

TO: PLANNING COMMISSION

Pre-App. Meeting:	August 26, 2013
App. Submitted:	September 9, 2013
App. Complete:	October 16, 2013
120-Day Deadline:	February 13, 2014
Hearing Date:	November 26, 2013

From:



Michelle Miller, AICP
Senior Planner

Proposal: The applicant requests site plan approval for two buildings and associated parking lot as part of Phase II of the Sherwood Industrial Park. This second phase on the 9.45-acre site includes two tilt up concrete shell only buildings approximately 35,000 square feet and 72,000 square feet with 172 parking spaces. The buildings will be used for light industrial and warehousing although a tenant for the buildings has not been determined. The submittal is attached as Exhibit A. The applicant also provided additional information concerning the Industrial Design Standards that is attached as Exhibit G.

I. BACKGROUND

A. Applicant: Mackenzie-Mark Person
1515 SE Water Avenue
Portland OR 97214

Contact: 503-224-9560

Owner: OrWa Sherwood-Jack Steiger
8320 NE Highway 99
Vancouver, WA 98665

B. Location: 2S129D000100

C. Address: 14816 SW Century Drive

D. Parcel Size: The entire Sherwood Industrial Park property is approximately 52 acres in size. The area under consideration with this site plan application is 9.45 acres in size.

E. Existing Development and Site Characteristics: The site consists of the three parcels that are currently underdeveloped and total approximately 52-acres of LI (Light Industrial) and General Industrial land. The 9.45 acres under consideration for site plan approval is zoned exclusively LI. There is a wetland on the eastern portion of the property. A portion of the property including the 100-year floodplain, the creek, and everything to the east of the creek is zoned General Industrial

(GI). No development is proposed in the GI portion of this site. There is a 50-foot wide PGE easement that traverses this site from the northwest corner to the south of the property. The site is relatively flat with no trees or significant vegetation on the developable project area. The site has direct access to SW Century Drive, that extends through the entire property with access onto SW Tualatin Sherwood Road.

- F. **Site History:** The Sherwood Industrial Park received initial approval in 2000. (SP 00-01). The property owner received a separate approval in 2002 from the City and Division of State Lands (DSL) to fill approximately 5.65 acres of the wetland. The next submittal included site grading for four building pads and the future continuation of Century Drive south of SW Tualatin-Sherwood Road. (SP 05-07) In 2008, the owner received site plan approval for two light industrial buildings and associated parking. (SP 08-09)
- G. **Zoning Classification and Comprehensive Plan Designation:** The zone is Light Industrial (LI). Per § 16.31, the purpose of the light industrial zone is to provide for the manufacturing processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. The LI zone allows a wide variety of industrial uses either outright or conditionally.
- H. **Adjacent Zoning and Land Use:** Surrounding uses include other light industrial developments and zoning that is light industrial and light industrial PUD.
- I. **Review Type:** Because this involves site plan review of a site over 40,000 square feet a Type IV review is required, a decision made by the Planning Commission after consideration of public comment. An appeal would be heard by the City Council. The approval criteria for each development permit application shall be the approval standards and requirements for applications as contained in this Code. In addition, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional Use criteria of § 16.82.020.
- 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 November 6, 2013 in accordance with § 16.72.020 of the SZCDC. The notice was published in the Times on November 14 and 21, 2013 (a newspaper of general circulation) 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), § 16.82 (Conditional Use Permit), § 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. Public Infrastructure, § 16.108.070 (Hwy 99W Capacity Allocation Program (CAP)), § 16.110 Sanitary Sewer, § 16.112 (Water), § 16.114 (Storm Water) § 16.116 (Fire Protection), § 16.118 (Public and Private Utilities), § 16.142 Parks, Trees, and Open Space, § 16.144 Wetland, Habitat, and Natural Areas, § 16.154 Heat and Glare, § 16.156 Energy Conservation

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property, and posted in five locations throughout the City on November 6, 2013. Staff has received no comments as of the date of this report; however, comments are welcome up to the close of the public hearing.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on October 25, 2013. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Jason Waters, P.E. Civil Engineer submitted comments regarding the public infrastructure improvements that will be discussed further within this report. His comments are attached as Exhibit B.

Tualatin Valley Fire and Rescue: John Wolff, Deputy Fire Marshall submitted comments on November 15, 2013 and indicated a preliminary endorsement of the proposal. His comments are attached as Exhibit C.

Sherwood Public Works Department: Rich Sattler, Utility Manager submitted comments regarding public infrastructure improvements that are discussed further within this report. 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.

Clean Water Services: Jackie Sue Humphreys submitted comments on the project on November 12, 2013. She indicated that a storm water connection permit would be required in order for the project to be in compliance. Based on those comments, the following condition will apply.

RECOMMENDED CONDITION: Prior to issuance of building permit approval, obtain a storm water connection permit and comply with the outlined conditions as described in the Clean Water Service memorandum attached as Exhibit F.

Washington County, Kinder Morgan Energy, ODOT, METRO, NW Natural Gas 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.

LIGHT INDUSTRIAL USES (P)=PERMITTED, (N)= NOT PERMITTED) (C)= CONDITIONALLY PERMITTED

• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P
• Medical or dental laboratories	P

• Laboratories (not medical or dental).	P
• mini-warehousing or self-storage	N
• Distribution, warehousing and storage associated with a permitted use	P
• Research and development and associated manufacturing	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses.	C
• Laundry, dry cleaning, dyeing, or rug cleaning plants.	C
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials.	P
• Pharmaceuticals in facilities up to 50,000 square feet building size.	P
• Pharmaceuticals in facilities larger than 50,000 square feet building size.	N
• Building components, furniture, fixtures, signs.	P
• Non-motorized recreational vehicles and equipment.	P
• Manufactured homes, farm equipment, and greenhouses	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone.	P
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products.	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals.	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.	N
• Sawmills	C
• Pulp and paper mills.	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	N
• Meat, fish, poultry and tannery processing.	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	N
• Solid waste transfer stations.	N
• General purpose solid waste landfills, -incinerators, and other solid waste facilities.	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	

FINDING: The applicant indicates that the uses will be for light industrial-type operations and warehousing. No tenants have been finalized for the buildings at the time of this land use action. The tenants and subsequently approved uses will be confirmed at the time of building permit final occupancy approval or at the time of business license approval. This criterion will be evaluated at the a use is proposed for the development.

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	LI
Lot area- Industrial Uses:	10,000 SF
Lot area- Commercial Uses (subject to <u>Section 16.31.050</u>):	10,000 SF
Lot width at front property line:	100 feet
Lot width at building line:	100 feet
Front Yard Setback	20 feet
Side Yard Setback	None
Rear Yard Setback	None
Corner lot street side	20 feet
Height	50 feet

The site is approximately 411,642 sf with a front yard setback of 60 and 62 feet for each of the buildings thereby meeting this criterion. The building will be constructed under these dimensional and setback requirements and do not abut any residentially zoned property. Therefore, this criterion is met.

C. 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, the heights of the buildings are 35 feet. This criterion is met.

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 in the light industrial zone that requires a minimum distance of 20 feet. The site has access to SW Century Drive and will have two driveway aprons. There are existing street trees that are an appropriate distance away to not impede the clear vision area. There is not any site obstructing objects within the clear vision area. This standard is met.

B. Division IV- Planning Procedures

Chapter 16.82 Conditional Uses

C. Use Criteria

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

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

The site plan shows public facilities and services including sanitary sewer, water, and transportation to the proposed buildings. The City's Engineering and Public Works Department have provided comments on the necessary improvements, which will be discussed further within this report.

FINDING: Based on the discussion above, the applicant has not met this criterion but will be conditioned to do so as discussed under specific infrastructure criterion found further within this report.

- 2. 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.**

The site is zoned light industrial and the surrounding uses are light and general industrial. Two buildings within the larger industrial complex are occupied with light industrial uses. The precise tenants of Phase II are unknown at this time, but they will be required to comply with the permitted uses within this zoning designation of light industrial prior to receiving business licenses.

FINDING: Based on the above discussion, the applicant meets this criterion.

- 3. 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.**

Economic development and job creation are important components of a thriving community. An economic opportunity analysis study conducted in 2008 indicated that the City has a housing to jobs imbalance as compared to other Washington County communities. The City placed rectifying this imbalance as an important policy goal for the City. This project will help support the goal of reducing that imbalance with a business that will provide a source of employment.

FINDING: Based on the above discussion, the applicant meets the criterion.

4. 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.

The project is located in an industrially zoned area that is dedicated for light industrial and warehouse use as the application proposes. The buildings will not be located adjacent to any residential properties and any potential business will be required to comply with local regulations that address adverse effects.

FINDING: Based on the above discussion the applicant meets this criterion.

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

FINDING: The applicant proposes to locate the two buildings as part of a phased industrial business park and has previously mass graded the site for development. Thus, the impact is minimal as to the proposed use of the site and the impact to natural features that were identified under phase I. This portion of the site does not include any protected features.

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

The site is already developed and vegetation is minimal on the site. Therefore, the use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.

FINDING: Based on the above discussion the applicant meets this criterion.

7. 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 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.

According to the Trip CAP Compliance letter submitted by the applicant, the projected mix of uses for this development is 100 % Business Park (ITE Code 770). The study show approximately 1331 average daily trips. Since the applicant is generating over eight trips per acre, mitigation will be required in order to fully comply with the CAP requirements and the impact of those additional trips on the roadway. Engineering staff is working with the applicant to define mitigation or a payment in-lieu of mitigation. As of the date of this staff report, the issue has not been resolved but staff does not anticipate physical mitigation or optional payment in-lieu of mitigation to be over \$200. The City has asked for more information from the applicant's traffic consultant in order to provide the exact assessment to the applicant.

FINDING: As discussed above, the CAP has not been satisfied and the applicant will need to mitigate for the additional trips with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, receive a CAP Certificate from the Engineering Department.

RECOMMENDED CONDITION: Prior to final site plan approval, comply with the traffic mitigation amount that will be no more than \$200.00 as required by the City Engineer.

C. 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: Compliance with these standards is discussed throughout the report. As conditioned, the application will meet the applicable review criteria.

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. When the site was originally approved under SP 05-07, the street and the utilities were constructed and installed to accommodate the future development of the Sherwood Industrial Park. The connections to each building will be installed during the time of construction and will be conditioned under the appropriate section of this report.

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.

The entire 92-acre site is owned by OrWa Sherwood LLC. With the previous land use approvals, several easements were established in order to govern and serve the entire area. Specifically, there are several easements on record for the site including a maintenance and stormwater easement as discussed in the Engineering comments. The applicant will need to identify all 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 conditions.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, show all design and construction within public rights-of-way and easements that conform to Clean Water Services (CWS) Design and Construction Standards and the City of Sherwood Engineering Design and Standard Details Manual.

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, provide plans that show all existing and pending public easements, including wetland buffer conservation easements to CWS on the final stamped and signed construction plans.

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 the portion of this site proposed for development. However, there are wetlands and a stream that have been worked on in the past under

a permit from the Department of State Lands (DSL). The applicant is further required to comply with Clean Water Services requirements as discussed earlier in this report.

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 as discussed earlier in this report. This criterion is met.

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: As discussed and conditioned earlier within this report, the Engineering staff reviewed the traffic impact analysis as prepared by the applicant and found minor mitigation to be required of the applicant. This has been conditioned earlier in this report.

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:

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

The applicant submitted additional information through a memo dated November 18, 2013 (Exhibit G) that indicated that the window glazing on the frontage of the buildings did not meet the 15 % glazing on the frontage facing Century Drive, a collector classified street.

(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 indicates that the two materials are glass and concrete. The applicant stated that the building would also have four different colors of paint. The standard explicitly calls for two building materials and paint is not 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 standard (1) also requires 15 % of the façade to have window glazing in order to break up the building façade and

this building design as proposed does not achieve that percentage. Window glazing could be considered as 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 and glass doors in the design, it does not meet the intention of this standard to serve as an architectural design element. This is because the glazing use is minimal and it does not act as a supporting element of the design. For example, if the applicant had placed windows all along the perimeter of the building, that might indicate a design element to break up the façade. In this case, they are uniformly adjacent to the doors and thus not serving the design purpose to break up the façade.

(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 buildings are located beyond the 35-foot setback and thus this criterion is not met.

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

As the applicant states there is parking adjacent to the roadway, but the majority is in the rear and side of the building. This standard is not 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.

The loading areas are located on the side of the buildings when viewed from the street.

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

FINDING: The applicant does meet at least four of the site design requirements and in the alternative proposes a design review hearing before the Planning Commission following the criterion below. This criterion has not been met. The applicant has requested that the standards of 8.b. be applied to this project.

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.

The applicant indicates that the construction of two tilt up concrete buildings for light industrial purpose will result in increased jobs, tax revenue and public improvements resulting in benefits to the community. Based on the size of the buildings and future development of the entire Sherwood Industrial Park, the Commission could reasonably find that there is a benefit to the entire community.

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

The applicant has not proposed a tenant for these buildings and thus any innovations in the working environment have not been developed and the Commission would not be able to make a finding that this criterion is met.

The applicant suggest that although the tenants are not known at this time, the Commission could find that the buildings will incorporate a pleasing architectural appearance and landscape design to complement and blend with the surrounding community. The applicant hopes that the design will attract quality tenants that will provide quality industrial jobs to Sherwood. Because the tenant is not known at this time, the buildings uniform design will “incorporate features attractive to a wide variety of industrial users, with potential tenants including mechanical or electrical contractors, building material suppliers, parts distributors or other small industrial businesses allowed in the zone. The design incorporates the flexibility to make alterations to address different configurations for office, warehouse and manufacturing to meet a wide variety of tenant requirements.”

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

This industrial development will likely increase employment in the City and thus 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.

The applicant suggests that this building is similar to the industrial buildings nearby; however, those buildings were constructed prior to the implementation of the new industrial design standards. The applicant is enhancing the area with new development.

(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.

The applicant has proposed new construction to be located and visible from SW Century and SW Tualatin Sherwood Road. This will enhance the area by showing industrial-employment buildings rather than an empty and vacant field.

(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.

The applicant shows that the buildings will be located with the shortest side facing the collector. The applicant has provided landscaping of varying types and sizes abutting the parking area and building. The applicant has provided different tones of paint to differentiate the façade facing street elevation. The applicant has proposed exterior features with the articulation of the building, windows and landscaping to reduce the bulk appearance of the large building.

(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).

With the earlier phase of the Sherwood Industrial Park, the applicant was required to complete mitigation for CWS in order to comply with the Service Provider Letter. The applicant has sited the buildings so that the longest sides of the buildings face the natural resources located adjacent to the primary site of this building, and on the 92-acre industrial park complex. The site includes the Rock Creek corridor, providing an amenity for the workers. The applicant has provided trees and other landscaping on the perimeter of the site and placed the parking along the boundary rather than treating it as a uniform rectangular lot.

Staff Analysis: The Commission could find that the proposed building design subjectively meets these criteria or the Commission could condition the applicant to comply with certain design elements of 16.90.030.8a.

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.

The applicant submitted a landscape plan that shows landscaping surrounding the site as well as adjacent to the buildings and parking areas. Compliance with the landscaping standards will be 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 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. The applicant indicates that there is 215,346 square feet of landscaping in the parking area whereas 7,740 square feet are required. It is unclear whether the applicant included the perimeter landscaping in the calculation or not. Regardless, the applicant clearly exceeds this standard. The applicant has not described the size or canopy factor of the trees to help calculate the number of trees required for each parking space, nor has the applicant indicated the number of shrubs per parking space. The applicant has provided ground cover plans to cover the entire area within three years.

FINDING: The applicant has not provided enough detail about the quantity of trees or shrubs in order to be compliant with this criterion and thus this criterion is not met. It is possible to meet this criterion with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, submit a revised landscape plan that shows the total square footage of the amount of landscaping per each parking space, the quantity of trees based on canopy factor and the number of shrubs and grass to be placed on the site.

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 spaced to provide for at least one island for every twelve contiguous parking spaces. 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.

The site is adjacent to SW Century Drive, a collector and a 10 ft. setback is required. The applicant has shown landscaping within the visual corridor in order to be compliant with this standard.

FINDING: 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.

- a. **All new development with twenty (20) employees or more shall include preferential spaces for either car pool and vanpool designation.**

The applicant proposes 172 standard parking spaces to be distributed evenly along the perimeter of the buildings and the site boundaries. The applicant must meet the minimum parking standard of 1.6 parking spaces x 107,000 sq. ft. of building area= 171 parking spaces. The applicant does not include any carpool or vanpool designation because the tenant is not known. However, it is likely that there will be at least twenty employees onsite and therefore preferential spaces should be designated at this time, as it will be difficult to track the requirement later.

FINDING: Based on the above discussion, the applicant meets the criterion with respect to number of parking stalls, but does not comply with respect to preferential spaces for carpool and vanpool designation. The applicant could meet this criterion with the following condition.

RECOMMENDED CONDITION: Prior to final occupancy, designate preferential spaces for carpool or vanpool parking with signage.

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 describes the parking and loading area and surrounding landscaping. This criterion is 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
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3

FINDING: The applicant proposes 172 standard parking spaces to be distributed evenly along the perimeter of the buildings and the site boundaries. The minimum parking standard of 1.6 parking spaces x 107,000 sq. ft. of building area = 171 parking spaces is required. 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.

The applicant indicates that the parking area is designed with parking stalls 9 x 18 with a 2' overhang resulting in compliance with this standard. As stated above a standard parking stall is 9 x 20 feet with three feet of overhang for either a wheel stop or three feet of low lying landscape but a curb is still required.

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

RECOMMENDED CONDITION: Prior to final site plan approval, submit plans that show the standard parking stalls to be a minimum of 9 x 20 ft or provide wheel stops with an overhang of at least three feet.

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.**

The applicant proposes bicycle parking adjacent to the separate doorways or entrances of the buildings that is visible, lit and secure. It is conveniently located near the several of the building entrances. This will result in twelve bike parking spaces for the site. Bicycle parking is based on the number of vehicle parking spaces and in this case, five spaces are required.

FINDING: Based on the above discussion, the applicant meets this criterion.

Chapter 16.96 ON-SITE CIRCULATION
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.**

Building 3 is 72,000 square feet and Building 4 is 35000. Building 3 requires over 750 sq. ft. of loading area which is shown located on the eastern side of the building. Building 4 requires at least five hundred square ft. of area which is shown on the eastern side of that building as well.

FINDING: Based on the above discussion, the applicant meets this criterion.

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

FINDING: The applicant proposes two separate driveways onto SW Century Drive, one 30 ft. wide and the other 40 ft. wide and are separate from the other off street parking, thus meeting this criterion.

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 fully developed and located adjacent to a collector with direct access to Century Drive that has been recently constructed. Since the development of the Sherwood Industrial Park Phase I preceded the development to the west along with the extension of SW Century, a temporary cul-de-sac easement was granted in order to act as a temporary turnaround. According to the Engineering Department, recent construction off SW Century by adjacent development to the west revealed that asphalt and aggregate base thickness within the temporary cul-de-sac could be thinner than the street section that was approved in 2005. Additionally, the temporary easement is no longer required.

The City Engineer has not required any additional improvements or right-of-way dedication. Washington County has reviewed this application and did not have any comment or required improvements.

FINDING: Based on the above discussion, this criterion is not met, but the applicant can meet the criterion with the following recommended conditions.

RECOMMENDED CONDITION: Prior to issuance of a building permit, obtain Engineering Department approval of the construction plans including but not limited to reconstruction of the temporary cul-de-sac, driveway drops, landscaping and sidewalks.

RECOMMENDED CONDITION: Prior to issuance of the Certificate of Occupancy, relinquish temporary cul-de-sac easement granted for SW Century Drive.

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 September 6, 2013. The CAP trip analysis underwent a completeness review noting that mitigation was not proposed for the trips in excess of eight trips per acre allowed for Light Industrial. The applicant exceeded the trip per acre by 1.59 pm peak trips. Engineering staff is working with the applicant to define mitigation or a payment in-lieu of mitigation. In the preliminary calculation, engineering staff has determined that the mitigation will not exceed \$200. This issue will be resolved prior to final site plan approval.

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

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

RECOMMENDED CONDITION: Prior to approval of the public improvement plans, pay a CAP fee in lieu of mitigation amount not to exceed \$ 200.00.

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, all lots/buildings shall be served by gravity service laterals. Sanitary service laterals have been stubbed to each lot from SW Century Drive. Public sanitary improvements are not anticipated.

FINDING: Based on the above discussion, 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. These comments are addressed in Exhibit E. Water service laterals have been stubbed to each lot from SW Century Drive. Public water system improvements within public road right-of-way are not anticipated.

FINDING: Based on the above discussion, the applicant has met this criterion.

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:

- All lots/buildings shall be served by gravity service laterals.
- Storm service laterals have been stubbed to each lot from SW Century Drive. Public storm improvements are not anticipated except for some outstanding issues at the water quality facility.
- The land use application included a storm memo dated May 8, 2008 and a storm report dated February 28, 2006 included with the narrative explaining that there were no downstream deficiencies. (Included with Exhibit B) The water quality treatment capacity exists in the downstream facility to treat the impervious area proposed with SP 13-03.
- Page 14 of the Narrative explains that access to two manholes is available from the adjacent Langer site. The City has no legal authority to access any infrastructure located on the subject parcel (taxlot 00150) through the adjacent property to the west. Those easements are exclusive to infrastructure located on the adjacent property. Applicant shall maintain/provide City access to ALL public infrastructures located on taxlot 00150.
- Collectively Stormwater Easement document record 2008-050072 exhibits "A" and "B" and Storm Sewer Easement document record 2007-112939 exhibits "A" and "B" provide a permanent and continuous 15' to 20' wide easement for the City to "patrol, operate, maintain, and repair (the) storm drainage system." The "Temporary Maintenance Access Road for Manholes" was described in 2007-112939 exhibits "C" and "D", intended as temporary access until all of the road right-of-way for Century Drive was dedicated.
- Engineering Department staff will review the memo and storm report to confirm the assumptions made in the earlier narrative and report prior to approving final construction plans.

FINDING: Based on the above discussion, this criterion has not been met but can be met with the following conditions.

RECOMMENDED CONDITION: Prior to issuance of Certificate of Occupancy, provide a maintenance agreement for the private storm filter and an Operation and Maintenance for the private storm filter.

RECOMMENDED CONDITION: Prior to the issuance of Certificate of Occupancy, a public storm drainage access easement shall be established over the open channel swale depicted on sheet C2 of plans prepared by Don Cushing and Associates in 2004.

RECOMMENDED CONDITION: Prior to the issuance of Certificate of Occupancy the existing downstream water quality facility, pollution/flow control structures, and outfall shall be accepted by and turned over to the City of Sherwood as a public facility.

RECOMMENDED CONDITION: Prior to final site plan approval, maintenance access routes, plans, details, easements and associated covenants shall be approved by the City.

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 they preliminarily approved the project

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. This standard is met.

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.

Brad Crawford, IT manager provided comments concerning this application and indicated that conduit would be required to be in compliance with this standard. A Public utility easement is already in place along the frontage of this project site area.

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

RECOMMENDED CONDITION: Prior to the Certificate of Final Occupancy, conduit shall be placed along any building frontages and entrances for support of City telecommunication services.

E. Division VIII. Environmental Resources

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

1. 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.

3. 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 not discussed compliance with this criterion, but the landscape plans indicate that there will be a large percentage of tree canopy added to the site. The applicant could meet this criterion with the following condition.

RECOMMENDED CONDITION: Prior to final site plan approval, provide the tree canopy calculation that shows the minimum 30% tree canopy cover for the site.

Chapter 16.144 WETLAND, HABITAT AND NATURAL AREAS

16.144.020 Standards

A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:

1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.

a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.

b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.

c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.

2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.

B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:

1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).

2. The facility will comply with applicable requirements of the zone.

3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.

4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.

5. Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.

The applicant had received a CWS Service Provider Letter (SPL) 08-001036 as discussed in the Engineering Comments and attached to this report. It is not clear whether the requirements of that letter had been met, specifically concerning the wetland buffer or whether a conservation easement had been established over the buffer. This will be confirmed during the building permitting process.

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

RECOMMENDED CONDITION: Prior to approval of final construction plans for public improvements, provide documentation to support that all conditions of SPL 08-001036 have been satisfied or show how those conditions will be satisfied by the final construction plans.

RECOMMENDED CONDITION: Prior to issuance of Certificate of Occupancy receive final approval from the City Engineering Department and CWS that all conditions of Service Provider Letter(s) issued for taxlot 00150 have been satisfied.

Chapter 16.154 HEAT AND GLARE

16.154.010 Generally

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.

The applicant is proposing industrial use buildings with an unknown tenant. Any tenant will be required to meet this criterion at the time of tenant improvements or business license approval.

FINDING: Based on the above discussion, the applicant meets this criterion.

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the proposed site plan does not fully comply with the standards. If in the alternative, the Commission finds that the Industrial Design Criteria have been met, staff recommends the following conditions of approval.

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 September 6, 2013 prepared by the applicant 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.
7. Retaining walls are not allowed within public easements or the public right of way.
8. Retaining walls with a height of four feet or higher located on private property will require a building permit.

B. Prior to Final Site Plan Approval:

1. Submit a revised landscape plan that shows the total square footage of the amount of landscaping per each parking space, the quantity of trees based on canopy factor and the number of shrubs and grass to be placed on the site.
2. Submit plans that show the standard parking stalls to be at least 9 x 20 ft. or provide wheel stops with an overhang of at least three feet.
3. Obtain a Final Trip Certificate to satisfy the CAP.
4. Provide the tree canopy calculation that shows the minimum 30% tree canopy cover for the site.
5. Maintenance access routes, plans, details, easements and associated covenants shall be approved by the City.

C. Prior to Approval of the Public Improvement Plans:

1. Show all design and construction within public rights-of-way and easements that conform to Clean Water Services (CWS) Design and Construction Standards and the City of Sherwood Engineering Design and Standard Details Manual.
2. Provide plans that show all existing and pending public easements, including wetland buffer conservation easements to CWS, on the final stamped and signed construction plans.

3. Pay a CAP fee in lieu of mitigation of an amount not to exceed \$200.00.
4. Provide documentation to support that all conditions of SPL 08-001036 have been satisfied or show how those conditions will be satisfied by the final construction plans.

D. Prior to Issuance of the Building Permits:

1. Obtain final approval from the Engineering Department for construction of the public infrastructure.
2. Obtain Engineering Department of the construction, plans including but not limited to reconstruction of the temporary cul-de-sac, driveway drops, landscaping and sidewalks.
3. Obtain a 1200-C stormwater discharge permit from Oregon DEQ.
4. Obtain a City Grading and Erosion Control Permit for Buildings 3 and 4.

E. Prior to Issuance of the Certificate of Final Occupancy:

1. Obtain Final approval from the Engineering Department for construction of the public infrastructure.
2. Obtain a storm water connection permit and comply with the outlined conditions as described in the Clean Water Service memorandum attached as Exhibit F.
3. Designate preferential spaces for carpool or vanpool parking with signage.
4. Relinquish temporary cul-de-sac easement granted for SW Century Drive.
5. Provide a maintenance agreement for the private storm filter and an Operation and Maintenance for the private storm filter.
6. A public storm drainage access easement shall be established over the open channel swale depicted on sheet C2 of plans prepared by Don Cushing and Associates in 2004.
7. The existing downstream water quality facility, pollution/flow control structures, and outfall shall be accepted by and turned over to the City of Sherwood as a public facility.
8. Conduit shall be placed along any building frontages and entrances for support of City telecommunication services.
9. Receive final approval from the City Engineering Department and CWS that all conditions of Service Provider Letter(s) issued for taxlot 00150 have been satisfied.
10. The existing downstream water quality facility, pollution/flow control structures, and outfall shall be accepted by and turned over to the City of Sherwood as a public facility.

VII. Exhibits

- A. Applicant's submittal with narrative and supporting documents dated September 8, 2013.
- B. Engineering Comments submitted by Jason Waters P.E., Civil Engineer on November 14, 2013
- C. Tualatin Valley Fire and Rescue Department Comments submitted by John Wolff on November 6, 2013
- D. Public Works Department Comments submitted by Rich Sattler, Utility Manager on November 15, 2013

- E. Pride Disposal comments submitted by Kristen Leichner dated September 8, 2013
- F. Clean Water Services submitted comments by Jackie Sue Humphreys on the project on November 12, 2013.
- G. Applicant's memo submitted by Mark Person dated November 18, 2013