



BEFORE THE CITY COUNCIL
CITY OF SHERWOOD, OREGON

IN THE MATTER OF AN APPEAL OF THE
PLANNING COMMISSION DECISION FOR
THE COMFORT SUITES HOTEL AND
CONFERENCE CENTER WITH RESPECT
TO FINDINGS AND A CONDITION
RELATED TO THE LOCATION OF
ACCESS

FINAL ORDER 2007-002
SP 07-01, CUP 07-03

The above referenced application came before the Sherwood City Council on appeal from the Planning Commission for a public hearing on August 21, 2007. 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 and site plan approval to construct a new hotel and conference center on the property located at 21655 SW Pacific Highway; and
2. The Planning Commission held a public hearing on June 26, 2007, and left the record open for written testimony until July 10, 2007. The Commission deliberated and approved the proposal with conditions on July 27, 2006; and
3. The Planning Commission decision was based on the evidence in the record as submitted prior to July 10, 2007. Included in the record was a staff recommendation to modify Condition D.4, 9th bullet to allow verification from ODOT that an alternate access was permitted. After considering the information in the record, including the staff recommendation, the Commission determined to support the ODOT requirement that the access be relocated to the property line shared with tax lot 1200 and added additional findings during deliberation specifically referencing 6.304.14 (vehicular access management). The original condition proposed by staff remained unchanged; and
4. The applicant filed a Notice to Appeal the decision with the Sherwood Planning Department based on the condition that required the access to be located on the property line; and
5. The Sherwood City Council received the application materials, the Planning Commission's findings, reviewed the materials submitted and the facts of the proposal, and conducted a public hearing on August 21, 2007, 2006; and
6. The City Council finds that it does not agree with the Planning Commission decision regarding the access location because of the location of the existing billboard. A review of

the lease agreement confirms that removing the billboard at this time is not an alternative available to the applicant and there is not ample room to locate an access immediately adjacent to the billboard and continue to comply with the lease agreement; and

7. Section 6.304.14.B.4.b.indicates that when alternatives do not exist that would minimize access, the access must comply with ODOT standards and shall be considered temporary until an alternative access to the public right of way is created; and

8. The Council finds that the applicant can be conditioned to ensure the proposed access is temporary until an alternate access is available that will minimize access to Pacific Highway.

NOW, THEREFORE, THE CITY COUNCIL ORDERS AS FOLLOWS:

Section 1. Procedures. The application for a Conditional Use Permit and Site Plan Approval (City file No. CUP 07-03/SP 07-01) to approve the construction of a hotel, conference center and restaurant at 21655 SW Pacific Highway (Tax Lot 1100 of WASHINGTON COUNTY ASSESSORS MAP 2S130D) was subject to full and proper review in compliance with all applicable requirements, and a public hearing was held before the Planning Commission on June 26, 2007 and before the City Council on August 21, 2007.

Section 2. Findings Adopted. After full and due consideration of the application, the Planning Commission Decision, the record, findings, and of the evidence presented at the public hearing, the Council concludes that the issue under appeal is valid and therefore, revises the decision of the Planning Commission as follows:

Findings modified - Findings under 5.401.05 are modified to add the following to the end of the finding: However, the applicant has adequately provided evidence that no alternative exists to allow the access on the property line at this time. In accordance with 6.304.14.B.4.b, the access as proposed, if permitted by ODOT, would be considered temporary until an alternative access is available. It is possible to condition the applicant to ensure that the existing structure that prohibits locating the access on the property line remains in place for the minimum amount of time and that the applicant does not take action to retain the structure for longer than the applicant is legally obligated. In addition, the applicant must be conditioned to comply with the relocation requirements, including the cost of construction at the time an alternate access is available.

Conditions modified - Condition D.4 (9th bullet) shall read: Prior to final site plan approval, submit plans that show the access to the site on the property line adjacent to tax lot 1200. As an alternative, the applicant may:

- ◆ Submit verification from ODOT that the access is acceptable as proposed; and
- ◆ Provide a binding agreement to the City that the access will be relocated when the billboard is removed; and
- ◆ Submit a Measure 37 (or its successor) waiver to submit any claims that would result in the access relocation from being carried out; and

- ◆ Submit a binding agreement (restriction) that would prevent the entering into or extension of any lease agreements that would result in retaining the billboard structure at its current location.

Other than as modified above, the Council adopts the findings of fact contained in the Planning Commission decision dated July 27, 2007 appended hereto as **Exhibit A** and incorporated herein as if fully set forth.

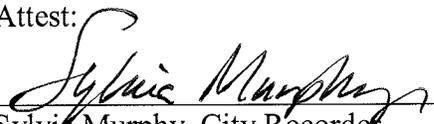
Section 3. Decision. Based on the adopted findings, the request for a Conditional Use Permit and Site Plan Approval is hereby **APPROVED**

Duly adopted by the City Council this 18th day of September, 2007.

Approved by the Mayor this 18th day of September, 2007.



 Keith Mays, Mayor

Attest:


 Sylvia Murphy, City Recorder

	AYE	NAY
Weislogel	<input checked="" type="checkbox"/>	_____
Luman	<input checked="" type="checkbox"/>	_____
King	<input checked="" type="checkbox"/>	_____
Henderson	<input checked="" type="checkbox"/>	_____
Heironimus	<input checked="" type="checkbox"/>	_____
Grant	<input checked="" type="checkbox"/>	_____
Mays	<input checked="" type="checkbox"/>	_____

Exhibit A: Planning Commission Decision dated July 27, 2007

On July 24, 2007 the Planning Commission held a public hearing on the above referenced application. After review of the staff report, public testimony, applicant testimony, and exhibits in the record (Exhibits A-N) received at the June 26, 2007 public hearing and within the open record period ending at 5:00 on July 10, 2007 the Planning Commission deliberated and **approved with conditions** the proposed Comfort Suites Hotel and Conference Center application. The Planning Commission decision is based on the findings of fact and conditions contained in this notice.

Patrick Allen, Planning Commission Chair

Date

I. PROPOSAL/BACKGROUND

The applicant has requested site plan approval to construct a 64,642 square foot motel and conference center as well as a 6,000 square foot stand-alone restaurant with associated parking and landscaping. The applicant's submittal packet is attached as Exhibit A.

- A. Applicant/Owner:
Sherwood Forest Development, LLC
Attn: Saj Jivanjee
9055 Beaverton-Hillsdale Highway
Portland, OR 97225
- B. Location: The property is located south of Edy Road and north of Meinecke Road on the northwest side of Pacific Highway 99W. The property address is 21655 SW Pacific Highway and the property is identified as tax lot 1100 on Washington County Assessor Map 2S1 30D.
- C. Parcel Size: The subject property is 2.78 acres.
- D. Site Characteristics and Property History: The Sherwood Tractor Rental business currently occupies this site. There is also a billboard sign in the southeast corner of the site and a cell tower in the northern portion of the site, closer to the western side. The northeast half of the property slopes upward from Highway 99W in the front part of the site but then levels off where the current building is located. The southwest half of the property slopes downward toward Cedar Creek, just southwest of this property. There are very few trees on the site, which is primarily used for the storage of rental vehicles and equipment. The existing development received land use approval in 1998 (SP 88-4). A minor land partition was approved for dividing this property into two parcels on November 30, 2005 (MLP 05-06). This partition was never recorded and expired on November 30, 2006.
- E. Zoning Classification and Comprehensive Plan Designation: The existing zone is General Commercial (GC). Per section 2.110.01, the purpose of the GC zone is to provide for commercial uses which require larger parcels of land and/or uses which involve products or activities which require special attention.
- F. Adjacent Zoning and Land Use: The site is oriented on an angle as it abuts SW Pacific Highway. For reference purposes, Pacific Highway is south and southeast and Cedar Creek is southwest. The subject site is bordered to the southwest by publicly-owned property zoned General

Commercial that is undeveloped with Cedar Creek running through it. The properties to the northwest are zoned High Density Residential (HDR) within the Madeira PUD and are developed as townhomes. The property northeast of this site is zoned Medium Density Residential Low (MDRL) and was previously developed as a manufactured home park that is currently vacant. It is not anticipated that the use of the manufactured home park will be re-established. The southeast of this site is adjacent to Pacific Highway 99W. Across the highway is property zoned Retail Commercial (RC) that is vacant and property zoned HDR that is developed with the Glen Eagle Condominiums.

- G. Review Type: Because the total square footage of building and parking area is greater than 40,000 square feet, the site plan requires a Type IV review with a public hearing and decision made by the Planning Commission. An appeal would be heard by the City Council.
- H. Public Notice and Hearing: Notice of the June 26, 2007 public hearing was published in the Tigard/Tualatin Times on June 14th and 21st and posted on-site and mailed to property owners within 100 feet of the site on June 5, 2007 in accordance with Section 3.202 and 3.203 of the SZCDC.
- I. Review Criteria: Sherwood Comprehensive Plan Part 3, Zoning and Community Development Code, 2.110 (General Commercial - GC), 2.301 (Clear Vision), 2.303 (Fences, Walls and Hedges), 4.300 Conditional Uses, 5.100 (Site Plan Review), 5.200 (Landscaping), 5.300 (Off-Street Parking), 5.400 (On-Site Circulation), 5.500 (On-Site Storage), Chapter 6 (Public Improvements), 8.304 (Parks and Open Space) and 8.310 (Heat and Glare).

II. PUBLIC COMMENTS

Public notice was mailed and posted on the property on June 5, 2007.

Public testimony was received from Donald V. Pfeifer, 2011 NE 164th Place, Portland, OR 97230 on June 14, 2007. Mr. Pfeifer encourages denial of this proposal because the plans show a 22' foot wide fire access easement to his property that he is not sure is in a location that will best serve the future redevelopment of his property. In addition, he has been in contact with the applicant's representative about a shared access between his property and the subject site onto 99W but has not heard back about this option. This public testimony is included with this report as Exhibit B.

Staff Response: As discussed below, ODOT and the City will require the access to 99W to be placed on the property line between the subject site and Mr. Pfeifer's property, tax lot 1200. In addition, while staff supports the location of a driveway connection between the subject site and tax lot 1200, the only improvements required at this time will take place on the subject site and no requirements of tax lot 1200 will be made with this land use action. When a land use submittal is made on tax lot 1200 in the future, the City will evaluate the cross access between the two sites and require necessary improvements to facilitate safe and convenient transportation connections between the two properties.

The City of Sherwood was copied on a letter from the Madeira Homeowners Association (HOA) to Michael Robinson of Sherwood Forest Development, LLC. The Madeira subdivision is northwest of this site. This letter stated that the HOA must approve the extension of Wisteria Place as an emergency access and that this approval is not granted at this time.

Staff Response: The applicant has revised the submitted site plan to exclude an emergency access on an extension of Wisteria Place, through the Madeira subdivision.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on May 11, 2007. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Broadband, the City's public communications utility reviewed the proposal and asked that the applicant provide a 4" conduit and associated easement along the improved areas of 99W and a 2" conduit inside the joint utility trench, terminating in the hotel telecommunications room. In addition, the Sherwood Broadband would like to place a public safety/telecommunications antenna on the roof of the building. Sherwood Broadband will work with the developer/architect on the exact placement of the antenna to lessen the visual impact. These comments are included as Exhibit C.

PGE provided comments dated May 14, 2007 stating that they have several metered services at this location. The property owner and developer will need to contact PGE Service Coordinators at 503-736-5450 four to six weeks in advance of the date the developer wants PGE facilities removed for the new development so PGE can draw up a work request and schedule PGE line crews to remove those facilities. If the applicant has questions about PGE facilities, they can call Ralph Reisbeck at 503-570-4409, but the applicant does need to contact the Service Coordinators to get the work order process started.

ODOT provided comments dated May 23, 2007, which are included as Exhibit D. These comments state that access to the state highway is regulated by OAR 734.51 and that the highway access shall be placed on the property line adjacent to tax lot 1200 to facilitate a future shared access when the adjacent property (former manufactured home park) redevelops. The comments also state that curb, sidewalk, bikeways and road widening shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards. An ODOT approach permit for access to the state highway or written determination from ODOT that the existing approach(es) are legal for the proposed use is required and must be obtained. The applicant shall extend the existing northbound left turn storage by 100 feet at the OR 99W/Edy Road intersection to mitigate for the added traffic by the proposed development. The applicant shall record with the County Assessor a cross over access easement to tax lot 1200 to facilitate a shared access when the adjacent property redevelops. ODOT Miscellaneous and Drainage Permits are required. ODOT has also recommended that the applicant extend the existing northbound left-turn storage lane by 100 feet.

Pride Disposal provided comments stating that the location and size of the enclosure appear to be adequate but a detail on the gates on the enclosure is needed.

Tualatin Valley Fire and Rescue reviewed the proposal and provided a detailed letter dated June 5, 2007 (Exhibit E). Concerns that potentially affect the site design, such as access, are discussed further in this report.

Tualatin Valley Water District provided comments dated May 15, 2007 stating that the water line location and meter facilities were not shown on the initial drawings. A water main is located along the frontage of Highway 99W, possibly beyond the highway right-of-way. The applicant will need to verify the location of the pipe and include this on the submittal of drawings for review and approval (public improvement plans).

The Sherwood Engineering Department provided comments which have been incorporated into this decision and are also attached as Exhibit F. The Engineering Department also provided some general comments, which are provided below:

Grading and Erosion Control:

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

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

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

Other Engineering Issues:

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

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

All existing and proposed utilities shall be placed underground.

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

Washington County indicated that they had no comments.

Clean Water Services provided comments (Exhibit G) stating that the applicant does have a valid Service Provider Letter (SPL), 07-001151. CWS stated that all conditions of the SPL apply and also provided general comments for the development.

NW Natural Gas, Bonneville Power Administration (BPA), and Raindrops2Refuge were also given the opportunity to comment on the proposal, but provided no written comments.

IV. CONDITIONAL USE PERMIT- REQUIRED FINDINGS (SECTION 4.300)

CONDITIONAL USE – REQUIRED FINDINGS

Section 4.300 establishes the provisions for granting a conditional use permit. Specific criteria are found in Section 4.302.03. The criteria and staff findings are noted below:

4.302.03.A - All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation access, 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.

All public facilities and services are available and currently serve the site. Water, sewer and transportation access are adequate for the proposed use. Tualatin Valley Fire and Rescue requires an emergency vehicle access to the site in addition to the driveway access on Highway 99W. The applicant is proposing to do this on city-owned property adjacent to the property to connect to SW Madeira Terrace, a public street. The City Council would have to approve this use of City property in order for this scenario to work. Before a resolution can be brought before Council, the applicant will need to identify what amenities are proposed in exchange for use of the public property for a private use. The applicant has indicated that the emergency vehicle access is the public amenity being proposed because it provides an alternate emergency access for the existing Madeira development; however, staff finds that if this site were not being developed, the access would not be necessary and is therefore for the sole benefit of this development.

Council is currently considering allowing the School District to use public property for pedestrian connections to the proposed elementary and middle schools in Area 59. Because the Transportation System Plan shows a planned trail in this vicinity along Cedar Creek from 99W to Edy, it does not seem infeasible for the applicant to propose contributing to a bicycle/pedestrian path along with the emergency vehicle access. This could be done by paving a minimum of eight (8) feet of the emergency access and placing signage and public access easement in the parking lot for access to the trail and providing public access through the site from 99W to the trail. By contributing to a planned pedestrian/bicycle path that also provides emergency vehicle access, the applicant would not be using public property for private gain. Additional detail and analysis regarding a potential pedestrian path is provided further in this report. Alternatively, the developer could secure an emergency vehicle access elsewhere on the site that meets TVF&R standards or obtain TVF&R approval of design modifications that would eliminate the need for the emergency access.

FINDING: This standard has not been met because the applicant is proposing to use public property to satisfy a requirement of TVF&R but does not currently have permission to use this property. This condition could be satisfied if the applicant obtains the appropriate permission from the City for use of the property or provides verification from TVF&R that the development complies with the emergency access standard in some other way.

CONDITION: Prior to final site plan approval, obtain the appropriate permission from the City to utilize public property for the emergency access or provide verification from TVF&R that the development complies with the emergency access standards in some other way.

4.302.03.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.

As discussed below, this proposed use conforms, or is conditioned to conform to the dimensional standards and the purpose of the General Commercial (GC) zone. The motel use is compatible with the abutting neighborhood in regards to noise generation and public safety. The proposal does include a swimming pool that could produce noise but the pool is completely enclosed within the building and, therefore, off-site noise is not anticipated.

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

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 granting of this proposal will result in a motel and conference center being built. Sherwood has had motel/motor lodge accommodations in the past but currently none exist in the City. The granting of this proposal will provide for lodging and meeting facilities for visitors and residents of the community. Providing this type of facility complies with the policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.

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

4.302.03.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.

This motel is proposed on property adjacent to a residential townhouse development and medium density residential property which is anticipated to be re-developed and potentially re-zoned. The motel is located on the opposite side of the site from the development but the parking, circulation

and landscaping will be adjacent to the neighboring properties. As will be discussed and conditioned later in this report, a six-foot high sight-obscuring fence will be required separating this parking area from the neighboring homes. Because it is anticipated that the vehicles parked near these properties will be those of people either staying in the hotel or attending an event in the conference center, it does not seem likely that the surrounding property will be adversely affected by the use. The motel management will be ultimately responsible for the use of the parking area by patrons of the site. All applicable noise and nuisance ordinances will apply.

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

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

The improvements proposed for this site include two buildings, parking and circulation drives and landscaping. As conditioned further in this report, there will be adequate parking based on the parking standards in the Code. Vehicles will access the site via a proposed 26 foot wide paved driveway connecting to Pacific Highway 99W. The size, shape, location, topography and natural resource vegetated corridor have been taken into consideration with the design of the site. Clean Water Services has issued a Service Provider Letter for this site indicating that sensitive areas will not be adversely impacted by this development.

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

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

Clean Water Services has provided a Service Provider Letter for the use stating that adverse impacts to sensitive wildlife species or the natural environment is not permitted or anticipated with this use. The only sensitive area on the site is in the southwest corner and no development is proposed within this area. With the possible extension of a pedestrian path/emergency vehicle access, the applicant will need to obtain verification from Clean Water Services that the location and design comply with their standards.

FINDING: The proposed use does not pose likely significant adverse impacts to wildlife or the natural environment. However, Clean Water Services has not reviewed the proposed emergency access on public property and if approved by the City, a CWS Service Provider Letter will be required.

CONDITION: Upon City approval of the emergency access on public property, obtain a Clean Water Services Service Provider Letter.

4.302.03.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.

The proposed use has received an informal preliminary Capacity Allocation Program (CAP) trip allocation review based on the size of the buildings, the size of the property, and the use. The trip certificate is preliminary and a final trip certificate will be necessary prior to final site plan approval. The preliminary CAP review indicates that additional information will be required prior to the final trip certificate being issued and, as discussed in Section 5.102.04.F below, an acceleration lane and curb placement will be required as CAP mitigation.

FINDING: This standard has not been met because a final 99W CAP Trip Allocation Certificate has not been issued for this property. This will be required prior to issuance of building permits.

CONDITION: Prior to final site plan approval, submit necessary documentation to the engineering department reflecting changes resulting from conditions contained in this report and verifying site acreage and completion of the required CAP mitigation and obtain a Final Trip Certificate to comply with the Capacity Allocation Program.

CONDITIONAL USE – ADDITIONAL CONDITIONS

4.302.04 - 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.

The proposed use will not create any air, land or water degradation, noise, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards. The applicants argue that by providing the emergency vehicle access from Madeira Terrace, they are in fact correcting an existing public safety concern by providing another connection for emergency services to access the Madeira development. The applicant did not submit a photometric plan verifying that light glare will not shine off the site either toward Pacific Highway 99W or toward the surrounding properties. A photometric plan showing that exterior lighting does not cause glare or lights to shine off site in excess of one-half (0.5) foot candle, per Section 8.310, will be required.

FINDING: This standard has not been met because staff cannot verify glare will not shine off site. This standard could be met if the applicant submits and the Planning Department approves a photometric plan for the exterior lighting on the site.

CONDITION: Prior to final site plan approval, submit a photometric plan for review and approval by the Planning Department that shows the foot candles of all exterior lighting on the site, not to exceed 0.5 foot candles off-site.

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.

FINDING: Provisions for improvements of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities are discussed and conditioned below under the Section VI. Applicable Code Criteria, Chapter 6- Public Improvements. No additional provisions are necessary.

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

FINDING: The lot size and yard dimensions are greater than that required by the underlying GC zoning. There are no streets proposed through this development. Off-street parking and loading facilities are discussed below under Section VI. Applicable Code Criteria, Chapter 5- Site Plan. Additional provisions are not necessary.

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.

FINDING: This property is located on Pacific Highway 99W and, therefore, ODOT will determine the location, number (1), type, size and area of the vehicular access point. A separate permit for any proposed signage will be required. A photometric plan was previously conditioned to ensure the lighting does not adversely affect surrounding properties. Landscaping, fencing and screening are discussed and conditioned below under Section VI. Applicable Code Criteria, Chapter 5- Site Plan. The building covers less than twenty percent (20%) of the site. The building height will be discussed below under Section IV. Applicable Code Criteria, Chapter 2- GC zoning. The building security will be addressed by the motel management and no additional criterion is required for this.

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

FINDING: A final site plan will be required as this is a Type IV application. Land dedication and money-in-lieu of parks or other improvements are not required of this development. However, the Clean Water Services Service Provider Letter submitted with the application requires an easement over the vegetated corridor conveying storm surface water management and/or sanitary sewer rights to the District or City, preventing the owner of the vegetated corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

The applicant has proposed to use public property for an emergency vehicle access but has not proposed any public improvements or amenities in exchange for use of the public property. This has been discussed and conditioned previously in the report.

CONDITION: Prior to final site plan approval, submit a recorded easement consistent with Condition 8 of the Clean Water Services Service Provider Letter conveying storm surface water management and/or sanitary sewer rights to Clean Water Services or the City of Sherwood over the vegetated corridor. Submit the easement document to Planning Staff in advance of recording at Washington County for review and approval.

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

FINDING: The applicant is not proposing signs as part of this application. Any signs that are proposed will be reviewed for compliance with the sign code at the time of submission. There is an existing billboard sign on the property that was part of a settlement agreement between the City and the billboard company. The building permit for this sign was issued on July 17, 2006. Per Section 5.701.05- Non-Conforming Signs, this billboard must be removed from the site by July 17, 2011 (five years after the building permit is issued for the billboard) because it does not comply with the height and size requirements for signage in the General Commercial zone. It should be noted that the billboard sign located on this property precludes any future free-standing signage on the site while the billboard is still in place (per the requirements of Section 5.703.02 of the Code).

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

FINDING: The Clean Water Services Service Provider Letter assures protection and preservation of soils, vegetation, watercourses, habitat areas and drainage areas. The preservation of existing trees will be discussed below under Section IV. Applicable Code Criteria, Chapter 8- Environmental Resources.

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

FINDING: The proposed use will not create any harmful environmental impacts such as noise, vibration, air pollution, odor or dust. The applicant did not submit a photometric plan verifying that light glare will not shine off the site either toward Pacific Highway 99W or toward the surrounding properties. A photometric plan showing that exterior lighting does not cause glare or lights to shine off site in excess of one-half (0.5) foot candle, per Section 8.310, will be required and has been conditioned previously in this report.

V. SITE PLAN REVIEW – REQUIRED FINDINGS (SECTION 5.102.04)

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

The relevant criteria are found in Chapters 2, 5, 6 and 8. Compliance with these criteria is discussed in Section V – Applicable Code Provisions, below. Chapter 9 is not applicable to this site plan application as there are no Historic Resources on the site and it is not located in the Old Town Overlay.

FINDING: Compliance with the relevant criteria in Chapters 2, 5, 6 and 8 are discussed and conditioned as necessary throughout this report, therefore, this standard is satisfied.

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

All public and private utilities, including water, storm and sanitary sewer, electricity and natural gas are available to serve this site. Section C.C.6.800 discusses the public utility provisions in more detail and recommends conditions as needed to ensure compliance. Pride Disposal has provided comments which are discussed and conditioned further in this report. Tualatin Valley Fire and Rescue (TVF&R) has reviewed the plans and provided detailed comments, which are included as Exhibit E.

FINDING: As discussed above, necessary requirements are discussed in detail and conditioned further in this report, ensuring this standard will be met.

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.

The site will be developed and owned under single ownership and the property owner is responsible for maintenance of the site consistent with the approved site plan. If the City gives permission to use the public property in exchange for construction of a portion of the Cedar Creek trail and an emergency access drive, an agreement will need to be entered into for construction and maintenance. This would be a condition of the permission for the use of the property and does not need to be a condition of this land use approval.

FINDING: As discussed above, this standard has been satisfied.

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

The known significant natural features on this site are found in the southeast corner and are protected by Clean Water Services standards. The plan complies or is conditioned to comply with all standards in Chapters 5 and 8 as discussed in detail further in this report.

FINDING: Based on the discussion above, this standard has been addressed.

- 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.**

The proposed use has received a preliminary Capacity Allocation Program (CAP) trip allocation certificate based on the size of the building, the size of the property, and the use. The trip certificate is preliminary and a final trip certificate will be necessary prior to final site plan approval. The preliminary trip review indicates that additional information will be required prior to the final trip certificate being issued.

FINDING: As discussed above, the CAP submittal for this site has been reviewed; however, a final trip certificate is necessary to ensure that any changes necessitated by this approval are reflected. This has been conditioned previously in this report.

- 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.**

The applicant has submitted an analysis prepared by CTS Engineers dated March 12, 2007. The City Engineering Department and the Oregon Department of Transportation (ODOT) have reviewed this document. ODOT has indicated the need for increasing the length of the 99W/Edy Road northbound left-turn lane storage area by 100 feet (See Exhibit D). The City Engineering Department notes that the applicant's proposal includes an acceleration lane from the entrance on Highway 99W to the southwest. The City Engineering Department indicated that this acceleration lane is warranted and should be constructed. In addition, the ultimate plan for Highway 99W is six lanes. The Engineering Department will require that the curb be located in the eventual curb location assuming a six lane width of Highway 99W, subject to ODOT approval.

FINDING: This standard has not been fully met because the applicant has not shown a 100-foot extension of the 99W/Edy Road northbound left-turn lane storage as recommended by ODOT and identified as warranted in the Traffic Study. In addition, while the applicant did propose an acceleration lane, the location of the curb was not addressed. This standard could be met as conditioned below.

CONDITION: Submit public improvement plans to the Engineering Department for review and approval that show a 100-foot extension of the 99W/Edy Road northbound left-turn lane, the acceleration lane from this property and the curb in the eventual location, assuming 6 lanes at

future build out of the highway. In addition, obtain ODOT approval for all work within the 99W right-of-way.

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.**

The primary entrance to the hotel is designed to face the porte cochere and, by extension, the parking lot. There is a paved pedestrian and bicycle connection from the primary entrance of the hotel to the sidewalk along Pacific Highway 99W. It appears from the submitted plans that there is a portion of the porte cochere roof that overhangs a pedestrian area, but staff cannot verify from the submitted plans that this is "significant articulation and treatment to identify this entrance for pedestrians".

The primary entrance to the restaurant is located between the hotel and the restaurant. No evidence has been provided that demonstrates "significant articulation and treatment to identify this entrance for pedestrians". Also, there is no pedestrian/bicycle connection of this entrance to the sidewalk along Pacific Highway 99W.

The building is located adjacent and flush to the required 25-foot landscaped visual corridor along Pacific Highway 99W.

The building elevations indicate the exterior of the building will be a combination of Hardi-plank, hardi-panel, cultured stone and glass. It does not appear that any of the prohibited materials are proposed.

FINDING: Based on the analysis above, this standard has not been met because the applicant has not provided a pedestrian connection to the primary entrance to the restaurant and the applicant has not provided detail of significant articulation of both the primary entrance to the restaurant and the primary entrance of the hotel. This standard could be met as conditioned below.

CONDITION: Prior to final site plan approval, submit revised plans that show a pedestrian connection to the primary entrance to the restaurant and the detail of significant articulation of both the primary entrance to the restaurant and the primary entrance of the hotel.

VI. APPLICABLE CODE PROVISIONS

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

A. Chapter 2 - Land Use and Development

The applicable zoning district standards for this site are identified in Chapter 2.110 (General Commercial). In addition, 2.301 (Clear Vision Areas) is also applicable.

2.110 - General Commercial (GC) Zoning District

The applicable standards in Section 2.110 include: 2.110.02, 2.110.03, 2.110.04 and 2.110.05. Compliance with these standards is discussed below:

Permitted Uses (2.110.02, 2.110.03 and 2.110.04)

The GC zoning district provides for commercial uses which require larger parcels of land, and/or uses which involve products or activities which require special attention to environmental impacts. Sections 2.110.02, .03 and .04 list the permitted, conditional and prohibited uses in the GC zone.

FINDING: Hotels and motels are listed as conditional uses in 2.110.03.I. Restaurants, taverns and lounges are listed as permitted uses in 2.110.02.J. The conditional use criteria have been discussed previously in this report for the motel use. The restaurant and motel (and associated conference center) must meet all the applicable criteria of the GC zone, as described below.

Dimensional Standards (2.110.05)

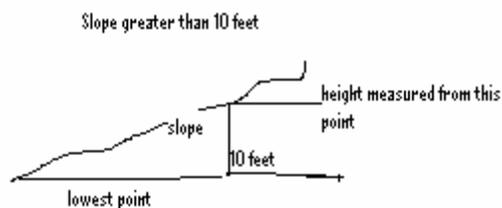
Section 2.110.05 has the following dimensional standards in GC zones:

Lot area	10,000 sq ft
Lot width at front property line	70 feet
Lot width at building line	70 feet
Front yard setback	None, except when abutting a residential zone in which case, the front yard setback of that zone shall apply.
Side yard setback	None, except when abutting a residential zone or public park property, then there shall be a minimum of twenty (20) feet.
Rear yard setback	None, except when abutting a residential zone, then there shall be a minimum of twenty (20) feet
Height	Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone

The lot is 2.78 acres, exceeding the minimum lot area. The lot width at front property line and lot width at building line also exceed the minimum. The northeast and northwest property line abuts residential zones and, therefore, a 20 foot setback is required on both the rear and north side property lines. There are no proposed improvements along the north side yard; however, the trash enclosure is proposed within 10.5 feet of the rear property line. This will need to be moved to at least 20 feet from the rear property line.

There is an existing cell tower and concrete building that, from the submitted plans, appear to be fifteen (15) feet from the adjoining residential properties. These structures are considered pre-existing non-conforming and should they be removed for any reason in the future, they will have to be replaced so that they meet the required twenty (20) foot setback.

The building was designed to be 100 feet from the residentially zoned properties so as to allow a 50 foot building. The submitted elevations on sheet A006, specifically the southeast elevation, shows the height of the building from the finished floor at the front of the hotel to the midpoint of the hip roof as forty-nine feet, nine and one-half inches (49' 9 ½ "). However, this height measurement does not take into account that the lowest grade of the building is fourteen feet, eight inches (14' 8") lower than the finished floor at the front of the hotel. Per Section 1.202.15 of the Sherwood Zoning and Community Development Code, the building height is measured from a reference datum that is an elevation "ten (10) feet higher than the lowest grade, when the sidewalk or ground surface described in 1.202.12.A [scrivener's error, should read 1.202.15.A] is more than ten (10) feet above lowest grade" (see diagram below). Therefore, the building exceeds the maximum height of fifty (50) feet by four feet, five and one-half inches (4' 5 ½ "). It seems feasible for the applicant to meet this standard by modifying the proposed grading and/or building design to ensure that the height does not exceed 50 feet when measuring the height with a reference datum 10 feet higher than the lowest grade.



FINDING: Based on the discussion above, the proposal does not fully comply with the dimensional standards because the trash enclosure is proposed within 20 feet of a residential zone and the building height exceeds the maximum for the zone by 4' 5 ½". This standard could be met as conditioned below.

CONDITION: Prior to final site plan approval, submit a final site plan showing the trash enclosure located at least 20 feet away from the adjacent residentially-zoned properties along with an updated approval from Pride indicating the revised location continues to be accessible to the Pride service vehicles..

CONDITION: Prior to final site plan approval, submit revised building elevations that comply with the maximum height of fifty (50) feet for the GC zone (building height is defined in Section 1.202.15 of the SZCDC).

2.301 - Clear Vision Areas

Section 2.301 provides requirements for maintaining clear vision areas at intersections of 2 streets, a street and a railroad or a street and an alley or private driveway. In commercial zones, the minimum clear vision distance is fifteen (15) feet for streets and ten (10) feet at the intersection of a street and an alley, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet. Where no yards are required, buildings may be constructed within the clear vision area.

The property has frontage on Pacific Highway 99W. There are no structures proposed within the clear vision area. However, the landscape plan submitted is not specific regarding the materials proposed within the clear vision area.

FINDING: This standard has not been met because the submitted landscape plan does not provide sufficient detail for staff to verify that landscaping will not impair the clear vision area. This standard could be met as conditioned below.

CONDITION: Prior to final site plan approval, submit a landscape plan for review and approval by the Planning Department that shows the low-growing landscaping materials within the clear vision area.

B. Chapter 5 - Community Design

The applicable provisions of Chapter 5 include: 5.100 (Site Planning), 5.200 (Landscaping), 5.3 (Off-street parking and Loading), and 5.4 (On-site Circulation). Compliance with the standards in these sections is discussed below:

5.201 Landscape Plan

All proposed developments for which a site plan is required pursuant to Section 5.102 shall submit a landscaping plan which meets the standards of Section 5.200. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

The landscape plan, sheet L001, shows that all areas not covered with structures, walkways, paved roadways and parking on the site will be landscaped. The submitted landscape plan lists many species to be used on the site but is not specific with regard to where the various materials will be used. In addition, the landscape plan shows the landscape visual corridor (discussed in further detail below in Section 8.304.04) in the right-of-way in front of the property rather than on the property. The applicant has proposed to provide a plaza for conference center uses to use on occasion. The plaza would be constructed of pavers. In the event that City approval is not obtained to provide a non-traditional landscape treatment, the landscaped visual corridor appears to be shown on the property on the site plan, sheet A001 which indicates that this standard could be met. Because there are no specific details regarding the planting plan for the landscaped visual corridor or within the right-of-way in front of the property, staff can not provide detailed comments on how the proposed hardscape landscaping would comply nor how the visual corridor standards are fully met.

FINDING: As discussed above, this standard is not fully met because the applicant has not indicated locations of proposed landscaping types and details of the landscaped visual corridor and right-of-way adjacent to the site. This standard could be met as conditioned below.

CONDITION: Prior to final site plan approval, submit a revised landscape plan that accurately reflects the 25 foot visual corridor is located on the property and identifies specifically where plant species will be used on the site and how the landscaped visual corridor on the property and the right-of-way in front of the property will be planted. In the event that Planning Commission approval is granted for the hardscape plan as shown in L001, the plans must also incorporate the required shrubs and trees amongst the hardscape proposed along with an adequate irrigation plan to ensure survivability.

5.202 Landscaping Materials

5.202.01 Varieties - Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of Section 5.200.

FINDING: As discussed above, a mixture of species are listed on the landscape plan, but no details as to where the materials will be planted. This standard is not met but can be met as conditioned above in Section 5.201.

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

The landscape plans do not provide information demonstrating how the landscape areas will be maintained and the preliminary utility plans do not show a proposed irrigation system. It is possible for the applicant to meet this standard if they provide staff with sufficient information documenting how they intend to maintain the required landscaping.

FINDING: As discussed above, staff can not confirm that this standard will be met. If the applicant provides more information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained, this standard will be met.

CONDITION: Prior to final site plan approval provide more information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained.

5.202.04 Existing Vegetation - All developments subject to site plan review as per Section 5.102.01 and required to submit landscaping plans as per Section 5.202 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 8.304.07.

The majority of the property is currently gravel and sod. The portion of the area containing sensitive areas will be protected per the Clean Water Services Service Provider Letter. There are several mature trees along the northeast boundary of the property that have not been discussed in the applicant's narrative. An arborist's report has not been submitted as part of this land use application so staff cannot verify the health of the trees. The submitted site plan, sheet A001, shows two large trees within the landscaped area in the northeast of the site. However, these trees do not appear on the existing conditions plan or in a tree report. Staff cannot verify if the development is preserving existing trees to the maximum extent possible without an arborist's report of the trees on-site but not in the vegetated corridor.

FINDING: This standard has not been satisfied because staff cannot verify the level of preservation of existing trees without an arborist's report. Staff could verify this if an arborist's report were submitted for the trees on-site not within the vegetated corridor.

CONDITION: Prior to final site plan approval, submit an arborist's report of all trees on-site excluding the vegetated corridor. Indicate the diameter at breast height (DBH) and condition of each tree. Include whether the trees are proposed for retention or removal.

CONDITION: If trees are proposed to be retained, adequate tree protection fencing must be in place prior to any site grading. If trees are proposed for removal, a mitigation plan must also be submitted prior to Final Site Plan approval and mitigation complete or assurances provided prior to occupancy.

5.203 Landscaping Standards

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

FINDING: The submitted landscape plan shows a six-foot high evergreen sight-obscuring hedge will be planted separating this site from the adjacent residential zones. This standard has been met as shown on the landscape plan.

5.203.02 – Parking and Loading Areas:

Total Landscaped Area (5.203.02.A)

A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 5.200. In addition, all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 5.200.

The total parking and circulation area on the site is 52,387 square feet. The total landscaping on the site is 30,054 square feet, exceeding 10% of the parking area. The plans show landscaping will be provided in all areas not covered by buildings, parking or circulation areas. However, it is not clear that the proposed plants are “native to the Pacific Northwest”. This standard could easily be met if the landscape architect submits a letter certifying that the plants are native or are the most appropriate plants given the location and soils or if they modify the plant list to provide the required native plants.

FINDING: As discussed above, staff can not confirm that the plants proposed are native. However, staff is confident that this standard can be met if the applicant submits a letter certifying that the plants are native and/or most appropriate for the site or if they modify the plant list to provide the required native plants.

CONDITION: Submit a letter from the landscape architect certifying that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.

Adjacent to Public Rights-of-Way (5.203.02.B) - A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 2.303.

The only part of this site adjacent to right-of-way is the frontage of Pacific Highway 99W. A twenty-five (25) foot visual corridor is required along this frontage and, therefore, no additional landscaping is required to separate the right-of-way from parking areas.

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

Perimeter Landscaping (5.203.02.C) - A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.

The landscaping strip surrounding the site and separating the parking areas from abutting properties ranges in width from 10.5 feet to approximately 11 feet in width.

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

Interior Landscaping (5.203.02.D) - A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row.

The parking area is 52,387 square feet. The total amount of required parking lot landscaping is 5,239 square feet, or 10% of the total parking area. Of that, 50% (2,620 square feet) is required to be interior parking lot landscaping. The applicant's narrative/plans indicate there is 20,207 square feet of landscaping within the interior of the parking lot. All of the landscape islands exceed 64 square feet in size. However, the row of parking stalls across the driveway from the pool area is 16 spaces without a landscaping island and one of the parking stalls in this row will need to be changed to a landscaped island. As discussed below, the site requires a minimum of 122 parking spaces and 132 are proposed, so removal of one parking space will not create a non-conforming situation.

FINDING: As discussed above, this standard is not fully met but could be as conditioned below.

CONDITION: Prior to final site plan approval, submit a revised site plan that shows an additional landscaped island within the row of 16 parking spaces separated from the pool area by a driveway.

Landscaping at Points of Access (5.203.02.E) - When a private access way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 2.301.

This standard was addressed and conditioned previously in this report under the clear vision area section.

FINDING: Based on the discussion above, this standard has been previously addressed.

5.203.03 - Visual Corridors

New developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural

Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Section 8.304.

The property has frontage on Highway 99W, which requires a 25 foot visual corridor per Section 8.304.04 of the SZCDC. The applicant has submitted a landscape plan that shows a 25 foot visual corridor within the right-of-way, rather than on private property and a hardscape plaza where the visual corridor is required. However, the site plan, sheet A001, shows the visual corridor on private property. The applicant will need to submit a revised landscaping plan clearly indicating the planting materials within the visual corridor.

FINDING: As discussed above, this standard has not been met. However, this standard was conditioned above under Section 5.201.

5.301 – General Off-street parking and loading

5.301.03 Joint Use

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

FINDING: This proposal is for one parcel of land and, therefore, the joint use parking standards would not apply.

5.301.04 Multiple/Mixed Uses

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately, with a reduction of up to 25% to account for crosspatronage of adjacent businesses or services. If the applicant can demonstrate that the peak parking demands for the combined uses are less than 25% (i.e., the uses operate on different days or at different times of the day), the total requirements may be reduced accordingly.

FINDING: The hotel and restaurant will occupy the same parcel of land. Combined, as discussed below in Section 5.302.02, the uses require 162 parking spaces. A 25% reduction in required parking to account for cross-patronage of the businesses would result in 122 parking spaces required. The peak hours of operation of the restaurant are during daytime mealtimes whereas the peak hours of cars being parked at the hotel would be at night. In addition, it is reasonable to assume that people staying in the hotel are likely to eat at the restaurant. It is reasonable to allow this reduced parking requirement, with no less than 122 parking spaces required for this development.

5.301.05 Prohibited Uses - Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

FINDING: Long-term storage of vehicles has not been proposed and is not anticipated. If an issue arises it will be addressed as a code compliance action.

5.301.06 Location - Residential off-street parking spaces shall be located on the same lot as the residential use. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use.

FINDING: The proposed parking is located on the subject property. This standard has been met.

5.301.07 Marking - All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

The plans, specifically sheet A001, show parking spaces will be striped and compact spaces, ADA spaces and loading areas will be clearly marked. Verification of adequate markings and signage will occur during site inspections prior to occupancy permits.

FINDING: This standard has been met.

5.301.08 - Drainage

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

The plans show that catch basins will be located throughout the parking and circulation areas. It appears that the water from the swale will then be collected and piped to the southeastern portion of the site and off-site to Cedar Creek. The Engineering Department provides discussion of this concept further in the report under V.C below.

FINDING: Because this is discussed and conditioned if needed further in this report, this standard is satisfied.

5.302 Off-street parking standards

5.302.02 – Minimum parking spaces

5.302.02 provides the required minimum and maximum parking spaces for uses permitted by the SZCDC. The required parking for medical or dental offices is 3.9 spaces per 1000 square feet of gross leasable area. The maximum parking is 5.9 parking spaces per 1000 square feet of gross leasable area.

The applicant's plans indicate the motel will have 96 rooms, requiring 96 parking spaces, and the leasable area of the restaurant is 4,312 square feet, requiring 66 parking spaces (4.312x15.3). The applicant has proposed to provide 132 parking spaces on-site. While this falls short of the 162 spaces required by the two uses separately, Section 5.301.04 allows for a 25% cross-patronage reduction in the required parking. The maximum number of parking spaces required on this site is 122. Therefore, the 132 proposed parking spaces meet the minimum requirement for the development.

FINDING: As discussed above, the applicant will provide adequate parking per Section 5.301.03, which allows uses to utilize the same parking. This standard has been met.

5.302.03.A – Dimensional Standards

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

Of the 132 proposed parking spaces, 131 are of standard dimensions (including 5 ADA spaces) and one stall is compact.

FINDING: This standard has been met.

5.302.03.B – Parking layout

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

Appendix G indicates that aisle width for a compact or standard space parked at a 90 degree angle is 23 feet. The plans indicate that the aisle widths within the parking lot will be 24 or 26 feet in width. The 131 standard spaces shown are nine (9) feet wide by twenty (20) feet long and the 1 compact parking space is eight (8) feet wide by eighteen (18) feet long.

FINDING: As discussed above, this standard is met.

5.302.03.C. – Wheel stops

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

The applicant's submitted plans show no wheel stops adjacent to interior landscaped areas or sidewalks.

FINDING: As discussed above, this standard has not been satisfied but can easily be met with the submittal of revised plans that show wheel stops will be installed for the parking spaces abutting the interior landscaped areas or sidewalks. Alternatively and in support of limiting storm water run-off, the applicant could propose the front three feet of the parking stalls be planted in low-growing vegetation and a curb with weep holes rather than a wheel stop and a three-foot expanse of asphalt.

CONDITION: Prior to final site plan approval, submit a revised site plan that shows wheel stops will be provided for all parking spaces adjacent to interior landscaped areas or sidewalks. Alternatively, submit a revised site plan that shows the front three feet of the parking stalls planted in a low-growing vegetation and curb with weep holes rather than a wheel stop and a three-foot expanse of asphalt.

5.302.03.E. – Credit for On-Street Parking

1. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space: a. Parallel parking, each 24 feet of uninterrupted curb; b. 45/60 degree diagonal, each with 10 feet of curb; c. 90 degree (perpendicular) parking, each with 8 feet of curb; d. Curb space must be connected to the lot which contains the use; e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

FINDING: The applicant is not requesting credit for on-street parking and, therefore, this standard is not applicable.

5.302.04. - Bicycle Parking Facilities

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

The Code requires one bicycle parking space for every 20 auto spaces in a retail development. With 132 spaces provided, six (6) bicycle parking spaces are required. The applicant has indicated that eight (8) will be provided, therefore this standard is met. Based on the elevations provided it appears that the bicycle parking will be covered via the awning at the front entrance of the hotel and an awning near the restaurant, but this cannot be verified based on the submitted plans. The proposed locations are convenient to the hotel main entrance and to the restaurant and do not appear to be located so as to impede or create a hazard to pedestrians.

FINDING: As discussed above, staff cannot verify that the proposed bicycle racks are covered. If the applicant complies with the condition below, this standard will be fully met.

CONDITION: Prior to final site plan approval, submit revised plans that show the bicycle rack will be adequately covered by awnings or a stand-alone bicycle shelter.

5.303 Off-Street Loading Standard

5.303.01.B indicates that the minimum standards for a loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet. In addition, for buildings 50,000 square feet or greater in size, an additional minimum of 750 square feet of loading area is required.

5.303.02 states that any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of Section 5.302 shall not be used for loading and unloading operations.

The applicant has proposed a 10 x 25 foot loading space near the rear of the building and an additional loading area approximately 300 square feet in size near the restaurant. Based on the requirement that an additional 750 square feet of loading area be required, the applicant must provide 450 square feet of loading area in addition to the areas shown on the plans. This will likely result in the loss of three proposed standard parking spaces; however, the amount of parking spaces provided exceeds the amount of required spaces by 10 spaces, so a reduction in the parking provided will not create a non-conforming situation.

The loading space does not result in the obstruction of the drive aisle or required parking and does not block the trash and recycling receptacle located next to the loading space. As discussed and conditioned previously, this loading area will be clearly marked.

FINDING: Based on the analysis and discussion above, this standard has not been satisfied but could be met as conditioned below.

CONDITION: Prior to final site plan approval, submit a revised site plan showing a minimum of 1,000 square feet of loading area (750 plus 10x25) on the site.

5.400 On-Site Circulation

5.401 – On-site pedestrian and bicycle circulation

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

The plans provide sidewalks along the Pacific Highway frontage as well as a six foot wide pedestrian connection to the primary entrance to the hotel building. However, there is no connection from sidewalk to the primary entrance of the restaurant.

FINDING: This standard has not been met but could be met as conditioned above in Section 5.102.04.G.

5.401.02 – Joint Access

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

Access to the state highway is regulated by OAR 734.51, administered by ODOT. ODOT has stated that the highway access shall be placed on the property line adjacent to tax lot 1200 to facilitate a future shared access when the adjacent property redevelops. In

addition, to guarantee the shared access, a cross over access easement on this property for the benefit of tax lot 1200 will be required.

Staff cannot verify how this condition to move the access will affect the parking stalls adjacent to the property line shared by this parcel and tax lot 1200. However, because the number of required parking spaces is 122 and the number of proposed parking spaces is 132, the applicant could remove one or more parking stalls or place them in the vicinity of the proposed access.

FINDING: This standard has not been met because the access is not shown on the property line adjacent to tax lot 1200 to facilitate a future shared access when the adjacent property redevelops. In addition, staff cannot verify that moving the access will not reduce the number of parking spaces below the 122 required. This standard could be met as conditioned below.

CONDITION: Prior to final site plan approval, submit a revised site plan that shows the access to the site on the property line adjacent to tax lot 1200 along with ODOT approval of said access. In addition, submit a recorded cross over access easement for the benefit of tax lot 1200 over the ingress/egress to Highway 99W on this property.

CONDITION: Prior to final site plan approval, submit a revised site plan that shows a minimum of 122 parking spaces on the site.

5.401.03 Connection to Streets

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

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

The ingress and egress to this parcel connects directly to SW Pacific Highway. The plans indicate the entrance to the hotel will be connected via private walkway to the public sidewalk. However, the plans do not indicate that a private pathway will connect the main entrance of the restaurant to the public sidewalk.

FINDING: This standard has not been met because a pedestrian connection has not been provided from the entrance of the restaurant to the public sidewalk on 99W. However, this was conditioned above in Section 5.102.04.G.

5.401.05 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: 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.

This site does not have frontage on an existing or planned local or collector street and therefore must take access from Pacific Highway 99W. However, to decrease access points to the highway in the future, ODOT has required that the access be placed on the property line adjacent to Tax Lot 1200 to provide for joint access when 1200 redevelops. **The Planning Commission agrees with ODOT recommendations about Tax Lot 1200,**

furthermore, City Code (6.304.14) requires minimization of access to Highway 99W. As proposed, the cross easement will not serve that goal; therefore shared access at the property line is required.

FINDING: Based on the analysis above this standard has not been met but has been conditioned to comply above under 5.401.02.

5.403 Minimum Non-Residential Standards

5.403.01.A Driveways states that commercial developments with 50+ required parking spaces shall have 2 driveways that are a minimum of 24 feet in width each.

While two (2) driveways are required for this development, ODOT will only permit one driveway onto SW Pacific Highway. As this property has no other frontage on a public road, an additional driveway to right-of-way is not possible. However, a driveway to private property, specifically tax lot 1200, is possible. This driveway can be constructed to the property line and a cross access agreement recorded on this property for the benefit of tax lot 1200, but until which time that tax lot 1200 redevelops in the future, this driveway will not be usable by the patrons of this development. Staff is aware that the owner of tax lot 1200 has provided public testimony stating that he is not sure this access is in an ultimate location that will work well for his property. Staff would encourage the applicant and neighboring property owner to work together to agree on an alignment that works for both properties. However, the location of the driveway proposed with this application does not conflict with any parts of the Code and is therefore approvable. The width, however, is shown as 22-feet and the minimum for a driveway is 24-feet. This will need to be revised on the final site plan.

The applicant's submittal also shows a potential emergency vehicle access to the Madeira Townhomes to the west. Staff does not support stubbing a driveway in this direction because this subdivision is developed and does not have future redevelopment potential. In addition, while both the Madeira subdivision and tax lot 1200 are zoned residentially, the Sherwood Planning Department is reviewing an application to rezone tax lot 1200 to Retail Commercial (RC). If this zone change is approved, this driveway and cross access easement will provide a logical connection between two commercial developments. If the zone change is not approved, the decision will be made with any future subdivision or site plans on tax lot 1200 if the cross access should be implemented. Setting the driveway and easement in place on this property protects the options for the future but does not require anything of tax lot 1200 at this time.

The intent of providing two (2) driveways is for adequate site circulation and access for vehicles, especially emergency vehicles. Tualatin Valley Fire and Rescue has stated that the single driveway is acceptable as long as a second fire access is provided. This has been discussed previously in this report.

FINDING: As discussed above, the second driveway will be for future use and connect to the adjacent property, tax lot 1200. The applicant will need to show this driveway as 24-foot wide and record a cross access easement across this driveway for cross-patronage between the two sites.

CONDITION; Prior to final site plan approval, submit a revised site plan that includes the driveway to tax lot 1200 shown as 24-foot wide with a cross access easement to the benefit of tax lot 1200.

5.403.02. Sidewalks and Curbs

- A. **Industrial and Commercial:** A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within 500 feet of the site, and future phases of development and whenever possible to parks and open spaces.
- B. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.
- C. **Private Pathway/Sidewalk Design.** Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least 6 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include paint striping.
- D. **Exceptions.** Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

As discussed above, the entrance which faces Pacific Highway 99W connects to the public right-of-way via a paved path. This path connects along the driveway and is shown as a six-foot-wide paved surface. The path also wraps around the building and provides a pedestrian connection to all hotel access/egress points and the proposed restaurant.

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

5.502 - Solid Waste Storage

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

Pride Disposal has indicated that the size and location of the trash and recycling enclosure are adequate to be serviced but that the gate dimensions/design are unknown and will need to be addressed. Because there is a twenty-foot setback between the residential properties and any structures on this property, the location of the trash and recycling enclosure does not meet required setbacks. The enclosure is shown 10.5 feet from the property line adjacent to a residential zone and must be moved to at least 20 feet from this property line.

FINDING: Based on the analysis above, this standard has not been met because of the location and lack of enclosure gate information. If the applicant submits a revised site plan showing the enclosure meeting the required setbacks and obtains verification from Pride Disposal that the location of the trash and recycling receptacles and design can be easily accessed, this standard will be met.

CONDITION: Prior to final site plan approval, submit a revised site plan showing the trash and recycling enclosure meeting the twenty-foot rear setback adjacent to the residential zone. In addition, submit verification from Pride Disposal that the location of the trash and recycling receptacles and design can be serviced by their trucks.

C. Chapter 6 - Public Improvements

6.300– Streets

6.302.01 – Required Improvements

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

6.302.04 Extent of Improvements

Streets required pursuant to Section 6.300 shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the Standard Transportation Drawings, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.

Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.

Highway 99W: Figure 8-1 of the City's Transportation System Plan, (TSP), designates this street as a Principle Arterial. Figure 8-7 of the TSP indicates this section of 99W to include five lanes. A conceptual five lane highway design can be seen in Figure 8-2 of the TSP. Alterations to this design typically include an eight-foot wide bike path as requested by ODOT and a City required full five-foot wide planter strip that does not include the six-inch top of curb width. Right-of-way dedication requirements, if necessary, shall be dictated by ODOT.

As noted previously, the applicant's design for Highway 99W frontage appears to include only a curb-tight sidewalk. The applicant will need to obtain approval for improvements to 99W consistent with ODOT's recommended conditions (Exhibit D) and Figure 8-2 of the TSP. These should include, but are not necessarily limited to, an eight-foot wide bike lane, fully improved curb and gutter, a storm drainage system, a five-foot wide planter strip, a six-foot wide sidewalk, an eight-foot wide public utility easement, signage and striping as necessary and street trees. Should ODOT object to placement of street trees within their right-of-way an acceptable street tree location would be private property adjacent to the right-of-way.

Staff notes and agrees with the ODOT recommendation (Exhibit D) that states, "The highway access shall be placed on the property line adjacent to tax lot 1200 to facilitate a future shared access when the adjacent property redevelops." Additionally, staff supports

the requirement of a cross access agreement to this access for the neighboring property. This was discussed and conditioned previously in this report under Section 5.401.02.

FINDING: As discussed above, the street designs proposed do not fully comply with City and/or ODOT requirements. In order to fully comply, the conditions specified below must be satisfied.

CONDITION: Prior to final site plan and conditional use approval, receive approval of the public improvement plans from the Engineering Department which include:

- Curb, sidewalk, bikeways and road widening constructed as necessary to be consistent with the TSP and ODOT/ADA standards, whichever is more stringent
- Right of way dedication as determined necessary to accommodate the planned cross section identified in the TSP.
- ODOT Miscellaneous Permit for the work in the highway right of way
- ODOT drainage permits for connection to the State highway drainage facilities.

6.303.03 Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

The applicant has shown all new improvements to serve their development will be located underground. Overhead utility lines are discussed further in this report under section 6.803.

FINDING: This standard has been met.

6.304.11-Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. **Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
2. **Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
3. **Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**
4. **Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
5. **Provide lighting at a transit stop (if not already existing to transit agency standards).**

FINDING: Figure 7-2 of the TSP shows a future transit route in front of this property on 99W. This standard has not been met because the applicant has not provided transit related facilities to Tri-Met specifications (or verification from Tri-Met that no facilities are necessary at this time). This standard could be met as conditioned below.

CONDITION: Prior to final site plan approval, submit a revised site plan showing transit facilities as required by Tri-Met or verification from Tri-Met that no transit facilities are necessary at this time.

6.400 - Sanitary Sewers

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 6.402.01.

The applicant proposes a new sanitary sewer lateral originating near the southeast corner of the main building and connecting to an existing main line running parallel to Highway 99W.

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

FINDING: The applicant's plans appear feasible, but will require review and approval of the public improvement plans before this can be confirmed.

CONDITION: Obtain approval from the Engineering Department for the new sanitary sewer connection prior to issuance of building permits.

6.500 – Water Supply

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 6.500.

The City contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The applicant proposes to serve the site using the existing water system that served buildings being demolished to make way for the motel.

The City has no objections to this design but TVWD may have additional comments regarding the water system design.

FINDING: The applicant's plans appear feasible but will require review and approval of the public improvement plans by the Engineering Department and Tualatin Valley Water District.

CONDITION: Obtain approval from the Tualatin Valley Water District as verified in approved public improvement plans for the water system proposed.

6.600 Storm Water

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan.

The applicant proposes to collect on-site storm water and direct it to a private water quality treatment facility located near the center of the Highway 99W frontage. Discharge from the water quality facility is via a pipe to the south that outfalls near the existing 100-year flood plain.

The applicant's submittal is silent regarding treatment and discharge of stormwater from improvements likely to be required along Highway 99W. Sheet C2.0 of the applicant's design shows a curb-tight sidewalk along Highway 99W with the existing storm system remaining intact. This scenario is unlikely as additional public improvements will be required along Highway 99W. This is discussed previously in Section 6.302.04. A possible

method of addressing storm runoff from the Highway 99W improvements might be to collect the water in catch basins and run pipes to a ditch or swale running parallel to 99W but located behind the new curb and sidewalk. This design is similar to that used by Creekview Condominiums (SP 06-02) located southwest of the site and also fronting Highway 99W.

Regardless of the storm water design chosen, the applicant will be required to meet specifications and requirements set forth in the Clean Water Services Design and Construction Standards.

FINDING: Based on the analysis above, the applicant has not adequately shown how the storm water facilities will be addressed. However, it appears feasible to provide the necessary storm water facilities via the identified alternatives. If the applicant obtains approval from the Engineering Department showing the storm water facilities treating all of the site discharge in compliance with the CWS standards, this standard will be met.

CONDITION: Prior to approval of the public improvement plans, submit storm drainage plans that show how all of the water run-off will be treated in accordance with CWS standards.

6.700 Fire Protection

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

Tualatin Valley Fire and Rescue provided comments (Exhibit E) that require an emergency access to the site. The applicant proposes a fire vehicle access way across the neighboring city-owned property to the west and connecting to the southern end of Madeira Terrace. Item 5 in Exhibit E includes design criteria for this fire vehicle access way. The applicant's proposal does not include a Service Provider Letter from CWS for the area in question. The applicant must obtain a Service Provider Letter to verify the proposed fire vehicle access way is feasible.

Tualatin Valley Fire and Rescue has indicated that the applicant may propose certain design elements for the building that may negate the need for the emergency access road. If this is the case, the requirement for city approval of use of the road and a CWS Service Provider Letter for construction of the road do not apply. However, in the event that the applicant chooses to construct the road or cannot meet TVF&R standards in some other way, the applicant has been conditioned to obtain City approval of use of the city-owned property previously in the report. Because the fire vehicle access way benefits private development and is proposed to be located on City property, Staff recommends the public receive some form of compensation. One suggestion is the applicant incorporates an eight-foot wide combination pedestrian/bicycle path into the access way design. This path could be a part of the actual roadway but should be a paved or concrete surface, whereas the applicant's design for the emergency access shows grasscrete. Should the applicant choose the latter, the path should be constructed of concrete and built to sidewalk standards. Additionally, the path should be located south and west of the vehicle access way to take full advantage of the scenic potential of the adjacent buffer and wetland. When discussing this option with Public Works, Streets and Parks Superintendent Lynn Johnson suggested the applicant be conditioned to maintain the pathway and surrounding landscape. This should be a part of the approval for the applicant to use City property.

FINDING: The applicant does not have permission to use the city-owned property on which they have proposed to use for an emergency access. The use of this property was conditioned previously in this report. However, the applicant must obtain a Clean Water Services Service Provider Letter for the emergency access. This standard has not been met because the applicant does not comply with the requirement for the emergency access. The standard could be met if the conditions regarding use of the property previously discussed are met, as well as the condition below.

CONDITION: Prior to final site plan approval, submit a CWS Service Provider Letter for the emergency vehicle access on public property. Alternatively, the applicant may provide documentation from TVF&R that the fire and life safety standards will be met via an alternate access with proper property owner approvals and/or alternate design methods.

6.800 Public and Private Utilities

6.802 Standard

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

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

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

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

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

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

An eight-foot public utility easement is required along the frontage of the property. The applicant has not shown this on the proposed plans. The applicant must also provide a 4" conduit and associated easement along the improved areas of 99W and a 2" conduit inside the joint utility trench, terminating in the hotel telecommunications room. Because of the height of the building, Sherwood Broadband has indicated that this is a beneficial location for the placement of a public safety/ telecommunications antenna on the roof of the building. Sherwood Broadband will work with the applicant to locate the antenna so as to minimize visual impacts.

FINDING: This standard has not been met because the submitted plans do not show an 8' public utility easement along the 99W frontage, conduit for Sherwood Broadband and a public safety/telecommunications antenna on the roof of the building.

CONDITION: Submit public improvement plans for review and approval that shows all public utilities including Sherwood Broadband and the 8 foot public utility easement along the 99W frontage.

CONDITION: Prior to final site plan approval, submit an agreement between the property owner and Sherwood Broadband for the placement of the public safety/telecommunications antenna on the roof of the building.

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

The Engineering Department noted that while the Code requires all existing overhead utilities be placed underground, an exception is noted where utility transmission lines operating at fifty thousand (50,000) volts or more are allowed to be overhead. There is an existing overhead line that is not shown on the plans that PGE has verified is 115,000 volts and therefore exempt from being required to be placed underground. All other existing lines (telephone, cable, etc.) and new utilities must be placed underground.

FINDING: As discussed above, staff cannot verify that this standard has been met because existing overhead utilities were not included on the existing conditions plan. This standard could be met as conditioned below.

CONDITION: Include in the public improvement plans all existing overhead utilities and plans for undergrounding all existing lines, with the exception of the 115,000 volt power lines.

E. Chapter 8 - Environmental Resources

8.304.04 Visual Corridors

This standard was discussed under Section V.B.5.203 and found to be in compliance.

FINDING: This standard was discussed and conditioned to comply under Section 5.203.03 above.

8.304.06 Trees Along Public Streets or on Other Public Property

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

There are no existing street trees adjacent to this site on Pacific Highway 99W. The submitted landscape plan, Sheet L001, shows street trees adjacent to the sidewalk along the Highway. The placement of the trees in this location is at the discretion of ODOT as they have jurisdiction of this right-of-way and generally discourage tree planting within the right-of-way. However, if the trees are not permitted in this location, they will be required on-site within the landscaped visual corridor. Because the property frontage along 99W is 316 feet, a minimum of 12 street trees will be required.

FINDING: Based on the discussion above, this standard is not met. If the applicant submits verification from ODOT that a minimum of 12 trees within the right-of-way are acceptable, this standard will be met. Alternatively, the applicant could plant the 12 trees on private property within the landscaped visual corridor.

CONDITION: Prior to final site plan approval, submit verification to the Planning Department that ODOT approves of 12 trees within the right-of-way. Alternatively, submit a revised landscape plan that shows a minimum of 12 trees within the landscaped visual corridor on-site.

8.304.07 - Trees on Property Subject to Certain Land Use Applications

All site developments subject to Section 5.202 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City.

The applicant has not submitted an arborist's report with this application but staff can identify several trees on the aerial photos submitted as well as two mature trees called out on the site plan, sheet A001. The applicant was previously conditioned in this report (Section 5.202.04) to submit an arborist's report identifying which trees are to be removed and which are to be retained. A mitigation plan will be required for any trees removed for site development that are not within the public right-of-way or a public easement. In addition, tree protection fencing must be installed prior to any grading on the site.

FINDING: As discussed above, this standard has not been met but could be met as conditioned previously in the report and below.

CONDITION: Prior to final site plan approval, submit a mitigation plan to the Planning Department for review and approval for any trees removed that are not within the public right-of-way or a public easement.

CONDITION: Prior to issuance of final occupancy permit, complete tree mitigation.

CONDITION: Prior to grading on the site or demolition of any structures, install tree protection fencing around trees to be retained on site.

8.310 - Heat and Glare

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

FINDING: Staff cannot verify that the exterior lighting will not shine off-site in excess of 0.5 foot candle. In Section 4.302.04.A above, the applicant was conditioned to provide a photometric plan demonstrating compliance with this section.

DECISION

On July 24, 2007 the Planning Commission held a public hearing on the above referenced application. After review of the staff report, public testimony, applicant testimony, and exhibits in the record (Exhibits A-N) received at the June 26, 2007 public hearing and within the open record period ending at 5:00 on July 10, 2007 the Planning Commission deliberated and **approved with conditions** the Comfort Suites Motel, Conference Center and Restaurant, SP 07-01/CUP 07-03. The Planning Commission decision is based on the findings of fact and conditions contained in this notice.

VII. CONDITIONS OF APPROVAL

A. **General Conditions** - The following applies throughout development and occupancy of the site:

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall be limited to the preliminary plans submitted by the applicant (Exhibit A), except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer is responsible for all costs associated with public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood and other applicable agency codes and standards except as modified below:

B. Prior to grading the site:

1. Obtain City of Sherwood Building Department approval of grading plans, retaining walls and erosion control.
2. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, and verification of such shall be provided to the City Engineer.
3. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing any structures.
4. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
5. Install tree protection fencing around trees to be retained on site.

C. Prior to approval of the public improvement plans:

1. Submit public improvement plans to the Engineering Department that include:
 - Curb, sidewalk, bikeways and road widening constructed as necessary to be consistent with the TSP and ODOT/ADA standards, whichever is more stringent
 - Right of way dedication as determined necessary to accommodate the planned cross section identified in the TSP.
 - Extension of the northbound left turn lane storage area at 99W and Edy by 100 feet
 - An acceleration lane to ODOT standards for vehicles exiting the site
 - ODOT Miscellaneous Permit for the work in the highway right of way
 - ODOT drainage permits for connection to the State highway drainage facilities
 - Drainage plans that show how all of the water run-off will be treated in accordance with CWS Standards
 - All existing and new utilities placed underground, with the exception of the 115,000 volt power lines
 - A sanitary sewer design to CWS and City Standards
 - A water design to TVWD and City Standards

- Public utilities, including Sherwood Broadband
 - 8-foot public utility easement along the 99W frontage
 - Planting and fencing for the vegetated corridor, as required by the CWS SPL
2. Obtain the appropriate permission from the City to utilize public property for the emergency access or provide verification from TVF&R that the development complies with the emergency access standards in some other way.
 3. Submit a Clean Water Services Service Provider Letter for the emergency vehicle access on public property.

D. Prior to Final Site Plan approval:

1. Submit necessary documentation to the engineering department reflecting changes resulting from conditions contained in this report and verifying site acreage and obtain a Final Trip Certificate to comply with the Capacity Allocation Program.
2. Submit a photometric plan for review and approval by the Planning Department that shows the foot candles of all exterior lighting on the site, not to exceed 0.5 foot candles off-site.
3. Submit a recorded easement consistent with Condition 8 of the Clean Water Services Service Provider Letter conveying storm surface water management and/or sanitary sewer rights to Clean Water Services or the City of Sherwood over the vegetated corridor. Submit the easement document to Planning Staff in advance of recording at Washington County for review and approval.
4. Submit a revised site plan that shows:
 - The trash enclosure located at least 20 feet away from the adjacent residentially-zoned properties along with an updated approval from Pride Disposal that the new location meets their requirements
 - Transit facilities as required by Tri-Met or verification from Tri-Met that no transit facilities are necessary at this time
 - A pedestrian connection to the primary entrance to the restaurant and the detail of significant articulation of both the primary entrance to the restaurant and the primary entrance of the hotel
 - Building elevations that comply with the maximum height of fifty (50) feet for the GC zone (building height is defined in Section 1.202.15 of the SZCDC)
 - An additional landscaped island within the row of 16 parking spaces separated from the pool area by a driveway
 - Wheel stops will be provided for all parking spaces adjacent to interior landscaped areas or sidewalks. Alternatively, submit a revised site plan that shows the front three feet of the parking stalls planted in a low-growing vegetation rather than a wheel stop and a three-foot expanse of asphalt
 - The driveway to tax lot 1200 shown as 24-feet wide with a cross access easement to the benefit of tax lot 1200
 - A minimum of 1,000 square feet of loading area on the site and a minimum of 122 parking spaces
 - The access to the site on the property line adjacent to tax lot 1200. In addition, submit verification from ODOT that the access location is acceptable. In addition, submit a recorded cross over access easement for the benefit of tax lot 1200 over the ingress/egress to Highway 99W on this property
 - Covered or sheltered bicycle parking for at least 6 bicycles

5. Submit a landscape plan for review and approval by the Planning Department that shows the low-growing landscaping materials within the clear vision area.
6. Submit a revised landscape plan that accurately reflects the 25 foot visual corridor is located on the property and identifies specifically where plant species will be used on the site and how the landscaped visual corridor on the property and the right-of-way in front of the property will be planted. In the event that Planning Commission approval is granted for the hardscape plan as shown in L001, the plans must also incorporate the required shrubs and trees amongst the hardscape proposed along with an adequate irrigation plan to ensure survivability.
7. Submit additional information on the proposed planting and maintenance plan to ensure that the landscaping will be appropriately maintained, (likely including irrigation).
8. Submit a letter from the landscape architect certifying that the plants are native and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.
9. Submit an arborist's report of all trees on-site but not within the vegetated corridor. Indicate the diameter at breast height (DBH) and condition of each tree. Include whether the trees are proposed for retention or removal.
10. Submit an agreement between the property owner and Sherwood Broadband for the placement of the public safety/telecommunications antenna on the roof of the building.
11. Submit verification to the Planning Department that ODOT approves of 12 trees within the right-of-way. Alternatively, submit a revised landscape plan that shows a minimum of 12 trees within the landscaped visual corridor on-site.
12. Submit a mitigation plan to the Planning Department for review and approval for any trees removed that are not within the public right-of-way or a public easement.

E. Prior to issuance of building permits (other than grading):

1. Obtain Engineering Department approval of public improvement plans and bond for public construction.
2. Obtain approval from the Building Department, Engineering Department and Clean Water Services for the proposed storm drainage system on-site.
3. Obtain a final Highway 99W Capacity Allocation Trip Certificate from the Sherwood Engineering Department.
4. Obtain final site plan approval from the Planning Department.

F. Prior to receiving an occupancy permit for any part of the building:

1. The public improvements must be completed and accepted by the City and ODOT.
2. The site improvements including but not limited to parking lot striping, landscaping, screening and walkways must be installed, inspected and approved by the Planning Department.

3. Tree mitigation must be completed.

G. On-going Conditions

1. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
2. The site shall be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.

VIII. Exhibits

- A. Applicant's submittal with narrative and supporting documents dated April 27, 2007 and plans dated March 26, 2007
- B. Public testimony from Donald Pfeifer received June 14, 2007
- C. Sherwood Broadband comments (no date indicated)
- D. ODOT comments dated May 23, 2007
- E. Tualatin Valley Fire and Rescue comments dated June 5, 2007
- F. Sherwood Engineering comments dated June 12, 2007
- G. Clean Water Services comments dated May 16, 2007
- H. Written testimony from Belles
- I. Information submitted by applicant regarding proposed trail
- J. Comments from Francis Lu and Shirley Wong received June 26, 2007
- K. Comments from Roberto Ante received June 20, 2007
- L. Letter from Donna Samuels received July 2, 2007
- M. Revised plans and summary from Applicant dated July 10, 2007
- N. Addendum staff report dated July 17, 2007