



## ORDINANCE 2010-004

**AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS SHERWOOD CANNERY SQUARE INCLUDING APPLICATION OF A PLANNED UNIT DEVELOPMENT OVERLAY ON THE COMPREHENSIVE PLAN AND ZONE MAP, APPROVING THE 10 LOT SUBDIVISION, APPROVING A TRANSPORTATION SYSTEM PLAN AMENDMENT TO CHANGE THE FUNCTIONAL CLASSIFICATION OF COLUMBIA FROM A COLLECTOR TO A LOCAL STREET, AND ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, The applicant, Capstone Partners, requested Planned Unit Development, Subdivision and Plan Amendment approval with the ultimate goal of developing a mixed use development in the Old Cannery Area of Old Town; and

**WHEREAS**, the subdivision would dedicate right of way and 3 tracts (a plaza area, vegetated corridor and water quality facility/sidewalk) and would create 10 lots; and

**WHEREAS**, the Plan Amendment would amend the Transportation System Plan (TSP) to change the functional classification of Columbia Street from a Collector to a Local Street; and

**WHEREAS**, the Planned Unit Development approval would allow the applicant to focus the density in the eastern portion of the property, allow some flexibility in standards, ensure a unified development to occur over time and modify the street design to allow for low impact development storm treatment as well as extend the visual effect of Pine on the north side of the rail road tracks; and

**WHEREAS**, the decision is a quasi-judicial land use decision subject to the following criteria: Zoning and Community Development Code Sections 16.20 (HDR), 16.28 (RC), 16.40 (PUD), 16.80 (Plan Amendments), 16.92 (landscaping) 16.94 (off-street parking), 16.96 (on-site circulation), Division VI (public improvements), 16.122 (Subdivision preliminary plat), 16.126 (subdivision design standards), 16.142 (Parks and Open Space), 16.144 (Wetland, habitat and natural areas), 16.154 (Heat and glare), 16.162 (Old Town Overlay), the Regional Transportation Plan and Statewide Land Use Planning Goal 12; and

**WHEREAS**, the Planning Commission held two public hearings (November 10, 2009 and December 12, 2009) to take testimony and consider the proposed planned unit development, subdivision and plan amendment and made a recommendation of approval with conditions; and

**WHEREAS**, the City Council held a public hearing on February 2, 2010 to take public testimony and on February 16, 2010 for applicant rebuttal and deliberation; and

**WHEREAS**, the Sherwood City Council has received the proposal materials, the Planning Commission recommendation including all exhibits entered into the record (PUD 09-01/PA 09-05/SUB 09-02), and after considering the applicable criteria, the Planning Commission recommendation, applicant testimony, public testimony and all documents in the land use record, the City Council determined that the PUD as conditioned meets the applicable criteria.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

Section 1. Commission Review & Public Hearings. The application for a planned unit development and subdivision of five parcels specifically identified as Tax Map 2S132BD Tax Lot 150, 151, 200, 800 & 900 and the TSP amendment to change the functional classification of Columbia Street from a collector to a local street (PUD 09-01/PA 09-05/SUB 09-02) was subject to full and proper review and public hearings were held before the Planning Commission on November 10 and December 12, 2009 and the City Council on February 2, 2010.

Section 2. Findings. After full and due consideration of the proposal, the Planning Commission recommendation, applicant testimony, public testimony, applicant rebuttal and all documents included in the land use record, the City Council finds that the proposed PUD as conditioned meets the applicable criteria including all local, regional and state requirements. The findings of fact and evidence relied upon by the City are attached to this Ordinance as Exhibit 1. The full and complete record, including Exhibits A-HH is attached by reference.

Section 3. Approval.

- A. The transportation system plan is amended to include the Technical Memorandum listed as Exhibit N in the public record and attached to this Ordinance as Exhibit 2.
- B. The Planned Unit Development and subdivision is approved as described and conditioned in the Notice of Decision-Findings attached as Exhibit 1.
- C. The Plan and Zone Map shall be updated to reflect the approved PUD overlay applied to the parcels identified as Tax Map 2S132BD Tax Lot 150, 151, 200, 800 & 900

Section 4. Manager Authorized. The Planning Supervisor is hereby directed to take such action as may be necessary to document and implement this ordinance.

Section 5. Effective Date. This ordinance shall become effective the 30<sup>th</sup> day after its final adoption by the City Council and signature of the Mayor. Duly approved by the City Council and signed by the Mayor this 2<sup>nd</sup> day of March 2010.

  
Keith S. Mays, Mayor

Attest:

  
Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Folsom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Weislogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heironimus	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## CITY OF SHERWOOD

### City Council Decision - Findings

Date: March 2, 2010

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

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

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

Section I - Application information	Pg. 1
Section II - Public Comments	Pg. 4
Section III - Agency Comments	Pg. 4
Section IV - Plan Amendment	Pg. 5
Section V - Planning Unit Development	Pg. 7
Section VI - Old Town Overlay	Pg. 13
Section VII - Subdivision Preliminary Plat Required Findings	Pg. 15
Section VIII - Applicable additional Code Provisions	Pg. 18
Section IX - Decision	Pg.35
Section X. Conditions	Pg.35
Section XI - Exhibits	Pg.40

### I. APPLICATION INFORMATION

Applicant	Capstone Partners LLC 1015 NW 11 <sup>th</sup> Avenue, Suite 243 Portland, OR 97209 Jeff Sackett - Contact	Applicant's Reps:	Harper Houf Peterson Righellis Inc. 205 SE Spokane Street, Suite 200 Portland, OR 97202 (503) 221-1131
Owner:	City of Sherwood 22560 SW Pine Street Sherwood, OR 97140 Tom Nelson - Contact		Planner/Contact: Keith Jones, AICP <a href="mailto:keithj@hhpr.com">keithj@hhpr.com</a> Engineer: Ben Austin, P.E. <a href="mailto:ben@hhpr.com">ben@hhpr.com</a>

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

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

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

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

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

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

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

Review Criteria: Zoning and Community Development Code Sections 16.20 (HDR), 16.28 (RC), 16.40 (PUD), 16.80 (Plan Amendments), 16.92 (landscaping) 16.94 (off-street parking), 16.96 (on-site circulation), Division VI (public improvements), 16.122 (Subdivision preliminary plat), 16.126 (subdivision design standards), 16.142 (Parks and Open Space), 16.144 (Wetland, habitat and natural areas), 16.154 (Heat and glare), 16.162 ((Old

Town Overlay). For the Plan Amendment, the Regional Transportation Plan and Statewide Land Use Planning Goal 12 also apply.

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

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

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

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

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

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

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

## II. PUBLIC COMMENTS

Public comments were received by the Planning Commission orally as well as in writing. Exhibits H through Y are written comments received by the Commission. The City Council received the full Planning Commission record as well as additional oral and written testimony. Written testimony received by the Council includes Exhibit AA-HH.

## III. AGENCY/DEPARTMENTAL COMMENTS

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

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

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

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

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

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

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

#### IV. PLAN AMENDMENT

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

##### 1. Text Amendment

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

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

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

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

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

##### 2. Map Amendment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## V. - PLANNED UNIT DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

**FINDING:** As discussed above, with the inclusion of the conversion of the Machine Shop to a cultural arts/community center, the development will exceed the 15% public space requirement. The Commission and Council does not find the applicant has adequately demonstrated that the proposed development, in combination with the existing and proposed public spaces, meets the community needs without the Machine Shop building being utilized as a cultural arts facility/community center, therefore the following condition is recommended.

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

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

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

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

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

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

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

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

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

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

The proposed plaza area will be placed within a tract in the subdivision plat to be retained by the City of Sherwood. The hardscape plaza will be a low maintenance design comprised mostly of brick paving and will be developed and maintained by the City. Any plaza areas near buildings are conceptual at this stage but are proposed to be developed and maintained by developers of specific phases. The applicant wanted to leave some flexibility for developers at the final development plan stage so they did not include the "private" plaza areas in their open space calculations; however, as the buildings at the concept stage would be approved to a maximum of 4,000 square feet (South Building) and 3,750

square feet (West Building), it is safe to assume the remainder of the lot not covered with parking or building will be landscaped or hardscaped. Adequate maintenance will be reviewed and conditioned as needed at the final development plan stage. Details of plaza design will be presented at time of final development plan and site plan review.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Planning Commission determined that the applicant had not adequately evaluated the impacts of the residential development on the local street system and intersections. As a result, the applicant provided additional testimony at the City Council hearing. The power point presentation addressing the traffic impacts on Willamette is part of the record (Exhibit HH).

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

**CONDITION**

- a. Construct improvements to improve the operations of Pine Street/1st Street to meet City performance standards and mitigate queuing impacts at the Pine Street railroad crossing. This shall be accomplished by implementing a modified circulation for the downtown streets that includes:
  - i. Install a diverter for south-westbound on 1st Street at Ash Street or Oak Street to require vehicles travelling towards Pine Street to divert to 2nd Street.
  - ii. Remove one side of on-street parking Ash Street-2nd Street or Oak Street-2nd Street to provide two 12-foot travel lanes from the diverter to Pine Street. Convert to one-way traffic flow approaching Pine Street for this segment.
  - iii. Install an all-way stop at Pine Street/2nd Street. Stripe the south-westbound approach of 2nd Street to have a left turn lane and a shared through/right-turn lane.

- iv. Install traffic calming measures on 2nd Street southwest of Pine Street to manage the impact of the added traffic.
- b. Restrict landscaping, monuments, or other obstructions within sight distance triangles at the access points to maintain adequate sight distances.
- c. Provide an enhanced at-grade pedestrian crossing of Pine Street to facilitate multi-modal circulation through the project site (e.g., signing, striping, lighting, a raised crossing, or pavement texturing).
- d. Construct Columbia Street northeast of Pine Street to City Standards as modified and approved by the City Engineer and install a sign indicating that this roadway will be a through street in the future (connecting to Foundry Avenue).
- e. Because of the alignment configuration of Columbia Street southwest of Pine, the street shall be configured and signed as a one way street.
- f. Restrict parking on the southeast side of Columbia Street at a minimum within 50 feet of Pine Street (northeast of Pine Street).

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

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

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

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

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

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

This is not applicable in this development.

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

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

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

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

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

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

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

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

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

## VI. OLD TOWN OVERLAY

### 16.162 – Old Town Overlay District

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**16.162.070.H Community Design-Color**

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

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

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

**This section provides multiple standards regarding: Building placement on the street, reinforcement of the corner, residential buffer to adjacent lower density residential zones, main entrance requirements, off-street parking and loading area, exterior finish materials, roof**

**mounted equipment, ground floor windows, distinct ground floors, roof forms, based of building and height.**

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

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

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

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

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

## VII. PRELIMINARY PLAT – REQUIRED FINDINGS

### 16.122 Required Findings

No preliminary plat shall be approved unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 16.126 – Subdivision/Partition Design Standards

### 16.126 Design Standards- Blocks- Connectivity

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

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

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

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

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

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

### 16.126.020 Easements- Utilities

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

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

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

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

**16.126.030 Pedestrian and Bicycle Ways**

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

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

**16.126.040 - Lots**

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

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

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

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

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

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

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

While multiple double frontage lots are proposed, the Council has determined that this standard is intended to apply to single family residential lots and not commercial and multi-family lots which often have multiple access points for traffic flow and emergency access. In addition, the Council determined that the double-frontage lots are necessary to achieve the unique design and amenities of the PUD as described in Section V.3 above.

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

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

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

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

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

**B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.**

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

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

## VIII. APPLICABLE ADDITIONAL CODE PROVISIONS

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

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

#### **16.20.010 – High Density Residential**

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

#### **16.20.040 Dimensional Standards**

##### **a. Lot dimensions**

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

	<b>b. Two-Family &amp; Multi-Family:</b>	<b>60 feet</b>
<b>4.</b>	<b>Lot depth:</b>	<b>80 feet</b>

5. Townhome lots are subject to Chapter 16.44.

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

**b. Setbacks**

<b>1.</b>	<b>Front yard:</b>	<b>20 feet</b>
<b>2.</b>	<b>Side yard:</b>	
	<b>a. Single-Family Detached:</b>	<b>5 feet</b>
	<b>Corner Lot (street side):</b>	<b>15 feet</b>
	<b>b. Single-Family Attached (one side):</b>	<b>5 feet</b>
	<b>c. Two-Family:</b>	<b>5 feet</b>
	<b>Corner Lot (street side):</b>	<b>15 feet</b>
	<b>d. Multi-Family, for portions of elevations that are:</b>	
	<b>18 feet or less in height:</b>	<b>5 feet</b>
	<b>18-24 feet in height:</b>	<b>7 feet</b>
	<b>Greater than 24 feet in height: (See setback requirements in Section 16.68.030B)</b>	
	<b>Corner Lot (street side)</b>	<b>30 feet</b>
<b>3.</b>	<b>Rear yard:</b>	<b>20 feet</b>

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

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

## 16.28 – Retail Commercial (RC) Zoning District

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

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

### Dimensional Standards (16.28.050)

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

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

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

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

### B. Community Design –

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

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

16.94 – Off-street parking and loading – The applicant has indicated that they can provide the required parking consistent with the Cannery standards at 65%. They have requested a modification to the amount of parking spaces that may be compact (50% versus 25%), however they are only requesting reduced length of stall not width. Detailed review will be required at time of detailed final development plan review to ensure compliance with all off-street parking and loading standard including bicycle parking, proper marking of spaces, wheel stops, etc. At the conceptual level, however, the applicant has demonstrated that these standards can be met. At the public hearings before the Planning Commission and City Council, many concerns were raised regarding the lack of adequate parking and the concern that this would result in residents utilizing neighborhood parking. The City Council identified that a neighborhood parking district is an option if parking issues arise. A parking district would provide permit parking for this authorized to park and prohibit others. The City Council also indicated that an on-site manager of the residential apartment complex, charged with managing the tenants in respect to parking locations among other things, would help alleviate issues. As a result a condition is required to this effect.

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

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

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

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

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

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

**CONDITIONS:**

1. All phases shall provide 65% of the required parking with no more than 50% of that parking being modified compact parking spaces with dimensions of 9 feet x 18 feet.
2. Each phase shall comply with the site plan standards including but not limited to Community Design standards except as specifically modified in this decision.

3. Trash enclosures must be placed consistent with Pride Disposal requirements
4. No outdoor storage is permitted.
5. Any outdoor sales and merchandise display must be approved as part of a CUP per 16.98.040.
6. Prior to final site plan approval of the east or west residential development, the developer shall provide an agreement for approval by the City that requires an on-site manager for the residential buildings. The on-site manager will be required to ensure that tenants understand the parking limits prior to entering into a lease agreement, and understand and adhere to the approved parking locations.

### **C. Division IV - Public Improvements**

#### **16.108.030 Required improvements**

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

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

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

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

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

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

#### **CONDITION:**

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

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

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

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

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

**CONDITION:**

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

**16.108.030.5. Street Modifications**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SW Highland Drive**

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

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

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

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

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

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

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

The City Engineer is in concurrence and approves the proposed section design for SW Columbia Street (East), Plaza Frontage, with the exception that the street section design

use PCC to attain the desired aesthetics rather than the proposed sand bedded paver bricks.

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

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

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

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

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

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

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

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

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

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

#### **16.108.050 Street Design**

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

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

The offset of through streets is restricted to not less than 100 feet under normal conditions. At the direction of the City however, the western portion of the Columbia Street and Pine Street intersection has been configured to act more as a parking lot entrance and not a standard intersection. This design constraint changes several operating parameters of the "intersection".

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

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

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

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

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

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

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

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

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

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

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

1. Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not

need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

**2. Partial Access Management Plan.**

**a. A partial access management plan shall include:**

- 1. Drawings identifying proposed or modified access points.**
- 2. A list of improvements and recommendations necessary to implement the proposed or modified access.**
- 3. A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.**

**b. Access permits shall be required even if no other land use approval is requested.**

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

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

**16.108.060 Sidewalks**

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

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

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

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

**16.110 Sanitary Sewers - Required Improvements**

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. . Sanitary sewers shall be constructed, located, sized and installed at standards consistent with the Code, applicable Clean Water Services standards and City standards to adequately serve the proposed development and allow for future extensions.**

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

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

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

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

#### **16.112 Water Supply - Required Improvements**

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

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

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

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

#### **16.114 Storm Water - Required Improvements**

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

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

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

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

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

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

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

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

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

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

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

**CONDITION:**

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

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

**16.116 Fire Protection Required Improvements**

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

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

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

**16.118 Public And Private Utilities**

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

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

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

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

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

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

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

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

**16.118.030 Underground Facilities**

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

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

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

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

**D. Chapter 8 - Environmental Resources**

**16.142.020 – Multi-family developments**

**A. Standards - Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:**

- 1. Open Space - A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.**
- 2. Recreation Facilities - A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.**
- 3. Minimum Standards - Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.**
- 4. Terms of Conveyance - Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.**

As described in Section V.2 above, the applicant proposes a public plaza, vegetated corridors and other open space that will exceed 15 percent of the site area. In addition, the applicant testified that the residential units will be composed of studios, one-bedroom and two-bedroom units that typically do not appeal to families. Based on this design and the project's location, the applicant testified that it expects the residential units to appeal to working singles, couples and families without children. Based on the design of the residential units and the target market, and because of the benefits arising from the mixed commercial/residential nature of the PUD, the Council

agreed that the open space proposed for the site is sufficient to meet the requirements of this section.

**FINDING:** As discussed above, the Council finds that the open space proposed for the PUD meets the requirements of this section.

**16.142.030 Visual Corridors**

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

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

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

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

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

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

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

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

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

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

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

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

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

**D. Mitigation**

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

There are 15 inventoried trees on the property ranging in size from 8 inches to 40 inches diameter at breast height (DBH). The applicant has indicated that all except 3 must be removed to accommodate the development. Two of these are actually off-site. The largest tree to be removed is 15 inches. Trees 5, 6 7, and 8 must be removed to accommodate street improvements along Willamette Street. Trees 12-15 will be removed to accommodate the storm water treatment facility. Trees 1-4 will be removed when development occurs. It is recommended that trees not be removed until development requires it in the event that the

development design changes in a way that trees can be retained. Trees 1-4 are the only ones that would be required to be mitigated because all other trees are necessitated either by public infrastructure or are not proposed for removal. The total inches that would need to be mitigated is 56. It is recommended that tree removal and mitigation be reviewed at time of final development plan approval for trees 1-4. All other trees to be removed are part of the public improvements associated with the subdivision.

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

**CONDITIONS:**

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

## IX. DECISION

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

## X. CONDITIONS OF APPROVAL

A. General Conditions:

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

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

1. The TSP functional classification map shall be modified to reflect not only the change in classification, but also that Columbia Street will no longer connect to Oregon Street. This shall be coordinated by the City.

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

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

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

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

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

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

1. A Detailed final development plan shall be submitted for review and approval within 1 year of the preliminary PUD approval.
2. The Detailed Final Development Plan may be submitted for one or more phases, but shall include a detailed phasing, including timing, plan for remaining phases.
3. Prior to occupancy of any phase in the PUD, on-site public improvements must be complete as determined by the City Engineer.
4. Prior to occupancy of the west building, south building, east building or the east or west residential building, the Plaza shall be complete.
5. Deleted
6. Prior to approval of occupancy for any phase utilizing on-site private stormwater treatment systems, the applicant shall sign an access and maintenance agreement for any private stormwater treatment systems installed as part of this development.
7. All phases shall provide 65% of the required parking with no more than 50% of that parking being "modified" compact parking spaces (9 feet wide by 18 feet long).
8. Each phase shall comply with the site plan standards including but not limited to Community Design standards except as specifically modified in this decision.
9. Trash enclosures must be placed consistent with Pride Disposal requirements
10. No outdoor storage is permitted.
11. Any outdoor sales and merchandise display must be approved as part of a CUP per 16.98.040
12. Any detailed final development plan approval for any structure in Phase I (West Building, South Building, East Building, West Residential Building, or East Residential Building) shall be coordinated and approved by the City Engineer to ensure that the traffic mitigation measures are assigned appropriately for each building phase. The traffic mitigation measures for all structures in Phase I are:
  - a. Construct improvements to improve the operations of Pine Street/1st Street to meet City performance standards and mitigate queuing impacts at the Pine Street railroad crossing. This shall be accomplished by implementing a modified circulation for the downtown streets that includes:

- i. Install a diverter for south-westbound on 1st Street at Ash Street or Oak Street to require vehicles travelling towards Pine Street to divert to 2nd Street.
    - ii. Remove one side of on-street parking Ash Street-2nd Street or Oak Street-2nd Street to provide two 12-foot travel lanes from the diverter to Pine Street. Convert to one-way traffic flow approaching Pine Street for this segment.
    - iii. Install an all-way stop at Pine Street/2nd Street. Stripe the south-westbound approach of 2nd Street to have a left turn lane and a shared through/right-turn lane.
    - iv. Install traffic calming measures on 2nd Street southwest of Pine Street to manage the impact of the added traffic.
  - b. Restrict landscaping, monuments, or other obstructions within sight distance triangles at the access points to maintain adequate sight distances.
  - c. Provide an enhanced at-grade pedestrian crossing of Pine Street to facilitate multi-modal circulation through the project site (e.g., signing, striping, lighting, a raised crossing, or pavement texturing).
  - d. Construct Columbia Street northeast of Pine Street to City Standards as modified and approved by the City Engineer and install a sign indicating that this roadway will be a through street in the future (connecting to Foundry Avenue).
  - e. Because of the alignment configuration of Columbia Street southwest of Pine, the street shall be configured and signed as a one way street.
  - f. Restrict parking on the southeast side of Columbia Street at a minimum within 50 feet of Pine Street (northeast of Pine Street).
13. The west and east residential phases shall demonstrate compliance with the Old Cannery standards as outlined and modified in the pattern book.
14. The east, west, south and NE phases shall demonstrate full compliance with the Old Cannery Standards as outlined and modified in the architectural pattern book submitted as part of the application materials.
15. Prior to approval of the west building or NE building PUD phase, submit a plan for mitigation of any trees removed associated with that phase and complete the mitigation or supply appropriate assurance that the mitigation will be completed per the approved plan. The mitigation shall provide similar species to those removed.
16. The Detailed Final Development plans for the NE Phase shall demonstrate full compliance with the Old Cannery Design standards and the Architectural Pattern Book.
17. The total square footage of buildings within the NE Phase shall not exceed 24,000 square feet (the maximum square footage analyzed in the traffic impact study)
18. The NE Phase (Phase II) shall be required to complete, if not already completed, the mitigation improvements recommended in the DKS traffic impact study. The improvements include:
  - a. Improvements to the operations of Sherwood Boulevard/3<sup>rd</sup> Street to meet City performance standards. This shall include construction of a south-easternbound right turn lane, which may only require restriping and not roadway widening.
  - b. The Adams Avenue South extension (from Tualatin-Sherwood Road to Oregon Street) will need to be in place for the intersection of 1<sup>st</sup> Street/Pine Street and 3<sup>rd</sup> Street/Pine Street to meet City performance standards under the year 2017 with the proposed project Phase II traffic. Phase II of the development shall not be approved without this improvement being in place, or additional roadway improvement may be required to manage intersection operations and vehicle queuing towards the Pine Street railroad crossing.

19. As part of the development of the East and West residential phase, enhanced screening along Willamette Street shall be provided to ensure a year round visual screen is provided.
20. Prior to final PUD approval, submit a revised Architectural Pattern Book that:
  - a. Clarifies that while the requirements do not specifically apply to multi-family residential the elements in the architectural pattern book are to be applied.
  - b. Specifies what metal panels may and shall not look like.
21. Developer shall consider naming buildings after public input and publicly displayed building names shall reflect the history of the area as a former cannery. Exhibit H shall be used as a guide for potential names.
22. No less than 60% of the Machine Shop building shall be utilized for public use. Up to 40% of the existing building may be utilized for commercial uses, provided the remainder of the building is being utilized as public space such as a cultural arts facility/community center.
23. Prior to final site plan approval of the east or west residential development, the developer shall provide an agreement for approval by the City that requires an on-site manager for the residential buildings. The on-site manager will be required to ensure that tenants understand the parking limits prior to entering into a lease agreement, and understand and adhere to the approved parking locations.

## XI. EXHIBITS

- A. Applicant's submittal materials dated September 2009 including:
  - Narrative
  - Attachment 1 - Pre-app notes
  - Attachment 2 - Title report
  - Attachment 3 - Tax map 11x17
  - Attachment 4 - Tree report letter
  - Attachment 5 - Geotechnical memo
  - Attachment 6 - Storm water memo
  - Attachment 7 - CWS Service provider letter
  - Attachment 8 - 7-9-09 DKS memo RE street classification for Columbia
  - Attachment 9 - 11x 17 visual image of multi-family building
  - Plan Set - 11x17 plan set sheets (and full size plan set)
  - Architectural pattern book in color
  - 11x17 illustrative plan in color
- B. Traffic study (January 2009)
- C. September 23, 2009 letter of concurrence from Bob Galati
- D. October 12, 2009 CWS letter from Jackie Sue Humphreys
- E. October 12, 2009 TVF&R letter from John Wolff
- F. 11/10/09 letter from Union Pacific Rail Road, Patrick McGill
- G. 11/6/09 letter from Keith Jones, HHPR
- H. 11/10/09 letter from Don and Yvonne Scheller
- I. Materials submitted by Sandy Rome at Hearing (code sections and photographs,
- J. 11/10/09 letter from Jim Claus
- K. Additional materials submitted by Sandy Rome at hearing (code sections, photographs, presentation outline, and copies of articles from the internet)
- L. 12/9/09 memo from Keith Jones of HHPR
- M. 12/9/09 letter from Sanford Rome
- N. 12/3/09 memo from Chris Maciejewski to Bob Galati
- O. 12/8/09 letter from Sanford Rome with attachments
- P. 12/8/09 letter from Bill and Ana Stapp
- Q. 12/8/09 letter from Jim Claus with attachments
- R. 12/14/09 letter from Odge Gribble with attachments
- S. Undated (received 12/15/09) letter from Sandy Rome
- T. 12/14/09 e-mail from Sandy Rome with copy of powerpoint attached
- U. 12/15/09 letter from Susan Claus with attachments
- V. 12/15/09 letter from Jim Claus with attachments
- W. 12/15/09 letter from Susan Claus
- X. 12/15/09 letter from Susan Claus with attachments
- Y. 12/17/09 memo from Bob Galati, City Engineer
- Z. 12/22/09 memo from Keith Jones of HHPR with attachments
- AA 1/17/10 e-mail from Sue Grant
- BB 1/19/10 e-mail from Laury Chesbrough
- CC 1/29/10 e-mail from Joe Martin
- DD 2/2/10 e-mail from Mark Cottle
- EE Testimony from Sandy Rome submitted 2/2/10
- FF Testimony from Jim Claus submitted 2/2/10
- GG Testimony submitted by Eugene Stewart 2/2/10
- HH Copy of Power Point presentation provided by the applicant at the 2/2/10 hearing

### End of Report



## TECHNICAL MEMORANDUM

**DATE:** December 3, 2009

**TO:** Bob Galati, City of Sherwood

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

**SUBJECT:** **Sherwood Transportation System Plan References of Oregon Street  
Alignment and Columbia Street Functional Class**

P#08251-000-000

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The proposed change in functional classification of Columbia Street is predicated on ODOT Rail order 50673, which permitted alteration of the Oregon Street rail crossing and connection of Adams Avenue to Oregon Street. As noted by City of Sherwood staff<sup>1</sup>, the ODOT Rail order found that the crossing alterations were “required by the public safety, necessity, convenience and general welfare.” As a result of this approved alteration which allowed the Oregon Street rail crossing to remain open, the realignment of Columbia as a Collector street is no longer needed, as discussed in our July 9, 2009 memorandum. This memorandum summarizes the key components of the current City of Sherwood Transportation System Plan (TSP)<sup>2</sup> that would need to be modified to implement the following proposed TSP amendments:

- Maintain the Oregon Street railroad crossing as approved in ODOT Rail Order 50673 (attached)
- Modify the classification of Columbia Street from a collector street to a local street
- Remove the Oregon Street extension/realignment from the railroad crossing to Pine Street (via Columbia Street)
- Construct Columbia Street to Foundry Avenue as a developer driven local street project

The current City of Sherwood TSP modal chapters (Chapters 5 through 9), funding chapter (Chapter 10), and the executive summary (Chapter 1) we reviewed to identify key text, figures, and tables that identify projects, designations, policies, or costs associated with Oregon Street and/or Columbia Street. These items in the TSP are listed in the following bullets to identify specific TSP edits that would be needed:

- Page 1-5: Downtown Street Plan is discussed including the modification to Oregon Street.
  - *Remove discussion about modifications to Oregon Street*

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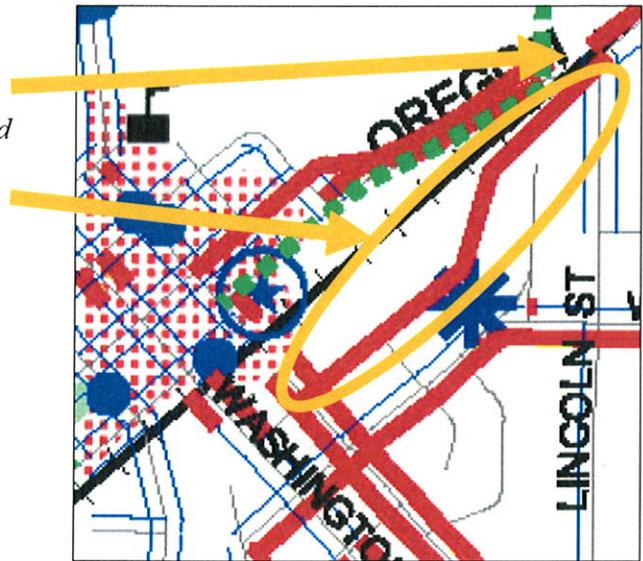
<sup>1</sup> Email from Bob Galati and Julia Hajduk, City of Sherwood, December 3, 2009.

<sup>2</sup> *City of Sherwood Transportation System Plan*, prepared by DKS Associates, adopted March 15, 2005.

- Page 1-5: Motor Vehicle projects for City of Sherwood subtotal
  - Reduce amount from \$36.9 million to \$34.1 million to reflect the removal of project 6 (Oregon Street realignment)
  
- Table 5-2: Action Plan Pedestrian Projects
  - Modify Oregon Street project to be from Lincoln Street to Ash Street, with a length of 1,200 feet

- Figure 5-1: Pedestrian Master Plan

- Connect the planned Oregon Street sidewalks across the railroad
- Remove the Columbia Street-Oregon Street Extension sidewalks from the Action Plan



- Figure 6-1: Bicycle Master Plan

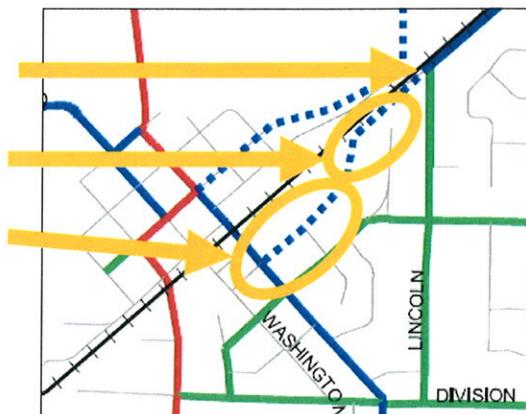
- Connect the planned Oregon Street bicycle facility across the railroad
- Remove the Columbia Street-Oregon Street Extension bicycle facility from the Master Plan



- Table 8-11: City Street Projects 6
  - Remove project 6 (Oregon Street realignment)
  - Change Subtotal (City) from \$34,550 to \$31,750
  - Change Total (City Funded) from \$36,875 to \$34,075

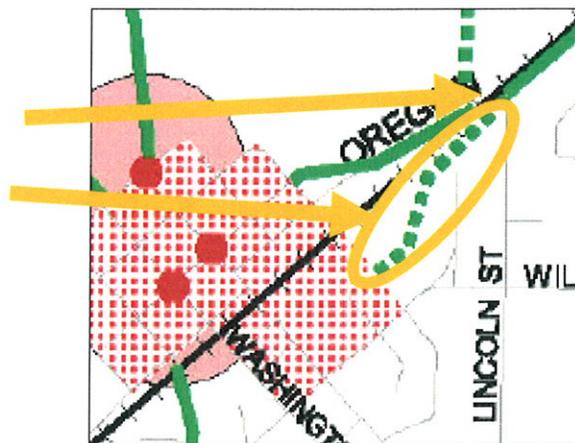
- Figure 8-1: Functional Class Map

- Reconnect Oregon Street as a collector across the railroad
- Remove the Oregon Street Extension to Pine Street (via Columbia Street)
- Downgrade Columbia Street to local street



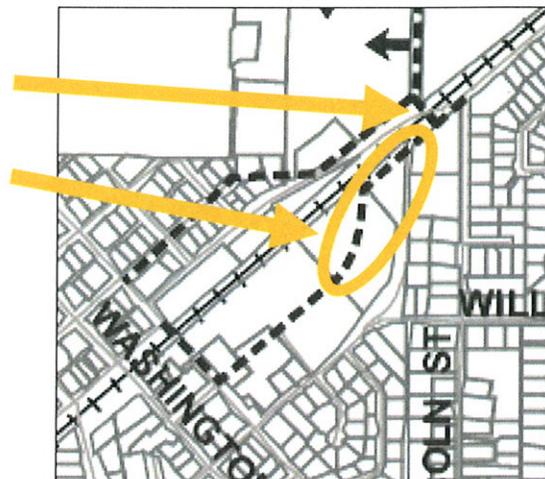
- Figure 8-7: Streets Where ROW is Planned for More Than Two Lanes

- Reconnect Oregon Street as a collector across the railroad
- Remove the Oregon Street Extension to Pine Street (via Columbia Street)

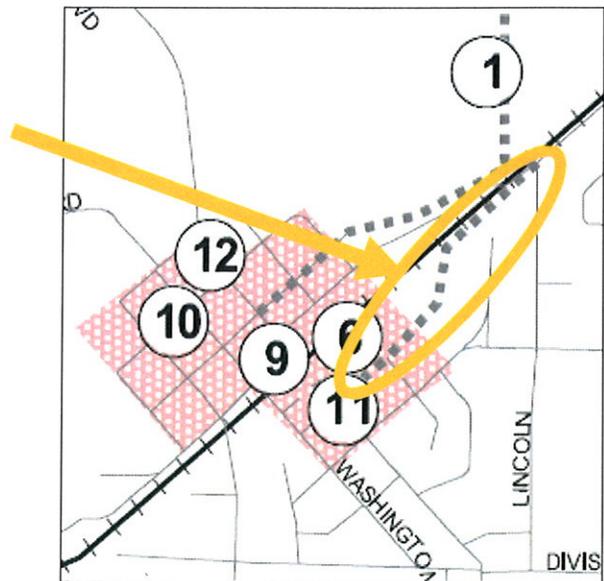


- Figure 8-8: Local Street Connectivity

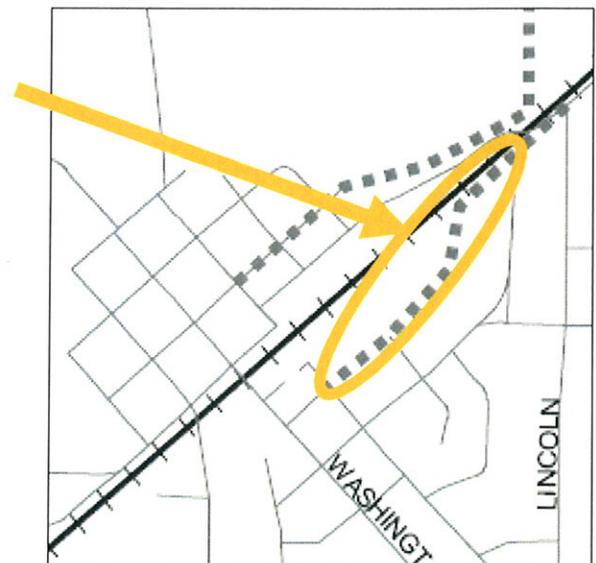
- Reconnect Oregon Street as a collector across the railroad
- Remove the Oregon Street Extension to Pine Street (via Columbia Street)



- Figure 8-9: Motor Vehicle Master Plan
  - *Remove Project #6 the Oregon Street Extension to Pine Street (via Columbia Street)*



- Figure 8-10: Traffic Control Master Plan
  - *Remove Project #6 the Oregon Street Extension to Pine Street (via Columbia Street)*



- Page 9-2: First paragraph has discussion of the Oregon Street railroad crossing closure and road realignment
  - *Remove discussion of Oregon Street realignment and rail crossing elimination*

- Table 10-2: Sherwood Action Plans Costs over 20 Years
  - *Adjust Motor Vehicle cost to \$34,075,000*
  - *Adjust Pedestrian costs to \$2,330,000*
  - *Adjust Total Capital Project costs to \$43,700,000*
- Table 10-4: Pedestrian Action Plan Projects
  - *Change Oregon Street project limits to be Lincoln Street to Ash Street, with a cost of \$65,000 and a length of 1,200 feet.*
  - *Adjust total cost of all projects to be \$2,330,000 with a total length of 37,200 feet*
- Table 10-5: Other Motor Vehicle Project Costs for All Funding Sources
  - *Reduce amount of "Unfunded City Action Plan Costs" or "Urban Renewal District" by \$2,800,000 depending on funding source for Project 6 (Oregon Street realignment)*
- Page 10-13 through 10-15: SDC Calculations based on Total Capital Project costs
  - *Update SDC calculations based on adjusted project cost (\$2,800,000 removed from total of \$74,125,000)*



# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation  
Rail Division  
555 13th St NE Ste 3  
Salem, OR 97301-4179  
(503) 986-4321  
Fax: (503) 986-3183

March 26, 2008

File Code:

TO ALL PARTIES

**RX 1454: In the Matter of the Alteration of the Railroad-Highway Grade Crossing at SW Oregon Street and UNION PACIFIC RAILROAD COMPANY, a Delaware Corporation, leased to PORTLAND & WESTERN RAILROAD (PNWR), INC., West Side District, in Sherwood, Washington County, Oregon.**

Enclosed is your copy of final Order No.50673, granting the legal authority to construct, alter or close a public crossing in the above-cited matter. This Order is a compliance document, the terms of which are binding upon the affected road authority(s) and railroad(s) and enforceable, if necessary, in a court of law.

All parties are requested to distribute copies of this Order to all persons in their agency or company who are involved in the project as supervisors, contractors and quality assurance inspectors. If the project supervisor should change, please assure that a copy of this Order, and the importance of its provisions, is provided to the new project manager and inspectors. Please monitor the construction to ensure ongoing compliance with the Order.

Order No. 50673 requires that all parties provide written notice of completion of the project to the Rail Division. Upon receipt of this notice, Rail Division Staff will carefully inspect the project for compliance with the Order. Any deficiency or non-compliance item(s) found by Staff will be sent to the party responsible for installation/maintenance of that item. Rail Division does not consider a project complete until it passes final inspection for compliance with the Order.

For most projects, the applicant has the major burden of quality control as they are bearing the costs of construction, installation of traffic control devices, etc. Parties are welcome to invite me to the pre-construction meeting, or call me with questions.

I wish you a successful project completion, in hopes that it will promote the safety of our citizens at railroad-highway crossings.

Michael "Swede" Hays  
Railroad Compliance Specialist

Enclosure: Copy of Order No. 50673

ORDER NO. 50673

ENTERED 03/25/2008

ODOT CROSSING NO. P-757.90  
U.S. DOT NO. 754216N

**BEFORE THE OREGON DEPARTMENT  
OF TRANSPORTATION**

**RX 1454**

In the Matter of the Alteration of the Railroad-Highway )  
Grade Crossing at SW Oregon Street and UNION )  
PACIFIC RAILROAD COMPANY, a Delaware )  
Corporation, leased to PORTLAND & WESTERN )  
RAILROAD (PNWR), INC., West Side District, in )  
Sherwood, Washington County, Oregon. )

**ORDER**

On December 18, 2007, City of Sherwood, made application under ORS 824.206 seeking authority to alter the subject grade crossing. The affected railroad is PNWR. The public authority in interest is the applicant.

Rail Division staff has investigated the application. On February 19, 2008, staff served the application and a Proposed Final Order (PFO) for all parties to review and acknowledge their agreement with its terms. No objections to the PFO were received from any party. All parties in this matter have agreed that the proposed crossing alterations are required by the public safety, necessity, convenience and general welfare. Therefore, under ORS 824.214, the Department may enter this Order without hearing.

The Appendix to this Order depicts the proposed realignment and improvements to the SW Oregon Street/SW Adams Avenue intersection adjacent to the grade crossing. The realigned roadway will intersect the tracks at an angle of  $\approx 58$  degrees. The average daily traffic volume at the reconfigured crossing is  $\approx 9,000$  vehicles. There is a daily average of one freight train movement over the crossing at a maximum authorized speed of 25 miles per hour (mph). There have been no reported train-vehicle collisions at the crossing within the past 10 years.

As part of the project, applicant proposes to construct a multi-use path, raised medians, and designated pedestrian crosswalks, depicted in the Appendix to this Order. New flashing-light signals and automatic gates as depicted in the Appendix to this Order, Sheet 1, will be installed at the crossing to accommodate the realigned roadway.

New vehicle traffic signals (VTS) will be installed at the intersection SW Oregon Street and SW Adams Avenue. The VTS will be interconnected with the new crossing signals, as depicted in the Appendix to this Order. The interconnection will provide train preemption of traffic signal phases and shall operate such that when an approaching train is detected, all conflicting traffic moves will receive a RED signal indication.

ORDER NO. 50673

Applicant further proposes to install standard guardrail adjacent to the new crossing signals, along with new pedestrian crosswalk markings in lieu of stop clearance lines. A ground-mounted STOP HERE ON RED (R10-6) sign with attached High Level Warning device flag kit will be installed in the NE quadrant of the crossing as depicted in the Appendix to this Order. One NO TURN ON RED (R10-11a) sign will be mounted on the VTS cantilever arm facing westbound Oregon Street traffic.

From the foregoing, the Department finds that the requested crossing alterations are required by the public safety, necessity, convenience and general welfare. The application should be granted upon the following terms.

IT IS THEREFORE ORDERED that:

1. The authority to alter the subject grade crossing is granted. Alterations shall be completed within two years from the entered date of this Order. No authority to establish a Quiet Zone is granted by this Order.
2. Applicant (City of Sherwood) shall:
  - a. Construct and maintain that portion of the crossing lying outside lines drawn perpendicular to the end of ties to accommodate the roadway configuration and multi-use path, as depicted in the Appendix to this Order, and bear all the costs. The roadway approaches shall comply with OAR 741-120-0020 (1), (2), (3), and (4).
  - b. Furnish, install and maintain VTS at the intersection of SW Oregon Street and SW Adams Avenue to accommodate the train preemption operations described above in the body of this Order, and bear all the costs. During train preemption, the VTS shall operate as depicted in the Appendix to this Order, Sheet 3.
  - c. Furnish, install and maintain an interconnection between the VTS and ordered crossing signals, and bear all the costs. The interconnection shall provide train preemption of the normal operation of the traffic signals, as described above in the body of this Order.
  - d. Furnish, install and maintain standard guardrail (urban installation) according to OAR 741-110-0030 (6) adjacent to the ordered automatic signals at the crossing, and bear all the costs.
  - e. Furnish, install and maintain one ground-mounted STOP HERE ON RED (R10-6) sign with attached High Level Warning Device flag kit, and bear all the costs. The sign shall be mounted at the crossing, located in the NE quadrant of the crossing, as depicted in the Appendix to this Order, Sheet 2. The sign shall not obstruct approaching motorists' view of the ordered automatic signals.
  - f. Furnish, install and maintain one NO TURN ON RED (R10-11a) sign, mounted on the VTS cantilever arm and aimed at westbound traffic on SW Oregon Street, as

ORDER NO. 50673

depicted in the Appendix to this Order, Sheet 2, and bear all the costs.

- g. Furnish, install and maintain one side road advance warning (W10-4) sign facing southbound SW Adams traffic and three advance warning pavement markings (AWPM) on the multi-use path approaches to the crossing, according to OAR 741-110-0030 (5) (a) and 741-110-0030 (5) (d), respectively, and bear all the costs. The W10-4 sign and AWPM's shall be located as depicted in the Appendix to this Order, Sheet 1.
- h. Furnish, install and maintain four bicycle warning (OBW8-19L and -19R) signs on the multi-use path approaches to the crossing, located as depicted in the Appendix to this Order, Sheet 2, and bear all the costs.
- i. Furnish, install and maintain three standard non-mountable curb medians, located as depicted in the Appendix to this Order, Sheet 2, and bear all the costs.
- j. Furnish, install and maintain one YIELD (R1-2) sign, located as depicted in the Appendix to this Order, Sheet 1, and bear all the costs.
- k. Bear all the cost of work items listed in paragraphs 3.a., 3.b., 3.c., and 3.d., below.

3. Portland & Western Railroad shall:

- a. Subject to reimbursement by applicant, construct that portion of the crossing lying between lines drawn perpendicular to the end of ties of each track to accommodate the roadway configuration and multi-use path as depicted in the Appendix to this Order.
- b. Subject to reimbursement by applicant, furnish and install two flashing-light signals, and two automatic gate signals at the crossing. The signals shall be located as depicted in the Appendix to this Order, Sheet 2. The signals shall be activated according to OAR 741-110-0070 (1) and (2).
- c. Subject to reimbursement by applicant, furnish and install additional flashing-light signals aimed at southbound traffic on SW Adams Avenue, and located as depicted in the Appendix to this Order, Sheet 2.
- d. Subject to reimbursement by applicant, furnish and install the interface box, equipped with contact terminals and attached to the crossing signal house, and interconnection circuitry on the railroad side of the contact terminals to facilitate the traffic signal preemption as described above.
- e. Maintain the ordered automatic signals and circuitry, traffic signal interconnection circuitry on the railroad side of the contact terminals in the interface box, that portion of the crossing lying between lines drawn perpendicular to the end of ties, and bear all the costs.

ORDER NO. 50673

- f. Notify the Rail Division of the Department in writing or by facsimile transmission not less than five working days prior to the date that the ordered automatic signals will be activated and placed in service.
4. Each party shall notify the Rail Division of the Department in writing upon completion of its portion of the project.

All previous Orders of the Public Utility Commission or the Department relating to the subject grade crossing, not in conflict with this Order, remain in full effect.

Made, entered, and effective

March 25, 2010

  
\_\_\_\_\_  
Kelly Taylor  
Rail Division Administrator

DEPARTMENT OF TRANSPORTATION

CERTIFICATE OF SERVICE

RX 1454

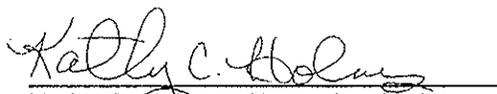
I, Kathy C. Holmes, Executive Assistant of the Rail Division for the Department of Transportation of the State of Oregon, hereby certify that on the 26<sup>th</sup> day of March, 2008, I served copies of Staff's Service Letter and Final Order No. 50673 upon the appropriate parties listed below via regular mail at Salem, Oregon, with postage prepaid and addressed as their addresses appear in the records of the Department of Transportation.

Applicant

Tom Pessemier  
City of Sherwood  
22560 SW Pine Street  
Sherwood OR 97140

Parties

Dale A. Hansen, VP Engineering  
Portland & Western Railroad Co  
650 Hawthorne AVE SE STE 220  
Salem OR

  
Kathy C. Holmes, Executive Assistant  
Oregon Department of Transportation  
Rail Division