, Meinecke, Edy/N. Sherwood, Tualatin-Sherwood/Scholls-Sherwood (Roy Rogers Road, and Home Depot (Adams Street).

- Phase 1 of the development would provide approximately 6 PM peak hour trips per acre (21 trips/3.547 acres) and Phase 2 would have approximately 28 PM peak hour trips per acre (160 trips/5.767 acres). Neither phase would exceed the site trip limit of 43 trips/acre.

### **TIA Completeness Review**

The size of the development assumed during the scoping process for the TIA and the previous submittal for the TIA indicated that the site would generate approximately 130 PM peak hour trips. The most recently submitted materials clarify the size of the proposed development as follows:

*The Cedar Brook Way site will be developed in two phases. This report will only consider the impacts of Phase 1; the Capacity Allocation Program (CAP) worksheet will consider both Phase 1 and Phase 2 to verify that the ratio of the site's new trips and the site's acreage will not exceed the site's 43 trips/acre CAP threshold.*

The land use assumptions for Phase 1 indicate that the site will generate approximately 21 PM peak hour trips, reducing the impacts and necessary analysis scope from what was originally assumed for 130 PM peak hour trips. The CAP analysis indicates that only two of the five "full access intersections" on Highway 99W (Highway 99W/Meinecke Road and Highway 99W/Edy Road) will be impacted by 10 or more PM peak hour site trips during the proposed Phase 1 of development.

Based on the revised intensity of this specific land use application (for Phase I), we reviewed the TIA for completeness and found that all required items are complete. The TIA should also be forwarded to ODOT for review.

If you have any questions, please feel free to call.

## MEMORANDUM

**DATE:** April 21, 2009

**TO:** Michelle Miller, City of Sherwood

**FROM:** Chris Maciejewski, P.E.  
Garth Appanaitis

**SUBJECT:** **Sherwood Cedar Brook Way ILF – TIS Technical Review** P07233-018-000

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We have reviewed the Traffic Impact Study (TIS)<sup>1</sup> submitted by Charbonneau Engineering LLC for the proposed Cedar Brook Way Independent Living Facility (ILF) site. This memorandum summarizes our review comments, including the recommendation to issue a Trip Allocation Certificate to the applicant based on the fulfillment of the CAP analysis requirements<sup>2</sup>. This memorandum also summarizes the review of the impacts to Sherwood facilities included in the TIS and recommendations for conditions of approval. ODOT should perform a review of the impacts to state facilities and we recommend that the Conditions of Approval for the site also include the findings provided in the ODOT review.

While two phases of development are documented in the analysis, only Phase 1 (approximately 20 PM peak hour trips) is included in the application and considered in the TIS. Some Phase 2 information (approximately 140 PM peak hour trips) is provided for ultimate development potential considerations in the CAP analysis. Although the original TIS scope and study intersections for the analysis were based on the Phase 2 level of development, only the Phase 1 portion of the TIS is being reviewed. For that reason, some materials/locations contained in the analysis may not have been considered in this review.

Highlights of the TIS include:

- Phase 1, assumed to be completed in 2010, includes a mix of uses on the site zoned as General Commercial:
  - 100 unit independent living facility
  - 2,700 SF general office
  - 2 apartment units
- Access to the site will be provided by two driveways located on Cedar Brook Way, approximately 540 feet apart. The driveways would be located 180 feet from Meinecke Parkway and 760 feet from Highway 99W.

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<sup>1</sup> Traffic Analysis Report for Cedar Brook Way, prepared by Charbonneau Engineering LLC, January 22, 2009.

<sup>2</sup> A full review and summary of the CAP analysis was previously completed: *Sherwood Cedar Brook Way ILF – TIA Completeness Review #2*, prepared by DKS Associates, March 10, 2009.

- Sight distance recommendations were provided based on the applicant's expected motor vehicle operating speeds on Cedar Brook Way. Speeds of 20 and 25 miles per hour were assumed in each direction, resulting in sight distance recommendations of 225 and 280 feet. While it is expected that the street would be posted at 25 miles per hour, 20 miles per hour was the assumed exit speed from the adjacent roundabout. At both future access locations, building setbacks allow for adequate sight distance (although landscaping restrictions and maintenance within the sight distance triangles will be required to maintain adequate sight distance over time). In addition to the sight distance measurements provided in the TIS, the distance between the exit of the roundabout and the proposed access point was reviewed and found to meet the necessary stopping sight distance of 155 feet (based on 25 miles per hour).
- In addition to the proposed access points on Cedar Brook Way, the project includes a connection to the adjacent Creekview Condominiums.
- Existing conditions for the site were documented. Cedar Brook Way is classified as a Local Street by the City of Sherwood, which has no access spacing restrictions.
- Meinecke Road has bicycle lanes and sidewalks on both sides in the vicinity of the site that provide further connection to areas to the south and east of Highway 99W.
- The nearest transit service to the site is provided by Tri-Met routes 12 and 94, and the nearest stop (approximately ¾ mile) is located near the Langer Drive/Sherwood Boulevard intersection.
- A 2% background growth was applied to existing intersection traffic counts to project 2010 (assumed build out year) traffic volumes at study intersections.
- Trip generation and distribution are consistent with those provided in the CAP analysis. With the proposed Phase I development, the site would generate 391 daily trips, including 18 and 21 during the AM and PM peak hour, respectively.
- The intersection performance analysis indicates that all City of Sherwood study intersections would meet operational performance standards under existing and future 2010 build conditions. Highway 99W/Meinecke Parkway currently operates with a v/c ratio in excess of 1.0 during the AM peak hour. The future analysis indicates that the intersection would degrade to a v/c of 1.26 in 2010, though the addition of site traffic would not further degrade the performance beyond the background traffic operations.
- Peak hour queuing analysis consistent with ODOT Analysis Procedures Manual was performed for the study intersections.
  - While not documented in the title, Table 3 appears to combine and summarize the queuing results from both the AM and PM peak hours.
  - The analysis indicates that 95<sup>th</sup> percentile vehicle queues do not exceed available vehicle storage at City of Sherwood intersections.
  - The analysis indicates that the 95<sup>th</sup> percentile queues for some movements during future conditions will extend beyond available storage at ODOT intersections (Hwy 99W/Meinecke Parkway and Hwy 99W/Sherwood Blvd). Several potential improvements at these locations are listed in the TIS and may be needed based on ODOT discretion. However, the proposed project does not add significant traffic volume to the failing movements.

- Right and left turn lane warrants were analyzed for two-way stop controlled study intersections. Left turn lane warrants were not met based on the analysis. Right turn lane warrants were triggered with the proposed development, although the added right turn traffic is less than 5 vehicles per hour. Washington County should review the TIS and determine if the construction of a right turn lane is required (however, the added traffic does not meet Washington County's impact threshold).
- Traffic signal warrants were reviewed, but none of the unsignalized study intersections meet warrants due to low traffic volumes.

**Recommended Conditions of Approval**

The following conditions of approval would adequately address impacts to the transportation system by the proposed development:

- Complete half-street improvements along the site frontage, as required by the City of Sherwood.
- Restrict and maintain landscaping, signs, monuments, and other obstructions in the site access sight distance triangles to provide adequate sight distance at access locations. Final sight distance verification should be provided by a registered Oregon professional engineer.
- Recommendations as provided by ODOT review of the TIS.
- Recommendations as provided by Washington County review of the TIS.

If you have any questions, please feel free to call.



**P★R★I★D★E**  
**DISPOSAL COMPANY**  
P.O. Box 820 Sherwood, OR 97140  
Phone: (503) 625-6177 Fax: (503) 625-6179

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April 30, 2009

Michelle Miller  
Associate Planner  
City of Sherwood  
503-625-4242

Re: Villa Lucca Agency Notice for Avamere at Cedar Brook

We have reviewed the site plan for the Villa Lucca Agency/Avamere at Cedar Brook. According to this site plan we will have straight on access to the enclosure at the end of the loading dock.

The enclosure is shown to have inside measurements of 20' wide and 10' deep. The gates are shown to be hinged in front of, not inside, the enclosure walls, which is required to ensure our access. The gates have an opening angle of 120 degrees.

There are a couple of requirements not clear on the site plan but as long as the following stipulations are met we can service the enclosure as designed:

- There should be no center post at access point.
- The enclosure is shown to have cane bolts, there need to be holes put in place so the gates can be held in the open and closed position allowing for the opening angle needed.

The roof on the enclosure will need to be removed or the height needs to be increased. It is our preference that the roof be removed completely. If it's necessary to keep the roof, then the height of the bottom of the roof needs to be at least 25' from the ground.

If you have any questions, feel free to contact me.

Sincerely,

Kristin Leichner  
Pride Disposal Co.  
(503) 625-6177 ext: 124  
[kristinl@pridedisposal.com](mailto:kristinl@pridedisposal.com)

**Exhibit G**

**City of Sherwood  
Transportation System Plan**

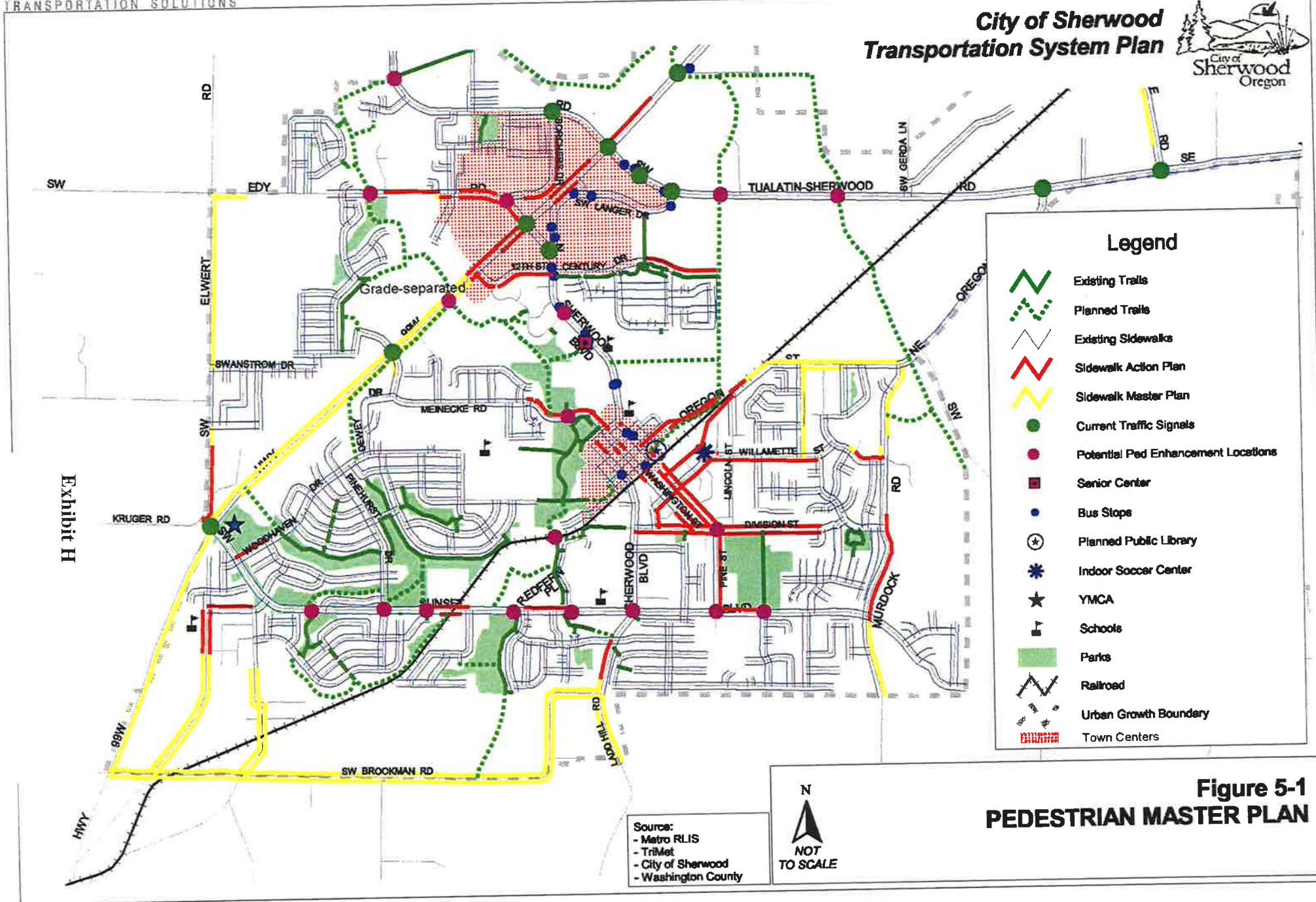
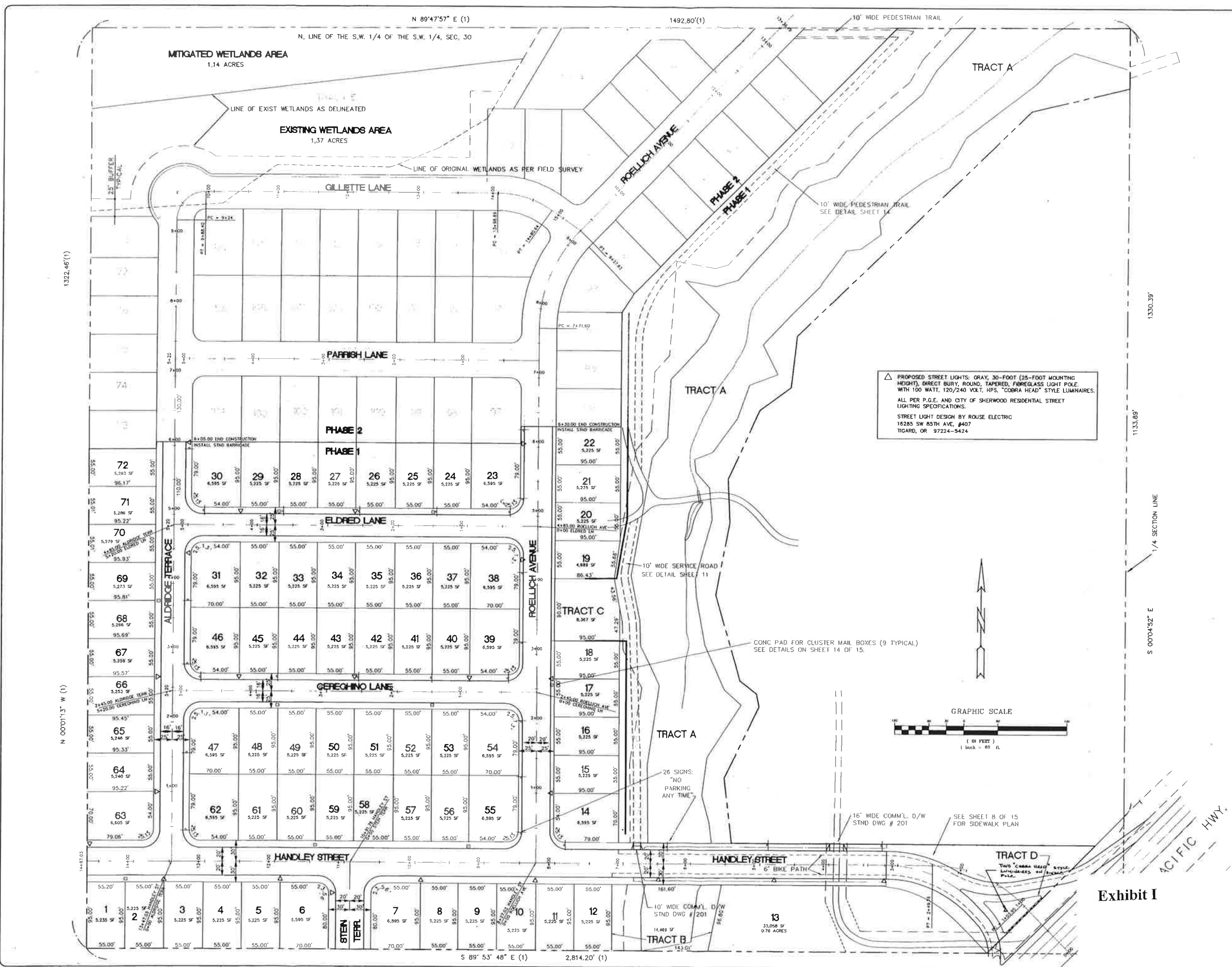
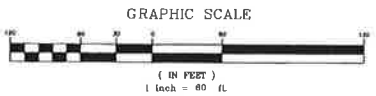


Exhibit H

I:\309-001\ACAD\WR1592 Tue Nov 7 15:28:06 1995



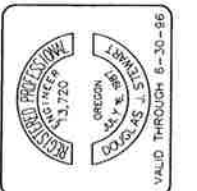
△ PROPOSED STREET LIGHTS: GRAY, 30-FOOT (25-FOOT MOUNTING HEIGHT), DIRECT BURIAL, ROUND, TAPERED, FIBERGLASS LIGHT POLE WITH 100 WATT, 120/240 VOLT, HPS, "COBRA HEAD" STYLE LUMINAIRES, ALL PER P.G.E. AND CITY OF SHERWOOD RESIDENTIAL STREET LIGHTING SPECIFICATIONS.  
STREET LIGHT DESIGN BY ROUSE ELECTRIC  
16285 SW 85TH AVE, #407  
TIGARD, OR 97224-5424



**ALPHA ENGINEERING INC.**  
ENGINEERING • DEVELOPMENT SERVICES • SURVEYING  
OFFICE 503-452-8003 • FAX 503-452-8043  
PLAZA WEST • SUITE 230 • 9600 SW OAK • PORTLAND, OR 97223

NO.	DATE	REVISION	BY

DESIGNED BY STAFF DATE JAN 95  
DRAWN BY STAFF DATE JAN 95  
REVIEWED BY DJJ DATE JAN 95  
PROJECT NO. 309 - 002  
SCALE - "ORIG." 1" = 60'



CASE NO. PUD 93 - 2

**WYNDHAM RIDGE  
PHASE 1  
SITE + STREET LIGHT PLAN**

SHEET **2** OF **15**

PROJECT WYNDHAM RDC#1  
NO. 309 - 002  
TYPE CONSTRUCTION

Exhibit I



TAX LOT 1000  
TAXMAP 25 1 300C

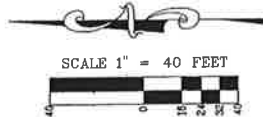
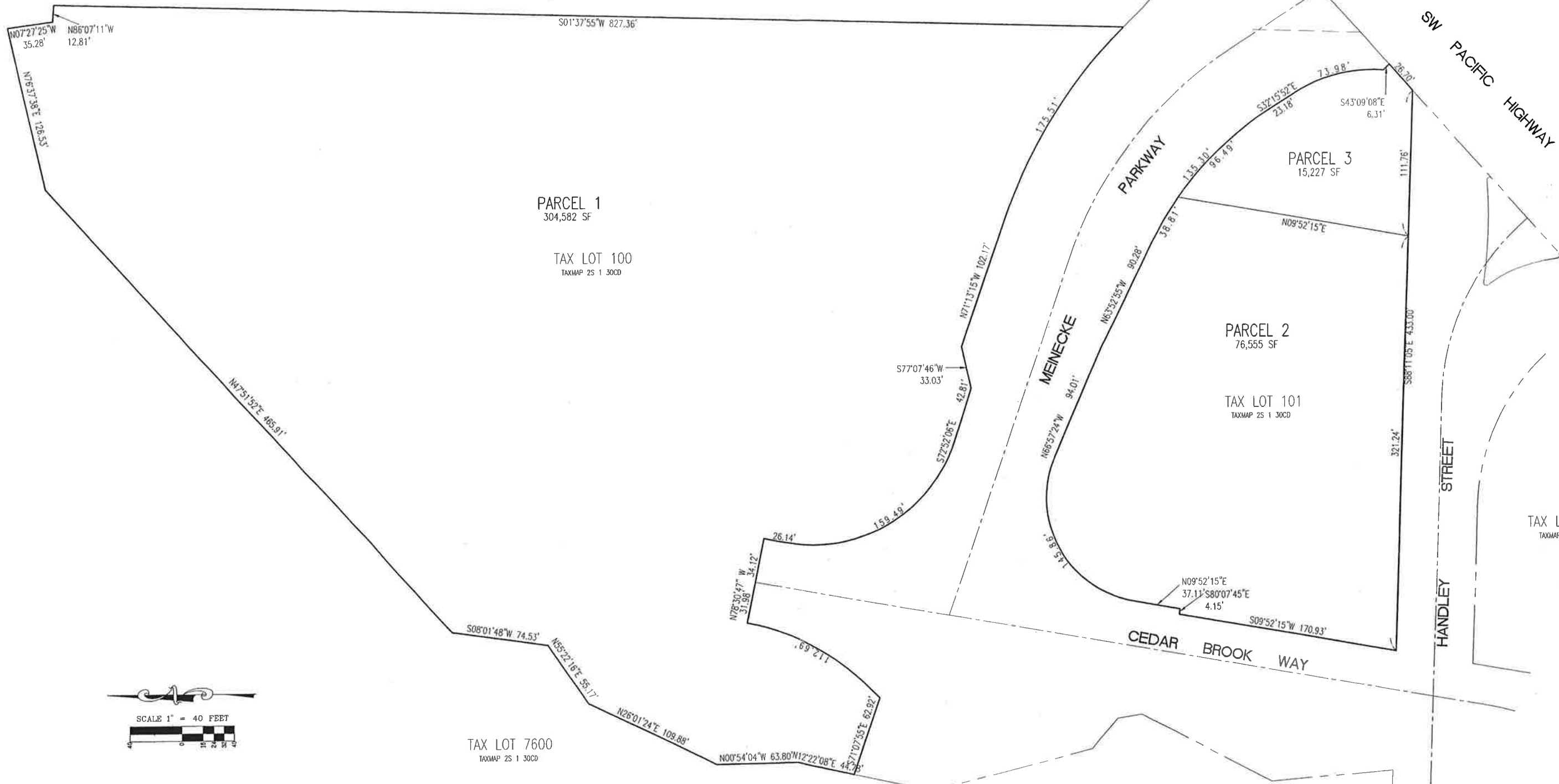


Exhibit J

DATE: 7-26-05

REVISIONS:

**PRELIMINARY PARTITION PLAT**



ENGINEERING · PLANNING · SURVEYING · FORESTRY  
LICENSED IN OR, WA & AK  
13910 SW GALBREATH DRIVE SUITE 100  
SHERWOOD, OR 97140  
PHONE: (503) 925-8799 FAX: (503) 925-8969

DESIGNED BY: AHH	DRAWING NO.: P1-03
DRAWN BY: ARH/AMM	SCALE: AS NOTED
CHECKED BY: AHH	
PREPARED FOR:	CEDAR BROOK WAY, LLC 17400 SW UPPER BOONES FERRY RD SUITE 230, DURHAM, OR 97224 FAX: 503-443-1919

**CEDAR BROOK WAY**  
MINOR PARTITION  
SHERWOOD OREGON  
TAX LOTS 100 AND 101  
WASHINGTON COUNTY TAX MAP 25 1W 300C

**PRELIMINARY**  
NOT FOR CONSTRUCTION

JOB NUMBER  
1292  
SHEET  
3 OF 4

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Rain 2nd  
all in  
favor

**City of Sherwood, Oregon**  
**Draft Planning Commission Minutes**  
**June 23, 2009**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Lisa Walker  
Raina Volkmer  
Adrian Emery  
Todd Skelton

**Staff:**

Julia Hajduk, Planning Manager  
Michelle Miller, Associate Planner  
Karen Brown, Recording Secretary

**Commission Members Absent:** Matt Nolan

**Council Liaison – not present**

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order. Karen Brown called roll
2. **Agenda Review** – Villa Luca SP 08-13/ CUP 08-03, Chapter 16.112 Water updates PA 09-04
3. **Consent Agenda** – Minutes were not included on agenda. They will be reviewed at the next meeting.
4. **Staff Announcements** – Julia began by welcoming Commissioner Walker back to the Commission. She had been re-appointed by the City Council at the last Council Meeting. The City Budget was adopted at the last City Council meeting. Washington Street will be closed for 2 weeks for a sanitary sewer replacement/fix. The Engineering Design Standards which the Commission and Council have both been briefed on will be in place July 1<sup>st</sup>, 2009. Julia also addressed a comment made at a previous Planning Commission meeting regarding the meeting minutes. She explained that while most of the minutes are summarized, occasionally the testimony is complex to a point that we don't feel comfortable trying to summarize. When it takes longer to try to summarize the testimony than typing them verbatim, we do them verbatim and are sure make a note explaining that is what has happened. If the Commission has concerns or questions about that process, or wants to provide different direction on how those minutes are prepared, Staff is open to conversation.
5. **Community Comments** – Robert James Claus, 22211 SW Pacific Hwy, Sherwood  
**OR** (Recording Secretary's note: This testimony is typed verbatim to the best of my ability)  
"For some considerable period of time I have difficulty addressing this subject. You understand that under what is the old Standards and Practice and is now the Ethics Commission if anyone on this Commission has a potential conflict of interest or an actual

conflict of interest they need to declare it. That, in and of itself is a requirement. I'll give you an example that was one of the Councilmen who had trouble understanding because he owned adjoining property he could lobby for a particular activity; Ethics stepped in and stopped him, both with a sanction and a fine. That was one of several. What you have to be very careful of is that potential conflict of interest. If for instance you are in a job where recommendations were coming from City or Council or individuals that could influence your decisions with what is non-recorded exparte' contact such as contacting any Commission member before a vote and you use any of that for job promotion, if we can find any of those letters or any of those recommendations or under threat of perjury you have to disclose them to Ethics you are going to have a problem. Now I certainly know you're all so aware of Planning rules and how to follow them and exparte' contact that you would never do anything like that particularly with your legal counsel; but be very careful, because you're required when you come here to render a neutral decision not under pressure that you won't get your next recommendation for your next promotion etcetera. I hope you all keep that in mind because we have had another recent incident that Ethics wants to look into along the same lines I talked to about this business influencing votes on property that was owned, sitting in Committees where you know your property is being benefited and still voting and of course I find this particularly ironic given the enormous sensitivity of our ex-mayor Cottle who was an attorney to this inability to understand potential and actual conflicts of interest right up to being sanctioned. But, with that, since I know none of you would ever ask for a recommendation from the City or the Staff for job promotion, I will leave it there, and I hope that statement is true. Thank you.

**Patrick Lucas 23861 Dewberry Place, Sherwood, OR,** Mr. Lucas wanted to update the Commission on one of his previous projects called the Old Town Lofts. Today, June 23<sup>rd</sup> a legal firm called Cobb and Bosae moved into the Lofts. There are 6 new full time people in old town and he has 7 out of the 9 spaces leased.

**6. Old Business – SP 08-13/CUP08-03 Villa Lucca,**

**Chair Allen opened the public hearing.**

Michelle Miller delivered the Staff Report by first describing the project. The applicant, Patrick Lucas had requested preliminary site plan approval and a conditional use permit for Villa Lucca, which is also known as Avamere at Cedar Brook Way. The plan is for a 124,000 sq. ft. independent living facility to be used primary for senior living, as well as a 2,700 sq. ft., live/work building on the other site of Cedar Brook Way. Patrick plans to complete a full street improvement on SW Cedar Brook Way to extend and connect from the round-a-bout to the property. After talking with the applicant Michelle has some minor modifications to the conditions in the Staff Report. She referred the Commission to page 19, specifically the private path way. Patrick had reminded Michelle that the placement of this path has been an issue with Clean Water Service. They are concerned that the path will be placed in a vegetative corridor and would be difficult to create a permanent paving surface and ADA compliant. Michelle had checked with the Building Inspector and determined this path would not be required to ADA compliant or a permanent surface. She asked to amend the recommended condition to say “prior to

final occupancy construct a pathway that connects with the existing trail system per our TSP.” This would also need to be changed in Section D.3 – “prior to Final Site Plan Approval:” item D. The language needs to be changed to remove the ADA and hard surface requirements. Michelle went on to say that there is a calculation error on page 15 of 30. There are actually 94 on-site parking spaces proposed rather than 96. The property is zoned General Commercial with some of the surrounding properties zoned as High Density Residential as well as a Low Density Residential PUD just outside the vegetative buffer. Michelle has received some concerns from the surrounding neighbors regarding increased noise generating from this proposed facility and the new Multi-Family structures being built near-by as well as the proposed trail system. These comments include a letter from Robert and Patricia Lyon that was not included in the packet, but it is on the record as being received. Staff recognizes that all of these residents have been hit hard by construction recently with construction on Hwy 99 W as well as the new schools in area 59. Acknowledging those concerns is a consideration; however as this project is a senior living facility the noise generation should be minimal. Regarding the trail system, staff understands the concerns of neighbors and will keep those in mind as the project progresses, as well as the long term goal of the TSP of connectivity within the city utilizing those paths.

Chair Allen moved onto applicant testimony.

**Chris Dalengas, 6720 SW Macadam Ave. #100, Portland OR** with Ankrom Moisan Architects presented a power point presentation while he spoke. They are proposing a 99 unit Senior/Independent Living Project. The overall plan includes buildings being proposed now as well as how their building relates to some future planned buildings across the private drive. (They are shown lightly on the presentation slide). The landscape plan was shown including the courtyard area and building 4 which is the live/work building across Cedar Brook Way. The Architectural site plan shows that the building is a T shaped building with a courtyard and chapel as a focal point. There was a requirement for the building to come as close to Cedar Brook Way as possible, so the building has a curve design to follow the street. There is a secondary entrance in the back that is a covered porte-cochere as well as a service entrance that it accesses from the back side of the building. Chris went on to show several slides of photos taken of older Tuscan architecture. They want to try to replicate the Tuscan style with all of the stone, arches, tile roofs and in general earth tones and warm mediums. He showed the parking plan and explained that there is below grade parking which is the ideal situation for senior living as it allows someone to pull in under the building and take an elevator right up to the interior of the building. Below grade parking is great from a sustainability standpoint by putting a lot of parking spaces below and eliminating a lot of impervious surface.

He pointed out that the first floor plan shows the covered entrance, the main entrance located off Cedar Brook Way, a centrally located dining area and many open space areas within the building. The upper level plans show a double loaded corridor but the design has done a lot to break up the building wherever possible. There are many exterior details designed to break up the mass of the building and make it interesting. The roof plan includes roof wells that will screen any mechanical equipment on the roof. The project also includes solar hot water heating panels. The Energy Trust of Oregon is offering

some great incentives and the owner is looking at using sustainable measures where possible. The panels will provide enough hot water to supply all of the residential units with enough water left over to help with usage in the kitchen and laundry facility. The elevation plans show the attempt to utilize materials like stucco, faux stone, trellises, Italian Cypress plantings and many varied shapes and sizes of windows as well as decks to achieve the Tuscan feeling they were trying to obtain. On the covered carports and lower level roofs, tile is being used as the roofing material. Over all the materials and colors are designed to create as much interest as possible.

**Alexander Benisreal, 1200 Overlook Drive, Lake Oswego 97035** spoke next. He currently operates the Avamere property in Lake Oswego of a similar type and size community as what is being proposed with Villa Lucca. Currently in his property there are 23 full time equivalencies to assist the residence. Approximately 2/5 of the employees are working 3 eight hour shifts. The traffic produced by the employees is minimal. He assumes similar demographics here is Sherwood which should produce similar traffic uses. Currently in Lake Oswego Avamere has 92 parking spaces, 57 of those underground. Approximately 25 of the 70 residents that currently live on the property actually utilize the parking spaces. Many of those cars were parked over a year ago and have not been driven since.

He feels what is beautiful about a community like Villa Lucca or the facility he runs in Lake Oswego is that it allows people that have made their home in the community to stay within the community. It also allows young families to bring their folks to live closer. "It takes young families, it takes mature families and it takes seniors to have the cycle of communities completed and I think it's a wonderful privilege to provide services to people who have created that community in a dignified and comfortable way,"

**Walter T Moon, Architect, 24 Juarez Street, Lake Oswego OR 97035** spoke to the Commission regarding Building 4 which is the Live/Work building across the round-about from the main building. Building 4 is designed to be a complement to the independent living facility but also to the two existing buildings already on the site. Building 4 will be a very modest live/work building with a couple units with a 2700 sq.ft. footprint. The project includes two parking garages to serve the residential component. The ground floor of the building is intended to be used as flexible space as an office or possible retail. The upper floor is a loft like space open to the area below making it conducive a home based business, or art gallery type of flexible retail space. There is an entry plaza to the south facing into the traffic circle. The Tuscan design is carried over into this building as well which will help carry the character around the round-a-bout.

Chris Dalengas joined Todd to add more detail. He pointed out the 100' set back line on the plans. Anything that is in that set back needs to be 40' or under which is partly why the roof-scape drops down at that side. The roof plan shows that on both sides of the building approaching the setback the roof step down.

The other comment he wanted to add was about traffic. He has done more than 125 projects himself, and when it comes to Senior Housing it really does not create a lot of traffic. The seniors are typically not traveling to jobs in the mornings and returning in the evening so don't affect the peak AM/PM travel times. Statistics show that these facilities

are very low traffic generators. In general he feels this is a great project and urges the Commission to approve the plan.

Chair Allen opened the floor for questions.

Commissioner Lafayette asked Chris if they have agreed to the conditions of approval and accepts them as they were modified at the beginning of the meeting.

**Patrick Lucas 23861 Dewbury Place, Sherwood**, stated that as they are building a 36' wide road, they were planning to be able to park on both sides. The original plan proposed a widened area for pick up and drop off of residents; however the Engineering Department had concerns with safety. Patrick agrees to take that out. They would however; request parking on the west side of Cedar Brook way up to the point the ODOT reserve begins. Chair Allen noted the comments and then opened the meeting up for public testimony.

**Robert James Claus 22211 SW Pacific Hwy.** Mr. Claus owns the property that the second property will back into with its road plan. Mr. Claus wanted to testify on behalf of Patrick Lucas and felt that these are the best buildings we've had put up in Sherwood. He indicated that he felt Mr. Luca has transformed the City with prior projects and some special effort ought to be made to really help him push this. He stated that the use offsets the traffic from the adjacent condo project and that older people generally are very quite. He indicated that he can't think of anything that should more than expedite this building and this plan than the high quality design. He could go much denser here, much heavier uses and this use is very complementary to the zoning. It's also not going to load up any more school traffic that we are going to have coming in here which we are going to have school traffic coming here because of the new school

**Jacquelyn Kirsch 17850 SW Cereghino Lane, Sherwood OR** . She attended the meeting to gather more information and to get a better understanding of what the project will be like. As a homeowner in an adjacent property, her concern is about traffic. While it has been stated that the residents will not create an influx in traffic, what about the visitor's coming and going from the site, as well as the mixed use building traffic. She would like more information on how the mixed use building will be used and what traffic may be created and how that will affect their neighborhood. She also would like to know more information about the proposed pathway; how will the pathway connect to the existing paths and will it be lit?

Chair Allen responded briefly to her testimony by saying that some of her concerns may be addressed in the staff's response. Something he wanted to mention was that the Commission will have to look at the zoning and traffic that could be allowed. The site is zoned General Commercial which could allow a long list of possible uses like restaurants or retail stores that have the potential to add a lot more traffic. So one of the questions to consider is not if this project will add traffic, but rather how much traffic will this add compared to the huge list of things that could be built on that site.

**Susan Claus 22211 SW Pacific Hwy., Sherwood OR 97140** understands that this property could have had a use with much higher density. She thinks it is a great off-set to

the apartments and for the home owners behind the project. She believes that it has been well thought through. She thinks it is a great use for the area and that Sherwood does need more senior housing and that this is an unbelievable sight for this; it is close to the hospital down the road. She is quite happy about the project. She does however want some clarification from Staff on the mixed use property. She is asking for someone to explain the SDC process. She is assuming that this project is grandfathered into the SDCs because the project has been in for a while. She thinks there is some kind of an extra fee that gets applied once a tenant actually occupies the space. She feels it needs to be looked at up front. She is asking if there are assessments being made on the other building that they will have trouble getting tenants in and if there is a way within the process that if he is already grandfathered in, whatever the SDC fees are, grandfather those in as well and don't then try to collect on the "back side" another \$100,000.00 for a new tenant. That is a concern to her for the City's commercial district in general that developers are assessed those types of fees and then wonder why none of the buildings are being occupied. She feels that is a direct component of that. She also thinks that it needs to be specifically set out that religious services can be held in the area that has been labeled as the Chapel, but noted that it will be a multi-use area as she is aware that in the town there a no religious uses allowed outright, but only on a conditional use bases.

Chair Allen clarified that it is an outright use in commercially zoned areas.

She appreciated knowing that people can have religious services there if they want. She also wanted to comment on the buzzing sound in the AV system in the Community Room, not just at Planning Commission meetings, but other meetings as well.

It was explained that it is an issue with cell phone calls. Anytime that the microphone system is on and someone sends or receives a text message or cell phone call there is interference with the system. Chair Allen volunteered to have it addressed.

In light of some technical difficulties at the beginning of the meeting, she suggested that the technical setup of the room always be complete.

Mrs. Claus went on to ask about process. She stated that the Planning Commission is a little bit better, than at the council level, but when Chair Allen read through the process at the beginning of the meeting he read that the public hearing would be closed after everyone has testified, then staff would add comments, then maybe the applicant would have time after that., She stated that if there is new information introduced, after the public hearing has been closed, the Planning Commission has been fairly good in the past about asking if anyone has anything to say and wrapping it up there. She felt this was good because if there is an objection or you believe new information is coming in that you want to talk about, it would be so much easier to handle it here than have it be a point of appeal. If Staff or the Commission knows something or has new information, let's have the opportunity for the applicant or whoever at the hearing level to be able to comment if need be.

Chair Allen moved to opponent testimony.

**Pam Wolf, 21780 SW Roellich Ave., Sherwood OR 97140** began with her biggest objection which is the multi-use building and the pathway. She feels her property is directly involved with the entire project as that will become her view. She does not understand why a path would be needed for the site as it is designed for elderly people and all the path does is travel from one end of the Vineyards to the other, then wrap back around onto Roellich. She also thought she remembered that the original documentation she received from the City said that the multi-use building was going to be a single level rather than two stories. She did say it has been quite a while since she looked at that correspondence, but that is what she recalled. She does applaud Mr. Lucas for the buildings he has already constructed in that area, she hadn't realized he was the developer. She does not have any objection to the Assisted Living units and believes that it would be a beautiful environment for the elderly residents. She reiterated that her main concern is the impact that the multi-use building will have on her property. She is concerned that the occupants of that building will be able to look into her yard and into her home. The pathway will come out right at her home. She would like some clarification as to why that path access is located there. She has one other objection and that is to one of the colors chosen. While she realizes that in a Tuscan theme the pinkish color is nice, and she loves all of the colors except #6. It is too pink in her opinion.

**Sherrie Halter, 21888 SW Roellich Ave., Sherwood OR 97140**, lives just three houses down from the previous speaker Pam Wolf. She is also concerned with the location of the path and the amount of traffic that it will create near her home.

No other members of the public wished to speak, so Chair Allen referred back to the applicants for their final rebuttal.

Patrick Lucas began by explaining that the color palette did not print the way it should have and he assured everyone they are not using pink. The real color will not be that shade. Regarding the comments about the path, that was a requirement of the City's Transportation Plan and in fact the project was delayed for 6 months while they tried to find a suitable location for the path. There will not be additional lighting for the path either. Regarding the question about the number of stories planned for the mixed use building; it is two stories and has always been planned as two stories.

Todd Moon joined Patrick in the discussion. The building has a 2700 sq ft floor plate which is comparable to a large home. It is a little bit taller on the front side (facing Cedar Brook) due to the tower element. Chair Allen asked if the top level of the tower is faux or if it is habitable. The second floor is where the loft living space is located, but the upper portion of the tower is not livable, it is high volume loft space.

Regarding the concerns voiced in the public testimony about the view; there is a vegetative corridor that is approximately 200 to 250 feet wide and heavily wooded with evergreen trees that will maintain their foliage year round. It is quite a distance from her house to the building, keeping in mind that her neighbors are probably 10 to 20 feet away. Patrick added that when he did his minor land partition creating 3 lots he dedicated an acre of commercial property to the green space.

Commissioner Lafayette asked about the parking.



Michelle answered by explaining that Patrick had presented 2 alternatives, options A and B, labeled as exhibit N. She asked if he could explain which option he is advocating for then staff will respond.

Patrick explained that they prefer Option A; however they would remove the 4 parking spaces on the East side of Cedar Brook Way, between the private drive and the front door and would want to keep the loading zone space in front of the building.

A conversation ensued between the Commission and the applicants regarding safety measures that could be taken to allow the loading zone. According to Mr. Lucas the City's Engineering Staff feels that it would be un-safe. He believes that if you are dropping off elderly people that it makes sense to have a little more room for them to maneuver. It would be a loading zone, not a parking space. Chris Deleingas added that most Assisted living facilities have a shuttle bus or van to take residents out as needed and the loading zone provides a safe area for that. Commission Lafayette suggested an option of removing the 4 parking spaces and adding a concrete bump out to divert traffic that is coming around the corner away from the loading area creating a buffer. Patrick Lucas agreed to that as an option.

Chair Allen closed the public testimony and took a 5 minute recess.

Chair Allen reconvened the meeting, and referred to Michelle for final staff comments.

Michelle began by addressing an earlier question regarding tree mitigation. There was one 17" tree on the lot that was removed and will be mitigated for in the landscape plan.

Chair Allen asked if someone could speak to the TSP issue at a high level for people that are not familiar with the process to explain what the Transportation System Plan is, how it deals with pedestrian access and how that then applies to this site.

Michelle explained that an analysis was done and approved in 2005 looking at all of the roadway systems, pedestrian systems and bikeways and where the connections could occur, what level of road system will we need in the future for capacity and similar questions. A component of that study is the pedestrian master plan and trail system and interconnecting some of the local neighborhood trails into one big master plan. The round-a-bout on SE Meineke is one of those connections. The plan is to one day connect with the middle school further north and eventually community wide.

Julia added that idea is to have a network of pedestrian and bicycle trails just like you have a network of roads, so hopefully people won't have to always get into their cars to go places. We hope to have a lot of multi-modal transportation system throughout the city.

Michelle referred to Bob Galatti the City Engineer to talk about the on street parking Patrick had mentioned earlier.

Bob spoke to the Commission about the proposed "bump-out" for on street parking; the location of the zone falls in the curve of the horizontal alignment. The way it is shown

now, when drivers are trying to pull back into traffic they will have to look over their shoulder through the parked car. This is why he would like to see it brought flush with the curb. There is a parking lane there already. The bump out its self would have to be signed for “drop off only”. He does not see any issues with the area being designated as a drop off zone.

Chair Allen asked about the safety of reentering traffic vs. safety of helping elderly people in and out of vehicles possibly with walking aids, (walkers, and wheelchairs).

Bob responded first by asking why wouldn't the drop off zone like that be on site? He sees this bump out serving vans or busses where it is curb side pick-up only, not people needing to walk around to the drivers/traffic side to get in or out of the vehicle.

Conversation continued between Bob and the Commission regarding potentially removing the 4 spaces behind the bump-out then making the drop off area safe. Another issue Bob can see is that if the bump out is allowed then part of the infrastructure would be outside the right of way. It is likely that they would be required to show that public infrastructure on the plat as right of way.

It was clarified that the preference would be Option A as modified in testimony. Bob paraphrased the change by saying, parking on the East side of Cedar Brook Way between station approximately 1435 and the entrance to the site, (station 1600) would not be allowed. Regarding the parking on the West side of the street he recommends removing the two spaces just prior to the round-a-bout entrance. With so many things going on for a driver to be looking at entering the round-a-bout, having cars entering into traffic from the right where they have been parked is too much and would create an un-safe situation.

Julia asked if the Commission wants the SDC question asked in public testimony to be answered at this time. Chair Allen agreed that this would be an appropriate time for a brief explanation as it is an important issue, but not germane to the Land Use Decision being discussed.

Julie explained that the SDC fees are assessed at the time of building permits based on the type of use proposed by the applicant. When the Planning Department does their Land Use Review, they look at parking and traffic circulation, as well as compliance with the capacity allocation program based on the uses that are proposed by the applicant.

What Planning has initiated is that when changes are proposed like new tenant improvements, business licenses, or changes in occupancy, a review is done to compare the new use with the original site plan to be sure the changes are not creating the need for more parking or more traffic as well as triggering, through the Building Department, additional fees being assessed. She understands that there is a concern that with new tenants there is more being added to the costs, but if you look at the other side; and developers that know who their tenant is and come in with full disclosure, they are assessed a much higher SDC and reviewed for parking and traffic and may have to pay more fees upfront, vs. a developer that may not know what they want to do entirely and can only speculate, and pay fees based on that, then pay any difference when the plans are actually submitted.

Commissioner Lafayette asked for clarification from Bob regarding the technical description of locations of items on plans. She is asking if Staff will be able to correct the finding and conditions to incorporate the exact language with the intent that the Commission has discussed on option A.

Julia recommends citing the Sheet number (C-4).

Michelle pointed out that within the conditions, page 28 of 30, #C talks extensively about the numbers and gives good clarification.

Bob suggested re-writing the conditions to refer to the exact station and sheet number.

Commissioner Lafayette wanted to clarify that the Commission had reviewed the plans and that parking would be allowed up to a point shown in option A, Exhibit N, as modified by removing 6 parking spaces (4 on the East side of the street, 2 on the East.)

Deliberation began and included both Commissioner Lafayette and Chair Allen expressing their happiness with the design and type of the development. Chair Allen commented that he understands the concerns raised by the neighbors about proximity and view issues. He feels that it is very important to understand that this property is zoned for General Commercial use and has been for 15 - 20 years. In General Commercial zones developers are allowed to build lots of different things like gas stations, stores with loading docks, taverns and so many other types of businesses that the commission would not be able to say no to. With all of the potential uses, this seems ideal and that you almost couldn't ask for a better neighbor. He agrees with Staff that even with the trail connections, if it is an isolated pocket of a trail, that could create unwanted users, but with a connected trail that people can actually use to get to one location from another and will have more traffic, it will be made safer.

Without any further issues being raised, Commissioner Lafayette made a motion to approve SP 08-13 and CUP 08-03 based on the adoption of the staff report, finding of fact, public testimony, staff recommendation, agency comments, applicant comments, finds and conditions as revised.

Second made by Commissioner Emery.

Vote taken, all members were in favor. The motion carried.

7. Chair Allen opened PA 09-04 Chapter 16, Water Updates. Chair Allen read the legislated script for public meetings, and asked for any ex parte contacts or conflicts of interest. None declared.

Julia began her staff report by explaining that this is more of a "house keeping" amendment. The Water System Master Plan was updated in 2005 via ordinance 2005-016. As part of the update, the master plan was adopted and the map was updated in the comprehensive plan. There were no amendments made in the development code at that time. Now the City is in the process of reclaiming the operation of the Sherwood water

system. For the past 10+ years TVWD has been operating the water system for the City, including billing, repair and plan review. As part of the City bringing the Utility Billing back into the City, a new water ordinance needed to be adopted into the Municipal code which was done by the City Council June 17, 2009. The Public Works department has since noticed that the development code has some issues that need to be cleaned up. Staff is proposing updating the development code to reflect the Water System Master Plan instead of an appendix of the comprehensive plan. Staff is also proposing reflecting the City's Engineering Design and Standard Details to clarify within the development code what people are going to be required to comply with during development. She is also proposing clarifying that if a developer is required to oversize their water line to bring it compliant with the Water System Master Plan that there is a reimbursement process setup.

Chair Allen asked for any questions or correspondence on the issue. None were given. He then opened the record for public testimony.

**Robert James Claus 22211 SW Pacific Hwy., Sherwood OR 97140** (Testimony typed verbatim to insure accuracy.) "First of all I doubt that any of the costs in the water charges in Sherwood are honest and straight forward. It's much like our Urban Renewal money, it's gone to sources we are beginning to check it that we are starting to question the expenditure. Million and a half on Broadband, we are going to lose another \$300,000 this year, a street the Bourmet re-built we re-built after he spent \$750,000 we spend \$2,000,000.00. This water plan is of a similar ilk to that, it is staff driven. Make a point to you and acre foot of water is about 325,000 gallons. Typical family in Oregon and single family house would use 2/3 of an acre foot, in California we'll use an acre that's explained in the difference in the evapotranspiration in the lawns. Your actual use of water if you stay outside of the lawn is 0. Now I don't know how many of you have thought of that but if you are farming you (word un-audible) 2/3 of it in evapotranspiration 1/3, 6" to 9" accumulate back in the ground, but in an urbane use if you're in a place like Las Vegas and you have an internal circulating system in your casino you'll actually be generating more water than you're using to actually get to the point of that. If you control the substance, the foreign substances you allow in the water you can clean that water cheaper than you can buy it. We sort of have this system of let's find out how much money we can cost the public, first to have the water then to clean the water. If the stuff that went into the water were all biodegradable you could clean it. Let me make a point to you. The Hyperion Sewage Treatment Plant virtually disposes of Los Angeles water almost all of the water they take in. 15 miles out to sea and they disperse it. This water plan you have you pay about \$35.00 an acre foot to get the water, you should spend about \$70.00 to clean it and at maximum you should spend another \$100.00 to deliver it. Most cities deliver water at \$3.50 an acre foot. This city's up to \$700.00. Guess why. We're staff driven. They have to have the money in fees to keep the City running. Now this is terribly offensive to me, because the most regressive single tax you have in this society is that water tax. When you start charging for this water it falls on the lower income people exactly the same way it falls on the upper income people. In fact there are concessions in most places that'll let the upper income people consume more water at less rates and if you at your millage and your meter and I'm just encouraging you to look at some of these things because; went from Jim Rapp and Carol Connell to any development went, it didn't matter if they had to fill a wet-

lands, it didn't matter if they didn't have a master storm plan it went, then it went to John Bourmett where our Master Plan didn't mean anything to this current plan that if it's on the Langer's it ok, and I'm just telling you, that you need to take a little more hard look at these costs, because they are embarrassing, utterly embarrassing, particularly in a state that gets 4 acre feet of water. You realize that you put 4 to 5 houses an acre if you retrieved what you get, let me tell you another thing that simply slipped by the way side with Mr. Schultz. He killed it and killed it quickly. The reason we put the Tualatin National Wildlife Refuge there, and I say we, it was Hitchcock and Senator Hatfield; I had somebody try to tell me we didn't own the theater the other day; you look at that refuge, it was our efforts put it in. We put that in so you'd have clean water and rechargeable water and lower your rates, and I've seen nothing since that went in, which you raised rates even though in fact we are recharging water tables here with the refuge. It's just more that if you don't stop and think about it you make it a high cost, low income unfriendly and the only people that benefit out of these high costs are the staff."

**Susan Claus 22211 SW Pacific Hwy, Sherwood OR 97140** her comments center around the cost as well. As she sees it the staff that is administering the water program that very few of them have had the experience of administering the water program. It is her hope that we keep in mind as we go along that one of the selling points on the City taking the water program back in house was that there would be cost savings. If the City starts coming up with higher rates and larger problems that we always have the option to turn the program back over to TVWD, whose been administering the program for many, many years. Not every idea we have as a city is going to work and it is her hope that members of the community and especially the Planning Commission and City Council be watchful of what is happening, and if it is not working, call it what it is, stop the losses if that is what is happening. She doesn't think that the Planning Commission's responsibility for this issues ends with whatever decision is made tonight. It needs to be that we are all Shepherd's of this town and our different facilities, whether it is the water, the sewer or any of our utilities, we need to try to do the best job that we can for the citizens and if we are best equipped to do the job great, but we have contracted the services out for a long time and she hope that is kept in mind.

Julia provided staff comments by reminding the Commission is not whether or not the City takes back operation of the water system as that was a Council decision that she believes has already been made but rather a house keeping measure to ensure that the development code is consistent with the current Water System Master Plan. Commission is being asked to make a recommendation to the Council to update the Development code to ensure that happens. The recommendation from the Commission that is being proposed would go to the Council July 21, 2009.

Commissioner Volkmer asked if the City has any strategies in place to use the water that we get naturally through rainfall.

Bob Galati answered the question by explaining that there are many concerns with water. Most major municipalities have water treatment plants to clean the water and remove hazards prior to use. When a city gets large enough it becomes more feasible to have one water treatment plant and share the costs and products with other municipalities. Local

efforts to do ground recharge are not common. Waste water treatment is a similar situation.

Chair Allen asked; in general if the city wanted to promote community strategies for rain water harvesting and grey water reuse. What would that be an appropriate role for the Planning Commission to play to help facilitate those strategies.

Tom Pessemier, Community Development Director addressed the question. He agrees this could be a subject that could use some Planning Commission help. Currently TVWD in conjunction with the City has a fairly robust conservation program including sending information in the bills; they offer kits to residents to retrofit their showers and other conservation measures. Annually there are meetings held and strategies are discussed for education and encouraging conservation. Now that the City is bringing the water back in-house, the public works department will need to be responsible for those things and maybe that is a place that the Commission could get involved.

The Commission discussed the current cost of water and the belief among them that excessive usage or conservation will not greatly affect the cost of the water bill because the base fees are so high. They would like to discuss with someone how to possibly reclaim water and get potential credits. They feel that the City should take leadership and develop a plan that could encourage conservation and cost savings. Chair Allen feels this may be an issue bigger than the Planning Commission, but that the Commission could have a significant role to play. We are going to start building subdivisions again and commercial buildings and there are probably some inter-relationships between public works, building and planning departments that could be developed to address the issues.

Tom agreed, that there are definitely strategies that the Planning Commission could put into place that could affect water use, both rain water and domestic water. Julia suggested possibly scheduling a work session with public works to discuss the water systems operations.

Chair Allen brought the discussion back to the original changes being proposed. He closed the public testimony.

Commissioner Lafayette made a motion to recommend approval of PA 09-04 by the City Council based on the adoption of the staff report, findings of fact, public testimony, staff recommendation, agency comments and conditions. Second made by Commissioner Walker. Vote taken, all were in favor. The motion carries.

**8. Next Meeting: July 14, 2009**

**Chair Allen** closed the meeting.

End of minutes.