

Pre-App. Meeting:	May 6, 2013
App. Submitted:	December 6, 2013
App. Complete:	December 30, 2013
120-Day Deadline:	April 29, 2014
Date of Decision:	March 5, 2014

Proposal: The applicant requests site plan approval to construct a 4,150 square foot office building on approximately .50 acres of land zoned General Industrial (GI).

I. BACKGROUND

A. **Applicant/Owner:** Jim and Patricia Dougherty
 PO Box 623
 Manzanita, OR 97130

Owner's Representative: AKS Engineering & Forestry, LLC
 Attn: Chris Goodell
 13910 SW Galbreath Drive, Suite 100
 Sherwood, OR 97140

Contact: (503)925-8799

B. **Location:** 2S129A003100

C. **Address:** The site does not have an address. It is generally located at the northeast corner of the intersection SW Gerda Lane and Tualatin-Sherwood Road.

D. **Parcel Size:** The property is .50 acres in size.

E. **Existing Development and Site Characteristics:** The site consists of .50 acres and is fairly flat. There are no significant resources on the site, and the only vegetation on the site is arborvitae and lodge pine trees that were placed on the perimeter of the parent parcel to screen the auto storage/salvage operations. The site has direct access to SW Gerda Lane.

F. **Site History:**
 The subject site sits on one of three parcels that were partitioned by the owners in 2011. That partition is known as the Gerda Lane Partition (MLP 11-01). The parent parcel was subject to a decision (DR85-3) by the Sherwood City Council to permit West Coast Auto Salvage Auction to store and sell total loss vehicles to auto dealers and dismantlers at auction. In 1991, the Sherwood Planning Commission approved a modification to the original approval to allow the construction of a large auction building. The property has also

been subject to a recent lot line adjustment (LLA 13-02). The property has been continuously leased from the original owners by companies that specialize in the storage and wholesaling of automobiles since 1993. Prior to that date, the original company that obtained the approvals operated the business.

- G. **Zoning Classification and Comprehensive Plan Designation:** The zone is General Industrial (GI). Per § 16.31, the purpose of the General Industrial zone is to provide for the manufacturing processing, assembling, packaging and treatment of products from previously prepared or raw materials. Business and professional offices are permitted outright in the General Industrial zone provided they are limited to 5,000 square feet in a single outlet, or no more than 20,000 square feet in multiple outlets in the same development project.
- H. **Adjacent Zoning and Land Use:** Surrounding uses include other General Industrial developments and includes, manufacturing, warehousing, retail of lawn and garden equipment, as well as some underdeveloped industrially zoned properties.
- I. **Review Type:** Because this involves site plan review of a site between 15,000 and 40,000 square feet a Type III review is required, however, an applicant is permitted to request a “Fast track” or “Design Upgraded” review when proposing between 15,001 and 60,000 Square feet of floor area, parking, or seating capacity which meet the Industrial Design Standards in 16.90.030. In this case, a decision is made by City staff after consideration of public comment. An appeal would be heard by the Planning Commission.
- J. **Public Notice and Hearing:** Notice of the application was mailed to property owners within 1,000 feet, posted on the property and distributed in five locations throughout the City on January 29, 2014 in accordance with § 16.72.020 of the SZCDC.
- K. **Review Criteria:** Sherwood Zoning and Community Development Code §16.31 (Industrial Use District); 16.58 (Clear Vision), § 16.90 Site Planning, § 16.92 Landscaping, § 16.94 Off-Street Parking and Loading, § 16.96 On-Site Circulation, § 16.98 On-Site Storage, Division VI. 16.104-16.118 Public Infrastructure, § 16.142 Parks, Trees, and Open Space, § 16.146 Noise, § 16.148 Vibrations, § 16.150 Air Quality, § 16.152 Odor, § 16.154 Heat and Glare, and § 16.156 Energy Conservation

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on January 24, 2014. Staff has received no comments from the public.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on January 27, 2014. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

The National Fish and Wildlife Service: Erin Holmes, the Project Leader for the Tualatin River National Wildlife Refuge left a voicemail indicating that the notice included their property address which was not accurate. According to the online interactive map, two of the properties within the area share the same address. The parent parcel appears to include portions of the site where the NFWS offices are located, but this proposal does not affect that site.

Clean Water Services: Jackie Sue Humphreys, of CWS indicated that the site is required to obtain a Storm Water Connection Permit Authorization along with comments related to their Design and Construction Standards (Resolution No.07-02). Ms. Humphreys comments are attached as Exhibit A to this decision.

Washington County DLUT: Naomi Vogel, Associate Planner, indicated that the only comment they had for the development was to replace or repair any sidewalk panels that were in poor condition along the site's frontage.

Bonneville Power Administration: Jack Hardwick of BPA provided comments that indicated that BPA has no facilities that would be impacted by the development and that they have no objections or comments to the proposal.

Sherwood Engineering Department: Craig Christensen, P.E. Civil Engineer submitted comments regarding the public infrastructure improvements which will be discussed later in this report. His comments are attached as Exhibit B.

Tualatin Valley Fire and Rescue: John Wolff, Deputy Fire Marshall submitted comments on February 10, 2014 and indicated a preliminary endorsement of the proposal. His comments are attached as Exhibit C.

Sherwood Broadband: Brad Crawford, the IT Director submitted comments requesting that conduit for Broadband service be placed along the site's frontage with SW Gerda Lane and SW Tualatin-Sherwood Road. His comments are attached as Exhibit D.

Pride Disposal: Kirsten Leichner submitted comments regarding the trash enclosures to the site. Her comments are attached as Exhibit E.

Other agencies including, Kinder Morgan Energy, ODOT, METRO, NW Natural Gas, the Sherwood School District, and Portland General Electric did not respond or provided no comments to the request for agency comments by the date of this report.

IV. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.31 below.

A. Division II– Land Use and Development

Chapter 16.31 INDUSTRIAL LAND USE DISTRICTS

16.31.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88**
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.**
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.**

FINDING: The applicant is proposing a 4,150 square foot office building on .50 acres. As indicated previously in this narrative, General and Professional offices are outright permitted uses within the General Industrial zone provided they do not exceed 5,000 square feet in a single outlet or 20,000 square feet in multiple outlets within the same development. This criterion is met.

16.31.030 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.

Development Standards by Zone	GI
Lot area- Industrial Uses:	20,000 SF
Lot area- Commercial Uses (subject to <u>Section 16.31.050</u>):	20,000 SF
Lot width at front property line:	100 feet
Lot width at building line:	100 feet
Front Yard Setback	None
Side Yard Setback	None
Rear Yard Setback	None
Corner lot street side	None
Height	50 feet

The site is approximately 21,780 sf with a front yard setback of 24 feet along Tualatin-Sherwood Road and 25 feet along SW Gerda Lane. There are no required setbacks in the GI Zone. The application shows a one-story building that scales to 14-feet in height. The building is well below 50 feet and these dimensions will be verified again with the building permit. The application demonstrates that the building would be constructed in a manner that satisfies the dimensional requirements of the GI zone, and is not adjacent to any residentially zoned property. Therefore, these criteria are satisfied by the proposal.

Height

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

FINDING: As shown on the plans submitted, the building is proposed to be a single story 14-16 foot high structure which is significantly less than 50-feet. This criterion will be verified again at the time that the building permit is reviewed. As shown in the applicant’s plans, the proposed structure is a single story and well below the 50-foot height.

16.58.010 Clear Vision Areas

A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

- 1. In all zones, the minimum distance shall be twenty (20) feet.**
- 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five(25) feet.**
- 3. Where no setbacks are required, buildings may be constructed within the clear vision area.**

FINDING: The site is located at the intersection of SW Gerda Lane and SW Tualatin-Sherwood Road. The clear vision requirements within the general industrial zone is a minimum distance of 20 feet. The applicant is not proposing any improvements or landscaping within the existing clear vision area. This standard is met.

B. Division V-. Community Design

16.90 Site Planning

16.90.030. Site Plan Review

D. Required Findings

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

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

FINDING: The applicant proposes a building designed for an office in the general industrial zone consistency with the applicable standards of the SZCDC is discussed throughout this decision. As conditioned, the application and proposal will satisfy the standards in Division II, Divisions V, VI, VIII, and IX.

- 2. 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.**

FINDING: The development is located adjacent to existing infrastructure services. The City of Sherwood Engineering division and Public Works division have reviewed the application to ensure that public services are available to serve the site. Their comments have been integrated into this decision and where necessary and proportionate to the impacts of the development, conditions have been imposed to ensure that the proposed development is adequately served.

- 3. 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.**

With previous decisions and actions, several easements were established in order to govern and ensure the larger parent parcel was adequately provided with public utilities, and easements to ensure that service providers were able to maintain the services. There are some instances identified within the Engineering comments where it has become necessary to amend those easements. The applicant will need to amend easements on the plans prior to approval of the construction plans in order to fully comply with this criterion.

FINDING: The applicant has not fully met this criterion, but can do so with the following condition.

CONDITION: Prior to approval of the public improvement plans, A 25-foot wide access easement for access to the private on-site water quality facilities shall be dedicated over the existing 25-foot wide private access easement (Doc. No. 2013-092123) and recorded at Washington County.

4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

FINDING: There are no significant natural features on this parcel. This criterion is not applicable to the proposed development.

5. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.

FINDING: The applicant is required to satisfy the requirements of the CAP. Consistency with those provisions is addressed later in this decision. As proposed, the applicant satisfies the requirement.

6. 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.

FINDING: The applicant provided a traffic report that estimates that the office would generate 6 PM peak trips and approximately 46 average daily trips on the weekday. This is well below the 400ADT. The City Engineer has determined that a traffic study is not warranted except to satisfy the requirements of the CAP, which is discussed later in this report. This criterion is not applicable to the proposed development.

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

FINDING: The applicant proposes an industrial building and thus this criterion is not applicable.

8. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards shall include the following:

a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) shall meet any four of the following six design criteria:

The proposed industrial building is located within 200-feet of both an arterial and collector. The bulk appearance of a large building will not be apparent within this location because it is proposed to be a single-story building and partially screened by an existing fence and mature vegetation. The building

would be partially visible to someone driving down either street, and the applicant has proposed to satisfy the requirements of this section.

(1) A minimum 15% window glazing for all frontages facing an arterial or collector.

The applicant submitted architectural drawings that demonstrate a significant amount of windows, but did not provide calculations to demonstrate that the portions of the building facing SW Tualatin-Sherwood Road, or SW Gerda Lane satisfied this requirement. Furthermore, the applicant did not address the 15% glazing requirement, but it is feasible that the applicant could satisfy the standard by providing additional calculations and if needed additional glazing.

For the reasons described in the analysis above, this criterion is not satisfied.

(2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).

The applicant did not respond to this criteria in the application, but indicates on the elevations that the two materials are lap siding and vinyl windows. The applicant indicates that the building would also have two different colors of paint. The standard explicitly calls for two building materials and paint would not be considered a material, but a treatment of the type of building material.

The standard 8a.(1) describes window glazing as an element of the building design in a separate category, and thus should not be considered as a unique building material. The above condition also requires 15 % of the façade to have window glazing in order to break up the building façade. Window glazing could be considered an independent building design element by allowing it to be used as a “type” of building material only when it surpasses what is minimally required to meet the criterion 8.a. (1). Although the applicant has proposed several windows in the design, it does not appear meet the intention of this standard to serve as an architectural design element. This is because the glazing use is minimal and does not act as a supporting element of the design. It is feasible that a second material intended to break up the façade could be applied in the final design to ensure that this standard is satisfied.

The applicant’s narrative does not speak to this criterion, and the proposed elevations do not demonstrate that two separate building materials are provided in a manner to break up the vertical façade of the building as viewed from SW Gerda Lane or SW Tualatin-Sherwood Road; therefore, this criterion has not been satisfied.

(3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).

The building is located at the intersection of SW Gerda Lane, a designated collector street, and SW Tualatin-Sherwood Road, a designated arterial street. As illustrated on Sheet 5 of the proposed plan set, the building is setback from SW Gerda Lane by 25 feet and SW Tualatin-Sherwood Road by 24 feet. Both setbacks are below the maximum 35-foot setback. As proposed, this criterion is met.

(4) Parking is located to the side or rear of the building when viewed from the arterial or collector.

As proposed, the parking is located to the north side of the building. This standard is met.

(5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If the loading area are visible from an arterial or collector, they must be screened with vegetation or a screen made of materials matching the building materials.

As proposed, the designated loading space is located behind the building as viewed from SW Gerda Lane, and SW Tualatin-Sherwood Road. In both instances, the designated loading space is screened by the building. This criterion is satisfied.

(6) All roof-mounted equipment is screened with materials complimentary to the building design materials.

The exterior elevations indicate that any mechanical equipment located on the top of the building, is required to be setback a minimum of 10 feet from the building façade with a screen wall to match the building wall material.

FINDING: With the submitted plans, the applicant has satisfied four of the six criteria as required by this section. These criteria are intended to improve the quality of the building facades in the industrially zoned portions of the City. The application meets the minimum requirements of the industrial design standards.

b. As an alternative to 8.a above, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):

(1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.

(2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.

(3) Support the City's goals of economic development.

(4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.4.H.

(5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.

(6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.

(7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

FINDING: The applicant proposes to comply with at least four of the six design elements of 16.90.030.8a, and has not requested a separate hearing by the Planning Commission to consider the application.

Chapter 16.92-LANDSCAPING

16.92.010-Landscaping Plan Required

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

FINDING: The applicant submitted a landscape plan that shows landscaping surrounding the site as well as adjacent to the building and parking area. Compliance with the landscaping standards is evaluated and discussed below.

16.92.020 Landscaping Materials

A. Type of Landscaping

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

FINDING: The applicant provided a landscape plan that shows a combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plants. This criterion is met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

A minimum six-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, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).

FINDING: The site is not located adjacent to residential property and thus this criterion is not applicable.

2. Perimeter Landscaping Buffer

a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.

FINDING: The applicant proposes a ten-foot wide landscape strip comprised of a mix of materials between the abutting properties and the off-street parking and loading areas. This criterion is met.

3. Perimeter Landscape Buffer Reduction

If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting

perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

B. Parking Area Landscaping

1. Purpose

The standard is a landscape treatment that uses a combination of trees, shrubs, and ground cover to provide shade, storm water management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within and around the parking lot and loading areas.

2. Definitions

a. Parking Area Landscaping: Any landscaped area on the site that is not required as perimeter landscaping § 16.92.030 (Site Landscaping and Screening).

b. Canopy Factor

(1) Landscape trees are assigned a canopy factor to determine the specific number of required trees to be planted. The canopy factor is calculated based on the following formula:

Canopy Factor = Mature Height (in feet) × Canopy Spread (in feet) × Growth Rate Factor × .01

(2) **Growth Rate Factor:** The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

3. Required Landscaping

There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.

4. Amount and Type of Required Parking Area Landscaping

a. Number of Trees required based on Canopy Factor

Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);

(1) Any combination of the following is required:

(i) One (1) large tree is required per four (4) parking spaces;

(ii) One (1) medium tree is required per three (3) parking spaces; or

(iii) One (1) small tree is required per two (2) parking spaces.

(iv) At least five (5) percent of the required trees must be evergreen.

(2) Street trees may be included in the calculation for the number of required trees in the parking area.

b. Shrubs:

(1) Two (2) shrubs are required per each space.

(2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.

c. Ground cover plants:

(1) Any remainder in the parking area must be planted with ground cover plants.

(2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.

The proposed parking lot provides for 13 spaces. The applicant has provided a listing of the plant material as well as the number, location and size of the containers of the plants to be planted on site on Sheet 6 of the proposed plans. As proposed, the site is required to provide a minimum of 585 square feet of landscaping interior to the parking. The plans illustrate well over 585 square feet of landscaping adjacent to the parking area that is intended to landscape and screen the parking area.

The applicant is proposing to plant four American Linden trees and one Western Red Cedar. Both varieties of trees have a canopy factor over 100 meaning that they count as large trees. While the American Linden is not a preferable tree to be planted in a parking area due to the honey dew and sooty mold that is dropped from this variety, it is not a prohibited tree. As proposed, the applicant provides a number and size of tree that is consistent with the requirements above.

The applicant is required to plant a minimum of 26 shrubs as part of the parking lot landscaping. The plans show at least 85 shrubs adjacent to the parking. It is unclear whether the applicant included the perimeter landscaping in the calculation or not. Regardless, the applicant clearly exceeds the above landscape standards. Finally, the applicant has provided ground cover plans to cover for all other areas outside of the developable area, and given the size of the plants, and the manner in which they are proposed to be planted, there is no reason that they would not cover the entire area within three years.

FINDING: As detailed in the analysis above, the applicant has provided a landscape plan with enough detail about the quantity of trees, shrubs, and groundcover to demonstrate that they are compliant with the parking lot landscape requirements. Therefore, these criteria are satisfied.

5. Individual Landscape Islands Requirements

a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.

b. Each landscape island shall be planted with at least one (1) tree.

c. Landscape islands shall be evenly spaced throughout the parking area.

d. Landscape islands shall be distributed according to the following:

(1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.

(2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.

(3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.

e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.

FINDING: The applicant has provided landscape islands that are located on the corners of the proposed parking lot. There are two islands proposed for 13 parking spaces, which exceeds the minimum number required. Each landscape island contains one tree. The landscape islands are distributed evenly throughout the development. This criterion is met.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

FINDING: The applicant indicates and the landscape plans show that the mechanical equipment, storage and delivery areas will be screened from view of the street. The site is not adjacent to residential development. This will be reviewed for compliance at the time of final inspection. This criterion is met.

D. Visual Corridors

Except as allowed by subsection 6. above, 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 Chapter 16.142(Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

FINDING: The site is adjacent to SW Gerda Lane, a designated collector street, and SW Tualatin-Sherwood Road, a designated arterial. The a 10 foot visual corridor is required along SW Gerda Lane, and a 15 foot visual corridor is required along SW Tualatin-Sherwood Road. The applicant is proposing to maintain existing landscaping within the visual corridor in order to be in compliance with this standard. Based on the above discussion, this criterion is met.

16.92.040 Installation and Maintenance Standards

A. Installation

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance and Mitigation of Landscaped Areas

1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.
3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).

C. Irrigation

The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in Option 1, 2, or 3.

1. Option 1: A permanent built-in irrigation system with an automatic controller installed.
2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.
3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.

FINDING: The applicant has indicated on the landscaping plans that the all new landscape areas to be irrigated with a fully automatic underground irrigation system. This can be confirmed at the time of final inspection. This criterion is met.

Chapter 16.94 OFF-STREET PARKING AND LOADING

16.94.010 General Requirements

A. Off-Street Parking Required

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

E. Location

2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.

FINDING: The applicant provides paved off-street parking consistent with these provisions. The applicable location and improvement requirements spelled out in the above criteria are satisfied.

I. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

FINDING: The applicant has submitted a parking plan that illustrates compliance with these requirements; therefore, these criteria are met.

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

Use	Parking per 1,000 sq.ft
Industrial	1.6
General Office	2.7

FINDING: The applicant proposes twelve standard parking spaces and one van accessible parking space on-site, and in support of the proposed use. The minimum parking standard for this development is eleven parking spaces. Therefore, the applicant meets this criterion.

B. Dimensional and General Configuration Standards

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent 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.

2. 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 as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

3. Wheel Stops

- a. 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 the above diagram.
- b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.
- c. The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

FINDING: The applicant indicates that the parking area is designed with parking stalls 9 x 20 with wheel stops located at the front of the space. Therefore, this standard is satisfied.

C. Bicycle Parking Facilities

1. Location and Design

- a. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one (1) building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or near the main entrance.
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.
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 at 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.

FINDING: The applicant proposes to provide the required bicycle parking within the building which is acceptable. Bicycle parking is based on the number of car parking spaces and in this case, only two spaces are required. The plans do not provide enough specificity to ensure that these criteria are satisfied, and therefore, require the following condition to ensure compliance.

CONDITION: Prior to the issuance of building permits, the applicant shall demonstrate on the interior floor plan the location of two bicycle parking spaces. The plan should show how the proposed spaces are provided in a manner that is consistent with the provisions of section 16.94.020.C.

16.94.030 Off-Street Loading Standards

A. Minimum Standards

2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.

4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:

a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.

b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

FINDING: The building is less than 20,000 square feet, and is therefore only required to provide one off-street loading space. As proposed, the development provides one off-street loading space with a dimension of 11 feet by 25 feet. This criterion is satisfied.

Chapter 16.96 ON-SITE CIRCULATION

16.96.010 On-Site Pedestrian and Bicycle Circulation

FINDING: This section requires that all sites have pedestrian, bicycle, and vehicular connection directly to a public street. Sidewalks shall show a direct connection from the ground floor entrance to the street. As proposed, the development provides a sidewalk connection on the east side of the building directly to SW Gerda Lane. Because of the difference in grade the connection will include a ramp with ADA handrails. As proposed, this criterion is satisfied.

16.96.030 Minimum Non-Residential Standards

Minimum standards for private, on-site circulation improvements in non-residential developments:

A. Driveways

2. Industrial: Improved hard surfaced driveways are required as follows:

Required Parking Spaces	# Driveways	Minimum Width	
		One-Way Pair	Two-Way
1 - 249	1	15 feet	24 feet
250 & above	2	15 feet	24 feet

FINDING: The applicant proposes vehicular access to the office site via the existing driveway off of SW Gerda Lane and via a 25-foot access easement across the property to the north that transitions to a 24-foot access into the parking area on the office site. This criterion is satisfied.

B. Sidewalks and Curbs

FINDING: The applicant proposes a six foot wide concrete sidewalk that will be protected from vehicular traffic by a curb. This criterion is satisfied.

16.96.040 On-Site Vehicle Circulation

B. Joint Access

FINDING: This section allows two or more uses, structures, or parcels of land to utilize the same ingress and egress. As proposed, the development would benefit from a joint access across the property to the north. The applicant maintains that both properties are owned by the same owner and that easements, leases, or contracts, are not necessary. While not legally required, it would be to the benefit of the owner and the renter to formally designate the location and terms of the access. A private access easement is shown on the plans, and staff has discussed the need with both the applicant and the renter in person, but is not compelled to require the easement be recorded since ownership of the property will remain with the applicant. This criterion is satisfied.

16.98.020 - 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.

FINDING: The applicant has proposed to locate a trash enclosure at the end of the parking lot, and has provided dimensions for the enclosure, but did not provide details of the enclosure on the plans. As a result, the service provider, Pride Disposal has indicated that they approve of the location and the preliminary dimensions, but have concerns with the specific design of the enclosure gates. Additionally, there is already a site obscuring fence along the perimeter of the site. Given the new landscaping and the existing sight obscuring fence, no additional screening is required by this criterion. Because of the concerns raised in the letter from Kristen Leichner in Exhibit E, the applicant has not fully complied with the approval criterion, and the following condition is warranted.

CONDITION: Prior to the issuance of final occupancy, the applicant shall provide City staff with a letter from Pride Disposal that satisfies the requirements outlined in Exhibit E.

E. Division VI - Public Improvements

Chapter 16.106 TRANSPORTATION FACILITIES

16.106.020 Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

The site is located adjacent to two public streets that are substandard. Currently SW Tualatin Sherwood Road is a 3-lane arterial street with bike lanes and 5.5-foot wide curb tight sidewalks along the frontage of the subject property. There exists 49 feet of half street right-of-way on the north side of SW Tualatin Sherwood Road along the frontage of the subject property. SW Tualatin Sherwood Road is scheduled to be a 5-lane arterial street with bike lanes and sidewalk that is not

curb tight per the City of Sherwood Transportation Plan. No street improvements to SW Tualatin Sherwood Road are being asked for by the City of Sherwood, however, dedication of 2 feet of additional right-of-way to a total half street right-of-way section of 51 feet from center line is required to be consistent with the TSP along the frontage of the subject property. Washington County DLUT indicated that any damaged sidewalk panels should be replaced. Upon an inspection by Craig Christensen, P.E., it does not appear that any of the sidewalk panels are damaged.

Currently SW Gerda Lane is a 3-lane collector with 21 to 23 feet of pavement width from center line, no marked bicycle lane, 5.5-foot curb tight sidewalks within 30.43 feet of half street right-of-way on the west side along the subject property frontage. No street improvements to SW Gerda Lane are being requested, however, dedication to a total half street right-of-way section of 38 feet from center line is required to be consistent with the TSP along the frontage of the subject property.

The private sidewalk to be installed as part of the development shall be designed in a manner such that the elevation, at 38 feet from center line of SW Gerda Lane right-of-way, will match the elevation of the future back of sidewalk.

Further, Engineering has indicated in their comments that the existing trees/shrubs along the sites frontage with SW Gerda Lane is overhanging the existing sidewalk and should be trimmed to the back of sidewalk to a minimum of 8 feet above the sidewalk with the sidewalk and gutter being cleaned along the frontage of SW Gerda Lane and north of the subject property to the existing sidewalk ramp.

FINDING: Based on the above discussion, the proposed development is adjacent to two right of ways that are substandard in width as required by the Sherwood TSP. This criterion is not met, but it is feasible for the applicant to meet the criterion with the following conditions.

CONDITION: Prior to issuance of a building permit, the applicant shall dedicate 2 feet of additional right-of-way along SW Tualatin-Sherwood Road to bring a total half street right-of-way section of 51 feet from center line in order to be consistent with the TSP along the frontage of the subject property.

CONDITION: Prior to issuance of a building permit, the applicant shall provide a right-of-way dedication to provide a total half street right-of-way section of 38 feet from center line along the frontage of the subject property to be consistent with the TSP.

CONDITION: Prior to final occupancy, the applicant shall ensure that any vegetation overhanging the sidewalk is pruned to a minimum of 8 feet above the sidewalk with the sidewalk and gutter being cleaned along the frontage of SW Gerda Lane and north of the subject property to the existing sidewalk ramp.

16.106.070 Hwy. 99W Capacity Allocation Program (CAP)

D. Standard Requirements

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

2. A Trip Analysis is required for all regulated activities prior to being considered for a Trip Allocation Certificate.

3. The Level of Service Standard for Highway 99W through Sherwood through the year 2020 is "E".

4. The trip limit for a regulated activity shall be forty-three (43) net trips per acre.

5. Mitigation to comply with the CAP shall not be required for regulated activities occurring on land zoned General Industrial (GI) or Light Industrial (LI) when the activity produces less than eight (8) net trips per acre.

E. Trip Analysis

1. Purpose

The first step in the process of seeking a Trip Allocation Certificate is preparation of a Trip Analysis by the applicant for the regulated activity. The purpose of the Trip Analysis is to evaluate whether the net trips from a regulated activity exceed the site trip limit.

2. Timing

The Trip Analysis shall be submitted with the relevant base application. Base applications without a Trip Analysis shall be deemed incomplete.

3. Format

At a minimum, the Trip Analysis shall contain all the following information:

- a. The type and location of the regulated activity.**
- b. A tax map clearly identifying the parcel(s) involved in the Trip Analysis.**
- c. Square footage used to estimate trips, in accordance with methods outlined in the ITE Manual.**
- d. Description of the type of activity, especially as it corresponds to activities described in the ITE Manual.**
- e. Copy of the ITE Manual page used to estimate trips.**
- f. Acreage of the site containing the regulated activity calculated to two (2) decimal points.**
- g. Trip distributions and assignments from the regulated activity to all full access intersections impacted by ten (10) or more trips from the regulated activity with identification of the method used to distribute trips from the site.**
- h. Copies of any other studies utilized in the Trip Analysis.**
- i. Summary of the net trips generated by the regulated activity in comparison to the site trip limit.**
- j. Signature and stamp of a professional engineer, registered in the State of Oregon, with expertise in traffic or transportation engineering, who prepared the analysis.**

4. Methods

- a. The Trip Analysis and trip generation for an activity shall be based on the ITE Manual.**

b. If a trip generation for the proposed use is not available in the ITE Manual or the applicant wishes to dispute the findings in the ITE Manual, the trip generation calculation may be based on an analysis of trips from five (5) sites with the same type of activity as that proposed.

F. Trip Allocation Certificate

1. General

a. Trip Allocation Certificates shall be issued by the City Engineer.

b. Trip Allocation Certificates shall be valid for the same period as the land use or other city approval for the regulated activity.

c. The City Engineer may invalidate a Trip Allocation Certificate when, in the City Engineer's judgment, the Trip Analysis that formed the basis for award of the Trip Allocation Certificate no longer accurately reflects the activity proposed under the base application.

2. Approval Criteria

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

(1) Adequacy of analysis; and

(2) Projected net trips less than the site trip limit.

b. Adequacy of Analysis

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

(1) Adherence to the Trip Analysis format and methods described in this chapter.

(2) Appropriate use of data and assumptions; and

(3) Completeness of the Trip Analysis.

3. Mitigation

a. The Trip Allocation Certificate shall specify required mitigation measures for the regulated activity.

b. Mitigation measures shall include improvements to Highway 99W and nearby transportation corridors that, in the judgment of the City Engineer, are needed to meet the LOS Standard and provide capacity for the regulated activity.

c. Engineering construction plans for required mitigation measures shall be submitted and approved in conjunction with other required construction plans for the regulated activity.

d. Mitigation measures shall be implemented in tandem with work associated with the regulated activity.

e. Failure to implement required mitigation measures shall be grounds for revoking the regulated activity's base application approval.

The land use application included a CAP trip analysis memorandum dated November 21, 2013 from Lancaster Engineering. The analysis illustrates that the site would generate approximately 6 PM peak trips, and would fall below the number of trips that would trigger additional mitigation. However, the applicant has not filed for a trip cap certificate as required by the code.

FINDING: Based on the above discussion, the applicant does not meet this criterion but can do so with the following criterion.

CONDITION: Prior to final site plan approval, obtain a Final Trip Certificate to satisfy the CAP.

16.110 - Sanitary Sewers

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

16.110.010 Required Improvements

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

According to the Engineering Department, public sanitary sewer mains currently exist within SW Tualatin Sherwood Road and SW Gerda Lane along the subject site frontage. No public sanitary sewer main extensions are required. The proposed project will require a sanitary sewer lateral connection into the main within SW Gerda Lane unless authorization is granted for connection to the sanitary sewer main within SW Tualatin Sherwood Road by the City Engineer.

FINDING: Based on the above discussion, there is capacity, and the applicant has the ability to tie into one of the existing sewer mains. Therefore, the applicant meets this criterion.

16.112– Water Supply

16.112.010 Required Improvements

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

According to the Engineering Department, the City of Sherwood Public Works Department owns, operates and maintains the public water system within the City limits. Public Works also reviews and approves public water system infrastructure on construction plans. Currently there is a public water main existing within SW Tualatin Sherwood Road and two public water lines within SW Gerda Lane along the subject site frontage. No public water main extensions are required. Water service shall be provided to the subject property via the existing water main on the east side (12-inch line) of SW Gerda Lane at a location that meets the City of Sherwood Engineering Department approval.

No fencing may cross the existing public water line within the east side of the subject property. Location of the fencing within the public water line easement is subject to the approval of the City of Sherwood Engineering Department.

The existing public water line to the west of SW Gerda Lane within the subject property is near the edge of and outside of the existing public water line easement. Additional public water line easement should be dedicated for the area between the east side of the existing public water line easement and the west side of the new western right-of-way line of SW Gerda Lane for the full length of frontage of the subject property.

FINDING: Based on the above discussion, public water is available to the site via a connection to an existing water main in SW Gerda Lane. The engineering department has raised some concerns regarding the location of fencing and existing waterline easements, and therefore, the following conditions are warranted.

CONDITION: Prior to final occupancy, the applicant shall verify that no fencing crosses the existing public water line within the east side of the subject property. Location of the fencing within the public water line easement is subject to the approval of the City of Sherwood Engineering Department.

CONDITION: Prior to final occupancy, the applicant shall record and provide a public waterline easement for the existing public water line west of SW Gerda Lane so that the waterline is physically located within the easement.

16.114 - Storm Water

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

The Engineering and Public Works Department has reviewed the proposal and provided the following comments concerning the storm water detention and treatment:

Currently a public storm main exists within SW Tualatin Sherwood Road along the subject site frontage. There are catch basins within SW Tualatin Sherwood Road for the drainage of street runoff. Currently there is an existing public storm sewer system within the eastern side of the SW Gerda Lane/SW Galbreath Drive intersection. This system drains runoff from the east side of SW Gerda Lane. Runoff from the west side of SW Gerda Lane is not currently received into a public storm sewer system and drains into private property to the west.

The street runoff from the west side of SW Gerda Lane along the subject property frontage shall be collected, conveyed and discharged to an acceptable storm water facilities/discharge point meeting the approval of the City of Sherwood Engineering Department.

Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Plumbing Code. Private site runoff shall be treated for water quality within a treatment facilities and discharged in a manner and at a location meeting the approval of Clean Water Services and City of Sherwood Engineering Department.

A Private Stormwater Facility Access and Maintenance Covenant meeting the approval of the City of Sherwood Engineering Department shall be recorded at Washington County. In addition, the applicant is required by Clean Water Services to obtain a stormwater connection authorization permit. All of these items are inherently required as the design proceeds through final engineering review and approval.

FINDING: Based on the above discussion, it is feasible that the applicant can satisfy the requirements to install adequate measures to treat and convey stormwater, and while it has not

been fully demonstrated that the proposal meets the criterion, the following conditions are warranted.

CONDITION: Prior to the issuance of building permits, the applicant shall obtain final stormwater design approval from the City Engineering department.

CONDITION: Prior to issuance of building permits, unless otherwise indicated by CWS, the applicant shall obtain a Storm Water Connection Permit Authorization letter and provide a copy to the City's Engineering department.

Chapter 16.116 FIRE PROTECTION

16.116.010 Required Improvements

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

John Wolff, Deputy Fire Marshall from Tualatin Valley Fire and Rescue (TVF&R) reviewed the plans after receiving notice and indicated that a Knox box would be required to gain access to this building. The Fire Marshall also indicated that fire protection equipment shall be identified in an approved manner and rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs.

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

CONDITION: Prior to final site plan approval, the applicant shall receive approval from TVF & R that the site development adequately addresses the fire department's requirements.

Chapter 16.118 PUBLIC AND PRIVATE UTILITIES*

16.118.010 Purpose

Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.

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

16.118.030 Underground Facilities

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation,

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

16.118.040 Exceptions

Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.

E. Division VIII. Environmental Resources

16.142.050. Street Trees

A. Trees are required to be planted to the following specifications along public streets abutting or within any new development or redevelopment. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

FINDING: The applicant has indicated that they do not intend to plant any additional street trees given the existing row of cedars along the SW Gerda Lane and SW Tualatin-Sherwood Road. In reviewing the original decision for the parent parcel, the trees were planted for the purposes of screening and not as street trees. Unfortunately, coniferous evergreen varieties of trees, including Cedars are prohibited as street trees, and there are no other street trees along the right of way. However, this is a case where reason should rule over policy. First, there is no room along SW Gerda Lane to plant additional street trees without first removing existing and mature vegetation. Second, SW Tualatin Sherwood road is very congested and there is a lot of pressure upon the County to widen the right-of-way. In order to widen the right-of-way, the street trees planted today would need to be removed, and placing them at the location of the ultimate right-of-way would again require that the existing mature trees be removed to accommodate new street trees. In both instances, it seems to be more prudent to allow the existing trees to remain, and be replaced with more appropriate street tree varieties as they decline.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

C. Inventory

To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:

FINDING: The applicant has not proposed to remove any trees on site and thus this criterion is not applicable.

Required Tree Canopy - Non-Residential and Multi-family Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	30%
Counted Toward the Canopy Requirement	
Street trees included in canopy requirement	No
Landscaping requirements included in canopy requirement	Yes
Existing trees onsite	Yes x2
Planting new trees onsite	Yes

FINDING: The applicant has provided a preliminary tree canopy plan, sheet 7 that illustrates 2,989 square feet of new canopy, this area constitutes 15% tree canopy for the site. In addition, the applicant has proposed to count the existing Deodora Cedars that line the perimeter of the site along SW Tualatin-Sherwood Road, and SW Gerda Lane. Existing trees on site canopies count twice. In this instance, the canopy area would be 13,576 square feet, which constitutes 67% of the development site. Combined, the proposed development provides 82% canopy coverage. This criterion is satisfied.

16.146.020 - Noise Sensitive Uses

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

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

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

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

FINDING: It is not anticipated that there will be high levels of noise beyond what is expected in an urban area. As proposed, there is no evidence to suggest that there will be adverse impacts; therefore, this standard is met

16.148.010 - Vibrations

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

FINDING: It is not anticipated that there will be high levels of vibration beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

16.150.010 – Air Quality

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

A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.

B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.

C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

FINDING: It is not anticipated that there will be high levels of air pollution beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

16.152.010 - Odors

All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

FINDING: It is not anticipated that there will be high levels of odor or unusual beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

16.154.010 – Heat and Glare

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

FINDING: The applicant provided a lighting plan which illustrates that the parking area would be lighted. There are no properties adjacent to the site zoned residentially. As proposed none of the lighting would exceed the 0.5 foot candle off-site. This criterion is satisfied.

DECISION

Based upon review of the applicant's submittal information, review of the code, agency comments, staff finds that the proposed site plan does not fully comply with the development code standards but can be conditioned to comply. Therefore, staff **approves** the proposal subject to the conditions below.

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans and narrative dated December 12, 2013 prepared by AKS Engineering and Forestry, LLC 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/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

B. Prior to Final Site Plan approval:

7. Prior to approval of the public improvement plans, A 25-foot wide access easement for access to the private on-site water quality facilities shall be dedicated over the existing 25-foot wide private access easement (Doc. No. 2013-092123) and recorded at Washington County.
8. Prior to final site plan approval, obtain a Final Trip Certificate to satisfy the CAP.
9. Prior to final site plan approval, the applicant shall receive approval from TVF &R that the site development adequately addresses the fire department's requirements.

C. Prior to the issuance of building permits:

10. Prior to the issuance of building permits, the applicant shall demonstrate on the interior floor plan the location of two bicycle parking spaces. The plan should show how the proposed spaces are provided in a manner that is consistent with the provisions of section 16.94.020.C.
11. Prior to issuance of a building permit, the applicant shall dedicate 2 feet of additional right-of-way along SW Tualatin-Sherwood Road to bring a total half street right-of-way section of 51 feet from center line in order to be consistent with the TSP along the frontage of the subject property.

12. Prior to issuance of a building permit, the applicant shall provide a right-of-way dedication to provide a total half street right-of-way section of 38 feet from center line along the frontage of the subject property to be consistent with the TSP.
13. Prior to the issuance of building permits, the applicant shall obtain final stormwater design approval from the City Engineering department.
14. Prior to issuance of building permits, unless otherwise indicated by CWS, the applicant shall obtain a Storm Water Connection Permit Authorization letter and provide a copy to the City's Engineering department.

D. **Prior to Issuance of the Certificate of Final Occupancy:**

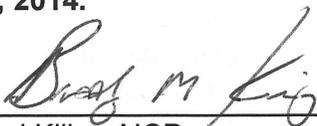
15. Prior to the issuance of final occupancy, the applicant shall provide City staff with a letter from Pride Disposal that satisfies the requirements outlined in Exhibit E.
16. Prior to final occupancy, the applicant shall ensure that any vegetation overhanging the sidewalk is pruned to a minimum of 8 feet above the sidewalk with the sidewalk and gutter being cleaned along the frontage of SW Gerda Lane and north of the subject property to the existing sidewalk ramp.
17. Prior to final occupancy, the applicant shall verify that no fencing crosses the existing public water line within the east side of the subject property. Location of the fencing within the public water line easement is subject to the approval of the City of Sherwood Engineering Department.
18. Prior to final occupancy, the applicant shall record and provide a public waterline easement for the existing public water line west of SW Gerda Lane so that the waterline is physically located within the easement.

VII. Exhibits

- A. Comments from Jackie Sue Humphreys of CWS, dated February 3, 2014.
- B. Engineering Comments from Craig Christensen, P.E. Civil Engineer, dated February 21, 2014.
- C. Comments from John Wolff, Deputy Fire Marshall with TVFR, dated February 10, 2014.
- D. Comments from Brad Crawford, Sherwood Broadband, IT Director, dated February 3, 2014
- E. Comments from Kirsten Leichner, Pride Disposal, dated January 29, 2014

VIII. Appeals

Pursuant to Section 16.76.020 of the Sherwood Zoning and Community Development Code (SZCDC), the decision of Staff detailed above will become final unless an appeal is received by the Planning Department from the applicant. This Notice of Decision for Case No. SP 13-04 was placed in a U.S. Postal receptacle on March 12, 2014. The appeal deadline is **5:00 PM on March 26, 2014.**



Brad Kilby, AICP
Planning Manager
City of Sherwood