



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
April 24, 2007 – 7PM**

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda** – February 13, 2007 draft minutes
4. **Staff Announcements**
5. **Community Comments** (*The public may provide comments on any non-agenda item*)
6. **New Business:**
  - a. Cedar Brook Dental Office Appeal – Open hearing and continue to May 8, 2007
  - b. Planning Commission vacancy update/Vice Chair nominations
  - c. SP 07-02 Bridges Old Town Change of Use: The applicant is proposing to change the use of an existing residence to commercial for a real estate and mortgage office in Old Town. The applicant is not proposing any additions to the building but will make cosmetic improvements including new siding, roof, windows and landscaping and add parking. The property is in the Medium Density Residential Low (MDRL) zone within the Old Town Overlay. The property address is 15922 SW 2<sup>nd</sup> Street and the property is identified as 2S132BA02500 on the Washington County Assessor's Map.  
  
**Applicable Code Criteria:** Sherwood Comprehensive Plan Part 3, Zoning and Community Development Code, 2.103 (Medium Density Residential Low- MDRL), 2.301 (Clear Vision), 2.303 (Fences, Walls and Hedges), 5.100 (Site Plan Review), 5.200 (Landscaping), 5.400 (On-Site Circulation), 5.500 (On-Site Storage), Chapter 6 (Public Improvements), 8.304 (Parks and Open Space), 8.310 (Heat and Glare) and Chapter 9 (Historic Resources).
7. **Comments from Commission**
8. **Next Meeting:** May 8 – Cedar Brook Dental Office Appeal (SP 06-11)
9. **Adjournment**

TO: Planning Commission

Pre App. Meeting: None  
App. Submitted: February 13, 2007  
App. Complete: March 22, 2007  
120-day Deadline: July 20, 2007

FROM: Planning Department

*Heather M Austin*

Heather M. Austin, AICP, Senior Planner

**Proposal:** The applicant is requesting to change the use of a property in Old Town from residential to commercial. The applicant will use the existing building that is on the property as a real estate and mortgage office with a coffee bar/kiosk for use by the real estate and mortgage clients who visit the site. No exterior additions to the building are proposed with the exception of cosmetic updates such as siding, windows, and roofing. The applicant is also proposing alley-loaded parking in the rear of the building. The applicant's submitted materials are included as Exhibit A with this report.

## I. BACKGROUND

- A. Applicant/Owner:  
Shane Bridges  
22386 SW 106<sup>th</sup> Avenue  
Tualatin, OR 97062
- B. Location: The site is addressed as 15922 SW 2<sup>nd</sup> Street in Sherwood's Old Town. The property is identified as Tax Lot 2500 on Washington County Tax Assessor's map number 2S132BA. The site is northeast of SW Pine Street and southwest of SW Oak Street.
- C. Parcel Size: The total site area is approximately 5,000 square feet, or 0.11 acres.
- D. Existing Development and Site Characteristics: There is one existing residential building on the site that is not listed as a landmark in Sherwood's Historic and Cultural Resource Inventory. There are no trees currently on the site and very little vegetation (two trees were removed prior to land use submittal and are discussed further in this report under Section 8.304.07). The site is generally flat. The Sherwood Building Department issued a building permit for an interior remodel of the property on Friday, April 6, 2007. The applicant has removed the siding from the home, which did not require a building permit. No permit has been issued for any work on the exterior of the property.
- This property does not have any inventoried significant riparian, upland or wildlife habitat according to Metro's inventory of regionally significant habitat and the Comprehensive Plan inventory map.
- E. Zoning Classification and Comprehensive Plan Designation: Medium Density Residential Low (MDRL) within the Old Town Overlay. Sections 2.103 and 9.202.03 of the Sherwood Zoning and Community Development Code list the permitted uses in this zone within the Old Town Overlay. Compliance with the permitted uses identified in these sections is discussed further in this report.

- F. Adjacent Zoning and Land Use: The property to the southwest of this site is zoned Retail Commercial (RC) and is developed with a restaurant/event hall. All other properties surrounding this site are zoned Medium Density Residential Low (MDRL) and are developed with single-family homes, with the exception of the two parcels behind and to the southeast of this property where the homes were recently demolished and the parcels are vacant.
- G. Review Type: Site plan review of new or existing structures (including changes of use) in the Old Town Overlay District are subject to a Type IV review before the Planning Commission. The City Council is the appeal authority.
- H. Public Notice and Hearing: Notice of the land use review of this application was posted on site, at 5 conspicuous locations throughout town and mailed to property owners within 100 feet of the site on April 3, 2007 in accordance with Section 3.202 and 3.203 of the Sherwood Zoning and Community Development Code. Notice was published in the Tigard Times on April 12 and 19, 2007.
- I. Review Criteria: Sherwood Comprehensive Plan Part 3, Zoning and Community Development Code, 2.103 (Medium Density Residential Low- MDRL), 2.303 (Fences, Walls and Hedges), 5.102 (Site Plan Review), 5.200 (Landscaping), 5.300 (Off-Street Parking), 5.400 (On-Site Circulation), 5.500 (On-Site Storage), Chapter 6 (Public Improvements), 8.304 (Parks and Open Space), Chapter 9 (Historic Resources).

## II. PUBLIC COMMENTS

As of the date of this report, no public comments have been received.

## III. AGENCY COMMENTS

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

**The City of Sherwood Engineering Department** has reviewed the proposal. These comments have been incorporated into this report, both below and in Chapter 6- Public Improvements. These comments are included as Exhibit B with this report.

### 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.

City policy requires that prior to grading, a permit is obtained from the Building Department for all grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

### 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 frontage.

All existing and proposed utilities shall be placed underground. In this case overhead wires exist along the frontage of 2<sup>nd</sup> Street and along the back alley. Altering these utilities would create a short fifty foot section of underground utilities while the remaining neighborhood utilities remain overhead. While under-grounding utilities is typically encouraged, it's likely the cost of under-grounding these services would be disproportional to the cost of the Applicant's overall improvements. Given this situation and to encourage neighborhood continuity the engineering department is not opposed to waiving this requirement.

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.

Pride Disposal provided comments stating that they can serve this site as a commercial customer but the receptacles will need to be brought to the curb for collection. If the applicant needs container service at this site, Pride Disposal will need further information.

Tualatin Valley Water District responded that they have no comment on this proposal.

PGE provided comments that if there are no poles or overhead power lines in conflict with the building addition, PGE wouldn't have any involvement. If the owner upgrades their electric service size and PGE has to replace, convert to underground or reroute the overhead or underground PGE lines serving the existing building, then PGE will get involved.

Clean Water Services, Sherwood Broadband, Washington County, PGE, Tualatin Valley Fire & Rescue, Tualatin Valley Water District, NW Natural Gas were also provided copies of the proposal and site plan and given the opportunity to provide comments. As of this date, no comments have been provided from these agencies.

#### **IV. SITE PLAN REVIEW – REQUIRED FINDINGS (SECTION 5.102.04)**

##### **A. The proposed development meets applicable zoning district standards and all provisions of Chapters 5, 6, 8 and 9.**

The relevant criteria are found in Chapters 2, 5, 6 8 and 9. Compliance with these criteria is discussed in Section V – Applicable Code Provisions, below.

**FINDING:** Compliance with the relevant criteria in Chapters 2, 5, 6 and 8 are discussed and conditioned if needed in Section V below, therefore, this standard is satisfied.

##### **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.**

This site is currently served by water and sewer. Storm sewer is available to serve the site. The property is served by Pride Disposal for solid waste disposal. The nearest public park is Stella Olsen, which is adequately sized to serve any employees of this site. Public safety, electric power and communications are all currently serving this site and will continue to do so.

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

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

- D. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views and topographical features, and conforms to the applicable provisions of Chapters 5 and 8 of this Code.**

The Metro inventory of regionally significant habitat does not list any portion of this property as sensitive wildlife habitat. There are no significant trees or vegetation on this site that are not part of a pre-existing landscaped area. There are no wetlands, scenic views or topographical features on this site. The removal of two trees prior to application submittal is discussed further in this report under Section 8.304.07.

**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 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.**

This proposal is within the Old Town Overlay and is therefore exempt.

**FINDING:** This standard is not applicable.

- F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.**

This 1,138 square foot office building is not anticipated to generate more than 400 average daily trips. The City Engineer has not required a traffic study. A traffic impact study is not required of this development.

**FINDING:** This standard is not applicable.

- 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 corridor and setback standards of the underlying zone.
  3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding, metal roofs, and artificial stucco material shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
  4. As an alternative to the above standards G.1-3, the Old Town Design Standards (Section 9.202) may be applied to achieve this performance measure.

Because this structure is within the Old Town Overlay, the Old Town Design Standards will be utilized as an alternative to standards G. 1-3 above. Compliance with these standards is discussed further in this report in Section 9.202.

**FINDING:** This standard has been met.

## V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 2. The relevant criteria in Chapters 2, 5, 6 and 8 are discussed below. Chapter 9 is not applicable to this site plan application, as there are no Historic Resources on the site and the site is not located in the Old Town Overlay.

### A. Chapter 2 - Land Use and Development

The applicable zoning district standards are identified in Chapter 2 are: 2.103 (Medium Density Residential Low) and 2.303 (Fences).

#### 2.103 – Medium Density Residential Low (MDRL) Zoning District

The applicable standards in Section 2.103 include: 2.103.02, 2.103.03, 2.103.04 and 2.103.05. Compliance with these standards is discussed below:

##### Permitted Uses (2.103.02)

Offices are not listed as permitted or conditional uses in this zone. However, Section 9.202.03.G of the Code permits offices of architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services outright within the Old Town Overlay District. While the office use proposed is not permitted outright in the MDRL zone, it is permitted outright in the MDRL zone within the Old Town Overlay.

The applicant's narrative lists a coffee bar to be included in the office for use by employees and clients. A coffee bar is not permitted in the MDRL zone, even within the Old Town Overlay. However, coffee rooms (or break rooms) are very common in office settings. Staff recommends that the coffee bar use be permitted as part and secondary

to the office use, but that no signage is permitted on the exterior of the site or anywhere else identifying a coffee bar or other advertisement of food or beverage services.

**FINDING:** Based on the analysis above, the proposed office use of the site is permitted by nature of the location of the property in the Old Town Overlay. The coffee bar is not permitted unless part of the office and for the use of only employees and clients. This standard has not been fully met, but could be met with the following condition pertaining to the coffee bar.

**RECOMMENDED CONDITION:** Prior to issuance of certificate of occupancy, submit a letter for the planning record stating that the coffee bar is for the use of the employees and clients of the business only and no signage identifying the coffee bar or other advertisement of food or beverage service will be placed on the exterior of the site or anywhere else.

**Dimensional Standards (2.103.04)**

**Section 2.103.04 has the following dimensional standards in MDRL zones:**

Lot area	5,000 sq ft
Lot width at front property line	25 feet
Lot width at building line	50 feet
Front yard setback	20 feet
Side yard setback	5 feet
Rear yard setback	20 feet
Corner lot setback	15 feet
Height	2 stories or 30 feet, whichever is less

The site is 5,000 square feet. The lot area and width are existing and in full compliance with the standards. The setbacks of the structure are in compliance with the setbacks of the zone. The structure is one (1) story and thus does not exceed the maximum height. Because no exterior additions are proposed, staff is confident compliance with the dimensional standards will be maintained.

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

**2.303 - Fences, walls and hedges**

Fences up to forty-two inches (42") high are allowed in required front building setbacks. Fences up to six feet (6') high are allowed in required side or rear building setbacks. Additionally, all fences shall be subject to the clear vision provisions of Section 2.301. Chain link fencing is not allowed along any residential street frontage.

There is no fencing proposed with this land use application. There is no existing fencing on this site. Any proposed fencing will be required to meet the specifications of Section 2.303.

**FINDING:** Based on the analysis above, this standard has been met.

**B. Chapter 5 - Community Design**



The applicable provision of Chapter 5 include: 5.100 (Site Planning), 5.200 (Landscaping), 5.300 (Off-Street Parking and Loading), 5.400 (On-site Circulation), and 5.500 (On-site Storage). Compliance with the standards in these sections is discussed below:

#### **5.202 Landscaping Materials**

**5.202.01 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 Section 5.200.

The applicant is proposing landscaping including trees and shrubs in the front and side yards of the property. The rear of the property is currently gravel and is proposed for a parking area with no landscaping proposed.

**FINDING:** As discussed and conditioned further in this report, this standard has been met or is conditioned to be met.

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

The existing landscaping on the site is established and maintained in a healthy condition and it is anticipated that new landscaping planted will also be maintained in a healthy condition by the owners and tenants of this commercial site.

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

#### **5.203 Landscaping Standards**

##### **5.203.02 – Parking and Loading Areas:**

**Total Landscaped Area (5.203.02.A)** – 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 5.200. 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 5.200.

The applicant has not submitted a parking area plan with the application and, therefore, staff cannot determine if a minimum of 10% of the lot area used for the parking of vehicles is landscaped. However, based on the size of the property and the space in the rear of the property for parking, staff is confident that the applicant can provide landscaping adjacent to parking proposed (but it is unclear how many spaces could fit with the required landscaping). All areas of this property not covered by buildings, proposed parking and/or circulation drives are landscaped. There is existing landscaping but the applicant is proposing to enhance the existing landscaping. Staff cannot determine from the submitted plans if the proposed landscaping is native or most appropriate for the site given soils, topography, etc.

**FINDING:** As discussed above, staff cannot verify that 10% of the parking area is landscaped but this standard could be met if the applicant provides a parking area plan showing 10% of the parking area in landscaping. In addition, the landscape plan



provides information regarding the location of the new landscaping but not whether or not native species are proposed. This standard could be met if the applicant provides verification from a landscape architect that the proposed species are either native or most appropriate for the site given soils, topography, etc.

**RECOMMENDED CONDITION:** Submit a final site plan that shows that a minimum of 10% of the parking area will be landscaped.

**RECOMMENDED CONDITION:** Prior to building permit approval, submit verification to the Planning Department from a landscape architect that the plant species proposed is either native or most appropriate for the site given soils, topography, etc.

**Adjacent to Public Rights-of-Way (5.203.02.B)** - 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 2.303.

The only area proposed for parking is adjacent to the alley in the rear of the property. As discussed below in Section 5.302.03.B, parking spaces may be perpendicular to an alley where backing movements are permitted. Landscaping would prohibit the use of the parking area in this configuration and therefore landscaping between the parking area and public alley would not be practical. If the applicant proposes a parking area with a driveway entering the site and parking spaces perpendicular to the driveway, a 10-foot landscaping strip separating the parking area from the right-of-way will be required. This will be verified on the parking plan the applicant is conditioned to provide further in this report under Sections 5.203.02.C through 5.302.03.C.

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

**Perimeter Landscaping (5.203.02.C)** - 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.

The applicant has not proposed a plan for the parking area in the rear of the site. Staff is aware of the applicant's intentions because the applicant's narrative states that this is the proposal. Staff cannot verify if the parking area in the rear will be separated from separate and abutting properties by a 10-foot landscaped strip.

**FINDING:** This standard has not been met because staff has not seen a plan for the parking area in the rear of the site. This standard could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit a final site plan that shows the parking area in the rear of the property is separated from abutting properties by a minimum 10-foot landscaped strip.

**Interior Landscaping (5.203.02.D)** - 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.

**FINDING:** Staff cannot verify if interior landscaping is proposed because a parking area plan has not been submitted. However, staff is confident that this standard could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit a final site plan that shows the parking area in the rear of the property with at least 50% of the required parking area landscaping in the interior of the parking lot.

**Landscaping at Points of Access (5.203.02.E)** - 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 2.301.

**FINDING:** Staff cannot verify height distances at the intersection of the parking area with the public alley. However, staff could verify this on the final site plan if the parking area landscaping is shown, as conditioned below.

**RECOMMENDED CONDITION:** Submit a final site plan that shows the parking area in the rear of the property and the height of proposed landscaping where the parking area meets the public alley.

**5.203.03 - 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 of the Community Development Plan, Part II, and the provisions of Section 8.304.

SW Second Avenue is a local street and, therefore, the visual corridor standards do not apply.

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

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

**5.301.03 Joint Use**

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

The applicant is not proposing joint use parking and therefore this standard is not applicable to this development.

**FINDING:** This standard is not applicable to this development.

**5.301.04 Multiple Uses**

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the

**requirements of the several uses computed separately, with a reduction of 10% to 25% to account for cross-patronage of adjacent businesses or services.**

There is no parking required in the "Smockville" portion of Old Town, per Section 9.202.07.C and therefore a reduced parking requirement is not necessary.

**FINDING:** This standard is not applicable to this development because it is within the Old Town Overlay.

#### **5.301.08 Drainage**

**Parking and loading areas shall include storm water drainage facilities approved by the City Engineer.**

The applicant has not shown how parking area storm water drainage will be addressed. However, the applicant will be required to meet Clean Water Services and City standards for drainage. The applicant will be required to provide plans for a storm water drain that will be verified by the Building and Engineering Departments. Staff is confident that this can be done in the rear of the property where the parking is proposed. If the applicant is not able to do this, parking on-site will not be permitted.

**FINDING:** Storm water drainage facilities for the proposed parking area have not been detailed by the applicant. The applicant will be required to meet CWS and City standards for drainage. The drainage will be verified by the Building and Engineering Departments.

**RECOMMENDED CONDITION:** Submit storm water drainage plans to the Building Department for review and approval. Submit public improvement plans to the Engineering Department that show the storm drainage from the parking area connecting into the public storm system.

### **5.302 Off-street parking standards**

#### **5.302.02 – minimum parking spaces**

**5.302.02 provides the required minimum and maximum parking spaces for uses permitted by the SZCDC. Industrial uses are required to have 1.6 parking spaces per 1000 square feet of gross leaseable area. No maximum parking is required for this use.**

Section 9.202.07.C of the Code, discussed further in this report, exempts properties within the "Smockville Area" of the Old Town Overlay from providing parking and, therefore, this standard does not apply. However, the standards do not prohibit a property from providing parking if they desire. The applicant is proposing parking to be added, taking access off of the alley.

**FINDING:** As discussed above, this standard is not applicable to this proposal because of its location in Old Town.

#### **5.302.03.A – Dimensional Standards**

**For the purpose of Section 5.300, 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.**

While the applicant is not required to provide parking in the "Smockville Area" of Old Town, the applicant's narrative indicates that parking is planned. The applicant has not submitted a detailed plan for the parking area in the rear of the property; however, based on the applicant's submitted plans, the area in the rear of the property between the building and the alley is a minimum of thirty-two (32) feet. Because the minimum length of a parking space is twenty (20) feet, staff is confident that the applicant has adequate space for parking. The applicant will be required to submit a plan for the parking area with the final site plan.

**FINDING:** As discussed above, this standard will be met if the applicant submits a parking plan with parking stalls meeting the minimum requirements.

**RECOMMENDED CONDITION:** Submit a final site plan that shows the proposed parking area including parking stalls meeting the minimum standards of Section 5.302.03.A.

**5.302.03.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.**

While staff has not seen a proposal for the parking area, the applicant's narrative indicates that it will be in the rear of the property adjacent to the alley. Because the access to the parking will be from the alley, backing movements will be allowed within the alley. Staff will verify that the parking space configuration, stall and access aisle size are of sufficient width for all vehicle turning and maneuvering.

**FINDING:** As discussed above, this standard will be met if the applicant submits a parking plan with the final site plan submittal.

**RECOMMENDED CONDITION:** Submit a final site plan that shows the proposed parking area including space configuration, stall and access aisle size of sufficient width for all vehicle turning and maneuvering.

**5.302.03.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.**

As no parking plan has been submitted, no wheel stops have been shown. Staff will require wheel stops of all parking spaces along the boundary of the parking lot or adjacent to landscaped areas or sidewalks. This will be verified on the final site plan and upon final inspection of the site.

**FINDING:** As discussed above, this standard is not met but could be met if a final site plan were submitted showing wheel stops for all parking spaces along the boundary of the parking lot or adjacent to interior landscaped areas or sidewalks.

**RECOMMENDED CONDITION:** Submit a final site plan showing wheel stops for all parking spaces along the boundary of the parking lot or adjacent to interior landscaped areas or sidewalks.

**5.302.03.D. - Service Drives**

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

**FINDING:** There is no separate service drive proposed for this development. A service drive is not customarily needed by a real estate/mortgage office. This standard does not apply to this proposal.

**5.302.03.E. - Bicycle Parking Facilities**

This section provides standards for bicycle parking facilities. The following standards must be addressed/met:

1. 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.
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. Bicycle parking shall be least as well lit as vehicle parking for security.
4. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
5. 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 minimum number of bicycle parking spaces required for this type of office use is two (2). The applicant's submittal does not discuss how bicycle parking will be provided. This can be done within the building or with a rack outside of the building, as long as exterior bicycle parking is covered (awnings of the building sized appropriately would provide adequate coverage). Staff is certain that the applicant can provide bicycle parking on site, however, the applicant will need to show parking for two (2) bicycles on the final site plan.

**FINDING:** Based on the analysis above, the applicant has not met this standard because parking for two (2) bicycles has not been shown. However, this standard could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit a final site plan that shows parking for two (2) bicycles either within the building or outside of the building and covered.

### **5.303 – Off-Street Loading Standards**

#### **5.303.01 Minimum standards**

The minimum 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.

Section 9.202.07.D.2 of the Code states that off-street loading is not required of all properties within the "Smockville Area" of the Old Town Overlay. Therefore, this standard is not applicable.

**FINDING:** This standard is not applicable to this development because it is within the Old Town Overlay.

#### **5.303.02 Separation of Areas**

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 Section 5.302 shall not be used for loading and unloading operations.

As discussed above, off-street loading is not required. In addition, there are no off-street parking areas required to fulfill the requirements of Section 5.302 because this property is within the "Smockville Area" of the Old Town Overlay.

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

### **5.400 On-Site Circulation**

#### **5.401 – 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.

This property is in the middle of a block that is 200 feet long. The east-west sidewalk in front of the property connects to north-south sidewalks within 100 feet on one side and 50 feet on the other side of the property. The public sidewalk system provides safe and convenient pedestrian access, even though this is not a subdivision, multi-family development, planned unit development or shopping center. This property is within a commercial district as it is located within the Old Town Overlay; however, it is within a residential zone of this district. This is also not new development as the existing structure is being utilized by the business. In so much as this standard is applicable to this proposal, staff finds that the standard has been met.

**FINDING:** This standard has been met as discussed above.

**5.401.02 – 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.

**FINDING:** There is only one structure on this parcel and joint access is not proposed with any other parcels. This standard is not applicable.

**5.401.03 Connection to Streets**

- A. Except for joint access as per Section 5.401.02, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
- B. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

The applicant's narrative states that parking is proposed in the rear of the parcel. This parking will connect to the alley, which connects directly to Pine and Oak, both public streets. While the ingress and egress does not connect to a public street directly, it connects via an alley, which is permitted under this standard.

**FINDING:** This standard has been met.

**5.403 Minimum Non-Residential Standards**

**5.403.01.A – Commercial Driveways**

Commercial driveways must be improved with a hard surface. The required minimum width for 1-49 parking spaces is 1 driveway of 24 feet or 2, one-way driveways of 15 feet each.

The applicant has not provided details of the parking area in the rear of the property and, as such, staff cannot verify if a driveway is proposed and, if so, if it meets the requirements of Section 5.403.01.B. Staff finds it likely that the applicant will not provide a driveway and will propose several alley-loaded (perpendicular to the alley) spaces instead. In this case, if no driveway is proposed, the standards of 5.403.01.B would not be applicable.

**FINDING:** Staff cannot verify if this standard is applicable and, if so, if it is being met. These issues could both be verified as conditioned below.

**RECOMMENDED CONDITION:** Submit a final site plan that shows the parking area in the rear of the property. If a driveway is proposed, it must meet the standards of Section 5.403.01.A

**5.403.02 Sidewalks and Curbs**

A. Industrial and Commercial: A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The



**system shall also connect to transit facilities within 500 feet of the site, future phases of development, and whenever possible to parks and open spaces.**

**FINDING:** There is a private pathway connecting the front door of this existing structure to the sidewalk on SW Second Street. In addition, the applicant will be required to connect the parking area in the rear to the building with a private pathway. This has not been shown on the proposed plans and, therefore this standard is not met. However, this standard could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit a final site plan that shows the parking area in the rear of the site connected to the building by a private pathway or sidewalk.

**C. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, 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 painted striping.**

On the submitted landscape plan, the applicant is showing a "covered walkway" connecting the front of the existing structure to the sidewalk on SW Second Street. The applicant is aware that this may not meet the minimum setback standards of the MDRL zone, but has indicated that a pathway will still be provided, whether it is covered or not. Staff cannot tell the width of the pathway from the submitted landscape plan as no scale is provided. In addition, staff cannot verify the width of any pathways in the rear of the property because a plan for this area has not been submitted.

**FINDING:** Staff cannot verify that this standard has been met from the submitted plans. However, this standard could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit a final site plan showing the width of the pathways in the front and rear of the property (6-foot minimum). Also, show that the surface materials will be concrete, asphalt, brick/masonry pavers, or other durable surface and meeting ADA standards.

#### **5.502 – Solid Waste Storage**

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

Pride Disposal has reviewed this application and has indicated that curb service is available. The applicant has not proposed container service and this type of use and size of building do not typically require container service. However, if this is requested by the applicant, the applicant will need to provide details of the enclosure on the final site plan submittal as well as verification from Pride Disposal that the container enclosure location and design are acceptable.

**FINDING:** This standard has been met if the applicant uses curb pick up for garbage and recycling. If the applicant would like container service, this standard is not met but could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit a final site plan to the Planning Department that either confirms curb service will be utilized for garbage and recycling or shows details of a proposed enclosure for the solid waste container. Provide verification that the container enclosure location and design are acceptable to Pride Disposal.

### 5.503 – Material Storage

#### 5.503.02 Standards

Except as per Section 5.504, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot high, sight obscuring fence. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.

Exterior material storage is not anticipated with this office use. Any storage of materials will be required to meet the standards of Section 5.503.02.

**FINDING:** This standard is not applicable as on materials storage is proposed with this application.

## C. Chapter 6 - Public Improvements

### 6.300– Streets

#### 6.301.01 – 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.

*SW 2<sup>nd</sup> Street:* As shown in figure 8-1 of the Transportation System Plan, (TSP), this street is classified as a local street. Local Street requirements can be seen in 8-5a of the TSP. Currently 2<sup>nd</sup> Street is fully improved with the exception of the driveway and sidewalks for the subject site. These were removed as a result of the remodeling currently under way. Additionally the applicant's submittal includes a landscaping diagram that appears to eliminate the front driveway access.

New curb in the area of driveway removal as well as sidewalk replacement, each to current City standards, is needed with this land use action.

*Alley, (behind site):* This alley is currently unimproved with a gravel surface. The applicant should restore the alley to like or better condition upon completion of the remodel and prior to final occupancy of the building. As the applicant proposes on-site parking accessed via the alley, please note the storm section above where staff recommends a catch basin for the on-site parking area.

**FINDING:** As discussed above, the applicant will need to replace the curb and sidewalk in front of the property along SW 2<sup>nd</sup> Street and repair the alley to like or better condition upon completion of the remodel currently under way. This standard has not been met but could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit public improvement plans to the Engineering Department that show replacement of the curb and sidewalk in front of the property along SW 2<sup>nd</sup> Street and repair the alley to like or better condition prior to issuance of a certificate of occupancy.

**6.307 – Highway 99W Capacity Allocation Program**

**All regulated activities shall acquire a Trip Allocation Certificate prior to approval of their base application. Lack of a Trip Allocation Certificate shall be the basis for denial of a base application.**

Because this proposal is located within the Old Town Overlay, Section 5.102.04.E of the Code exempts it from compliance with the Highway 99W CAP.

**FINDING:** This standard is not applicable because of the location of the property in Old Town.

**6.400 - Sanitary Sewers**

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services and State sewage disposal standards.**

The applicant's narrative does not propose any changes to the existing sanitary service. Currently the site is served via a lateral to a public main line located in the alley behind the existing home. Workers remodeling the existing home recently connected a new sanitary lateral to the existing lateral stub-out on the private side of the property.

This approach is acceptable to the City of Sherwood's Engineering Department, providing specifications and requirements set forth in the Clean Water Services Design and Construction Standards continue to be met.

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

**6.500 - 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 6.500.**

The City contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The applicant does not propose any change to the water system. The City is not aware of any existing problems related to the water system, but notes that TVWD will have the final say on any necessary improvements to this system.

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

**6.600 - 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.

There are typically two main storm water components under CWS Design and Construction Standards. One component is treatment and the other is discharge. Treatment is required to remove contaminants from the water prior to discharge into the local storm system.

The applicant's narrative does not propose any changes to the storm system. Workers currently remodeling the home recently connected a new storm lateral to an existing lateral stub-out servicing the property from a main line located in the alley behind the home. Unfortunately the City does not have a storm main line located in this alley. It is suspected the workers connected the storm lines to a lateral for the existing sanitary main line. The workers have been instructed by the Plumbing Inspector to check this theory via a dye test and correct the situation.

An alternate and acceptable method of storm water discharge is to provide a new storm lateral from the existing mainline located within Second Street. Staff recommends installation of a new storm lateral to the existing main as a condition of this land use action. Additionally staff recommends the Applicant's storm system include a catch basin for any parking areas and that such basin also drain to the new storm lateral.

To address the issue of storm water treatment for projects not large enough to create a water quality facility, CWS standards allow a fee-in-lieu of payment. The fee is \$500 per each 2,460 square feet of impervious area.

**FINDING:** As discussed above, the current storm water discharge is not adequate it meet CWS and City standards. In addition, no treatment is proposed with this development. This standard has not been met but could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit public improvement plans to the Engineering Department that include a storm lateral connecting the site (including storm drainage in the parking area) to the main line in SW 2<sup>nd</sup> Avenue, or some other configuration meeting CWS and City standards.

**RECOMMENDED CONDITION:** Submit the fee-in-lieu of \$500 per each 2,460 square feet (or portion thereof) of impervious area to the Engineering Department as part of the public improvements submittal.

**6.700- 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.

This structure is existing and, therefore, no land is being developed. However, the requirements of Tualatin Valley Fire and Rescue shall apply throughout the life of the development.

**FINDING:** This standard has been met.

**6.800 -Public and Private Utilities**

**6.802 Standard**

**A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**

**B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**

**C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**

**D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**

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

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

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

An eight-foot wide public utility easement is required adjacent to the right-of-way of all street frontage.

The applicant may be required to install infrastructure for Sherwood Broadband as noted in City Ordinances 2005-17 and 2005-74. Sherwood Broadband did not provide comments on this land use application, but this does not preclude the possibility that this will be required.

**FINDING:** Because the proposed plans do not show an eight (8) foot public utility easement along the SW 2<sup>nd</sup> Street frontage and do not address installation of infrastructure for Sherwood Broadband, this standard has not been met. This standard could be met as conditioned below.

**RECOMMENDED CONDITION:** Submit public improvement plans that show an eight (8) foot public utility easement along the SW 2<sup>nd</sup> Street frontage.

**RECOMMENDED CONDITION:** Submit public improvement plans that show installation of infrastructure for Sherwood Broadband or provide verification from Sherwood Broadband that this will not be required.

**RECOMMENDED CONDITION:** Submit documentation that the eight (8) foot public utility easement has been granted along the frontage of SW 2<sup>nd</sup> Street (this should be done through a document recorded at Washington County).

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

While all existing and proposed utilities shall be placed underground, in this case overhead wires exist along the frontage of 2<sup>nd</sup> Street and along the back alley. Altering these utilities would create a short fifty foot section of underground utilities while the remaining neighborhood utilities remain overhead. While under-grounding utilities is typically encouraged, it's likely the cost of under-grounding these services would be disproportional to the cost of the applicant's overall improvements. Given this situation and to encourage neighborhood continuity staff is not opposed to waiving this requirement.

Any new utilities to the site must be placed underground.

**FINDING:** Although there are existing overhead utilities, staff does not find that it would be proportional to the change of use to require undergrounding of these lines. Staff finds this standard to be met.

#### **D. Chapter 8 - Environmental Resources**

The applicant has received a CWS service provider letter indicating no floodplain or wetland are located on the site, therefore the standards regulating floodplain and wetlands is not applicable to this project. The following sections in Chapter 8 are deemed applicable to this proposed development: 8.304 (Parks and Open Spaces). Compliance with the applicable standards is discussed below.

#### **8.304 – Parks and Open Spaces**

##### **8.304.04 Visual Corridors**

This project is not adjacent to a road requiring a visual corridor.

**FINDING:** This standard is not applicable to this development.

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

Trees are required to be planted by the land use applicant 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.

The frontage is 50 feet, which requires two (2) street trees to be installed. The applicant's landscaping plan indicates several trees proposed for the front yard. However, without a more detailed plan, staff cannot verify if these trees are a minimum of two (2) inches DBH and a minimum height of six (6) feet.

**FINDING:** This standard has not been met but can be conditioned to be met. If the applicant complies with the condition below, this standard will be met.

**RECOMMENDED CONDITION:** Submit a final site plan showing at least two trees in the front yard that are a minimum of two (2) inches DBH and a minimum height of six (6) feet.

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

All site developments subject to Section 5.202 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.

The applicant has removed two trees within the past 12 months. The submitted arborist's report lists the two trees removed as a 6" DBH cherry tree and a multi-stemmed, 4-7" DBH vine maple. The arborist's report further lists the cherry as "completely dead" and the vine maple as "diseased and in a bad state of decline". Because these were not viable, mitigation should not be required. No additional tree removal is proposed as part of this development application.

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

**9.202.03.G Permitted Uses**

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

**FINDING:** This standard is discussed and conditioned above under Section 2.103.02-MDRL zoning. This standard has been met.

**9.202.07.A Community Design-Generally**

In reviewing site plans, as required by Section 5.100, the City shall utilize the design standards of Section 9.202.08 for the "Old Cannery Area" and the "Smockville Design Standards" for all proposals in that portion of the Old Town District.

**FINDING:** This standard is met as the standards of Section 9.202.09 "Old Town Smockville Design Standards" are applied further in this report.

**9.202.07.C Community Design- Off-Street Parking**

For all property and uses within the "Smockville Area" of the Old Town Overlay District off-street parking is not required. For all property and uses within the "Old Cannery Area" of the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 5.302.02. Shared or joint use parking agreements may be approved, subject to the standards of Section 5.301.03



**FINDING:** As discussed previously in this report, the applicant is proposing parking but has not submitted a parking plan. Because no parking is required in the Smockville Area of Old Town, even without the parking submittal, this standard has been met.

**9.202.07.D Community Design- Off-Street Loading**

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

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

**9.202.07.G Community Design- Downtown Street Standards**

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

**FINDING:** As discussed above under Chapter 6- Public Improvements, SW 2<sup>nd</sup> Street is built to public standards with the exception of a sidewalk needed. In addition, the alley must be returned to like or better condition when construction is complete. These items have been previously conditioned in this report. This standard has been met.

**9.202.07.H Community Design-Color**

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

The submitted plans for the exterior remodeled elevation do not include color and, therefore, staff cannot verify that the exterior materials are earth tone. However, the applicant is showing brick and stone, which are typically earth tone. The remaining portion of the façade is siding without a color indicated.

**FINDING:** This standard has not been met because the applicant has not submitted a color palette with the land use application. This standard could be met if the applicant submits a color palette showing the exterior materials of the building in earth tone, as conditioned below.

**RECOMMENDED CONDITION:** Submit a color palette showing the exterior materials of the building in earth tone.

**9.202.09.C Old Town Smockville Design Standards- Remodeling of Existing Residential and Commercial Structures**

**Remodeling Standard 1: Original Elements**

Elements that are original to a vintage, traditional or historic structure (defined in this standard as primary, secondary, or any structure 50 years or older that is eligible for landmark designation and professionally surveyed) are an important characteristic. These elements enhance appeal and retain the overall historic fabric of a neighborhood. In most cases, buildings with these original parts can and should be restored, first by restoring the original and, if that is not possible, replacing only those parts that are missing or badly damaged with in-kind material. With few exceptions, total replacements are unnecessary unless the

original materials were not historically compatible or traditional at the time of construction. The Secretary of the Interior's Standards for Rehabilitation should be consulted in situations not covered by these standards. Where alterations to an exterior structure are proposed, they shall conform to the following:

**Doors:** The original door and opening shall be retained, unless beyond local repair. If a new door must be used the style should match the original whenever possible.

**Windows:** Original windows shall be retained and, if necessary, restored to working condition. If desired, they can be insulated using the energy conservation methods listed below. Original glass should be retained whenever possible. If all of the above is not possible, then the frame shall be retained and a true retrofit sash replacement shall be installed that matches the glass pattern of the original window.

**Chimneys:** Chimneys made of brick or stone shall be retained, and repaired using proper masonry techniques and compatible mortar that will not chemically react with the original masonry and cause further deterioration. If the chimney is no longer in use, the opening should be covered with a metal or concrete cap. If the chimney is to be used, but has been determined to be unsound, the chimney masonry should be retained, as above, and a new flue inserted into the opening.

**Skylights:** Skylights should be placed on the side of the structure not visible from the public right of way, and should be of a low profile type design.

**Gutters:** Original gutters should be retained, if possible. Half round gutters and round downspouts are highly desirable, and can be obtained from local manufacturers.

**Architectural Elements:** Window trim, corner board trim, sills, eave decorations, eave vents, porch posts, and other types of original architectural trim should be retained. If parts are missing, they should be replicated using the same dimensions and materials as the original. If only a portion is damaged, the portion itself should be repaired or replaced, rather than replacing the whole element.

**Siding:** Original siding should be maintained; first repairing damaged sections then, if that is not possible, replacing damaged or missing sections with in-kind matching material. In some cases, original siding may have been overlaid during a later historic period with combed cedar siding, which is a historically appropriate material that may be retained if desired.

**Weatherization & Energy Conservation:** Modern energy conservation results can be obtained, by using traditional conservation methods. Attics and floors should be insulated to conserve heat loss in the winter and insulate against the heat in the summer. Windows and doors should be caulked around the inside trim, and copper leaf spring type weather stripping or similar installed to seal leaks. Storm windows (exterior or interior mounted) should be put up during the winter months to create insulation. Windows can be further insulated in winter using insulated-type curtains or honeycomb blinds; in summer, curtains or blinds reflect heat. Using deciduous trees and plants for additional sun protection.

This structure is not a vintage, traditional or historic structure (defined in this standard as primary, secondary, or any structure 50 years or older that is eligible for landmark designation and professionally surveyed). This structure, built in 1955, contained no elements that enhanced the appeal or maintained the historic character of the neighborhood to the extent of being identified on the Historic Resource Inventory (December 1989). The applicant acquired the property after it had been unoccupied for some time and had fallen into disrepair. No skylights are proposed for the elevation facing SW 2<sup>nd</sup> Street. The applicant will be adding architectural elements, such as window borders, to enhance character. The applicant is also proposing brick and stone façade, in addition to siding, to closer match historic structures in Old Town.

**FINDING:** Because this structure is not vintage, traditional or historic, and the applicant is working to improve and enhance the building and façade, this standard has been met.

**9.202.09.D Remodeling Standard 2: Front Facing Presentation**

**Skylights:** Skylights shall be placed on the side of the structure not visible from the public right-of-way, and shall be of a low profile design.

**Roof vents:** Roof vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material. Where possible, a continuous ridge vent is preferred over roof jacks for venting purposes. In the case of using a continuous ridge vent with a vintage structure, care should be taken in creating inconspicuous air returns in the eave of the building.

**Plumbing vents:** Vents should, wherever possible, be placed on the side of the structure least visible from the public right of way, and painted to blend with the color of the roofing material.

**FINDING:** The submitted exterior remodeled elevation showing the SW 2<sup>nd</sup> Street façade shows no skylights, roof vents or plumbing vents. This standard has been met.

**9.401.02.C Effect of Landmark Designation**

Notwithstanding its listing and rating in, or omission from, a historic resources inventory, or its designation or rejection as a landmark, any structure, building, place, landscape, site, or area within a special historic resource zone may be subject to the standards of that zone. Any structure, building, place, site, or area within a designated historic district shall be subject to Section 9.500 where so required by this Code, and may be subject to the standards of that district.

**FINDING:** This structure is not a landmark in and of itself, but is subject to the landmark standards based on its location within Old Town, a special historic district. This standard has been met as the landmark alteration standards are discussed below.

**9.501.03.B Landmark Alteration- Exceptions**

Normal maintenance and repair of historic resources are not subject to landmark alteration review, except as specified in Section 9.501.03A. Normal maintenance and repair activities generally exempted from Section 9.501.01 shall include, but are not limited to:

1. Repairing or providing a new foundation that does not result in raising or lowering the building elevation provided, however, that the City must find that foundation materials and craftsmanship do not contribute to the historical and architectural significance of the landmark.
2. Installation of storm windows and doors, insulation, caulking, weather-stripping and other energy efficient improvements which complement or match the existing color, detail and proportions of the landmark.
3. Painting, sandblasting, chemical treatments, and related exterior surface preparation, except for surface preparations that result in the landmark becoming further removed from its original historic appearance, where the landmark would not have been originally painted, or where the preparation could damage exterior surfaces.
4. Repair or replacement of electrical, plumbing, mechanical systems, sewer, water and other utility systems, and equipment which does not alter a designated landmark's exterior appearance.
5. Repair or replacement of building and site features when work is done in kind to closely match existing materials and form. Such features include fencing, roofing, vents, porches, cornices, siding, doors, balustrades, stairs, trim, windows, driveways, parking areas, retaining walls, signs, awnings, gutters and roof drain systems, hand rails and guardrails.
6. Necessary structural repairs, as determined by the City Building Official that do not significantly alter or destroy the landmark's historic appearance.
7. Masonry repair or cleaning, including repointing and rebuilding chimneys, if mortar is matched to original composition, and powerwashing if done at no more than 600 psi with mild detergent.
8. Any other exterior repair, replacement or maintenance that, in the City's determination, does not result in the landmark becoming further removed from its original historic appearance.

As discussed above, this structure is subject to the landmark alteration standards only in that it is located in Old Town. The structure contains no vintage, traditional or historic elements and the applicant is proposing to add architectural elements, siding and landscaping to more closely resemble the historic character of Old Town. None of the repairs or replacements that have been done or are proposed would reduce the character of this property.

**FINDING:** Based on the discussion above, the changes proposed to this structure are exempted from the landmark alteration standards and this standard has been met.

## **VI. RECOMMENDATION**

Based on a review of the applicable code provisions, agency comments and staff review, staff finds that the proposal does not fully comply with the applicable review criteria. However, the applicable criteria can be satisfied if specific conditions are met. Therefore, staff **RECOMMENDS APPROVAL with conditions** of SP 07-02 (Bridges Old Town Change of Use). Required conditions are as follows:

## VII. RECOMMENDED CONDITIONS OF APPROVAL

### A. General Conditions:

The following applies throughout the development and occupancy of the site:

1. Compliance with the Condition of Approval is the responsibility of the developer.
2. This land use approval shall be limited to the submitted preliminary plans prepared by Shane Bridges and included as Exhibit A with this report, except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer is responsible for all costs associated with 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. Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood and other applicable agency codes and standards except as modified below:

### B. Prior to Issuance of Any Building Permits (excepting the interior remodel permit already issued):

1. Submit and receive approval of a final site plan that shows:
  - a minimum of 10% of the parking area will be landscaped
  - the parking area in the rear of the property is separated from abutting properties by a minimum 10-foot landscaped strip
  - the parking area in the rear of the property with at least 50% of the required parking area landscaping in the interior of the parking lot
  - the parking area in the rear of the property and the height of proposed landscaping where the parking area meets the public alley
  - the proposed parking area including parking stalls meeting the minimum standards of Section 5.302.03.A
  - the proposed parking area including space configuration, stall and access aisle size of sufficient width for all vehicle turning and maneuvering
  - the parking area in the rear of the property. If a driveway is proposed, it must meet the standards of Section 5.403.01.A
  - the parking area in the rear of the site connected to the building by a private pathway or sidewalk

- wheel stops for all parking spaces along the boundary of the parking lot or adjacent to interior landscaped areas or sidewalks
  - parking for two (2) bicycles either within the building or outside of the building and covered
  - the width of the pathways in the front and rear of the property (6-foot minimum). Also, show that the surface materials will be concrete, asphalt, brick/masonry pavers, or other durable surface and meeting ADA standards
  - details of the enclosure for the solid waste container. Provide verification that the container enclosure location and design are acceptable to Pride Disposal
  - at least two (2) trees in the front yard that are a minimum of two (2) inches DBH and a minimum height of six (6) feet
2. Submit verification to the Planning Department from a landscape architect that the landscaping proposed is either native or most appropriate for the site given soils, topography, etc.
  3. Submit a color palette to the Planning Department showing the exterior materials of the building are earth tone.
  4. Submit public improvement plans to the Engineering Department that show:
    - the storm drainage from the parking area connecting into the public storm system
    - replacement of the curb and sidewalk in front of the property along SW 2<sup>nd</sup> Street
    - repair the alley to like or better condition prior to issuance of a certificate of occupancy
    - a storm lateral connecting the site (including storm drainage in the parking area) to the main line in SW 2<sup>nd</sup> Avenue, or some other configuration meeting CWS and City standards
    - an eight (8) foot public utility easement along the SW 2<sup>nd</sup> Street frontage
    - installation of infrastructure for Sherwood Broadband or provide verification from Sherwood Broadband that this will not be required
    - all new utilities placed underground
  5. Submit the fee-in-lieu of \$500 per each 2,460 square feet (or portion thereof) of impervious area to the Engineering Department as part of the public improvements submittal.
  6. Submit storm water drainage plans to the Building Department for review and approval.
- C. Prior to Issuance of Any Certificate of Occupancy for the site:

1. The final site plan must be reviewed and approved by the Planning Department.
2. The public improvement plans must be reviewed and approved by the Engineering Department **and** the improvements complete and approved by the Engineering Department.
3. Submit a letter for the planning record stating that the coffee bar is for the use of the employees and clients of the business only and no signage identifying the coffee bar or other advertisement of food or beverage service will be placed on the exterior of the site or anywhere else.
4. Submit documentation that the eight (8) foot public utility easement has been granted along the frontage of SW 2<sup>nd</sup> Street (this should be done through a document recorded at Washington County).
5. All agreements required as conditions of this approval must be signed and recorded.
6. All site improvements including but not limited to landscaping and parking, shall be installed per the approved final site plan and inspected and approved by the Planning Department.

D. 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.

VIII. EXHIBITS

- A. Applicant's submittal materials
- B. Sherwood Engineering Department comments dated April 12, 2007

End of Report



## Exhibit A

See Applicant's Submitted Materials

# Engineering Land Use Application Comments

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To: Heather Austin, Senior Planner

From: Lee Harrington, Engineering Department

Project: 15922 SW 2<sup>nd</sup> Street, Old Town Change in Use,  
SP 07-02, Bridges Financial and Realty Group, Inc

Date: April 12, 2007

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I reviewed the information provided for the above-cited project and have the following comments. Generally, the project will need to meet the engineering and design standards of the City of Sherwood and Clean Water Services (CWS). Additional requirements are outlined below.

## Sanitary Sewer

The Applicant's narrative does not propose any changes to the existing sanitary service. Currently the site is served via a lateral to a public main line located in the alley behind the existing home. Workers remodeling the existing home recently connected a new sanitary lateral to the existing lateral stub-out on the private side of the property.

This approach is acceptable to the City of Sherwood's Engineering Department, providing specifications and requirements set forth in the Clean Water Services Design and Construction Standards continue to be met.

## Water

The City contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The applicant does not propose any change to the water system. The City is not aware of any existing problems related to the water system, but notes that TVWD will have the final say on any necessary improvements to this system.

## Storm Sewer

There are typically two main storm water components under CWS Design and Construction Standards. One component is treatment and the other is discharge. Treatment is required to remove contaminants from the water prior to discharge into the local storm system.

The Applicant's narrative does not propose any changes to the storm system. Workers currently remodeling the home recently connected a new storm lateral to an existing lateral stub-out servicing the property from a main line located in the alley behind the

home. Unfortunately the City does not have a storm main line located in this alley. It is suspected the workers connected the storm lines to a lateral for the existing sanitary main line. The workers have been instructed by the Plumbing Inspector to check this theory via a dye test and correct the situation.

An alternate and acceptable method of storm water discharge is to provide a new storm lateral from the existing mainline located within Second Street. Staff recommends installation of a new storm lateral to the existing main as a condition of this land use action. Additionally staff recommends the Applicant's storm system include a catch basin for any parking areas and that such basin also drain to the new storm lateral.

To address the issue of storm water treatment for projects not large enough to create a water quality facility, CWS standards allow a fee-in-lieu of payment. The fee is \$500 per each 2460 square feet of impervious area.

#### Transportation

*SW 2<sup>nd</sup> Street:* As shown in figure 8-1 of the Transportation System Plan, (TSP), this street is classified as a local street. Local Street requirements can be seen in 8-5a of the TSP. Currently 2<sup>nd</sup> Street is fully improved with the exception of the driveway and sidewalks for the subject site. These were removed as a result of the remodeling currently under way. Additionally the Applicant's submittal includes a landscaping diagram that appears to eliminate the front driveway access.

New curb in the area of driveway removal as well as sidewalk replacement, each to current City standards, is recommended as a condition of this land use action.

*Alley, (behind site):* This alley is currently unimproved with a gravel surface. Staff recommends as a condition of this land use action the Applicant restore the alley to like or better condition upon completion of the remodel and prior to final occupancy of the building. As the Applicant proposes on-site parking accessed via the alley, please note the storm section above where Staff recommends a catch basin for the on-site parking area.

#### 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.

City policy requires that prior to grading, a permit is obtained from the Building Department for all grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

Project: Bridges, SP 07-02  
Date: April 12, 2007  
Page: 3 of 3

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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 frontage.

All existing and proposed utilities shall be placed underground. In this case overhead wires exist along the frontage of 2<sup>nd</sup> Street and along the back alley. Altering these utilities would create a short fifty foot section of underground utilities while the remaining neighborhood utilities remain overhead. While under-grounding utilities is typically encouraged, it's likely the cost of under-grounding these services would be disproportional to the cost of the Applicant's overall improvements. Given this situation and to encourage neighborhood continuity the engineering department is not opposed to waiving this requirement.

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.

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**April 24, 2007**

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**Commission Members Present:**

Chair – Patrick Allen  
Adrian Emery  
Dan Balza  
Todd Skelton

**Staff:**

Julia Hajduk, Planning Manager  
Heather Austin, Sr. Planner  
Cynthia Butler, Admin. Assistant III

**Commission Members Absent:**

Matt Nolan

1. **Call to Order/Roll Call** – Cynthia Butler called roll. Matt Nolan was absent. Chair Allen recapped that Jean Lafayette’s reappointment to the Planning Commission originally scheduled for the April 17<sup>th</sup> City Council session had been postponed to the May 1<sup>st</sup> Council session, upon which Commissioner Lafayette will return.

2. **Agenda Review** - There were no changes to the agenda.

3. **Consent Agenda** – Minutes from February 13, 2007 were approved by vote:  
Yes – 4 No – 0 Abstain – 0

4. **Announcements** – Julia Hajduk provided an update on the Brookman Road Concept Plan and said that the steering committee is being formed and the 1<sup>st</sup> meeting will be held at City Hall on Wednesday, May 2<sup>nd</sup> from 5-7:30 PM. Public is welcome to attend. The Parks Master Plan appeal record has been filed with LUBA awaiting response. Washington County has received a Measure 37 claim for the property outside the city limits at Roy Rogers Rd. and Scholls-Sherwood Rd., proposing to build 720 residential units. Julia said the City will go on record to Washington County that the City of Sherwood will not provide services to this area. Julia concluded that interviews were conducted last week for a new Associate Planner and there should be more definitive information available on this at the next Commission session.

5. **Community Comments** – Chair Allen asked if there were any Community Comments. There were none.

6. **New Business:**

**A. Cedar Brook Dental Office Appeal** – Chair Allen opened the public hearing and stated that the applicant has requested to postpone the hearing for 2 weeks to the May 8<sup>th</sup> session, pending further review of information and possible withdrawal of the appeal. The applicant also waived the 120 day deadline from April 30<sup>th</sup> to May 14<sup>th</sup>.

Chair Allen closed the public hearing at 7:12 PM.

**B. Planning Commission vacancy update & Vice Chair nominations:** Chair Allen asked Julia for an update on the Planning Commission vacancy. Julia said that the vacancy notice was posted to the web site today and that applications received will be reviewed and brought forward to the Commission. Chair Allen suggested that the Commission hold off

nominations for Vice Chair until more commissioners are present, and possibly until the vacancy is also filled. Commissioners agreed.

**C. Bridges Old Town Change of Use (SP 07-02)** – Commissioner Balza read the Public Hearings Disclosure Statement. Chair Allen asked commissioners if there was any *exparté* contact, bias or conflict of interest to declare. Dan Balza acknowledged *exparté* contact by driving to the applicant property to view the site. No other declarations were made. Chair Allen opened the public hearing at 7:16 PM and asked staff to provide opening comments.

Heather Austin stated that the applicant is proposing a change of use from residential to commercial as allowed in the Old Town Overlay in Chapter 9 of the Zoning Code. Heather said that staff recommends approval of the application based on met criteria, with conditions: the applicant needs to provide landscaping & parking site plans and a color palette, which the applicant has stated they will provide. Heather added that any parking for bicycles will also need to be provided. The Old Town Overlay does not require parking, however if an applicant is going to provide parking a parking site plan, including ADA access is required. Improvement made thus far to the site by the applicant have not required a permit. Heather concluded that the application is consistent with standard requirements in Chapter 9 of the Zoning Code regarding the Old Town Overlay, and that the change of use allowed in this zone is designed to encourage retail use within Old Town.

Shane Bridges – Applicant; 22386 SW 106<sup>th</sup> Ave., Tualatin OR 97062 – Shane stated that site plans for landscaping and parking, along with the required color palette will be provided.

Adrian Emery asked if the applicant had any information on the landscaping, parking or color palette with him. Shane said he did not.

Shane responded to a condition of approval #B-4 in the staff report regarding the submission of public improvement plans to Engineering regarding the storm water connection, and said that he has contacted the Engineering Department for clarification on the location of the storm water connection so that they can comply.

Patrick Allen asked Heather if the language in the staff report provides flexibility if the storm water main line connection is not located precisely on 2<sup>nd</sup> Ave. Heather referred to the condition of approval #B-4 that does state, "...to the main line in SW 2<sup>nd</sup> Avenue *or* some other configuration meeting CWS and City standards." Patrick confirmed.

Chair Allen asked if there was any further proponent testimony for the applicant. There was none. Chair Allen asked if there was any opponent testimony:

William Plantz – 15921 SW 2<sup>nd</sup> St., Sherwood OR 97140 – Mr. Plantz resides across the street from the applicant's site, and asked for clarification how the applicant could have made changes to the site prior to approval by the Planning Commission. Heather Austin reiterated that the changes made to date by the applicant have not required a permit. Chair Allen confirmed that Mr. Plantz could also make the kinds of changes without a permit that Mr. Bridges has already made. Mr. Plantz was not aware that this was the case. Mr. Plantz discussed parking and said that no parking signage on one side of the street is violated by vendors that work at the applicant's project site. Mr. Plantz expressed concern that he is also no longer able to park in front of his house due to others constantly parking in this location. Chair Allen said that parking



rules have not changed and that parking is not to occur in designated no-parking areas. Julia Hajduk reiterated that Mr. Plantz can contact the City's Code Compliance Officer to report illegal parking. Heather added that Mr. Plantz could also contact City Hall, who would contact the Code Compliance Officer for him. Mr. Plantz also expressed concern that the alley way is littered with debris and excess furniture from Nottingham's, a business located on 2<sup>nd</sup>. & Pine St. and concluded that employees could park in other areas near their businesses, without parking in front of his home. Patrick Allen stated that unfortunately anyone can park on public streets.

Chair Allen asked if there were any further public comments. There were none. Chair Allen closed the public hearing at 7:25 PM.

Adrian Emery moved to approve Bridges Old Town Change of Use (SP 07-02), based on staff report findings of fact, public testimony, staff recommendations, agency comments, applicant comments and conditions.

Todd Skelton seconded.

Chair Allen asked if there was any further discussion on the motion. There was none. Vote was taken:

Yes – 4 No – 0 Abstain – 0

Motion carried.

**7. Comments by Commission** – Todd Skelton said he would not be present at the next session. Chair Allen asked if there were any other comments by the Commission. There were none.

Julia Hajduk confirmed with Todd Skelton that he was on the Brookman Road Concept Plan steering committee as liaison for the Planning Commission, and that the 1<sup>st</sup> steering committee meeting is on May 2<sup>nd</sup> from 5-7:30. Todd confirmed.

**8. Next Meeting:** May 8, 2007 – Cedar Brook Dental Office Appeal. Chair Allen asked staff if there were any other agenda items for May 8<sup>th</sup> if the applicant for the appeal withdraws. Julia stated that there were none presently, and that the May 8<sup>th</sup> session could be cancelled if the appeal is withdrawn, unless the Commission has other agenda items. Chair Allen confirmed that there were no other agenda items at this time, and asked for confirmation from commissioners for their attendance at the May 22<sup>nd</sup> regular session. All commissioners present confirmed they planned on being present on May 22<sup>nd</sup>.

**9. Adjournment** – Chair Allen adjourned the session at 7:25 PM.

End of Minutes.