

**BEFORE THE CITY COUNCIL
FOR THE
CITY OF SHERWOOD, OREGON**

In the Matter of an Appeal of the	)	
Planning Commission's Decision	)	FINAL ORDER
To Deny the Addition of a	)	CUP 05-04/SP 05-16/AV 05-02
Parking Lot to the American	)	
Legion site in Old Town	)	

The above referenced application came before the Sherwood City Council on appeal from the Planning Commission for a public hearing on April 4, 2006. Based on the record created throughout the review process and the testimony and evidence submitted to the City Council, the Council finds as follows:

1. The applicant requested a conditional use permit, site plan approval and administrative variance approval to construct a parking lot on the American Legion site; and
2. The Sherwood Hearings Officer found that all standard were met or could be met with conditions; however it was determined that the Planning Commission must review this request per Section 3.201.D.1 because a parking lot is considered a new structure and this site is in Old Town; and
3. The Hearings Officer issued a decision dated January 19, 2006 with findings supporting the request; and
4. The Planning Commission held public hearings on February 14, 2006 and March 14, 2006 and determined that the applicable requirements had not been satisfied to support the requested Conditional Use Permit, Site Plan and Administrative Variance approvals. Specifically, the Planning Commission determined that the applicant had not adequately demonstrated the need for the proposed parking spaces per Section 4.302.03C of the Sherwood Zoning and Community Development Code; and
3. The Sherwood Planning Commission denied the application in a public hearing on March 14, 2006; and
5. The applicant filed a Notice to Appeal the decision with the Sherwood Planning Department; and
6. The Sherwood City Council has received the application materials, the City's Planning Staff report, the Hearing's Officer's findings, the Planning Commission's findings, and the Council reviewed the materials submitted and the facts of the proposal and conducted a public hearing on April 4, 2006; and
7. The Sherwood Zoning and Community Development Code Section 4.300 specifies the criteria to approve a Conditional Use Permit, Section 5.102.04 specifies the criteria to

approve a site plan and Section 4.402 specifies the criteria to approve an administrative variance, and the Sherwood City Council finds that the subject proposal complies with these sections based on the findings in the Hearings Officer's Notice of Decision dated January 19, 2006.

8. The Sherwood City Council has found that the applicable requirements have been satisfied to support the requested Conditional Use Permit, Site Plan Approval and Administrative Variance.

NOW, THEREFORE, THE CITY COUNCIL ORDERS AS FOLLOWS:

Section 1. Procedures. The application for a Conditional Use Permit, Site Plan Approval and Administrative Variance (City file No. CUP 05-04/SP 05-16/AV 05-02) to approve the addition of a parking lot to the American Legion site in Old Town (Tax Lot 3100 of WASHINGTON COUNTY ASSESSORS MAP 2S1W32B) was subject to full and proper review in compliance with all applicable requirements, and public hearings were held before the Hearings Officer on January 9, 2006, before the Planning Commission on February 14, 2006 and March 14, 2006 and before the City Council on April 4, 2006.

Section 2. Findings Adopted. After full and due consideration of the application, the City Staff report, the record, findings, and of the evidence presented at the public hearing, the Council concludes that the applicable requirements have been satisfied to support the requested conditional use permit, site plan approval and administrative variance. The Council adopts the findings of fact contained in the staff report dated March 27, 2006 appended hereto as Exhibit A and incorporated herein as if fully set forth.

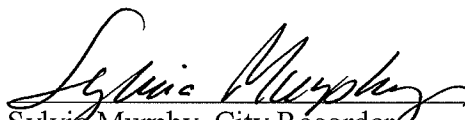
Section 3. Decision. Based on the adopted findings, the request for a Conditional Use Permit, Site Plan Approval and Administrative Variance is hereby **APPROVED**.

Duly adopted by the City Council this 4th day of April, 2006.

Approved by the Mayor this 4th day of April, 2006.


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, City Recorder

	<u>AYE</u>	<u>NAY</u>
Luman	<u>✓</u>	<u> </u>
King	<u>✓</u>	<u> </u>
Henderson	<u>✓</u>	<u> </u>
Heironimus	<u>✓</u>	<u> </u>
Grant	<u>✓</u>	<u> </u>
Durrell	<u>✓</u>	<u> </u>
Mays	<u>✓</u>	<u> </u>

Exhibit A: Hearings Officer's Notice of Decision dated January 19, 2006

January 19, 2006

CITY OF SHERWOOD
Report and Decision of the Hearings Officer

File No: CUP 05-04/SP 05-16/AV 05-02
(Conditional Use, Site Plan Review, and Administrative Variance for the
American Legion Parking Lot)

I. BACKGROUND

Applicant: City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140
Contact: Sandra Burtzos, Senior Project Manager

Owner: American Legion Post
22548 SW Pine Street
Sherwood, OR 97140

Applicant's Representative: Keith Jones, AICP
Harper Houf Peterson Righellis, Inc.
5200 SW Macadam Avenue, Suite 580
Portland, OR 97239

Property Description: This 3-part (CU/SP/AV) land use application proposes a parking lot on Tax Lot 3100 of Washington County Tax Assessor Map 2S1-32B and is addressed at 15914 SW First Street (formerly 185 NE First Street). This tax lot is owned by the American Legion Post. The Legion Building sits on the adjacent tax lot (Tax Lot 3200), addressed at 22548 SW Pine Street.

Existing Development and Site Characteristics: The total area of Tax Lot 3100 is 7,050 square feet and the total area of Tax Lot 3200 is 11,760 square feet. A single-family home that has been previously used as a small business, as well as a detached garage, currently exists on Tax Lot 3100 and the American Legion Post building exists on Tax Lot 3200. The single-family home and garage on Tax Lot 3100 are proposed for demolition with this development. The subject building, built in 1910, is not listed in the Cultural Resources Inventory. The Legion Post (Field No. 104) building is listed as a primary historic resource. No changes are proposed to Tax Lot 3200. The site is relatively flat and has frontage on SW Oregon Street, SW Oak Street and SW 1st Street.

Zoning Classification and Comprehensive Plan Designation: Tax Lot 3100 is zoned MDRL – Medium Density Residential Low. Tax Lot 3200 is zoned RC- Retail Commercial. Both lots are within the “Smockville Area” of the Old Town Overlay.

Adjacent Zoning and Land Use: The properties to the south and east are zoned Retail Commercial (RC) within the Old Town Overlay and are developed with commercial structures. The properties to the north and west are zoned Medium Density Residential Low (MDRL) and are developed with single family homes.

Land Use Review: This land use application proposes demolition of an existing single family home and garage and construction of a 7,050 square foot parking lot on the American Legion site. The Legion owns both the tax lot on which the Legion building sits as well as the adjacent tax lot, where the parking lot is proposed. The parking lot site is being incorporated into the American legion use for the first time, and is therefore an expansion of the American Legion use.

There is a dispute over the proper process for this application. The dispute arises because the applicant applied for:

- (1) an Administrative Variance to reduce the perimeter landscaping along SW Oak and along SW 1st by 25% from 10 feet to 7.5 feet;
- (2) a Type II “Fast-track” site plan review for the parking lot of less than 15,000 square feet; and
- (3) a Type III conditional use review for the expansion of more than 20% of the American Legion fraternal order use under Section 4.301.02.

Under most circumstances, when more than one type of review is sought, the requests are combined into one case and processed under the higher type of review so that all decisions can be made at one time by the higher review authority who would have the jurisdiction or authority to make all of the decisions. In most situations in Sherwood, this would mean rolling the Administrative Variance and the Type II site plan review into the Type III conditional use, with the combined case being heard by the Hearing Officer. This is the approach request by the applicant and agreed to by the Planning Staff.

Mr. J. Patrick Lucas has objected to the applicant’s and staff’s view of the process in both his November 28, 2005, letter and with his testimony at the January 9, 2006, public hearing. Mr. Lucas believes that Code Section 3.201.01.D.1. requires all site plans for structures within the Old Town Overlay District to be reviewed as Type IV case heard by the Planning Commission. There is agreement that this is a request for a site plan review and agreement that this is in the Old Town Overlay District, but there is disagreement over whether the proposed parking lot is a “structure”.

Section 1.202.01.160 of the Sherwood Zoning and Community Development Code defines "structure" as:

"that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner".

When the Code provides a definition, such as this definition of a "structure", that is what the defined word means whenever it is used in the Code. Thus, even though many people might have a different view of what a structure might be, the Code definition is what must be used for purposes of applying the Code.

Planning Staff and the applicant believe that the proposed parking lot does not fit the Code definition of a structures. In essence, they argue that since the asphalt to be used for the proposed lot would be pour onto the site and smoothed out to be flat, it would not fit the definition of something that is "built or constructed" on the site, and would not fit the definition of "any piece of work artificially build up", and would not fit the definition of "any piece of work composed of parts joined together". For a more complete review of the Staff's position, see the discussion under Question #2 in the Addendum Staff Report dated January 17, 2006.

The Hearings Officer disagrees with the Staff position. The Hearings Officer finds when the site is prepared, and then the asphalt is poured and smoothed out, and an new parking lot of some depth is created on the site, this fits the Code definition of that which is built up or constructed or any piece of work artificially built up. While the resulting parking lot is not what we traditionally think of as a building or an edifice, the definition is in the disjunctive, and the parking lot can be a structure under the code even if it is not a building or edifice.

It is the Hearings Officer's conclusion that outcome fits with the City Council's apparent intent in adopting Section 3.201.01.D.1 to have all site plans for construction activity in the Old Town Overlay District reviewed by the Planning Commission. The creation of a parking lot can have as significant an impact on the Old Town are as would a new building.

Because the parking lot fits within the Code Section 1.202.01.160 definition of a "structure", and since 3.201.01.D.1. requires all site plans for structures within the Old Town Overlay District to be reviewed as a Type IV case heard by the Planning Commission, this case should require review by the Planning Commission. (See Condition of Approval A.7.)

This review could have been presented in its entirety to the Planning Commission without review by the Hearings Officer since the Planning Commission has the higher Type IV review authority. However, the Hearings Officer does have authority to make decisions on the Administrative variance and the Type III conditional use, and these approval criteria will be discussed and these cases decided in this Report and Decision. Although the Hearings Officer finds that the site plan should be reviewed by the Planning Commission, those approval criteria will also be discussed in this Report and Decision because the issues were presented to the Hearings Officer and

findings should be made in the event the Planning Commission were to disagree with the Hearings Officer and determine that the Planning Commission is not the proper review authority. Therefore, since the Hearings Officer finds as discussed below that the site plan should be approved, the approval will be conditioned on subsequent approval by the Planning Commission. In the event that the Planning Commission were to find that the parking lot is not a structure, and that therefore review by the Planning Commission is not required, the Planning Commission could delete that condition of approval and the Hearings Officer's decision could otherwise stand. Of course, the Planning Commission could also otherwise alter the Hearings Officer's site plan decision as it sees fit.

It is worth noting that under Code Section 3.201.03 the conditional use approval criteria also apply to all Type IV case. Thus, the approval criteria for the conditional use aspect of this case and for the site plan aspect of this case overlap substantially.

Public Notice and Hearing: Notice of the administrative review was mailed to property owners within 100 feet of the site and posted for public review in accordance with Sections 3.202 and 3.203 of the Sherwood Zoning and Community Development Code on November 14, 2005 and December 20, 2005 (see Section II below for discussion regarding the two postings of public notice).

Review Criteria: Section 5.102.04 and Section 4.301 of the Sherwood Zoning and Community Development Code identifies the Site Plan and conditional use review criteria.

II. PUBLIC COMMENTS

Written and oral testimony was received from J. Patrick Lucas. As discussed above, Mr. Lucas requested Type IV review of the site plan within the Old Town Overlay District, and requested that half street improvements be required. Mr. Eugene Stewart also testified at the public hearing. Mr. Stewart expressed concerns about the house being demolished and also expressed belief that the Planning Commission should review the site plan.

The need for Planning Commission review of the site plan is discussed above. The street improvement requirements will be discussed below. In summary, for the reasons set out in the Addendum Staff Report dated January 17, 2006, under Question #1, adopted here by the Hearings Officer, the half street improvements should not be required.

III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies and departments on November 10, 2005. 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:

- A. Clean Water Services: A CWS Pre-Screening Site Assessment dated October 11, 2005 states that sensitive areas do not appear to exist on site or within 200' of the site.
- B. Sherwood Building Department: No concerns have been expressed. The applicant will be required to obtain necessary permits from the Sherwood Building Department.
- C. Sherwood Engineering Department: The proposed filter bag inlet system does not meet Clean Water Services requirements for catch basin System Standards 3.05.5. The filter system proposed on page C8.0 would cause additional maintenance and manpower that is not available to clean the bag filter system. Concerns are that if the bag filter did not fill, the grate would collect leaves and not allow proper drainage, thus causing street catch basins to be plugged with leaves from the parking lot. The Engineering Department recommends either an oil separator catch basin (preferred) or a sump catch basin. In addition, the Sherwood Engineering Department also recommends that the driveway be of commercial grade. These comments are included as Attachment B.
- D. Portland General Electric: PGE is aware of the house to be demolished and has made provisions to serve a customer-installed 100 amp or 200 amp UG meter pedestal with power for the two lights to be located on-site. These comments are included as Attachment C.

Notice was also sent to Tualatin Valley Fire and Rescue, Tualatin Valley Water District, Washington County, ODOT, NW Natural, PGE, Raindrops2Refuge, Tri-Met and Metro, but no response has been received from these parties.

IV. CONDITIONAL USE PERMIT REVIEW (SECTION 4.300)

No conditional use shall be granted unless each of the following is found:

- A. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.

Findings: All public facilities and services to the proposed use are adequate or will be conditioned appropriately. The American Legion building itself will not change as part of this land use application. The single-family home on this site will be removed and a parking lot will be added to the site. As such, the need for sanitary sewer and water facilities on this site will be reduced, with the existing sanitary sewer being capped as part of the home demolition and the existing water proposed to be fitted with a backflow device and used only for irrigation. The amount of impervious surface on the site will increase, thus increasing the need for stormwater management. This will be discussed

and conditioned below in the “Public Improvements” discussion section. Transportation facilities, electrical distribution, park and open space and public safety are adequate for this proposed development as discussed in more detail throughout this report.

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

Findings: The American Legion building is located in the Retail Commercial (RC) zone whereas the proposed parking lot would be located in the Medium Density Residential Low (MDRL) zone. The American Legion is a conditional use in both zones and the Legion owns both lots. The site, including the building, grounds and proposed parking lot, conforms to the setback and dimensional standards of both the RC and MDRL zones. Compliance with the dimensional standards is discussed in more detail further in this report. The parking lot is intended for use by personal vehicles. No trash collection will occur on this site and delivery trucks are not anticipated. Noise generation at levels incompatible with the RC or MDRL zones is not anticipated.

Chapter 2 - Land Use and Development

2.109 Retail Commercial (RC)

2.109.03 Conditional Uses

Findings: Section 2.109.03(I) conditionally permits “private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited”. The American Legion is classified as a fraternal organization.

2.109.05 Dimensional Standards

Lot Dimensions

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

1. Lot area: 5,000 sq ft
2. Lot width at front property line: 40 feet
3. Lot width at building line: 40 feet

Findings: The lot area is in excess of 11,000 square feet and the lot width at front property line (as well as building line) is 94 feet. The RC portion of the Legion site meets the lot dimension standards of the RC zone.

Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. **Front yard:** None, except when the lot abuts a residential zone, the front yard shall be that required in the residential zone.
2. **Side yard:** None, except ten (10) feet where adjoining a residential zone or public park.
3. **Rear yard:** None, except ten (10) feet where adjoining a residential zone or public park.
4. **Existing residential uses shall maintain setbacks specified in Section 2.105.04.**

Findings: Because this lot does abut a residential zone, the front, side and rear yard setbacks apply. The existing legion building is further than twenty (20) feet from the front property line and further than ten (10) feet from the side and rear property lines. The Legion building meets the setback standards of the RC zone.

Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

Findings: The Legion building is within one-hundred (100) feet of the MDRL zone and therefore shall be limited to two (2) stories or thirty (30) feet, whichever is less. The building is one (1) story and does not exceed thirty (30) feet in height. The Legion building meets the height standards of the RC zone.

2.103 Medium Density Residential Low (MDRL) Zoning **2.103.03 Conditional Uses**

Findings: Section 2.103.03(H) conditionally permits "private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs".

2.103.04 Dimensional Standards

Findings: Since no new buildings are proposed the dimensional standards for lot size, setbacks and height are not applicable. Section 2.103.05 states that for standards relating to off-street parking, Chapter 5 applies. Compliance with Chapter 5 is discussed further in this report.

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

Findings: The granting of this proposal will provide a parking facility for the American Legion as well as, on contract, the City of Sherwood. The American Legion site is located within the "Smockville Area" of the Old Town Overlay, the only area in the City of Sherwood where parking is not required of new developments. For this reason, many commercial and residential developments have been built in Old Town in the last decade and have not provided parking facilities for business owners, employees, residents or customers. Parking supply and demand has become an increasingly contentious issue as the number of people living and working in Old Town is steadily increasing. Therefore, adding a parking lot to the Legion site will help alleviate the need for off-street parking and supplement on-street parking supply in the Old Town District. In addition, providing off-street parking in a centralized location reduces vehicles "circling" the streets of Old Town looking for on-street parking, allowing better flow of the traffic on these streets. Reducing traffic congestion from vehicles circulating for parking spaces and alleviating some of the strain on the supply of on-street parking serves to increase the access patrons and residents have to businesses and residences in Old Town. This increases the viability of Old Town and the City of Sherwood as a whole.

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

Findings: The American Legion site covers the entire block surrounded by SW Pine Street, SW Oregon Street, SW Oak Street and SW 1st Street. The proposed parking lot will not be adjacent to any residential or commercial buildings. The proposed parking lot is an addition to the pre-existing Legion site. This site has not adversely affected surrounding property in the past and it is not anticipated that it will if this addition to the site is approved. The addition of off-street parking for the Legion will help to decrease the demand of on-street parking in the vicinity. Noise and light glare are not issues considering the adjacent uses are primarily commercial, and the existing residential across First Street is proposed for a mixed-use redevelopment.

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

Findings: The impacts of a proposed parking lot are limited to increased stormwater runoff and traffic movements entering and exiting the lot. The stormwater runoff will be discussed and conditioned in the "Public Improvements" section of this report below. The proposed point of ingress and egress is onto SW 1st Street, which is designated as "proposed collector" by the Sherwood Transportation System Plan (TSP). In addition, the access point is located so as to provide adequate site distance to the nearby

intersection of SW 1st Street and SW Oak Street (a local street). This project does not propose access off of SW Oak Street because the configuration of the lot is such that it would be difficult to provide an adequate drive aisle and parking spaces if the access was from SW Oak. As discussed later in this report under the "Chapter 5- Community Development" and "Access to Major Roadways" section, all site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

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

Findings: The American Legion site and specifically the proposed parking lot is currently a developed site in the central business district of the City of Sherwood. According to Metro's Goal 5 inventory, there are no known sensitive wildlife species or natural environment concerns with this site.

G. For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

Findings: The American Legion site is within the Old Town Overlay Zone and is therefore exempt from the CAP.

H. through L. For wireless communication facilities, no conditional use permit shall be granted unless the following additional criteria are found:

Findings: This is not a proposed wireless communications facility and therefore these criteria do not apply.

The following criteria apply to transportation facilities and improvements subject to Conditional use approval (in addition to criteria A-G). These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved subdivision or partition subject to site plan review.

M. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

Findings: The existing single-family home on the parcel where the parking lot is proposed currently has access off of SW Oregon Street. However, as part of the Downtown Streetscape Project, this section of SW Oregon Street will be closed to vehicular traffic and designated for pedestrian and bicycle traffic. The proposed access

point for the parking lot is off of SW 1st Street, directly opposite SW Oregon Street. This configuration serves to minimize traffic conflicts as it is anticipated that most pedestrians and bicyclists will use SW Oregon Street to travel north-south as opposed to SW 1st Street.

N. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.

Findings: A private sidewalk connecting the proposed parking lot to the SW Oregon Street pedestrian area is shown on the site plan. The closest parking space to this sidewalk is the space designated for handicapped accessibility. There are existing public sidewalks on all sides of the existing Legion site, including the proposed parking lot.

O. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval.

Findings: The City has not determined that a parking lot addition, as an accessory to the American Legion site, is inconsistent with the TSP and therefore a plan and/or zoning amendment is not required.

P. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section A-G and M-P. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

Findings: There are no state transportation system facilities or improvement projects proposed with this development and therefore this criterion is not applicable.

Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of Section 4.300. These conditions may include but are not limited to the following:

A. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.

Findings: None of the above situations are anticipated with this development proposal and therefore conditions for mitigation are not required at this time. If any of the

situations above arise during the use of the proposed parking lot, code compliance action in accordance with the Municipal Code will be taken.

B. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.

Findings: This proposal is for the addition of a parking lot to the American Legion site. As such, improvements to sanitary sewer, water lines, and fire hydrants are not required. Street improvements, including curb and sidewalks and other above and underground utilities are being coordinated through the City of Sherwood Downtown Streetscapes Project, currently under construction. Storm drainage will be discussed and conditioned below under the "Public Improvements" section.

C. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.

Findings: This lot is pre-existing with no yards proposed. The street widths on all sides are existing and are currently being re-surfaced and enhanced as part of the Downtown Streetscapes Project. Street widening is not necessitated by the addition of a parking lot to support an existing use. Sixteen (16) off-street parking spaces will be provided as part of this project. The American Legion site currently has no loading facility as very few deliveries are made to the building. No loading facility is proposed with this project.

D. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.

Findings: There is one vehicular access point identified for this project that is onto a proposed collector street (per the 2005 Transportation System Plan, formerly a local street) with adequate distance to the nearby intersection. The Engineering Department has reviewed the location and indicated that the access location is acceptable. The access complies with the standards in Chapter 5, as discussed further in this report and no deviation from the standard has been determined to be necessary. No signs are proposed as part of this application (with the exception of the sign designating the handicapped parking space). Two lights, measuring 30 feet in height, are proposed near the midpoints of the north and south boundaries of the parking lot to provide lighting to the site. As discussed further in this report, the lighting proposed does not impact neighboring properties with excess glare. Perimeter landscaping is proposed around the entire site. An administrative variance is requested to reduce the width of this landscaping. This will be discussed below under the "Administrative Variance" section. The parking lot will be screened on all sides by plants, shrubs and trees. There are no additional buildings proposed for the American Legion site.

E. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.

Findings: Submittal of a final site plan will be required prior to obtaining building permits. No land dedications or money-in-lieu are required as all improvements will be completed prior to issuance of any building permit.

F. Limiting the number, size, location, height and lighting of signs.

Findings: No signs are proposed with this development (with the exception of the sign designating the handicapped parking space). Any additional signage will need to be reviewed by the Building and Planning Departments.

G. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.

Findings: There are three trees on the portion of this site designated for the parking lot. One of these trees is proposed for removal while the other two are proposed for retention. The tree proposed for removal will require mitigation at a one-to-one inch caliper ratio. This will be discussed and conditioned below under the "Site Plan Review" section. There are no known habitat areas or drainage areas on this site.

H. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

Findings: As discussed above, no harmful environmental impacts are anticipated with this development.

V. ADMINISTRATIVE VARIANCE

The City Manager or his or her designee may authorize a variance from the standards of this Code relating to dimensional and on-site requirements, except lot area. Provided, however, that no variance under this section shall be greater than 25% of the requirement from which the variance is sought.

Findings: The proposed variance is a decrease in the perimeter landscaping along SW Oak and SW 1st by twenty-five percent (25%), from 10 feet in width to 7.5 feet in width. Section 5.203.02.B requires a landscaped strip at least 10 feet in width between rights-of-way and any abutting off-street parking, loading or vehicle use areas.

In the case of a yard or other dimensional variance, except lot area, the applicant shall address the findings in Section 4.401.02 as well as show the approval will result in:

- 1. More efficient use of the site**
- 2. Preservation of natural features, where appropriate**

3. **Adequate provisions of light, air and privacy to adjoining properties; and**
4. **Adequate access**

Findings: The American Legion site is located in the "Smockville Area" of the Old Town Overlay and, as such, is not subject to minimum off-street parking requirements. However, neither is any other development in the "Smockville Area" of Old Town. For this reason, on-street parking is becoming less and less adequate to meet the parking needs of Old Town businesses, patrons and residents. The applicant proposes that the most efficient use of this remaining portion of the American Legion site, therefore, is a parking lot with the maximum number of spaces possible. In order to accomplish this, a twenty-five percent (25%) variance to the landscaping buffer standard (from 10 feet in width to 7.5 feet) along two frontages is requested. In addition, a reduction in the width of the landscaping buffer along SW Oak will allow the preservation of a maple tree on site between the Legion building and this proposed parking lot. This variance is the only way to provide the maximum number of parking spaces and preserve the tree. The approval of this variance will result in adequate provision of light, air and privacy to adjoining property owners as there will still be a landscaping buffer separating this property from the surrounding rights-of-way (there are no property owners adjoining the Legion site). The access to this property is proposed from SW 1st Street and the approval of this variance will not affect this access.

Section 4.401.02: No variance request shall be granted unless each of the following is found:

- A.** **Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.**

Findings: The American Legion is located in the Old Town Overlay District, a part of Sherwood that was originally platted as the First Addition in 1911. This site's small lot size, legally existing prior to the effective date of the Sherwood Zoning and Community Development Code, and the fact that the site has frontage on 3 sides, makes it a difficult place to locate a parking lot to meet the parking needs of the American Legion while meeting all landscape dimensional standards. The Legion building is located on RC zoned property. However, because it is in the "Smockville Area" of the Old Town Overlay, parking is not required. For this reason, this site, along with most other commercially zoned sites in the overlay, rely on a small supply of on-street parking to meet all of their parking needs. This is not the case for most commercial developments in Sherwood where off-street parking is required and parking is not an issue.

- B.** **The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.**

Findings: The proposed parking lot site has street frontage on 3 sides. Thus, the perimeter landscape requirements affect this site more than most other properties in the area. Without the variance, more of this site would be used for perimeter landscaping. The variance will

allow use of this site with a parking lot of the same size as would be allowed on most other sites in the area.

C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.

Findings: The authorization of this variance will result in a decrease in the width of the landscape buffer. There will still be landscaping surrounding the three sides of this parking lot that are adjacent to the public right-of-way in addition to additional grass in the right-of-way along these frontages. This reduction will not be detrimental to the purposes of the Code or other property in the zone or vicinity. Furthermore, properties in the overlay area can construct structures with a zero property line setback and no landscaping buffer. The variance will continue to provide a landscape buffer that is not provided on other developed areas of Old Town. The reduction in the perimeter landscaping area from 10 feet to 7.5 feet should not be noticeable.

D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

Findings: The lot size was determined by the original platting of the area and the need for off-street parking in this area has increased greatly due to many developments occurring in Old Town and no requirement for developments to provide off-street parking. If the variance were not granted, only 8 parking spaces could be constructed or an additional existing tree would have to be removed. The twenty-five percent (25%) reduction in the width of the landscape buffer on two frontages enables the site to provide the maximum number of parking spaces (16) while continuing to retain the existing tree. These parking spaces will be used by the Legion as well as the City of Sherwood and will result in more on-street parking spaces being available for everyone working, doing business, or living in Old Town.

E. The hardship does not arise from a violation of this Code.

Findings: This hardship arises from the small size of the lot and the need for the maximum number of off-street parking spaces due to the lack of parking requirements in the Old Town Overlay. This hardship does not arise from a violation of the Code.

In the case of a variance to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the applicant shall show that approval will provide adequate off-street parking in relation to user demand.

Findings: This proposed variance is not for the dimensional standards or number of off-street parking spaces. No off-street parking spaces are required of the Legion site as it is located within the "Smockville Area" of the Old Town Overlay and the spaces will meet the dimensional requirements of Section 5.300.

VI. SITE PLAN REVIEW (SECTION 5.102.04)

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

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

Findings: The applicable zoning district standards are discussed above under the "Chapter 2- Land Use and Development" section, and the provisions of Chapters 5, 6, 8 and 9 are discussed below.

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

Findings: The services to this site are pre-existing as this site is currently developed with the American Legion building and grounds. The addition of the parking lot to this site will not require additional services, with the exception of storm water, which is discussed and conditioned below in the "Public Improvements" section.

- C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management and maintenance of structures, landscaping and other on-site features.**

Findings: The American Legion owns both tax lots of this site. The Legion will own, maintain and manage the site, including the parking lot, building and grounds. However, the City of Sherwood will contract with the Legion for use of the parking lot.

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

Findings: There is one tree proposed for removal with this project and shall be mitigated as discussed below under "Chapter 8- Environmental Resources". An administrative variance has been requested to reduce the width of the landscaping strip on the north side of the parking lot in order to preserve a tree on the south side of the parking lot. There is one other tree on the site that will be retained. Aside from these three trees, no other significant natural features exist on the site.

- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC),**

Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

Findings: This site is located in the Old Town Overlay Zone and therefore is not subject to the CAP requirements.

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

Findings: This site does not currently generate more than 400 average daily trips and is not likely to with the addition of a parking lot to the site. The City Engineer has not required a traffic study for this development proposal.

- G.** The proposed commercial, multi-family development, and mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:

1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding, metal roofs, and artificial stucco material shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
4. As an alternative to the above standards G.1-3, the Old Town Design Standards (Section 9.202) may be applied to achieve this performance measure.

Findings: This proposal is for the addition of a parking lot to the pre-existing American Legion site. The American Legion is not commercial, multi-family or mixed-use in nature. In addition, no changes to the main building are proposed with this application. However, the proposed parking lot will be located at the rear of this site, preserving the building's direct orientation to SW Pine Street and the sidewalk located therein.

Applicable Code standards for Site Plan review:

Chapter 5 - Community Design

Landscaping-Parking and Loading Areas

A. Total Landscaped Area

All areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 5.200.

Findings: A landscaping plan was submitted with this application detailing the proposed perimeter landscaping. All areas of this site not paved for the parking lot use or developed with the Legion building are landscaped. The landscaping on the portion of the site where the building is located is pre-existing and is comprised of mainly grass and a few trees. The portion of this site where the parking lot is proposed currently is landscaped with grass which will be removed for the parking lot. The perimeter of the parking lot will be landscaped with a variety of shrubs, low growing ground cover and street trees. The landscaping is proposed to be comprised of native plant species requiring minimal water.

B. Adjacent to Public Rights-of-Way

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off-street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, except in clear vision areas as per Section 2.303.

Findings: A ten-foot landscaped strip is proposed along SW Oregon Street (this landscaped strip is partially in the right-of-way as this street will no longer be used for vehicular traffic as part of the Streetscapes Project). An administrative variance to reduce the width of the landscaped strips between this property and the frontages of SW Oak and SW 1st has been requested and is discussed above in the "Administrative Variance" section.

C. Perimeter Landscaping

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

Findings: The proposed parking lot is on the American Legion site, which is comprised of two tax lots. The Legion site does not abut any other properties or developments, and therefore this standard is not applicable.

D. Interior Landscaping

A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row.

Findings: Section 5.203.02A of the Code requires "all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 5.200". It does not specify how much parking area landscaping is required. However, a general rule of thumb for the required amount of landscaping is ten percent (10%) of the total parking area. In this case, the parking lot is approximately 5,000 square feet. As such, 500 square feet of landscaping should be provided and 250 square feet of the 500 square feet should be in the interior of the parking lot. There are three landscaped areas that are not considered perimeter landscaping totaling 405 square feet. There are no more than fifteen (15) parking stalls in a row proposed.

E. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 2.301.

Findings: There are no plantings proposed within the clear vision area that are between 2.5 and seven (7) feet in height, the requirement pursuant to Section 2.301- Clear Vision Areas.

Visual Corridors - New developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the of the Community Development Plan, Part II, and the provisions of Section 8.304.

Findings: SW 1st Street is a proposed collector and, as such, a minimum 10-foot wide visual corridor is required along this frontage. A 20-foot wide landscaped visual corridor is proposed along this street. However, some of the landscaped visual corridor is within the right-of-way. Section 8.304 allows this configuration in residential areas (this lot is zoned MDRL), and this is consistent with the implementation of the visual corridor on past projects in Sherwood.

Off-Street Parking and Loading

Findings: Section 9.202.07.C and D of the SZCDC exempt developments in the "Smockville" portion of the Old Town Overlay from providing off-street parking and loading. However, because this is a parking lot, the landscaping standards (as discussed above) and standards in Section 5.302.03 apply. Compliance with these standards is discussed below.

Dimensions

For the purpose of Section 5.300, a "parking space" generally means a minimum stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

Findings: Thirteen (13) of the sixteen (16) proposed parking spaces on this site are standard spaces and measure nine (9) feet by twenty (20) feet. Three (3) of the proposed parking spaces are designated as "compact" and measure eight (8) feet by eighteen (18) feet. The percentage of compact spaces (19%) is less than 25% of the total number of spaces. In addition, as there are no parking spaces required because this site is in the "Smockville Area" of the Old Town Overlay District, the number of compact spaces is acceptable. The American Legion and the City will be responsible for policing the appropriate use of the compact spaces.

Layout

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

Findings: The proposed parking space configuration is standard with a twenty-four (24) foot wide drive aisle down the middle and parking on either side. No parking spaces back or maneuver within a street. All parking spaces are at a ninety (90) degree angle to the drive aisle, meeting the standards shown in Appendix G.

Wheel Stops

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

Findings: Wheel stops are shown on the site plan for every proposed parking space as each space is adjacent to the boundaries of the parking lot. These wheel stops are required and they will be verified with final site inspection.

Service Drives

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

Findings: No service drives are proposed with the addition of the parking lot to this site. The need for a service drive is not anticipated for the American Legion site.

On-Site Circulation

On-Site Pedestrian and Bicycle Circulation

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

Findings: The American Legion site is surrounded on all sides by public streets that will provide pedestrian and bicycle access when the Downtown Streetscapes Project is complete. There is a sidewalk connecting this parking lot to the public right-of-way along SW Oregon Street and to the American Legion hall.

Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with Section 5.400.

Findings: The ingress, egress and circulation of the proposed parking lot are being reviewed with this development application. An approval of this conditional use permit request and site plan review will include approval of the ingress, egress and circulation.

Joint Access

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

Findings: There is only one ingress/egress proposed for the American Legion site. The Legion site covers the entire block on which it is located.

Connection to Streets

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

Findings: The ingress/egress for this site connects directly to SW 1st Street, a public street. There is an existing private sidewalk extending from the ground floor entrance of the Legion building to the public sidewalk.

Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

Findings: The American Legion will be responsible for maintenance and upkeep of this site and will be subject to Code Compliance action if the ingress/egress and circulation are not kept clean and in good repair.

Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

- A. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.**
- B. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.**
- C. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.**

Findings: The proposed access to this site is via SW 1st Street, a "proposed collector" on the Transportation Plan Map. Prior to adoption of the 2005 Transportation System Plan, this street was classified as a "local" street. There is no proposed access from an arterial.

Service Drives

Service drives shall be provided pursuant to Section 5.303.

Findings: No service drives are proposed to be added to this site.

Minimum Non-Residential Standards- Driveways

The driveway must be an improved hard surface. The minimum width of a two-way driveway serving any number of parking spaces is 24 feet.

Findings: The proposed two-way driveway is 24 feet in width. AC Pavement is the proposed paving material. The Sherwood Engineering Department provided comments stating that because this is a City parking lot and contractors with heavy trucks will be using the parking facility, the paving should be of commercial grade. However, this parking lot is not a city-owned lot. This parking lot is owned by the American Legion and will be leased for use to the City on a temporary basis. In addition, the Sherwood City Hall has a parking lot that is currently used and will continue to be used by contractors. The proposed AC pavement shown on the site plan is adequate for the individual vehicles anticipated to use this lot.

5.403.02 Sidewalks and Curbs

Findings: A private sidewalk is proposed to connect the parking lot to the SW Oregon Street frontage. A private sidewalk currently exists connecting the American Legion building to the SW Pine Street frontage.

On-Site Storage

Findings: No on-site storage is proposed or anticipated for this project. The proposed parking lot is in the residentially zoned portion of this lot and, therefore, pursuant to Section 5.503.01, external material storage is prohibited. Any future issues with material storage on the site that may arise will be addressed through the City's Code Compliance program.

Outdoor Sales and Merchandise Display

Findings: No outdoor sales or merchandise display are proposed or anticipated. Such sales or display must be reviewed as a conditional use pursuant to Section 5.504.01. Any future issues with outdoor sales or merchandise display on the site that may arise will be addressed through the City's Code Compliance program.

Signs

Findings: The only sign proposed with this addition of a parking lot to the American Legion site is a sign designating the handicapped-accessible parking space. This sign is exempt from requiring a sign permit per Section 5.701.03.A and 5.701.03.I. Any other

signs proposed for this site will require a separate permit and will be reviewed at the time of submittal of a permit application.

Chapter 6 – Public Improvements

Findings: All public utilities necessary for this site are pre-existing. The frontage improvements along all sides of the American Legion site will be completed as part of the Downtown Streetscapes Project. The Sherwood Engineering Department has commented that the proposed on-site filter bag inlet system does not meet Clean Water Services requirements for catch basin System Standards 3.05.5. The Sherwood Engineering Department recommends an oil separator catch basin (preferably) or a sump catch basin. See also the comments under Question #1 of the Addendum Staff Report, adopted herein. A condition of approval will be required that prior to issuance of building permits, submit plans to the Sherwood Engineering Department for review and approval of a stormwater facility meeting Clean Water Services standards.

Chapter 8 - Environmental Resources

Visual Corridors

Findings: The visual corridor criterion is addressed above under “Chapter 5-Community Design”.

Trees Along Public Streets or on Other Public Property

Findings: The American Legion site has frontage on SW Pine Street, SW 1st Street, SW Oak Street and SW Oregon Street. All four of these streets are currently under construction as part of the Downtown Streetscapes Project. As part of this project, the City will be installing street trees, curbs, sidewalks, etc. along all four frontages.

Trees on Property Subject to Certain Land Use Applications

Findings: One tree is proposed for removal. This tree is 44-inches in caliper and is a deciduous species. This tree is located internally to the site and would be difficult to save with any configuration of the parking lot. This tree will be mitigated at a 1:1 caliper ratio. No proposed plan for mitigation was submitted for staff to review. Another tree will be preserved as a result of an administrative variance that staff recommends approval. And a third tree will be preserved on-site regardless of approval of the variance. A condition of approval will require that prior to issuance of building permits, a tree mitigation plan be submitted to the Planning Department for review and approval.

Heat and Glare

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely

within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

Findings: The luminaire schedule submitted with the application shows two 30-foot tall lights to be placed on-site directed inward toward the parking spaces. The plan indicates light glare will not spill into the right of way. There are no properties adjoining the American Legion site. A site inspection will verify the foot candle.

Chapter 9 – Historic Resources

Community Design

Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Chapters 5, 8 and 9 shall apply, in addition to the Old Town design standards below:

A. Generally

In reviewing site plans, as required by Section 5.100, the City shall utilize the design standards of Section 9.202.08.

Findings: The design standards of Section 9.202.08 apply specifically to “development of all new principal commercial, institutional and mixed-use structures in the Old Town Design Overlay.” Because the American Legion building is pre-existing and the addition of a parking lot to the site is not a “new principal commercial, institutional or mixed-use structure”, the design standards of Section 9.202.08 do not apply to this land use review.

B. Landscaping for Residential Structures

1. Perimeter screening and buffering, as per Section 5.203.01, is not required for approved home occupations.
2. Minimum landscaped areas are not required for off-street parking for approved home occupations.
3. Landscaped strips, as per Sections 5.203.02 and 8.304.04A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.
4. Fencing and interior landscaping, as per Section 5.203.02, are not required.

Findings: The American Legion building is not a residential structure and therefore these standards do not apply. Regardless, the standards above are met with the proposed parking lot landscaping and add support to the variance to reduce the width of the landscape strip to 7.5 feet given that other residentially zoned properties in the Old Town Overlay may be a minimum of 5 feet.

C. Off-Street Parking

For all property and uses within the “Smockville Area” of the Old Town Overlay District off-street parking is not required. For all property and uses within the “Old Cannery Area” of

the Old Town Overlay District, requirements for off-street automobile parking shall be no more than sixty-five percent (65%) of that normally required by Section 5.302.02. Shared parking agreements may be approved, subject to the standards of Section 5.301.03.

Findings: Although the American Legion site is within the "Smockville Area" of the Old Town Overlay District and no parking is required, the Legion has found a need for a parking lot and is applying to add such to the site. Section 5.302.02 does not specify minimum or maximum parking requirements for this use, therefore the addition of 16 parking spaces does not violate maximum parking standards.

D. Off-Street Loading

1. Off-street loading spaces for commercial uses may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than sixty-five percent (65%) of the minimum standard that is otherwise required by Section 5.303.01B.
2. For all property and uses within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required.

Findings: Because the American Legion site is within the "Smockville Area" of the Old Town Overlay District, off-street loading is not required and is not proposed at this time.

E. Signs

In addition to signs otherwise permitted for home occupations, as per Section 2.203.01, one (1) exterior sign, up to a maximum of sixteen (16) square feet in surface area, may be permitted for each approved home occupation.

Findings: This application does not include a home occupation and therefore this standard does not apply.

F. Non-conforming Uses

When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Section 9.400, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Section 2.206 may be waived by the Commission.

Findings: The approval of this conditional use permit and site plan review will not require the nonconforming use restrictions contained in Section 2.206 to be waived.

G. Downtown Street Standards

All streets shall conform to the Downtown Street Designations and Street Standards in the City of Sherwood Street Cross-sections dated May 1999, and as hereafter

amended. Streetscape improvements shall conform to the Construction Standards and Specifications adopted by Ordinance 98-1065, and as hereafter amended.

Findings: All of the streets surrounding the American Legion site are being reconstructed as part of the Downtown Streetscapes Project. As such, no street improvements are proposed or required with this conditional use/site plan review.

Standards for All Commercial, Institutional and Mixed-Use Structures

The standards in this section apply to development of all new principal commercial, institutional and mixed-use structures in the Old Town Design Overlay zone. These standards also apply to exterior alterations in this zone, when the exterior alteration requires full compliance with the requirements of applicable building codes.

Findings: There are no new principal commercial, institutional or mixed-use structures proposed with this development, nor are there any exterior alterations to any structures proposed. Therefore, this criterion does not apply. See also the discussion under Questions #1 of the Addendum Staff report, adopted herein.

VII. DECISION

Based on a review of the application, Staff Report and Addendum Staff Report, public testimony, applicable code provisions, and agency comments, it is the decision of the Hearings Officer to **APPROVE with conditions** CUP 05-04/SP 05-16/AV 05-02 for the proposed American Legion Parking Lot. The conditions of approval are set out below below:

VIII. CONDITIONS OF APPROVAL

A. General Conditions:

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

1. Compliance with the Conditions of Approval is the responsibility of the developer.
2. This land use approval shall substantially comply with the submitted preliminary site plans dated "September 2005" and prepared by Harper Houf Peterson Righellis, Inc., except as modified in the conditions specified in this decision.
3. The developer is responsible for all costs associated with private and public facility improvements.

4. **The Site Plan and Conditional Use approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood and other applicable agency codes and standards except as modified herein.
6. Additional development or change of use may require a new development application and approval.
7. The site plan must be reviewed and approved by the Planning Commission as a Type IV review. Unless this Hearings Officer decision is appealed, it is not necessary for the Planning Commission to review the administrative variance or the conditional use.

B. Prior to demolition of structures:

1. Obtain City of Sherwood Building Department approval of demolition plans, grading plans and erosion control.
2. Any existing wells, septic systems and/or underground storage tanks shall be abandoned in accordance with Oregon state law as reviewed and approved by the City Engineer.

C. Prior to building permit approval for grading and/or erosion control:

1. The plans shall conform to the approved site plan and engineering plans. The parking lot must be made of an improved hard surface. The Sherwood Engineering Department strongly encourages the use of commercial grade asphalt for this parking lot.
2. Submit plans to the Sherwood Engineering Department for review and approval of a stormwater facility meeting Clean Water Services standards.
3. Submit a final site plan as well as a narrative responding to all conditions of approval to the Planning Department for review and approval (as required by Section 4.302.02).
4. Submit a tree mitigation plan to the Planning Department for review and approval. This plan must include details on how and where mitigation for forty-four (44) caliper inches of deciduous trees will occur.

D. Prior to use of the site:

1. All site improvements shall be installed consistent with the submitted plans and conditions listed above. Schedule a final site inspection from the Sherwood Planning Department when all required improvements have been completed and conditions have been met.
2. All other appropriate department and agency conditions have been met, including Engineering Department acceptance of all public improvements.

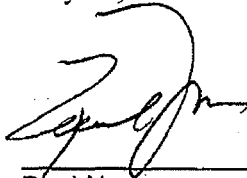
E. On-going Conditions:

1. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.

IX. ATTACHMENTS

- A. Written Testimony provided by Patrick Lucas on November 28, 2005.
- B. Sherwood Engineering Department comments provided on November 17, 2005.
- C. PGE comments provided by Ralph Reisbeck on November 11, 2005.
- D. Addendum Staff Report dated January 17, 2006

DATED: January 19, 2006.



Paul Norr,
Hearings Officer

NOTICE OF APPEAL RIGHTS

The decision of the Hearings Officer detailed above will become final unless a petition for review (an appeal) is filed with the City Recorder not more than 14 calendar days after the date on which the Hearing Authority took final action on the land use application, or 14 calendar days after written notice of the action was mailed, whichever date applies, pursuant to the City of Sherwood Zoning & Community Development Code, Chapter 3.4. If the 14th day falls on a Saturday, Sunday or legal holiday, then the appeal period ends on the next business day. To file a petition for review (an appeal) contact the City of Sherwood Planning Department located at 20 NW Washington Street, Sherwood, OR 97140, or telephone (503) 625-5522.

PN/2



NOTICE OF APPEAL

TAX LOT: 03100
MAP NO: 2S132BA
CASE NO: CUP 05-16/SP 05-16/
AV 05-02

TO: SHERWOOD CITY COUNCIL

APPEAL BY: City of Sherwood

(Appellant's Name)

ON FILE # CUP 05-16/SP 05-16/AV 05-02 at 15914 SW First Street, Sherwood, OR 97140
(address/tax lot number)

The undersigned in the above-entitled matter does hereby appeal from that certain decision of the Sherwood Planning Commission rendered on the 14th day of March, 2006, upon the following grounds: *(Please provide on a separate sheet the reasons why you think the City Council should render a different decision than that rendered by the Planning Commission.)*

Sandra Burtzos
Appellant

Date Signed: 3-15, 2006.

22560 SW Pine Street, Sherwood, OR 97140
Address

503.925.2305 Sandra Burtzos, Proj Mgr
Phone No.

To be filled out by City Staff

Received by: _____
(authorized Staff member)

Date: _____

Fee: _____

Receipt No.: _____

NOTE: See Fee Schedule for Appeal Fee

APPEAL

Persons who are a party to the decision and who have a basis for an appeal based on an issue that has been raised, are eligible to appeal this decision not more than 14 days after the date on which the action took place. For the applicant, the 14 days are counted from the date the decision was mailed.

Exhibit B

The applicant believes that the Planning Commission erred in finding that there is no need for the proposed 16-space parking lot as required by Section 4.302.03(C). The applicant believes that a need does exist for the parking lot as evidenced in the memo prepared by Keith Jones of HHPR dated March 7th 2006. This memo demonstrates that the Civic Building has a need for 88 spaces. Since 41 spaces exist there is a deficiency of 47 spaces. The proposed 16-space parking lot will help to fulfill this need by providing additional parking. Since the Civic Building is a public building, the proposed parking lot will serve an overall public need by freeing up parking spaces to be used by citizens visiting City Hall and using the public library. In addition, the parking lot will be shared with the American Legion. Shared parking serves a public interest by reducing the pavement and reserving limited and valuable land in Old Town for commercial and residential uses. The construction of the parking lot does not prohibit redevelopment of the site or the adjacent site at a later date.



Type IV
NOTICE OF DECISION

TAX LOT: 3100
MAP NO: 2S1W32BA
CASE NO: CUP 05-04/SP 05-16/AV 05-02
DATE OF DECISION: 3/14/06

Applicant:

City of Sherwood (Attn: Sandra Burtzos)
22560 SW Pine Street
Sherwood, OR 97140

Owner:

American Legion Post
22548 SW Pine Street
Sherwood, OR 97140

Notice is hereby giving that on March 14, 2006 the Sherwood Planning Commission **DENIED** CUP 05-04/SP 05-16/AV 05-02, American Legion Parking Lot Addition. After full and due consideration of the application, the City Staff report, the record, findings, and the evidence presented at the public hearing, the Planning Commission concluded that the applicable requirements have not been satisfied to support the requested Conditional Use Permit, Site Plan and Administrative Variance approvals.

VII. APPEAL

Pursuant to Section 3.400 of the Sherwood Zoning and Community Development Code, any person who appeared before the local government orally or in writing may file a notice of intent to appeal to the City Council not later than 14 days after the date of this report. **A notice of intent to appeal a land use decision to the City Council shall be filed with the City of Sherwood not later than 5pm on Thursday, March 30, 2006.**

VIII. AFFIDAVIT OF MAILING

STATE OF OREGON)
)
Washington County)

I, Heather Austin, Associate Planner for the Planning Department, City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case File No. CUP 05-04/SP 05-16/AV 05-02, American Legion Parking Lot Addition was placed in a U.S. Postal receptacle on March 16, 2006.

Heather M Austin

City of Sherwood Planning Department

CITY OF SHERWOOD-Addendum Staff Report

TO: Planning Commission

FROM: Heather Austin, Associate Planner

DATE: March 7, 2006

RE: American Legion Parking Lot File No: CUP 05-04/SP 05-16/AV 05-02

At the February 14, 2006 meeting, the Sherwood Planning Commission determined that the parking lot proposed for addition to the Legion site is a "structure" as defined in the Sherwood Zoning & Community Development Code, and is therefore subject to a Type IV review by the Planning Commission (SZCDC §3.201.01.D.1). As such, the Planning Commission reviewed the proposal against the Conditional Use, Site Plan and Administrative Variance criteria.

After public testimony and deliberation, the four members of the Planning Commission voted for both approval and denial of the proposal and were split equally in both votes- two for and two against. The Planning Commission then continued the meeting until March 14, 2006 and left the record open for further testimony.

Below are revised findings for Section 9.202.08 of the Sherwood Zoning and Community Development Code, a response to the applicant's submitted materials and a staff recommendation to the Planning Commission.

Revised Findings

9.202.08 Standards for All Commercial, Institutional and Mixed-Use Structures

The standards in this section apply to development of all new principal commercial, institutional and mixed-use structures in the Old Town Design Overlay zone. These standards also apply to exterior alterations in this zone, when the exterior alteration requires full compliance with the requirements of applicable building codes.

Findings: The primary institutional structure on this site is the pre-existing American Legion building and the proposed parking lot is intended to be secondary to and supportive of that structure. While Section 9.202.08 only applies to principal structures, findings for the parking lot's compliance with this section are discussed below.

- A. Building Placement and the Street.** *The purpose of this standard is to create an attractive area when commercial or mixed-use structures are set back from the property line. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street.*

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is

built to the street lot line are exempt from the requirements of this paragraph. All street-facing elevations must comply with one of the following options:

1. **Option 1: Foundation landscaping.** *All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building façade that provide access for pedestrian or vehicles to the building. The foundation landscaping must meet the following standards:*
 - a. *The landscaped area must be at least thirty (30%) of the linear street frontage;*
 - b. *There must be at least one (1) three-gallon shrub for every 3 lineal feet of foundation in the landscaped area; and,*
 - c. *Ground cover plants must fully cover the remainder of the landscaped area.*

Findings: The parking lot will be landscaped on all street frontages, 1st Street, Oak Street and Oregon Street. The portions of these frontages that provide access for pedestrians or vehicles will not be landscaped but all other portions will. A variety of planting materials will be used, including trees, shrubs and ground cover with at least one shrub or tree for every 3 lineal feet of foundation in the landscaped area. The entire landscaped area will be fully covered by at least ground cover.

2. **Option 2: Arcade.** *All street-facing elevations must have an arcade as a part of the primary structure, meeting the following requirements:*
3. **Option 3: Hard-surface sidewalk extension.** *The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk.*

Findings: Because this project need only comply with one (1) of the three options above and compliance has been demonstrated with Option 1, compliance with Options 2 and 3 is not required.

- B. Reinforce the Corner.** *The purpose of this standard is to emphasize the corners of buildings at public street intersections as special places with high levels of pedestrian activity and visual interest. On structures with at least two frontages on the corner where two city walkways meet, the building must comply with at least **two** of these options.*

1. **Option 1:** *The primary structures on corner lots at the property lines must be at or within 6 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner.*
2. **Option 2:** *The highest point of the building's street-facing elevations at a location must be within 25 feet of the corner.*
3. **Option 3:** *The location of a main building entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner.*

4. **Option 4:** *There is no on-site parking or access drives within 40 feet of the corner.*
5. **Option 5:** *Buildings shall incorporate a recessed entrance(s) or open foyer(s), a minimum of 3 feet in depth to provide architectural variation to the façade. Such entrance(s) shall be a minimum of ten percent (10%) of the ground-floor linear street frontage.*

Findings: The purpose of this standard is to emphasize the corners of buildings at public street intersections. There is no building included with this proposal, thus the criterion does not apply.

- C. **Residential Buffer.** *The purpose of this standard is to provide a transition in scale where the Old Town Overlay District is adjacent to a lower density residential zone. Where a site in the Old Town Design Overlay District abuts or is across a street from a residential zone, the following is required.*

1. *On sites that directly abut a residential zone the following must be met:*
 - a. *In the portion of the site within 25 feet of the residential zone, the building height limits are those of the adjacent residential zone; and,*
 - b. *A 6-foot deep area landscaped to at least the Section 5.203.02B standard must be provided along the property line across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.*

Findings: The American Legion site is adjacent to the Medium Density Residential Low (MDRL) zone, where the height limitation is two (2) stories or thirty (30) feet, whichever is less. There is no building included in this proposal and the parking lot will not be a parking garage; therefore, the height will not exceed that of the adjacent residential zone. A variance has been requested to reduce the landscaped area surrounding two sides of the parking lot to 7.5 feet which, even if the variance is granted, the landscaped area will be at least 6-feet deep. If the variance is not approved, the landscaped area will be 10-feet deep. In addition, there is no location on this site where a commercial zone is across the street from a residential zone. The transition from commercial to residential occurs on this site, which is composed of two tax lots. The southernmost tax lot is zoned Retail Commercial (RC) whereas the northernmost tax lot is zoned Medium Density Residential Low (MDRL). The proposed parking lot is on the MDRL portion of this site, adjacent to other MDRL properties across two streets (the third adjacent across-the-street property is zoned RC). The purpose of this standard is to provide a transition in scale where the Old Town Overlay District is adjacent to a lower density residential zone, which does not apply to this proposal, the densities are the same because the zone is the same.

- D. **Main Entrance.** *The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.*

1. **Location of main entrance.** *The main entrance of the principal structure must face a public street (or, where there is more than one street lot line, may face the corner). For residential developments these are the following exceptions:*

- a. *For buildings that have more than one main entrance, only one entrance must meet this requirement.*
- b. *Entrances that face a shared landscaped courtyard are exempt from this requirement.*

Findings: The main entrance to the proposed parking lot is on 1st Street, a public street.

2. **Front porch design requirement.** *There must be a front porch at the main entrance to residential portions of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat, otherwise it must be articulated and pitched. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to a porch that provides the entrance to two or more dwelling units, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.*

Findings: There are no residential portions of the proposed parking lot.

E. **Off-Street Parking and Loading Areas.** *The purpose of this standard is to emphasize the traditional development pattern in Old Town where buildings connect to the street, and where off-street vehicular parking and loading areas are of secondary importance.*

1. **Access to off-street parking areas and adjacent residential zones.** *Access to off-street parking and loading areas must be located at least twenty (20) feet from any adjacent residential zone.*
2. **Parking lot coverage.** *No more than fifty percent (50%) of the site may be used for off-street parking and loading areas.*
3. **Vehicle screening.** *Where off-street parking and loading areas are across a local street from a residential zone, there must be a 6-foot wide landscaped area along the street lot line that meets the **Section 5.202** standard.*

Findings: The portion of the American Legion site where the parking lot will be located is zoned Medium Density Residential Low, a residential zone. The parking lot entrance is located at least 20 feet from any other residentially zoned properties, but because the underlying tax lot is zoned residentially the entrance to the lot is within this zone as well. This parking lot represents approximately 38% of the total American Legion site. There is, at minimum, as discussed above, at least 7.5 feet of landscaped area separating this parking lot from the adjacent street.

F. Exterior Finish Materials. *The purpose of this standard is to encourage high quality materials that are complementary to the traditional materials used in Old Town.*

1. *Plain concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than ten percent (10%) of the surface area of each façade. Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the board product is less than six (6) inches wide. Foundation materials may be plain concrete block when the foundation material does not extend for more than an average of three (3) feet above the finished grade level adjacent to the foundation wall.*

2. *Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph F.1 above, any material that meets the standards of Paragraph F.1 may be used.*

Findings: There are no walls proposed with the parking lot and therefore the standard for exterior materials does not apply to this new structure in Old Town.

G. Roof-Mounted Equipment. *The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using **one** of the methods listed below. Solar heating panels are exempt from this standard.*

1. *A parapet as tall as the tallest part of the equipment.*
2. *A screen around the equipment that is as tall as the tallest part of the equipment.*
3. *The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.*

Findings: There will be no roof mounted equipment associated with this parking lot.

H. Ground Floor Windows. *The purpose of this standard is to encourage interested and active ground floor uses where activities within buildings have a positive connection to pedestrian in Old Town. All exterior walls on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the following standards.*

1. *Windows must be at least fifty percent (50%) of the length and twenty-five percent (25%) of the total ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement does not apply to the walls of residential units or to parking structures when set back at least five (5) feet and landscaped to at least the Section 5.203.02C standard.*

2. *Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than four (4) feet above the adjacent exterior grade.*

Findings: There are no walls proposed with this parking lot and therefore the requirements for windows do not apply.

I. Distinct Ground Floor. *The purpose of this standard is to emphasize the traditional development pattern in Old Town where the ground floor of buildings is clearly defined. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by one or more of the following:*

1. *A cornice above the ground level;*
2. *An arcade;*
3. *Changes in material or texture; or*
4. *A row of clerestory windows on the building's street-facing elevation.*

Findings: There is no building included with the parking lot proposal and therefore the distinct ground floor criterion does not apply.

J. Roof. *The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Old Town. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:*

1. *A sloped roof with a pitch no flatter than 6/12; or*
2. *A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:*
 - a. *There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.*
 - b. *The height of the cornice or parapet is based on the height of the building as follows:*
 - (1) *Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.*
 - (2) *Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.*
 - (3) *Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.*

Findings: There is no roof included with the parking lot proposal and therefore this standard does not apply.

K. Base of Buildings. *Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.*

Findings: There is no building included with the parking lot proposal and therefore this criterion does not apply.

Response to Applicant's Submitted Materials

At the meeting on February 14, 2006, the Planning Commission questioned the compliance of this development proposal with Section 4.302.03.C, "The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code". The Commission also requested more information regarding the request for a variance to reduce the required landscaped strip width by 25% on two street frontages.

To address these two issues, Keith Jones, AICP, Harper Houf Peterson Righellis, Inc., submitted a memorandum dated March 7, 2006. Staff find that the numbers provided by the applicant in support of the need for additional parking facilities (to satisfy Section 4.302.03.C) are consistent with the Code sections referenced and the existing conditions of parking in this area of Old Town. Staff further agrees with the statement that "joint use should be encouraged as it reduces the amount of pavement and saves land for commercial and residential use in Old Town".

Based on the evidence provided to support the variance request, staff find that without the reduction in landscaped area width, either the removal of one tree and a reduction of one parking space or the reduction of five parking spaces would be required (one side of the lot could be used for three parallel parking spaces). Alternatively, a variance for a reduction in the required 24-foot wide drive aisle could be requested to maintain the landscaped strip widths, but reducing this width creates a safety concern with less space for vehicle backing movements.

Upon review of this memorandum, planning staff find that the evidence provided addresses both Section 4.302.03.C as referenced above as well as the administrative variance criteria.

Staff Recommendation

Staff recommends approval with conditions of CUP 05-04/SP 05-16/AV 05-02 based on the findings in the original staff report dated December 30, 2005, the memorandum to the Hearings Officer dated January 17, 2006, the Hearings Officer Notice of Decision dated January 19, 2006, and this memorandum to the Planning Commission dated March 7, 2006. Staff recommends the conditions of approval in the Hearings Officer's Notice of Decision.

Attachment: Memorandum from Keith Jones, AICP, Harper Houf Peterson Righellis, Inc, dated March 7, 2006

MEMORANDUM

Job No: SHR-02
Date: March 7, 2006
To: Heather Austin
 City of Sherwood
From: Keith B. Jones, AICP
Subject: Site Plan Review for American Legion Parking Lot
 15914 SW 1st Street (CUP 05-04/SP05-16/AV05-02)



Harper
 Houf Peterson
 Righellis Inc.

ENGINEERS • PLANNERS • SURVEYORS
 5200 SW Macadam Avenue, Suite 580, Portland, OR 97239
 PHONE: 503.221.1131 www.hrcivil.com FAX: 503.221.1171

The Sherwood Planning Commission held a public hearing on February 14, 2006. The Commission decided to continue the hearing to allow the applicant to submit additional evidence into the record. The Commission questioned the justification of the need for additional parking in Old Town since there is no current comprehensive parking study to demonstrate current and future needs.

The applicant believes that the parking lot is needed and justified for the following reason:

Parking demand based on City Code

The Civic Building currently has 41 parking spaces. Since the site is within the "Old Cannery Area" of the OT overlay only 65% of the Code-required spaces must be provided¹. The table below shows the current code required spaces.

	Square Foot	Code Minimum	Spaces Needed
City Hall	9,500	2.7/1,000	26
Library	14,000	None	0
Community Room	3,500	None	0
Retail Space	1,250	4.1/1,000	5
Total			31
65% of Total			20

From the above calculation it appears as though 41 spaces is more than adequate for the needs of the Civic Center. However, the current code does not take into account the community room use, the library and the need to provide parking for employees and City pool vehicles. The table below takes this into account.

¹ Section 9.202.07(C)

Exhibit E

	Square Foot	Minimum	Spaces Needed
City Hall	9,500	2.7/1,000	26
Employee Parking*		26(above) +19=45 employees	19
Library Reading Room	12,000	1 per 400SF (City of Tualatin)**	30
Community Room	3,500	0.4 per Seat at 100 Seats***	40
Retail Space	1,250	4.1/1,000	5
Total			120
65% Total			78
City Pool Vehicles****			10
Total			88

*The Civic Center has 45 employees. Twenty six spaces are accounted for under the calculation for City Hall. Therefore 19 spaces are added to total 45 employees.

**Sherwood Code does not require parking for libraries therefore City of Tualatin Code is used.

***Sherwood Code does not have minimum for community meeting room, therefore the minimum for church seating is used.

****City pool vehicles are fixed therefore the total is added and not reduced to 65%.

This shows with the 65% percent of the required minimum parking allowed in the "Old Cannery Area", 88 spaces are needed. This leaves a deficiency of 47 spaces. The applicant is proposing 16 spaces under this proposal to assist with filling this need.

Variance to Landscaping Standards

The Commission also requested clarification on the landscape variance. The applicant is requesting a variance to reduce the 10-foot wide landscaping requirement to 7.5 feet along Oak and 1st Streets based on the dimensional limitations of the site.

Oak Street Variance - The parcel is 75 feet wide. Since the applicant intends to have 13 of the 16 spaces as 9' X 20' spaces (17 foot of pavement with a 3-foot overhang) and also maintain a 24-foot drive aisle, 64 feet is needed for parking. To save an existing tree, the parking will start 3.5 feet from the NE property line. With the 64 feet needed for parking this brings the total width to 67.5 feet leaving only 7.5 feet for landscaping on Oak Street. Typically landscaping buffers can be maintained in the right-of-way, however the future downtown streets project will be built to the right-of-way line, therefore right-of-way cannot be used for landscaping along Oak or 1st Streets.

1st Street Variance – Similar to the above situation, the applicant has 94 feet of lot depth in which to construct the parking lot. Along Oregon Street 5 feet of existing landscaping in the right-of-way can be used to gain the required 10-foot of landscaping. Adding an additional 5.5 feet of landscaping along Oregon Street, curbing, ADA space, one compact space and six full-size spaces results in 86.5 feet. This leaves 7.5 feet for landscaping along 1st Street for landscaping.

Without these variances the amount of parking would need to be reduced or compact spaces installed. Because the parking lot is small the applicant wishes to have as many full-size spaces as possible to allow for maneuvering room in this small space as well as maximize the space will still providing a landscaping buffer.

Conclusion

The applicant believes that a need for parking for the Civic Building exists. First, although built to current code, the Civic Building is under-parked because it does not provide the estimated 55 spaces that are in reality needed for employees and City pool vehicles (45 employees plus 10 pool vehicles); and even under the "Old Cannery Area" code that allows only requires 65% of the Code minimum, a demand for 47 parking spaces remains. Additionally, keep in mind that the City moved the Engineering Department and Library employees to an area of town in which they were not previously. The Engineering Department move decision was made after land use review, so was not even taken into original consideration with the site plan.

Therefore, for these reasons, the applicant believes that there is a need for parking for the Civic Building. The proposed 16-space parking lot will help satisfy the need for the Civic Building. Further, the parking lot will be shared with the American Legion building reducing the need for both uses to build their own parking, thereby reducing parking lot demand. Joint use should be encouraged as it reduces the amount of pavement and saves land for commercial and residential use in Old Town.

For these reasons the applicant respectfully requests that the Planning Commission find that the parking lot provides needed parking and approve the Conditional Use request.



CITY OF SHERWOOD MEMORANDUM

TO: Planning Commission

FROM: Heather Austin, Associate Planner

DATE: February 6, 2006

RE: American Legion Parking Lot File No: CUP 05-04/SP 05-16/AV 05-02

This memo is intended to address the review process of the addition of a parking lot to the American Legion site in Sherwood's Old Town.

Process

This land use application was originally received by the Sherwood Planning Department as a Type II site plan review because the application "proposed less than 15, 000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit..." (Section 3.201.01.B.3). In addition, staff reviewed the proposal to add a parking lot to the existing American Legion site and found that it did not meet the definition of "structure" as written in Section 1.202.01.160 (review of a new or existing structure in Old Town requires a Type IV review process per Section 3.201.01.D.1). The application also requested a variance for a twenty-five percent (25%) reduction to a portion of the perimeter landscaping. Because this size and type of variance request is defined as an administrative variance, review of the variance was included with the administrative Type II review.

After the application was deemed complete and review of the materials commenced, the American Legion was identified as a conditional use in both the Retail Commercial (RC) and Medium Density Residential Low (MDRL) zones (the American Legion site is composed of two tax lots, one of each zone). Because the parking lot represents an increase in the size, square footage, seating capacity or parking of existing permitted improvements by twenty percent (20%) or more, a new Conditional Use Permit for the site is required. Notice was immediately posted for a public hearing with the Sherwood Hearings Officer for a Type III review of the Legion site.

Public testimony was received from J. Patrick Lucas via e-mail on November 28, 2005 stating that the parking lot should be reviewed as a Type IV review process because it is a new structure in Old Town and that he anticipates the City will be required to do half street improvements. Staff responded to this testimony in the staff report to Paul Norr, the Hearings Officer for the City of Sherwood, stating that staff did not believe the parking lot was a structure and therefore was not subject to a Type IV review. Staff also addressed the street improvements issue in the "Public Improvements" section of the staff report.

A public hearing was conducted on January 9, 2006. Mr. Lucas testified in person at the public hearing concerning the review process and the street improvement issues. The Hearings Officer stated at this hearing that he needed to further examine the issue of the parking lot as a "structure" and if, because it is located in Old Town, it should be reviewed as a Type IV land use action with the Planning Commission as the hearing authority (Per Section 3.201.01D.1). The Hearings Officer left the record open until January 17, 2006 for staff (or any other interested party) to submit testimony regarding the structure definition and the required public street improvements. Staff provided a memorandum to the Hearings Officer dated January 17, 2006 discussing the two issues (this memorandum is included in this packet). No other testimony was submitted to the Hearings Officer during the time that the record was left open.

Upon review of the file materials, the original staff report and the additional staff memorandum, the Hearings Officer found that the parking lot is a structure as defined in Section 1.202.01.160 and that a Type IV review is required. However, the Hearings Officer made a final decision in this case and conditioned that the project be reviewed and approved by the Planning Commission as a Type IV review. He further stated that unless the Hearings Officer decision is appealed, it is not necessary for the Planning Commission to review the administrative variance or the conditional use (Condition A.7 of the Notice of Decision dated January 19, 2006). On Page 4 of the Notice of Decision, Mr. Norr provided the reason for the conditioned decision:

"In the event that the Planning Commission were to find that the parking lot is not a structure, and that therefore review by the Planning Commission is not required, the Planning Commission could delete that condition of approval and the Hearings Officer's decision could otherwise stand. Of course, the Planning Commission could also otherwise alter the Hearings Officer's site plan decision as it sees fit."

Staff Recommendation

Staff recommends approval with conditions of CUP 05-04/SP 05-16/AV 05-02 based on the findings in the original staff report dated December 30, 2005, the memorandum to the Hearings Officer dated January 17, 2006 and the Hearings Officer Notice of Decision dated January 19, 2006. Staff recommends the conditions of approval in the Hearings Officer's Notice of Decision.

Packet Materials

- The applicant's original submittal materials including:

A copy of the signed application form

Narrative prepared by Harper Houf Peterson Righellis, Inc (HHPR) dated November 2, 2005

Memorandum from Keith Jones, AICP, HHPR dated December 13, 2005

11x17 Plan Set prepared by HHPR dated September 2005

- The staff report to the Hearings Officer dated December 30, 2005
- The memorandum/addendum staff report to the Hearings Officer dated January 17, 2006
- The Hearings Officer's Notice of Decision dated January 19, 2006



Exhibit G

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested:

- ☐ Annexation
- ☐ Plan Amendment
- ☐ Variance
- ☐ Planned Unit Development
- ☐ Sign Permit

- ☐ Conditional Use
- ☐ Minor Partition
- ☐ Subdivision
- ☒ Site Plan
- ☐ Other: _____

Owner/Applicant Information:

Applicant: City of Sherwood Phone: _____

Address: 22566 SW Washington Street, Sherwood, OR 97140

Owner: American Legion Post Phone: _____

Address: 22548 SW Pine Street, Sherwood, OR 97140

Contact for Additional Information: Sandra Burtzos, Sr. Project Manager (503) 925-2309

Property Information:

Street Location: 15914 SW 1st Street

Tax Lot and Map No: 2S132BA03100

Existing Structures/Use:
House and detached garage

Existing Plan/Zone Designation: MDRL

Proposed Action:

Proposed Use: 16-space parking lot

Proposed Plan/Zone Designation: same

Proposed No. of Phases (one year each): one phase

Standard to be Varied & How Varied (Variance Only): none

Purpose and Description of Proposed Action: Demolish existing house and construct parking lot.

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Jordan Burt
Applicant's Signature

11/3/05
Date

Howard Dwyer, commander
Owner's Signature
for Post 56 American Legion

10-28-05
Date

To be submitted with the Application:

To complete the application, submit fifteen (15) copies of the following (collated in sets with plans folded, not rolled):

1. A brief statement describing how the proposed action satisfies the requested findings criteria contained in the Comprehensive Plan for the action requested.
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3, Chapter 4, Section 4.100 of the Comprehensive Plan. The information in Section 4.100 which is applicable to a given application shall be determined during a preapplication conference with the Planning Director.
3. Full size development plans.
4. Development plans reduced to 11 x 17 inches.

SUMMARY

Applicant: City of Sherwood
22566 SW Washington Street
Sherwood, Oregon 97140

Contact: Sandra Burtzos, Sr. Project Manager

Owner: American Legion Post
22548 SW Pine Street
Sherwood, OR 97140

Site Location 15914 SW 1st Street

Map and Tax Lot 2S132BA Tax Lot 3100

Lot Size 7,050 square feet

Current Zoning/Use: Medium Density Residential Low (MDRL)
Old Town Overlay

Surrounding Properties: North: Zone: MDRL – Single-family residential
South: Zone: Retail Commercial – Library/City
Offices
East: Zone: MDRL – Single-family residential
West: Zone: Retail Commercial – American Legion

Request: Approval of Type II “Fast Track” site plan review
and administrative variance to perimeter
landscaping width for construction of a new 16-
space parking lot for City employees and American
Legion parking.

Date Submitted to the City: November 2, 2005

TABLE OF CONTENTS

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II.	SUBMITTAL REQUIREMENTS.....	3
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LIST OF FIGURES

1. **Plan Set**
 - C1.0 Cover Sheet
 - C2.0 Existing Conditions Plan
 - C3.0 Surrounding Land Uses
 - C4.0 Demolition Plan
 - C5.0 Site/Dimensioning Plan
 - C6.0 Grading and Erosion Control Plan
 - C7.0 Utility Plan
 - C8.0 Erosion Control Notes and Details
 - L1 – Irrigation & Planting Plans
 - L2 – Irrigation & Planting Schedule
2. **Tax Map**
3. **Lighting Plan**

EXHIBITS

1. **Memo from Sandra Burtzos, Senior Project Manager dated October 18, 2005.**
2. **Clean Water Services Sensitive Area Pre-Screening Site Assessment Form dated October 11, 2005.**

I. DESCRIPTION OF PROPOSAL

The City of Sherwood requests approval to construct a new 16-space parking lot on American Legion owned property for shared use between the American Legion and the City of Sherwood Civic Building. The existing house behind the American Legion will be demolished, the driveway access to Oregon Street abandoned and a driveway apron constructed on 1st Street. One tree will be removed and the new trees planted in landscaping areas around the parking lot.

II. SUBMITTAL REQUIREMENTS (Application Materials for Site Plan Review)

1. Fees

Response: The application fee will be paid through a interdepartmental transfer of funds.

2. Application form

Response: A completed application form signed by the property owner is submitted with this application.

3. Tax Map

Response: A tax map is attached to this document as Figure 2.

4. Vicinity Map

Response: An Area Map attached to this document is submitted as part of the plan set.

5. Narrative

Response: See Section III of this document for applicant response to applicable approval criteria and code.

6. Existing Conditions Plan

Response: An existing conditions plan is included as part of the attached plan set.

7. Preliminary Development Plans

Response: See attached plan set.

8. Reduced Copy Plans

Response: All plans have been submitted in 11" by 17" and are to-scale. In addition, one copy of 8 1/2" by 11" reduced sets have been submitted.

9. Lighting Plan

Response: A photometric lighting plan is attached, see Figure 3.

10. Surrounding Land Use Plan

Response: See attached plan set.

11. Architectural Exterior

Response: No buildings or structures are proposed.

12. Title Report

Response: A title report has been ordered and will be submitted soon.

III. RESPONSE TO APPLICABLE APPROVAL CRITERIA AND CODE

A. Underlying Zone – Medium Density Residential Low (MDRL) (Section 2.103)

1. Permitted Uses (Section 2.101.03)

Response: The parking lot is not listed as a permitted use in the MDRL zone. However, the parking lot site is contiguous to the parcel that the American Legion building is located on and both parcels are owned by the American Legion. The parking lot is proposed to serve the American Legion building with a shared use agreement for employee parking for the Sherwood Civic Building. The American Legion building parcel is zoned Retail Commercial (RC) and the American Legion is a permitted use in the RC zone.

The parking lot and the American Legion building will be on two parcels of land with separate zoning. However, Section 5.302.03 (G)(1)(b) allows parking on a separate parcel of land as long as the parking is within 500 feet of the use it services. Since the parking lot will be within 500 feet of the American Legion building and the Sherwood Civic Building, the proposed parking lot is a permitted use in the MDRL zone.

2. Dimensional Standards(Section 2.101.04)

Lot Dimensions

Response: Lot area is not proposed to be changed and the 7,050 square foot lot exceeds the 5,000 square foot minimum.

Setbacks

Response: Setbacks are defined in Section 1.200 as the distance measured from a property line to a building or structure. No buildings or structures are proposed, therefore setbacks are not applicable.

Height

Response: Not applicable, no structures proposed.

B. Administrative Procedures (Chapter 3)

1. Pre-application Conference

Response: City staff has indicated that a pre-application meeting is not required.

2. Classifications (Type II) (Section 3.201.01(B))

"Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 3.201.03D, below.

Response: The proposed use is accessory to the American Legion and is a permitted use. The site is 7,050 square feet and does not exceed the 15,000 square foot threshold. Therefore this application can be processed as a TYPE II site plan review as proposed.

C. Planning Procedures (Chapter 4)

1. Administrative Variance (Section 4.402)

The City Manager or his or her designee may authorize a variance from the standards of this Code relating to dimensional and on-site requirements, except lot area. Provided, however, that no variance under this section shall be greater than 25% of the requirement from which the variance is sought.)

Response: The applicant proposes to reduce the required perimeter landscaping buffer 25% from 10 feet to 7.5 feet along Oak and 1st streets.

2. Variance Criteria (Section 4.401.2 & 4.404.02(B))

No variance request shall be granted unless each of the following is found:

A. Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.

Response: The site's small size at 7,050 square feet was platted in 1911 prior to zoning in Sherwood and makes development of the site into a parking lot that meets current dimensional standards difficult without reducing the required landscaping buffer. Unlike the newer commercial areas near Highway 99W, most of Old Town Sherwood was platted in

small lots. This gives the site difficult circumstances in the form of dimensional constraints that do not exist outside the Old Town area.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.

Response: As stated above, the small parcels platted prior to zoning make development of parking lots to zoning standards difficult. The proposed small 16-space parking lot gives the American Legion and the Sherwood Civic building some off-street parking, preserving a property right similar to other businesses in Old Town with small parking lots and businesses on larger parcels near Highway 99W that were developed under zoning regulations.

There are several small parking lots throughout Old Town that were developed prior to current zoning standards and do not meet the current landscaping requirements. Approval of this variance gives the applicant the right to have a small parking lot similar to other properties in the immediate area and RC/Old Town Overlay zoning district.

C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.

Response: Although large parking lots in downtowns can detract from the pedestrian-friendly character of a downtown, some smaller parking areas are desirable to relieve on-street parking demand and reduce commercial parking spill over into residential neighborhoods. The 7.5-foot landscaping buffer and additional grass in the right-of-way between the sidewalk and the parking field will provide adequate buffering of the parking lot. The applicant believes that the proposed variance is consistent with the purpose of the code since adequate landscaping buffer will be provided and the parking lot will be small.

D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

Response: Allowing a smaller landscape buffer between the right-of-way line and the parking field will provide the needed space along the west property line to preserve the existing maple tree. Without the variance the maple tree could not be

preserved. The location of the maple tree is not within the control of the applicant. The 2.5-foot variance to the 10-foot landscaping buffer is the minimum necessary because it will provide a 4.7-foot landscaping width for the tree; close to the common 5-foot width typically used for a tree of this type.

In the case of a yard or other dimensional variance, except lot area, the applicant shall address the findings in Section 4.401.02 as well as show the approval will result in:

1. More efficient use of the site
2. Preservation of natural features, where appropriate
3. Adequate provisions of light, air and privacy to adjoining properties; and
4. Adequate access

Response: As stated above, allowing the 2.5-foot variance to the 10-foot landscaping buffer will allow the maple tree along the west property line to be preserved thus using the site and existing natural resources more efficiently. The proposed variance has no impact on light, air or privacy of neighboring properties. The access location is adequate since it will meet all construction standards and dimensional requirements for driveways.

In addition, the variance allows for additional landscape buffering between the existing fence and the parking lot pavement. The result of taking 2.5 feet from the required 10-foot perimeter landscaping area and adding it to the area between the fence and the parking lot results in a more efficient site layout. The applicant believes that this creates a more aesthetically pleasing look thereby minimizing impacts to neighboring property owners.

D. Community Design and Appearance (Chapter 5)

1. Required Findings For Site Plan Review (Section 5.102.04)

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

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

Response: Responses to Chapter 5 (Community Design) is included herein. Response to Chapter 6 (Public Improvements) and Chapter 8 (Environmental Resources) is provided in Section E and F of this report. Since there are no historic landmarks on the site most of Chapter 9 (Historic Resources) is not applicable. However, the site is within the

Smockville area of the Old Town Overlay district. Applicable sections of the Old Town Overlay (Section 9.202) are provided herein.

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

Response: As shown in the attached plan set, adequate storm water is available and can be extended as appropriate. Since no buildings will be constructed water and sewer will not be used and existing utilities capped as required by the City. Water is proposed for irrigation purposes only and will connect to the existing water meter in Oak Street. No public safety issues have been identified.

C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.

Response: The property is one piece of property owned by the American Legion and will not require specific documents to ensure maintenance.

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

Response: Clean Water Services has indicated on the Sensitive Area Pre-Screening Site Assessment form that there are no sensitive areas on the site or within 200 feet of the site (see Exhibit 2). Also, the site is not within a floodplain, therefore the proposal will not impact sensitive areas. The one tree proposed to be removed will be mitigated by replanting elsewhere or by paying a fee into the City's tree fund.

E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

Response: The site is located in the MDRL zone and is within the Old Town Overlay zone, therefore this criterion is not applicable.

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

Response: The proposed parking lot will be used by existing employees and patrons of the American Legion and the City of Sherwood Civic Building employees and will not generate new traffic.

G. The proposed commercial, multi-family development, and mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities.

Response: No buildings are proposed, therefore this standard is not applicable. However, an on-site sidewalk connecting the parking lot to Oregon Street pedestrian path is proposed.

2. Landscaping (Section 5.203)

A. Total Landscaped Area

All areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section

Response: All areas not covered by the parking lot will continue to be landscaped in accordance with the section.

B. Adjacent to Public Rights-of-Way

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off-street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, except in clear vision areas as per Section 2.303.

Response: An administrative variance is requested to allow a 7.5-foot landscaping strip between the parking lot and the

right-of-way for 1st and Oak streets. (Since these streets are proposed to be reconstructed to the right-of-way line in the future with the Downtown Sherwood Streetscape Master Plan, a 7.5-foot landscaping buffer is proposed between the right-of-way and the parking lot.)

A 10 foot landscaping area is proposed between the edge of the sidewalk and the parking lot on Oregon Street. Oregon Street is proposed to be reconstructed with landscaping in the near future as shown on the attached plan set. (The required 10-foot landscaping area will be partially within the right-of-way of Oregon Street since landscaping will be installed within the right-of-way with the Oregon Street reconstruction).

C. Perimeter Landscaping

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

Response: The American Legion owns both the site (Tax Lot 3100) and the adjacent site to the east (Tax Lot 3200). A 6-foot fence and yard are provided between the parking lot and the American Legion Building in compliance with this section.

D. Interior Landscaping

A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row.

Response: The 16-space parking lot has a maximum of eight spaces in a row, therefore all landscaping is provided along the perimeter of the parking area. The parking lot is small and with the perimeter landscaping proposed will not create a large expanse of pavement.

E. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that

minimum sight distances shall be preserved pursuant to Section 2.301.

Response: No obstructions are proposed that extend above the ground enough to obstruct vision for traffic measured at the curb line.

3. Off-street Parking and Loading (Section 5.300)

A. Minimum and Maximum Spaces (Section 5.302.02)

Response: Per Section 9.202.07(C), off-street parking is not required in the Smockville area of the Old Town Overlay district. The site and proposed users of the parking lot including the American Legion and the Sherwood Civic Building are located in the Smockville area of the Old Town Overlay District. Therefore this section is not applicable to the proposal.

B. Miscellaneous Standards

Response: As shown on the attached plan set, spaces will meet the minimum dimensions for standard spaces with three spaces will meet dimensional standards for compact spaces. A 24-foot drive aisle is provided to allow adequate backing and maneuvering room so vehicles can turn around and enter the street in a forward manner. Wheel stops are shown on the plans that meet City-standard.

4. On-Site Circulation (Section 5.400)

A. On-Site Pedestrian and Bicycle Circulation (Section 5.401)
On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.

Response: A pedestrian path is proposed that will connect the parking lot to the Oregon Street pedestrian path.

B. Connection to Streets (Section 5.401.03)

Except for joint access as per Section 5.401.02, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.

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

Response: A building is not proposed on the site but as stated above a pedestrian path is proposed to connect the parking lot to Oregon Street.

5. Minimum Non-Residential Standards (5.403)

A. Driveways

Response: A 24-foot driveway is proposed as required.

E. Public Improvements (Chapter 6)

1. Vehicular Access Management (Section 6.305.15)

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.

Response: The parking lot will take access from 1st Street.

2. Partial Access Management Plan.

a. A partial access management plan shall include:

1) Drawings identifying proposed or modified access points

Response: Access is shown on the attached plan set.

2) A list of improvements and recommendations necessary to implement the proposed or modified access.

Response: Access location and improvement details have been provided on the attached plan set.

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.

Response: The access point was chosen because it is as far away from the intersection as possible while still allowing parking spaces along the northwest property line. Access cannot be taken from Oregon Street because it is designed for predestine use. Access from Oak Street is not proposed because this would be at the narrow part of the lot and would make developing a travel aisle difficult. Visibility at the site access is unobstructed and therefore does not create a safety concern.

2. Sidewalks (Section 6.306)

Response: All street frontages have sidewalks. The Downtown Sherwood Streetscape Master Plan calls for a new street improvements in the future along 1st and Oak streets.

3. Sanitary Sewer (Section 6.400)

Response: The existing sanitary sewer will be capped per City requirements. No sanitary sewer service is needed for the parking lot.

4. Water Supply (Section 6.500)

Response: Existing water meter in Oak Street will be used for irrigation only, see Sheet L1 in the attached plan set.

5. Storm Water (Section 6.600)

Response: Although not a City or Clean Water Services requirement, at this time an additional stormwater treatment is proposed as an on-site vegetated swale. The water will then be piped to the downtown stormwater system at Stella Olsen Park for water quality treatment to Clean Water Services standards, see attached plan set.

F. Environmental Resources (Chapter 8)

1. Flood Plan (FP) Overlay (Section 8.202)

Response: According to Flood Insurance Rate Map, Community-Panel Number 410273 0001 A, the site is not located within the 100-floodplain or floodway, therefore this section is not applicable.

2. Trees Along Public Streets (Section 8.304.06)

Response: Because 1st and Oak streets are proposed to be reconstructed in the future with the Downtown Sherwood Streetscape Master Plan, street trees are not proposed with the parking lot (see attached letter from Sandra Burtzos, Exhibit 1). The future streetscape will use a “woonerf” or curbless design and there is no way to install the trees without removing them once the new street improvements are installed in the next 2 to 3 years. Therefore, it makes sense to forgo installing them until the new street improvements are installed.

3. Trees on Property Subject to Certain Land Use Applications

Response: The review authority may allow removal of trees to site buildings and other needed infrastructure (Section 8.304.07(C.3)). A 44” deciduous tree is proposed to be removed due to its location. An 8” conifer and 8” deciduous are proposed to be retained. The applicant proposes to mitigate for the tree removed by planting trees on City-owned property elsewhere or by paying into a fund for future tree planting.

4. Wetland, Habitat and Natural Areas (Section 8.305)

Response: A Clean Water Services Pre-Screening Site Assessment form was completed by Clean Water Services staff and no sensitive areas exist on the site or within 200 feet of the site (see Exhibit 2). Therefore, this section is not applicable.

5. Noise (Section 8.306), Vibrations (Section 8.307) and Air Quality (Section 8.308)

Response: The parking lot is a common use that does not generate high levels of noise, vibration or pollution beyond what is expected in an urban area. Therefore, the proposed use will be within required standards and there will be no adverse impacts.

6. Heat and Glare(Section 8.308)

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations

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

Response: The lighting plan (Figure 3) demonstrates that off-site lighting on adjoining property will not be in excess of one-half foot candle levels.

IV CONCLUSION

This summary of request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests approval of this Type II site plan review application.

Exhibit I



PROJECT LOCATION:
15914 SW 1ST STREET
SHERWOOD, OREGON 97140
TAXLOT #2S132BA03100

OWNER:
AMERICAN LEGION POST
22548 SE PINE STREET
SHERWOOD, OREGON 97140

PLANNER:
HARPER HOUF PETERSON RIGHELLIUS INC.
5200 SE MACADAM AVE., SUITE 580
PORTLAND, OREGON 97239
CONTACT: KEITH JONES, ACIP
PH. 503-221-1131

C1.0	COVER SHEET
C2.0	EXISTING CONDITIONS PLAN
C3.0	SURROUNDING LAND USE PLAN
C4.0	DEMOLITION PLAN
C5.0	SITE/DIMENSIONING PLAN
C6.0	GRADING AND EROSION CONTROL PLAN
C7.0	UTILITY PLAN
C8.0	EROSION CONTROL NOTES AND DETAILS
L1.0	IRRIGATION AND PLANTING PLANS
L2.0	IRRIGATION AND PLANTING SCHEDULES

FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

			DESIGNED:	BRA
			DRAWN:	BRA
			CHECKED:	KAS
DATE	NO	DESCRIPTION	DATE:	5-20-05
R E V I S I O N S				



HHPR
Houf Peterson
Righellis Inc.
 ENGINEERS • PLANNERS • SURVEYORS
 5200 SW MAXWELL AVENUE, SUITE 360, PORTLAND, OR 97239
 TEL 503.221.1131 WWW.HHPR.COM FAX 503.221.1174

COVER SHEET
AMERICAN LEGION PARKING LOT
SHERWOOD, OREGON

SHEET NO.

C1.0

1940

SHR-02



Harper
Houf Peterson
Righellis Inc.

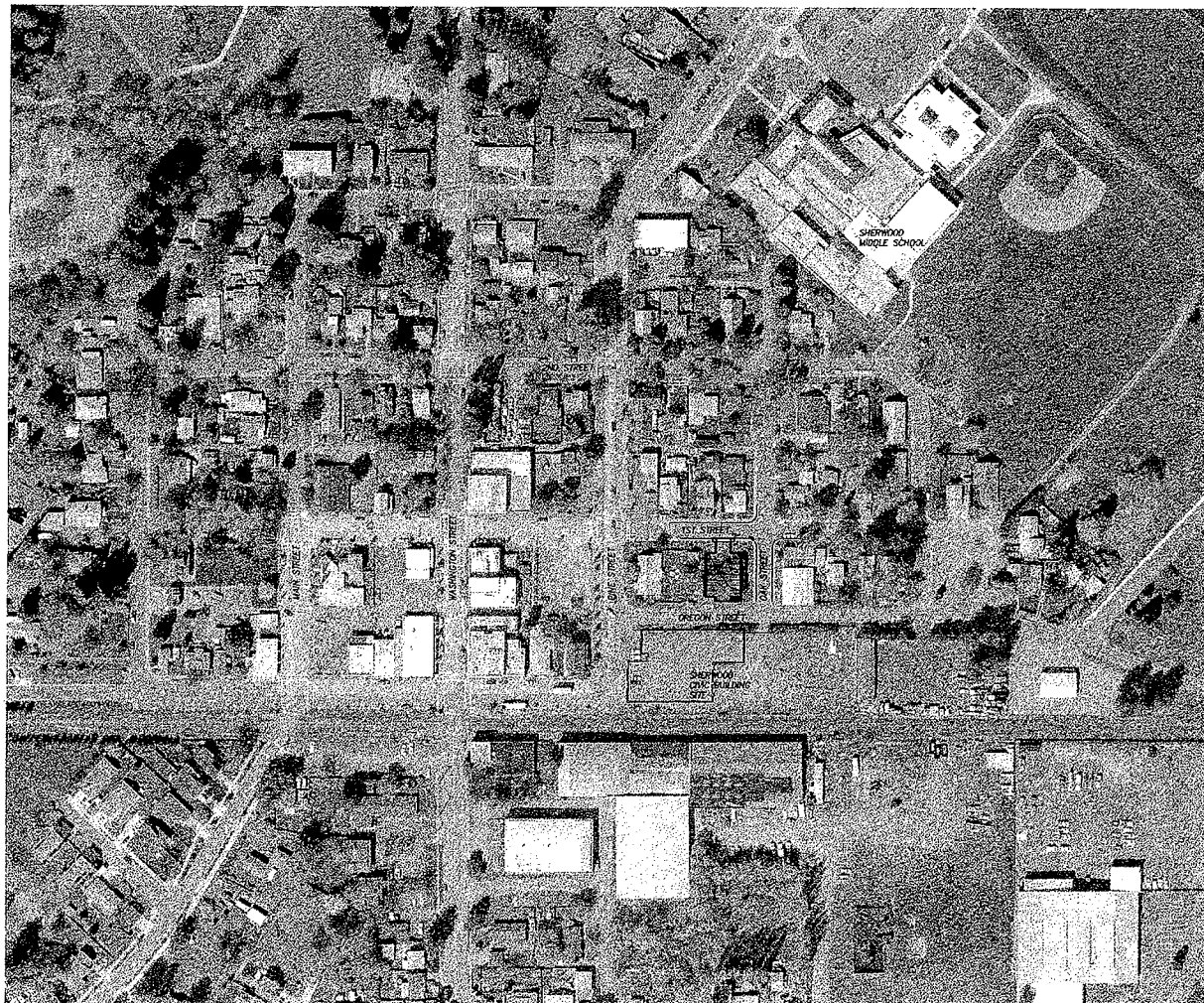
INCINERATION PLANNERS - SURVEYOR:
5200 SW Macadam Avenue, Suite 500, Portland, OR 97239
tel. 503.221.1131 www.chilper.com fax 503.221.1178

EXISTING CONDITIONS PLAN
AMERICAN LEGION PARKING LOT
SHERWOOD, OREGON

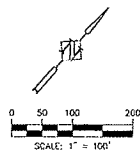
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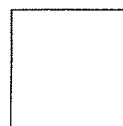
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FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION



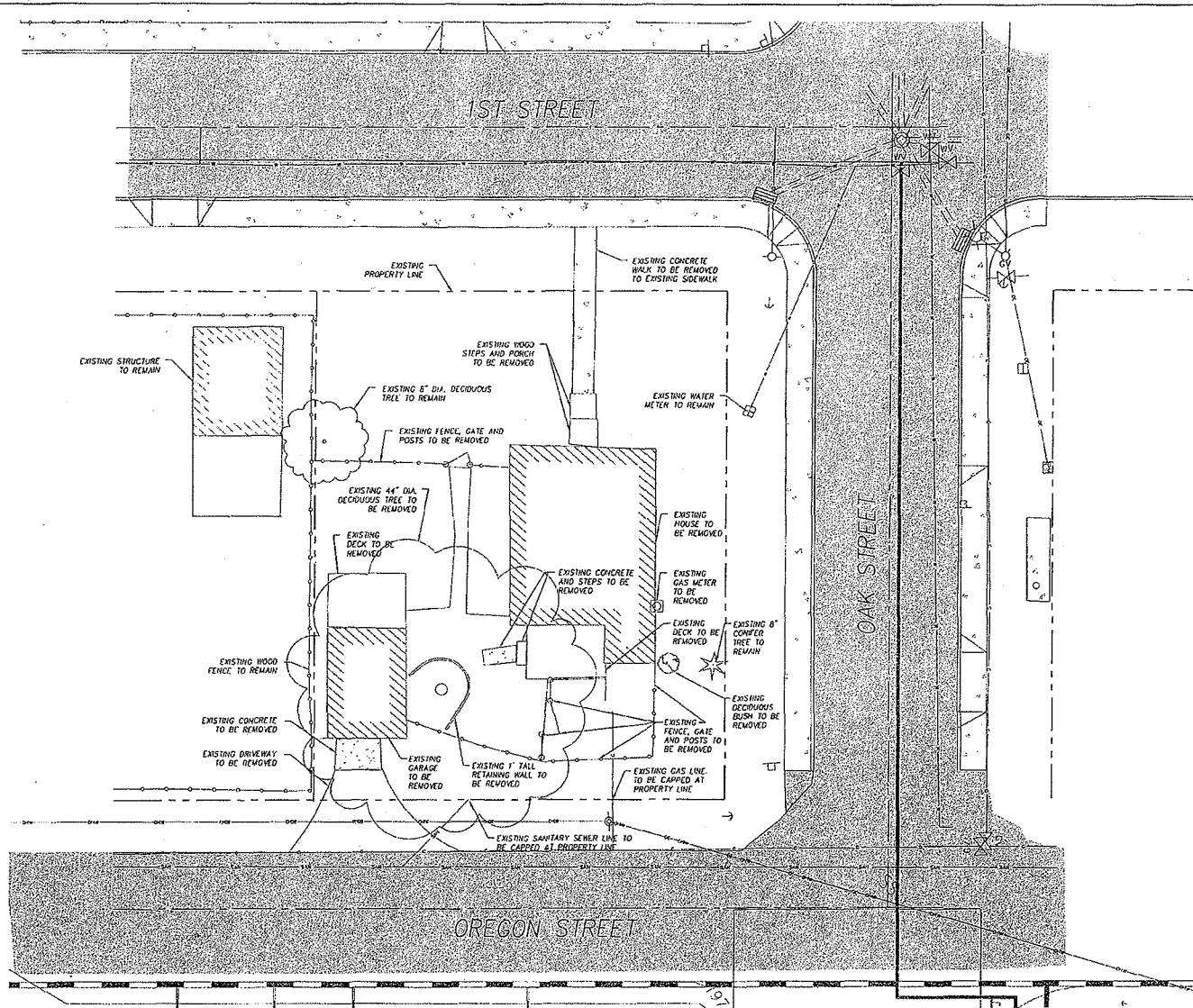
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		CHECKED:	KAS
		DATE:	9-2006
DATE	NO.	DESCRIPTION	
REVISIONS			



HP
Harper
Houf Peterson
Righellis Inc.
ENGINEERS • PLANNERS • SURVEYORS
5070 SW MACADAM AVENUE, SUITE 100, PORTLAND, OR 97209
TEL: 503.231.1124 www.hhp.com FAX: 503.292.1171

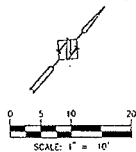
SURROUNDING LAND USE PLAN
AMERICAN LEGION PARKING LOT
SHERWOOD, OREGON

SHEET NO.	C3.0
DATE	SHR-02



TREE REMOVAL
44\"/>

FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION



			DESIGNED: BRA
			DRAWN: BRA
			CHECKED: KAS
			DATE: 8-20-05
DATE	NO.	DESCRIPTION	
REVISIONS			



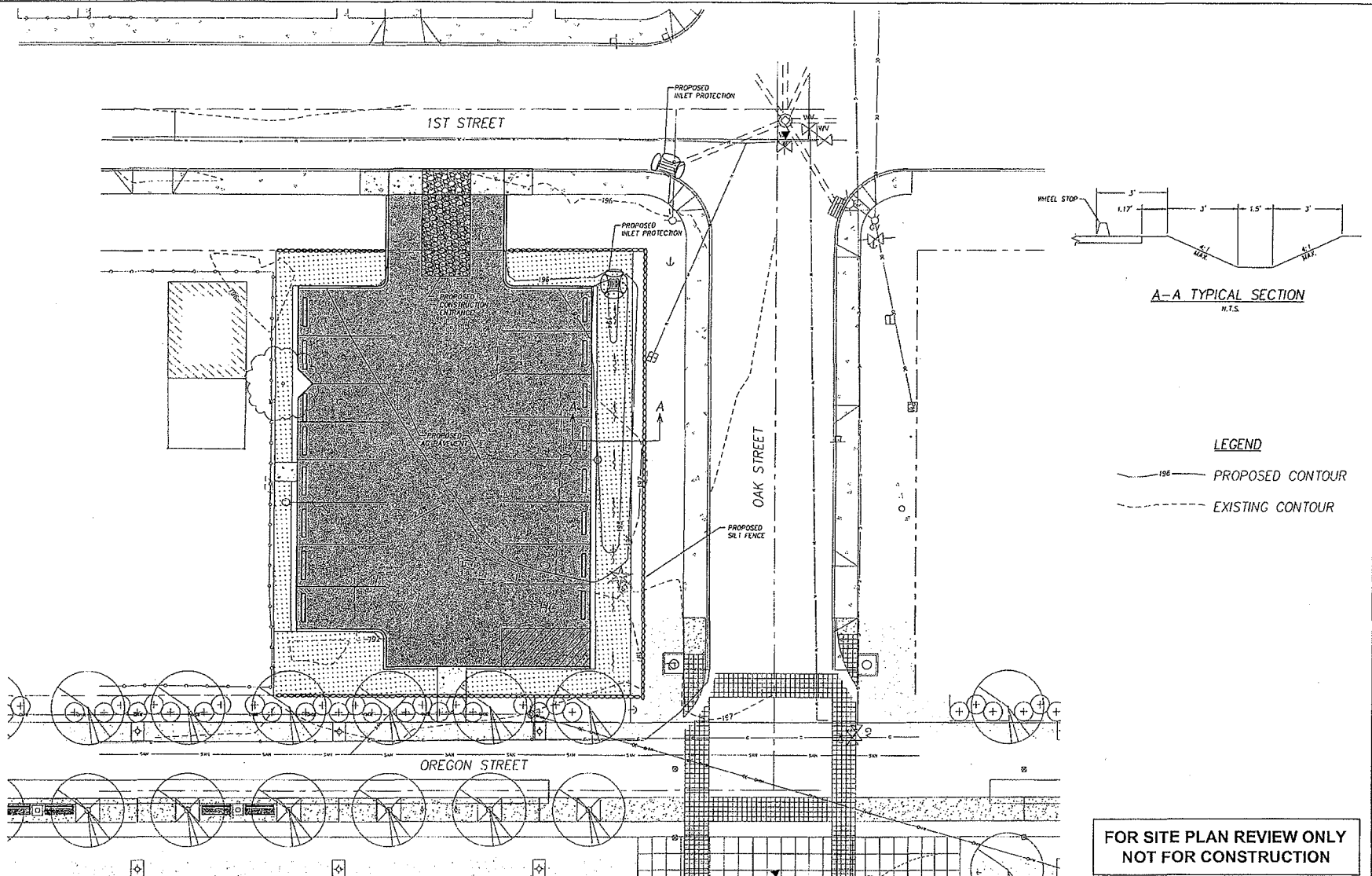
Harper
Houf Peterson
Righellis Inc.

ENGINEERS PLANNERS SURVEYORS
3200 SW MACADAM AVENUE, SUITE 100, PORTLAND, OR 97209
TEL: 503.221.1171 WWW.HHPRI.COM FAX: 503.221.1171

DEMOLITION PLAN
AMERICAN LEGION PARKING LOT
SHERWOOD, OREGON

SHEET NO.
C4.0
SHEET
SHR-02





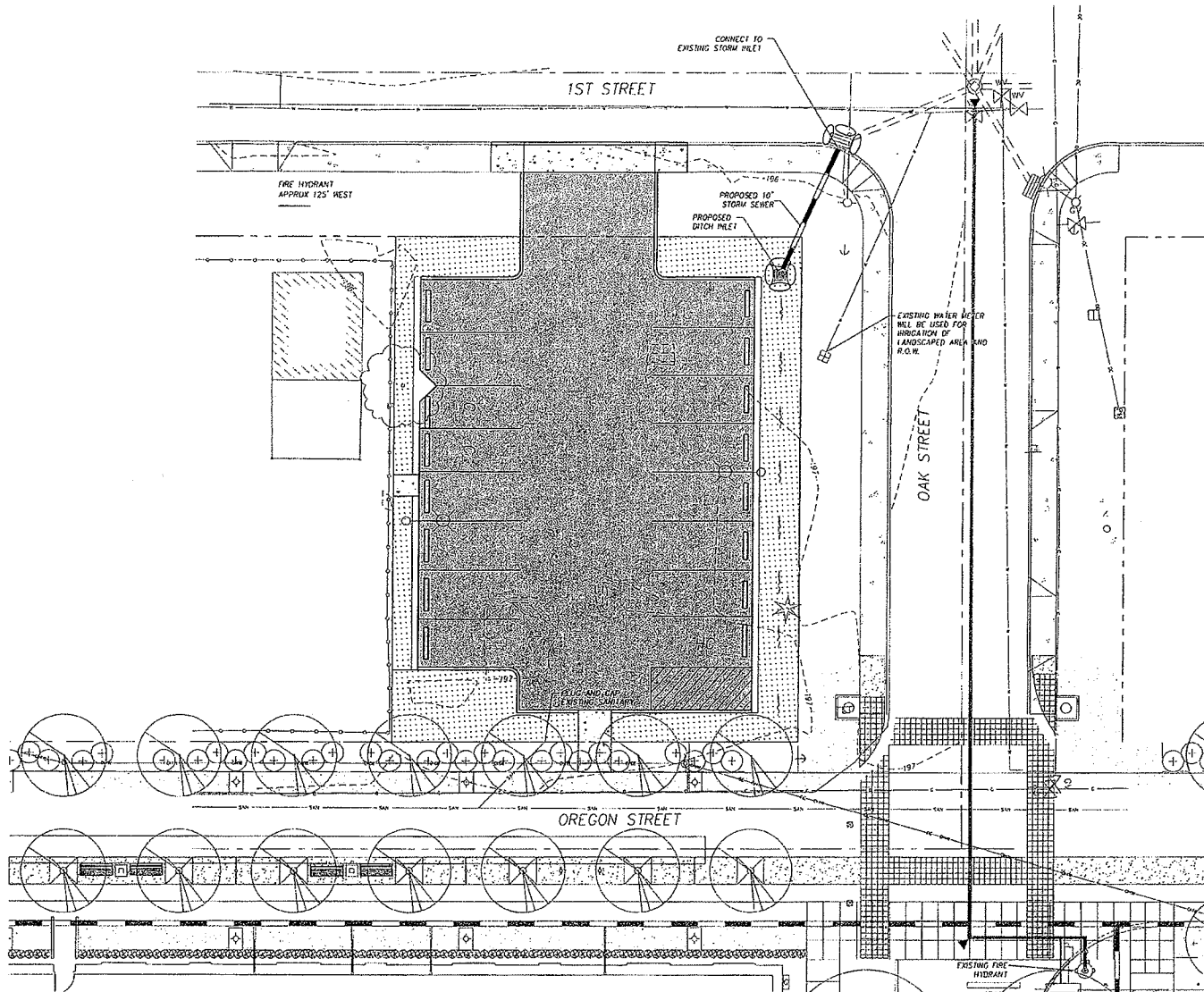
FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

			DESIGNED:	BRA
			DRAWN:	BRA
			CHECKED:	KAS
DATE	NO.	DESCRIPTION	DATE:	9-20-05
REVISIONS				

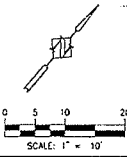
HHPR
Harper
Houff Peterson
Righellis Inc.
ENGINEERS-PLANNERS-SURVEYORS
5000 SW Macadam Avenue, Suite 100, Portland, OR 97239
TEL: 503.221.1171 www.hhpr.com PNC 503.221.1171

GRADING AND EROSION CONTROL PLAN
AMERICAN LEGION PARKING LOT
SHERWOOD, OREGON

SHEET NO.	C6.0
DATE	SHR-02



FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION



DESIGNED	BRA
DRAWN	BRA
CHECKED	KAS
DATE	9-2005
NO.	
DESCRIPTION	
REVISIONS	

HHPR Harper Houf Peterson Righellis Inc.
1200 SW MacLellan Avenue, Suite 240, Portland, OR 97239
TEL 503.221.1171 www.hhpr.com FAX 503.221.1171

UTILITY PLAN
AMERICAN LEGION PARKING LOT
SHERWOOD, OREGON

SHEET NO.
C7.0
JOB NO.
SHR-02

EROSION CONTROL

EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) NOTES

- OWNER OR DESIGNATED PERSON SHALL BE RESPONSIBLE FOR PROPER INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES, IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS.
- THE IMPLEMENTATION OF THESE ESC PLANS AND CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THESE ESC FACILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED BY THE LOCAL JURISDICTION, AND, AND VEGETATION/LANDSCAPING IS ESTABLISHED.
- THE BOUNDARIES OF THE CLEARING UNITS SHOWN ON THIS PLAN SHALL BE CLEARLY MARKED IN THE FIELD PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE CLEARING LIMITS SHALL BE PERMITTED. THE MARKINGS SHALL BE MAINTAINED BY THE APPLICANT/CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
- THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO INSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DOES NOT ENTER THE DRAINAGE SYSTEM, ROADWAYS, OR VIOLATE APPLICABLE WATER STANDARDS.
- THE ESC FACILITIES SHOWN ON THIS PLAN ARE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING CONSTRUCTION PERIOD, THESE ESC FACILITIES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS AND TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DOES NOT LEAVE THE SITE.
- THE ESC FACILITIES SHALL BE INSPECTED DAILY BY THE APPLICANT/CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
- AT NO TIME SHALL SEDIMENT BE ALLOWED TO ACCUMULATE MORE THAN 1/3 THE BARRIER HEIGHT. ALL CATCH BASINS AND CONVEYANCE LINES SHALL BE CLEANED PRIOR TO PAYMENT. THE CLEANING OPERATIONS SHALL NOT FLUSH SEDIMENT-LADEN WATER INTO THE DOWNSIDE DRAINAGE SYSTEM.
- STABILIZED GRAVEL ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO INSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
- STORM DRAIN INLETS, BASINS, AND AREA DRAINS SHALL BE PROTECTED UNTIL PAVEMENT SURFACES ARE COMPLETED AND/OR VEGETATION IS RE-ESTABLISHED.
- PAVEMENT SURFACES AND VEGETATION ARE TO BE PLACED AS RAPIDLY AS POSSIBLE.
- SEEDING SHALL BE PERFORMED NO LATER THAN SEPTEMBER 1 FOR EACH PHASE OF CONSTRUCTION.
- IF THERE ARE EXPOSED SOILS OR SOILS NOT FULLY ESTABLISHED FROM OCTOBER 1ST THROUGH APRIL 30TH, THE WET WEATHER EROSION PREVENTION MEASURES WILL BE IN EFFECT. SEE THE EROSION PREVENTION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL (CHAPTER 4) FOR REQUIREMENTS, AND REFER TO THE FOLLOWING NOTES REGARDING WET WEATHER EROSION CONTROL.
- THE CONTRACTOR/DEVELOPER SHALL REMOVE ESC MEASURES WHEN VEGETATION IS FULLY ESTABLISHED.

CONSTRUCTION ACCESS/TRAFFIC CONTROL

THE PRIMARY ACCESS ROUTE INTO THE PROJECT SITE IS FROM OAK STREET AND 1ST STREET.

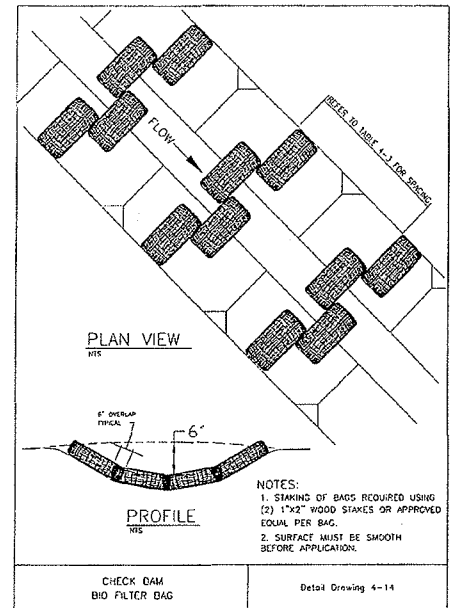
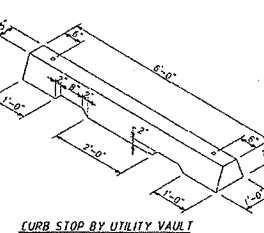
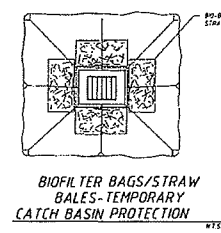
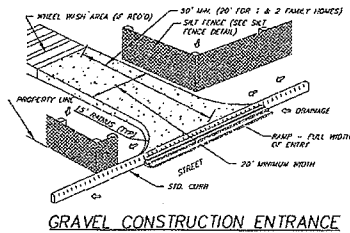
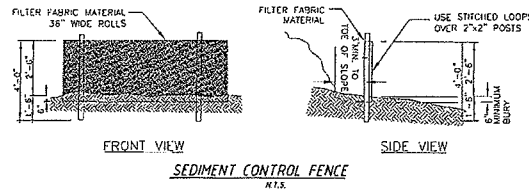
THE CONTRACTOR IS SOLELY RESPONSIBLE FOR OBTAINING ANY REQUIRED TRAFFIC CONTROL, OR ACCESS PERMITS.

THE CONTRACTOR SHALL KEEP THE WORK AREAS IN A NEAT AND SIGHTLY CONDITION FREE OF DEBRIS AND LITTER FOR THE DURATION OF THE PROJECT.

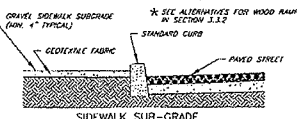
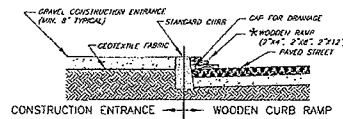
ALL DISTURBED AREAS INCLUDING ROADS AND ACCESS ROUTES SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER AT NO COST TO OWNER.

WET WEATHER EROSION CONTROL

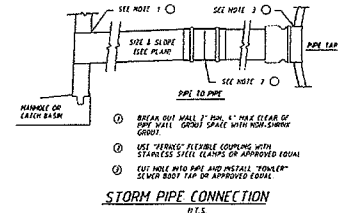
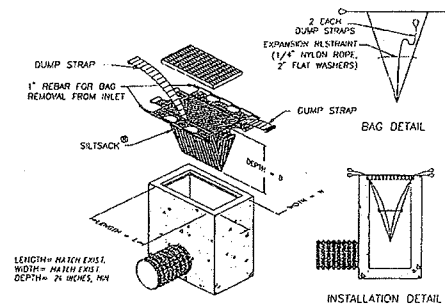
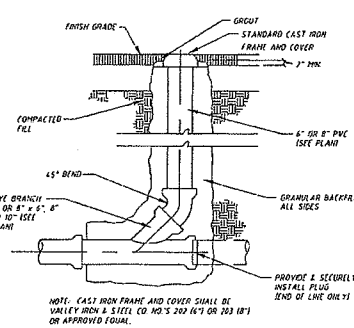
ON OCTOBER 1ST OF EACH YEAR, IF THERE ARE EXPOSED SOILS, DISTURBED AREAS, OR GROUND COVER VEGETATION NOT FULLY ESTABLISHED SUFFICIENT TO PREVENT EROSION, A SPECIFIC EROSION CONTROL PLAN SHALL BE PREPARED BASED ON THE EXISTING AND EXPECTED SITE CONDITIONS USING THE WET WEATHER EROSION PREVENTION MEASURES (SEE EROSION PREVENTION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL, CHAPTER 4 FOR REQUIREMENTS). FOR SURFACE WATER FACILITIES, FIBER MATING SHALL BE INSTALLED IN ALL AREAS EXPOSED TO WATER INFILTRATION. FIBER MATING SHALL EITHER BE SEEDING (PER THE DESIGN) OR PLACED PRIOR TO PLANTING OF PLUGS, CUTTINGS, REEDS, BUSHES, OR SHRUBS. ALL MEASURES AND SPECIFICATIONS FOR MATERIALS USED SHALL BE PER PLAN OR AS SPECIFICALLY APPROVED BY THE ENGINEER AND CITY INSPECTOR. IF ANY ADDITIONAL AREAS BECOME EXPOSED, DISTURBED, OR SHIMMED OF VEGETATION BETWEEN OCTOBER 1ST AND APRIL 30TH, THE PLAN SHALL BE REVISED OR OTHERWISE EXPANDED PER THE STANDARDS AND AS DIRECTED BY THE ENGINEER AND THE CITY INSPECTOR. PRIOR TO OCTOBER 1ST OF EACH YEAR, WET WEATHER MEASURES SHALL BE INSTALLED AND FULLY FUNCTIONAL.



Page 4-69



GRAVEL CONSTRUCTION ENTRANCE



**FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION**

DESIGNED:	BRA
DRAWN:	BRA
CHECKED:	EAS
DATE:	9/2/05

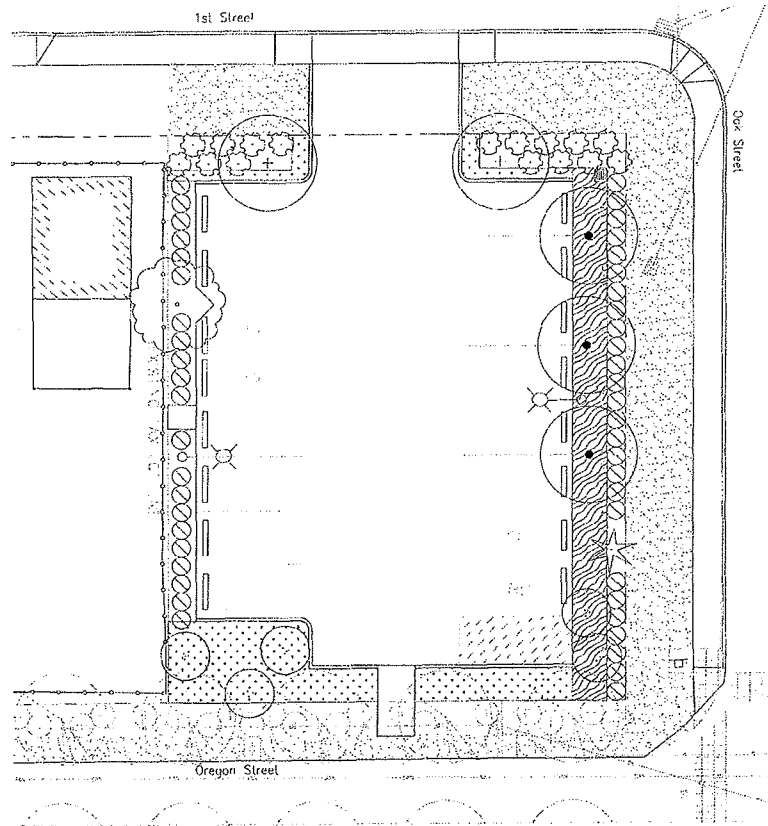
REVISIONS

Harper Houff Peterson Righellis Inc.
ENGINEERS-PLANNERS-ARCHITECTS
5000 SW Macdonald Avenue, Suite 200, Portland, OR 97239
Tel. 503.221.1171 www.hpr.com Fax 503.221.1171

**EROSION CONTROL NOTES AND DETAILS
AMERICAN LEGION PARKING LOT
SHERWOOD, OREGON**

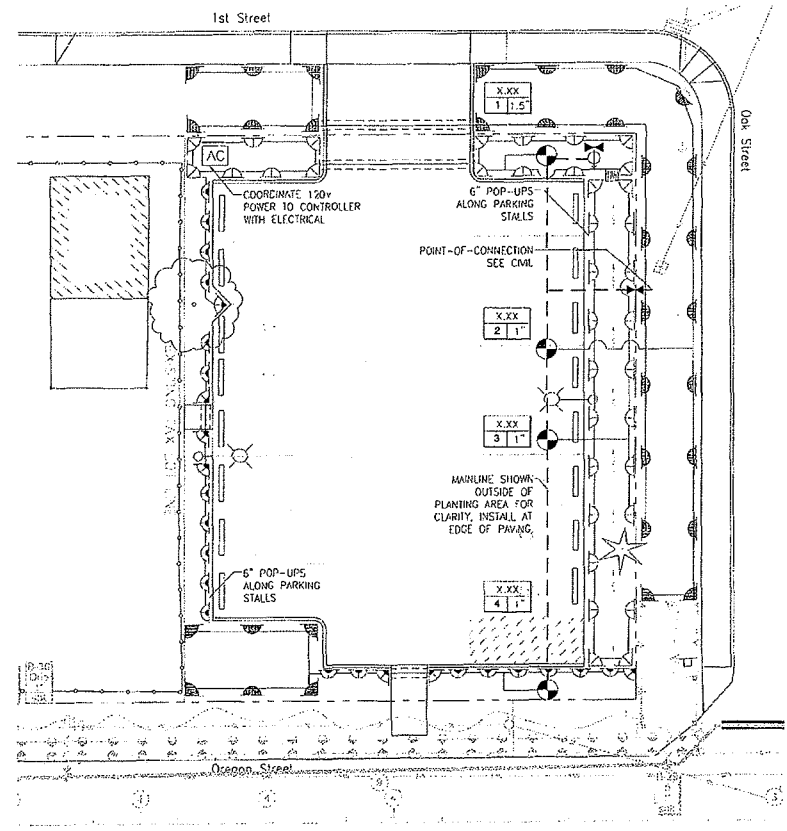
C8.0
JOB NO. SHR-92

PLANTING PLAN

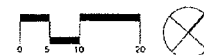


SEE SHEET L2 FOR
PLANT SCHEDULE

IRRIGATION PLAN



SEE SHEET L2 FOR
IRRIGATION SCHEDULE



FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

WALKER-MACY
1112 Southwest Oak Street, Suite 200, Portland, OR, 97205-2112

DESIGNED:	TC
DRAWN:	TC
CHECKED:	TC
DATE:	11-2005
NO.	
DESCRIPTION	
REVISIONS	

HP
Harper
Houf Peterson
Righellis Inc.
2200 SW MacKenzie Avenue, Suite 150, Portland, OR 97205
TEL 503-221-1131 www.hpr.com Fax 503-221-1171

IRRIGATION & PLANTING PLANS
AMERICAN LEGION PARKING LOT
SHERWOOD, OREGON

L1

SHR-02/wm0545

PLANT SCHEDULE

SYM	BOTANICAL NAME COMMON NAME	SIZE	QUANTITY	COMMENTS
	<i>Acer circinatum</i> Vine Maple	1" cal. B&B	5	Multi-stem
	<i>Betula nigra</i> 'Heritage' 'Heritage' River Birch	2" cal. B&B	3	Multi-stem
	<i>Zelkova serrata</i> 'Green Vase' Zelkova	3" cal. B&B	2	
	<i>Colocaster dammeri</i> 'Low Fast' Colocaster	1 gal.	76	30" O.C.
	<i>Nandina domestica</i> Heavenly Bamboo	1 gal.	47	36" O.C.
	<i>Rhododendron</i> ssp. 'Unique' Rhododendron	15-18" ht. B&B	16	30" O.C.
	Swale Planting Iris tenax Oregon Iris Juncus patens Spreading Rush Cornus sericea 'Yelkoyi' Katsuyi Redwing Dogwood		496sf	Size, spacing & quantity of plants pending
	Lawn Seed Sunmark Seed-- Sun mix	8lbs/ 1,000 sf	1565sf	

IRRIGATION SCHEDULE

SYMBOL	MODEL	GPM	RWD	PSI
NOTE: USE 6" POP UP HEADS IN LAWN AREAS. USE 12" POP UP HEADS IN SHRUB BEDS WIDER THAN 6'. AND 6" POP UP HEADS IN SHRUB BEDS 6' WIDE OR LESS.				
	RAINBIRD 1800-PRS-50, I, & H	10, 13, 20	5'	30
	RAINBIRD 1800-PRS-80, I, H, F & VAN	.26, .35, .52, 1.05	8'	30
	RAINBIRD 1800-PRS-100, I, H, F & VAN	.39, .53, .79, 1.53	10'	30
	RAINBIRD 1800-PRS-120, I, H, F & VAN	.65, .87, 1.3, 2.6	12'	30
SYMBOL	DESCRIPTION	MANUFACTURER	TYPE/ MODEL	
	PEDESTAL MOUNT CONTROLLER	RAINBIRD	ESP-MC-SS-B	
	REMOTE CONTROL VALVE	RAINBIRD	PEB SERIES	
	ISOLATION VALVE (LINE SIZE)	APOLLO	70-100 SERIES	
	1" DRAIN VALVE	APOLLO	70-100 SERIES	
	MAINLINE	1" DIA.	SCH. 40 PVC	
	LATERAL PIPE	SIZE PER PLAN	SCH. 40 PVC	
	4" PIPE S/EVEE		SCH. 40 PVC	
	REMOTE CONTROL VALVE CALLOUT			

WALKER-MACY

111 Southwest Oak Street, Suite 200, Portland, OR 97201-1122

DATE	NO.	DESCRIPTION	DESIGNED:	TC
			DRAWN:	TC
			CHECKED:	TC
			DATE:	11-2005

REVISIONS

Harper
 Houf Peterson
 Righellis Inc.
 5200 SW Macdonald Avenue, Suite 200, Portland, OR 97239
 TEL: 503.221.1151 www.hhp.com FAX: 503.221.1171

IRRIGATION & PLANTING
 SCHEDULES
 AMERICAN LEGION PARKING LOT
 SHERWOOD, OREGON

FOR SITE PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

SHEET NO.
L2
 JOB NO.
 SHR-02/vm0545

City of Sherwood, Oregon
Planning Commission Minutes
March 14, 2006

Commission Members Present:

Chair Adrian Emery
Vice Chair Patrick Allen
Jean Lafayette
Dan Balza
Matt Nolan
Russell Griffin
Todd Skelton

Staff:

Julia Hajduk – Senior Planner
Heather Austin – Associate Planner
Rob Dixon – Community Development Director
Cynthia Butler – Administrative Assistant

Commission Members Absent:

None

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM.
2. **Agenda Review**
3. **Consent Agenda** – Minutes for February 14 & February 28, 2006 were approved as amended with edits, vote results below:

February 14 – Vote: Yes – 4 No- 0 Abstain– 3

February 28 – Vote: Yes – 6 No–0 Abstain - 1

4. **Brief Announcements** – Rob Dixon said that he received a directive from the City Manager through approval of the City Council on March 7th, to initiate a scope of work for a future parking study for Old Town when funding becomes available. The study conducted by a consultant will be an objective analysis for alternatives. Rob said that he and city staff have held follow-up meetings with Patrick Lucas regarding road access at the old tannery site after the recent denial of the Sherwood Oaks application, and that staff is reinforcing a positive working relationship through a difficult project process. Julia Hajduk said the first meeting on the Economic Opportunities Analysis project is on April 19th with SURPAC. The Chapter 9 – Historic Resources plan amendment is scheduled for City Council on March 21st. Julia has submitted an extensive All American City Award application for Sherwood, a nationally competed and prestigious community recognition award reviewed by the National Civic League. The National Civic League will extend invitations to finalists to give presentations in April. Heather Austin said a new 183 unit multi-family subdivision project has been submitted, Woodhaven Crossing II, located north of Meinecke Rd. on the west side of Hwy. 99.

- 5 **Community Comments** (the public may provide comments on any non-agenda item) – Eugene Stewart, PO Box 534, Sherwood OR 97140 - Eugene said that the current Planning Commission agenda was not on the website and not at the post office. Eugene said notices should be posted one week prior to meetings. Cynthia Butler acknowledged the website posting was erroneously omitted this week. Notices are routinely posted on the City's website one week prior to Planning Commission meetings, in addition to the 5 public locations (City Hall, Library,

Senior Center, YMCA, & Albertson's on Tualatin-Sherwood Rd.). Meeting notices are posted in the same locations as City Council material for consistency, and the Council does not post notices at the post office due to lack of ample space on a regular basis and that City staff does not have access to their reader board for postings. Staff will be more careful to make sure website postings are completed on a timely basis.

6. Old Business:

Public Hearing – CUP 05-04/SP 05-16/AV 05-02 – American Legion Parking Lot

Addition: Vice Chair Allen read the Public Hearings Disclosure Statement. Chair Emery asked if there was any conflict of interest, exparte contact, or bias. Russell Griffin stated that he lives and works in Old Town, but that he can remain impartial when evaluating evidence and that it will not affect his decision-making ability.

Heather Austin recapped the process to date; the project was submitted as a Type II site plan review application and was deemed a Type III application due to the conditional use status of the site. The Hearings Officer determined that the parking lot constituted as a structure, and as such required review by the Planning Commission. The Planning Commission concurred on February 14, 2006 that the parking lot is defined as a structure, but were split on a vote for approval or denial of the project. Heather stated that additional findings have been provided by Staff in the addendum staff report dated, March 7, 2006.

Russell Griffin said that he would like to see the parking lot at the site, and asked Rob Dixon if there were provisions in place that would allow other uses in the parking lot during special events. Rob stated that he was not aware of specific plans, but that he would get more information as it is available. Additional discussion ensued regarding the routine use of the parking lot; whether city vehicles would be parked there, if there would be designated parking spaces for specific employees, and clarification for use between the American Legion and the City.

Patrick Allen asked if the City had developed a transportation demand management plan. Julia said that the DEQ established the Eco-Rule, which requires businesses with over 50 employees on site to offer incentive transit programs to reduce trips, but that the City has just recently achieved this number and that program discussions have not yet begun. Julia stated that 50-60% of employees with the City are also residents of Sherwood. Patrick asked if the window of opportunity would be lost if a decision about the parking lot were delayed 6 months. Rob stated that the opportunity for a shared parking facility with the Legion may be lost. Rob also stated that there are currently times when the library/city hall parking lot is full and with completion of the downtown streets project, good weather months, and the increase of Library visitors, parking needs will escalate. In addition, Rob stated that he is not sure what a delay would mean to the budget as this is a general fund project.

Matt Nolan asked what the plans were for the Robin Hood Theater lot and inquired why this could not be an option. More discussion by Commissioners included citing other city-owned or leased properties that could be used for parking instead of the site under review, and preferred that option over the demolition of a building. Staff reiterated that the American Legion owns the site and can also use parking. The Robin Hood Theater lot has been used under temporary use permits for some time, currently permitted to the construction company for the Streetscapes

project. Prolonged use of temporary gravel lots for parking does not address water quality issues, such as storm water runoff treatment. The parking lot south of the railroad tracks off Washington Street leased from the railroad is used largely by park and ride customers of Tri-Met, and the Cannery lot is also a temporary site. Patrick Allen expressed that the immediate need for parking may be spurred by current construction projects and when completed, other sites mentioned may be more viable long-term options.

Chair Emery asked if there were any further questions of Staff. There were none.

Keith Jones, Harper Houf Peterson Righellis, Inc., 5200 SW Macadam Ave., Ste. 580, Portland, OR 97239 – Applicant's Representative: Keith focused on the need for parking using the site under review and referred to his memo dated, March 7, 2006. Keith said that at the time of development no parking spaces were allocated for the Library or for Community Room activity. Keith referred to the table on Page 2 of his memo for the criteria that demonstrates that the demand for parking meets requirements of the Code. Keith stated that shared uses for parking builds partnerships in Old Town by combining needs. The parking lot could be redeveloped in the future.

Chair Emery asked if there were any questions for the Applicant/Representative. There were none. Chair Emery invited any public testimony.

Eugene Stewart, PO Box 534, Sherwood, OR 97140 – Eugene said he is in favor of a parking study and plan for Old Town, and that the house being considered for demolition is in the historic district.

Chair Emery asked if the Applicant/Representative had a rebuttal.

Keith Jones said that the residence on the site is a vacant, under-utilized home formerly used as a dog grooming business, and that the proposed parking lot would provide a transition between zones in Old Town.

Heather said that the home is not on the historic inventory. The American Legion owns the property and has identified parking needs as well. The City would maintain the property by contract for use during the day.

Dan Balza asked to confirm what currently surrounds the home. Heather stated that the site is surrounded on 3 sides by street and the new pedestrian walkway (formerly Oregon St.) on the 4th.

Chair Emery asked if there were any further questions Staff or the Applicant/Representative. There were none. Chair Emery closed the public hearing at 8:05 PM.

Patrick Allen stated that while he agrees that there is a long-term parking need in Old Town, it is good a parking study is to be conducted as development in Old Town continues, but that the decision is whether or not the parking problem is urgent enough for a short-term parking solution. If another applicant came before the Commission with a similar application the Commission would require the applicant to show proof of need in order to be consistent in standards. Patrick said he took a count one lunch hour mid-week in Old Town, and counted 50 open parking spaces and 40 spaces being used by construction vehicles. This count did not

include the Cannery lot but did include the sites at Railroad & 1st St., Washington & Main St., the rear Civic Building parking lot, and one block on Oak St. Patrick said that the study was a moment in time and non-scientific, but based on these concerns and no employee incentive in place for transportation alternatives, he recommends denial of the application. Patrick also stated that he also had concerns that approving this land use action would establish a standard that the Planning Commission would use if other applicants come forward with a proposal to tear down buildings in Old Town to establish more parking. Patrick also stated that he believed construction was having a large impact on parking availability and that it is inadvisable, in the absence of a parking study, to decide during construction that there is a need for more parking.

Jean Lafayette agreed and said if another applicant failed to include sufficient parking in their original application, and applied later to demolish an old building in Old Town to create parking space, the applicant would be required to provide a parking study to prove need.

Matt Nolan agreed there is not enough evidence to approve the application before a parking study is completed, and that he did not believe the dog grooming business should have been required to move prior to approval of a parking lot application.

Chair Emery said the he is in favor of approving the application as an opportunity on a cooperative project. Adrian supports the City completing a parking study when funds are available to do so, and said that the shared-use of the parking lot for the American Legion and the City is good for Old Town.

Dan Balza said that the application would be easier to determine in 6 or 9 months after construction were more complete and a parking study was either completed or underway, and that he recommends denial of the application.

Chair Emery asked if there was any further discussion of the application. There was none.

Patrick Allen moved to deny application CUP 05-04/SP 05-16/AV 05-02, American Legion Parking Lot Addition, based on the finding that it failed to meet the need criteria of Section 4.302.03-C of the Sherwood Development and Zoning Code.

Jean Lafayette seconded.

Chair Emery asked if there was any further discussion on the motion. There was none. A vote was taken:

Yes – 4 No-3 Abstain – 0

Motion passes. Application denied.

Heather Austin asked City Engineer, Gene Thomas, on behalf of the Applicant for an extension of the 120 day rule in the event of an appeal.

Gene Thomas, City Engineer, on behalf of the Applicant waived the 120 day rule and extended the deadline 30 days to April 21, 2006.

7. Comments by Commission – Jean Lafayette recommended that the 5 locations for posted notices be listed in the Sherwood Gazette in addition to the reference that public notices are published in the Tigard-Tualatin Times. Cynthia Butler stated that arrangements have been made based on a previous request by the Commission, to publish in the Gazette that all public notices are published in the Tigard-Tualatin Times. A request to also add the 5 locations will be made.

8. Next Meeting – March 28, 2006: SE Sherwood Master Plan – Work Session.

9. Adjournment – Chair Emery adjourned the regular session at 8:30 PM. Work session on Goal 5 Standards followed.