

- **Type I - Minor Modification to Approved Site Plan**
- **Type II – Variance: SMC Chapter 16.94.020, Table 1, Minimum Parking**
- **Type II - Site Plan Review**

For MGP X Properties LLC

**Parcel 2S129B000600
15930 SW Tualatin Sherwood Rd**

**Submitted to:
City of Sherwood
Planning Department
22560 SW Pine St
Sherwood, OR 97140**

**Updated: June 11, 2019
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I. Project Team

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II. Site Data

Site Location: 15930 SW Tualatin Sherwood Rd, Sherwood, OR 97140
Tax Assessors # 2S129B000600

Site Size: 13.75 acres (gross) – total center
~ 0.70 acres – within work area

Zoning Designation: Retail Commercial - RC

III. Executive Summary

Baysinger Partners Architecture is submitting this application for a Type I Minor Modification for Approved Site Plan, Type II Modification to SMC Chapter 16.94.020, Table 1, Minimum Parking and a Type II Site Plan Review for Parcel 600 (Map 2S129B0) on behalf of the owner MGP X Properties LLC (Administered by Merlone Geier).

This application includes the City Land Use application form, checklist, narrative, reports and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria.

IV. Site/Project History

- August 17, 1994 - City Council approval of SP 94-2; approved the site plan associated with the full Sherwood Marketplace Shopping Center
- July 13, 1995 – City Council approval of modification to Condition #22 from SP 94-2
- September 18, 1996 - Planning Commission approval of SP 94-2 Revised; approved changes to building sizes and number from SP 94-2
- October 11, 2018 - Preapplication Meeting, PAC 18-14

V. Proposed Project

The proposed project is for a Type I Minor Modification for Approved Site Plan, Type II Modification to SMC Chapter 16.94.020, Table 1, Minimum Parking and a Type II Site Plan Review for Parcel 600 (Map 2S129B0), a 13.75-acre RC zoned parcel. The center is fully developed with 10 separate buildings and a total of approximately 124,812 square feet of building area. The largest building, along the western edge of the site, houses the largest single tenant space, (former

Albertsons) which will be occupied by Hobby Lobby in the near future.

The site has frontage on four (4) rights-of-way, SW Tualatin-Sherwood Rd (to the north), SW Baler Way (to the east), SW Langer Drive (to the south and southwest) and Pacific Highway West (to the northwest). Vehicular access is provided through three (3) full turn driveways onto SW Langer Drive, a full turn signalized access mid-frontage on SW Tualatin-Sherwood Road and one (1) right-in, right-out only on SW Tualatin-Sherwood Road east of the signalized access.

Adjacent parcels to the north, across SW Tualatin-Sherwood Road are zoned GC, General Commercial. Adjacent property to the east, across SW Baler Way, is zoned RC-PUD (Retail Commercial-Planned Unit Development). Parcels to the south, across SW Langer Drive, are zoned RC and HD-PUD (High Density-Planned Unit Development). Parcels to the west, across Pacific Highway, are zoned RC.

The proposed project is for the construction of an approximately 4,000 square feet commercial pad building with drive-through in the northwest corner of the site adjacent to both SW Tualatin-Sherwood Road and Highway 99. There are no confirmed tenants at this time, but it is anticipated that a single fast-food user or a mix of retail, coffee and/or food uses will occupy the building.

Site work associated with the project includes removal of approximately 38 parking stalls; installation of 14 new stalls and reconfiguration of 14 diagonal stalls to 90 degrees stalls; new landscape islands along the façade of the new building; and, a new trash enclosure.

VI. Project Narrative

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

16.22.020 - Uses

	RC
COMMERCIAL	
Office and Professional Support services	
<ul style="list-style-type: none"> • Business and professional offices. 	P
<ul style="list-style-type: none"> • Medical and dental offices and urgent care facilities 	P
<ul style="list-style-type: none"> • Business support services such as duplicating, photocopying, mailing services, fax and computer facilities 	P
General Retail - sales oriented	
<ul style="list-style-type: none"> • General retail trade, not exceeding 10,000 square feet of gross square footage. 	P
Personal Services	
<ul style="list-style-type: none"> • Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services. 	P
Eating and Drinking establishments	
<ul style="list-style-type: none"> • Restaurants, taverns, and lounges without drive-thru ⁷ 	P
<ul style="list-style-type: none"> • Restaurants with drive-thru services 	P

⁷ Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

RESPONSE: The project is for the construction of an approximately 4,000 square building with drive-through. At the time of application there are no confirmed tenants for the building. It is anticipated that the building will be occupied by either a fast food restaurant or a mix of retail and coffee/food uses. The provided Trip Generation Memo looks at Fast Food with drive-through as a worst-case scenario. All potential tenants (fast food, coffee and retail) are allowed uses.

16.22.030 - Development Standards

A. Generally

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. (Variance and Adjustments)

B. Development Standards

Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table

	RC
Lot area	5,000 sq. ft
Lot width at front property line	40 ft
Lot width at building line	40 ft
Front yard setback ⁹	0
When abutting residential zone	Same as abutting residential zone
Side yard setback ⁹	0
when abutting residential zone or public park	10 ft
Rear yard setback ⁹	0
when abutting residential zone or public park	10 ft
Corner lot ⁹	
Height ^{10,11}	50 ft ^{13,14}

⁹ Existing residential uses shall maintain setbacks specified in the High-Density Residential Zone (16.12.030).

¹⁰ Maximum height is the lessor of feet or stories.

¹¹ Solar and wind energy devices and similar structures attached to buildings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

¹³ Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area.

- ¹⁴ Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

RESPONSE: The proposed pad building is setback from Highway 99 by approximately 32.83 feet (to property line) and from SW Tualatin-Sherwood Road by approximately 99 feet (to property line). The provided setbacks greatly exceed the minimum setbacks, 0 and 10 feet, required.

The maximum height of the building proposed is 24'-6". This is less than the maximum 50 feet allowed.

The proposed pad building is compliant with required setbacks and heights; therefore, the criteria above are met.

16.22.040 - Community Design

- A. For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

RESPONSE: Refer to the included narrative sections for responses to how the project meets the standards of Division V, VIII and IX.

16.22.060 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

RESPONSE: The project does not reside within a floodplain. This criterion and Section 16.143.020 do not apply.

Chapter 16.84 – VARIANCES

16.84.030 - Types of Variances

- B. Class B Variances
1. Generally
 - a. The Class B variance standards apply to individual platted and recorded lots only.

RESPONSE: The requested variance is for Lot 600 of Map 2S129B. This criterion is met as the variance requested is for an individual recorded lot.

- b. A variance shall not be approved that would vary the "permitted uses" or

"prohibited uses" of a land use zoning district.

RESPONSE: The requested variance is for a reduction in the minimum required parking and is not to allow a prohibited use. This criterion is therefore met.

- c. **Front yard setbacks:** Up to a 20 percent change to the front yard setback standard in the land use district.

RESPONSE: This criterion does not apply as the requested variance is not for a change in the allowed or provided setback.

- d. **Interior setbacks:** Up to a 20 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district so long as the three-foot setback is maintained if required by the Building Code requirements.

RESPONSE: This criterion does not apply as the requested variance is not for a change in the allowed or provided setback.

- e. **A 20% or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.**

RESPONSE: The requested variance is for a 6.01% (38 stall) reduction in the minimum parking required by Sherwood Municipal Code Chapter 16.94.020, Table 1, Minimum Parking. The mix of uses in the center, including the proposed new 4,000 square foot pad building, requires a minimum of 631 vehicular parking stalls according to Chapter 16.94.020, Table 1 and Chapter 16.94.010.C.2, Options for Reducing the Required Parking Spaces. The center will provide 593 vehicular parking stalls at completion of the project requiring a Class B variance as the deviation is greater than 5% allowed by an Adjustment but less than the 20% of a Class A Variance.

2. **Approval Process:** Class B variances shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

RESPONSE: The submitted materials include a written narrative describing the requested variance and compliance with the criteria of subsection 3 below. This criterion is therefore met.

3. **Approval Criteria:** The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:

- a. The variance requested is required due to the lot configuration, or other conditions of the site;

RESPONSE: The requested variance is for a reduction in the minimum parking required for an existing, fully developed shopping center. The center currently has 631 vehicular parking stalls and 124,812 square feet of mixed retail, restaurant and personal service uses. The concurrent Site Plan Review will add 4,000 square feet of new building area, anticipated to be occupied by a fast food with drive-through and reduce parking by 38 stalls. The total parking onsite will be 593 stalls for 128,812 square feet of building area at project completion. The variance is requested because the site is fully developed and there is no area onsite to add additional parking. This criterion is therefore met as the variance requested is required due to existing conditions of the site.

- b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

RESPONSE: The variance does not result in removal of trees aside from two (2) landscape island trees that will be removed and replaced with 19 total trees as part of the pad building construction. This criterion is therefore met.

- c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.

RESPONSE: The requested variance does not require the site request any additional adjustments or variances and does not result in any other violations of any other adopted ordinances or codes.

- d. An application for a Class B variance is limited to three or fewer lots per application.

RESPONSE: The requested variance is associated with a single lot. This criterion is therefore met.

- e. The variance will have minimal impact to the adjacent properties.

RESPONSE: The center previously included a large grocery store tenant that will be changing to a craft retail tenant. While the zoning code does not provide a different parking ratio for a grocery versus specialty retail use, the trips, and therefore parking demand, of a grocer exceeds that of a craft store. The included Trip Generation Memo indicates a reduction in both PM Peak

hour trips and a significant reduction in total trips to the site. It is only logical that a reduction in trips will result in a reduction in parking demand.

Additionally, there is a chance that the new pad building will be occupied by a mix of retail and food use which would lower its parking demand and the deviation between required and provided parking. The whole building as fast food was used as a worst-case scenario for both parking and the Trip Generation Memo to assess potential worst-case impacts.

It should be noted that the total square footage shown includes “back of house” area such as kitchens, bathrooms and storage rooms for all uses shown. While these areas count toward the square footage of the use, they are not occupiable spaces and do not contribute to the parking demand of the center. If these areas were removed from the calculations the total required parking onsite would be at or less than the provided 593 stalls.

Lastly, the code does not include a “shopping center” category for parking like is found in other jurisdictions. The shopping center category encompasses a mix of retail, personal service and food and accounts for the shared trips to multiple businesses within a center by patrons. If the entire center were considered a “shopping center” use with a ratio similar to that of retail and personal service, 4.1 stalls per 1,000 square feet, the total required parking would be 538 stalls and the site would be compliant.

In summary, the site did not previously impact adjacent properties when a higher parking demand user resided onsite as the center functions as a broader shopping center category; therefore, the proposed project, which significantly reduces trips to the site, also will not negatively impact adjacent properties with the approval of the requested adjustment.

- f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

RESPONSE: The project is requesting a deviation from the minimum required parking of 6.01%. This is the minimum needed to achieve the project as proposed. Alternatives were considered, such as adding more parking, however the available area to do so would provide only two (2) new stalls. Restriping of all angled parking onsite would increase parking numbers, but the site would still be deficient of total parking. It would also require redoing all existing landscape islands, resulting in significant loss of mature trees. The work required to redo landscaping, install new landscaping and restripe would negatively impact businesses within the center through the lengthy installation process, negatively impact mature trees and still result in a parking deficiency. For these reasons, restriping was not considered a

feasible solution. This criterion is met as the variance is the minimum needed and alternatives to the variance were considered.

Chapter 16.90 - SITE PLANNING

16.90.020 - Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use.

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.
5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

RESPONSE: The proposed project is for the construction of a new pad building; therefore, a Site Plan Review is required.

D. Required Findings

No site plan approval will 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.

RESPONSE: The proposed project is for the construction of a pad building. The project complies with the applicable standards of Division II, V, VI, VIII and IX as demonstrated in this narrative.

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.

RESPONSE: The proposed development is an addition to an existing center that is currently served with public utilities. The proposed addition will connect to the public systems as well. This criterion is therefore met.

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.

RESPONSE: All such provisions are shown in the provided Title Report. This criterion is therefore met.

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.

RESPONSE: The proposed project site is a fully developed center with minimal significant natural features. The project was designed to minimize impacts to the existing center and preserve, to the extent possible, trees, vegetation and drainage ways. This criterion is therefore met.

5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.

RESPONSE: The February 2019 memorandum demonstrated, through trip generation calculations for the existing and proposed land uses, that a decrease in average daily trip generation would result from the proposed changes to the Sherwood Market Center. The construction of the 4,000 square-foot pad building and leasing of the former grocery store as general retail space would decrease the average daily trips generated of the site, compared to estimates of the sites original TIA, by 749 trips. Accordingly, no impacts are anticipated as a result of the proposed land-use action and no proportionate shares are required.

6. 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 include the following:
 - a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

RESPONSE: The proposed building includes entrances facing both Tualatin-Sherwood Road and the interior parking lot. All entrances include a canopy and articulation through a change in materials adjacent to the entry. This criterion is therefore met.

- b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.

RESPONSE: The proposed project site has a minimum setback of zero (0) feet and no maximum setback restrictions. The building has been placed so as to be visible from the right-of-way, minimize impacts to the existing center and existing parking patterns as well as provide for a drive-through lane. This criterion is met as the building has been placed to comply with required setbacks for the zone.

- c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural

elements are provided for similar protection, such as an arcade.

RESPONSE: The design of the proposed building includes four (4) sided architecture ensuring that the building is oriented to the pedestrian whether along the street or interior to the site. The building will be constructed of brick, stucco, faux wood, glazing and metal canopies; all long lasting, durable materials. The two street facing facades include offsets, changes in materials, glazing and variations in parapet height. All canopies provide a minimum three (3) feet of protection. This criterion is met as the building is design and oriented to the pedestrian, visual interest and long-lasting durability.

- d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

RESPONSE: As demonstrated in the narrative responses above, the project complies with Sections 16.90.020.D.6.a through c; therefore, the Commercial Design Review Matrix is not required.

7. 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 include the following:

RESPONSE: The project site and the proposed project are not industrial development or uses; therefore, this criterion does not apply.

8. Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.

RESPONSE: The project does not include any new driveways or changes to existing access. All existing driveways will remain unchanged as part of this project.

16.90.030 - Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

a. **Defined.** A major modification review is required if one or more of the changes listed below are proposed:

(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);

RESPONSE: The proposed project does not include a change in land use.

(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

RESPONSE: The existing development is comprised of approximately 124,812 square feet of commercial uses. The proposed project will add approximately 4,000 square feet or a 3.2% increase in commercial uses. This criterion therefore does not apply.

(3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

RESPONSE: All required setbacks are met by the proposed project and do exceed that allowed by the zoning district. This criterion does not apply.

(4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

RESPONSE: The proposed project will not change or modify existing access-ways or drives. The project will reduce parking by 38 stalls. The new pad building will provide 4,000 square feet of Fast Food use. The former Albertsons (soon to be Hobby Lobby) is not included in this application except for discussion of total site parking and the Trip Generation Memo as the minor exterior work for that space do not require Site Plan Review. With the new craft store and the proposed pad building uses, the project will not increase the ADT by more than 100 but will in fact decrease the ADT by over 749 trips from the sites original TIA. This project does not apply as the

project will not result in negatively impact off-site traffic or increase the ADT.

- (5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;

RESPONSE: The existing development is comprised of approximately 124,812 square feet of commercial uses. The proposed project will add approximately 4,000 square feet or a 3.2% increase in commercial uses. This criterion therefore does not apply.

- (6) A reduction of more than ten (10) percent of the area reserved for common open space; or

RESPONSE: The project does not include any reduction in the area reserved for common open space.

- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)–(2) as determined by the Review Authority.

RESPONSE: The project does not include any change to a prior condition of approval.

2. Minor Modifications to Approved Site Plans

- a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification.

RESPONSE: The project does not meet the criterion of a Major Modification as demonstrated in the narrative sections above; therefore, the project is a Minor Modification.

- b. Minor Modification Review Procedure. An application for approval of a minor modification is reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications involve only clear and objective Code standards.

RESPONSE: The submitted materials include an application for the Type I review procedure.

- c. Minor Modification Applications. An application for minor

modification must include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

RESPONSE: The submitted materials include a signed application form, filing fee of \$3,787.74 (for the Modification, Variance and Site Plan apps), a narrative, Clean Water Services Service Provider Letter and a site plan. This criterion is therefore met.

- d. **Minor Modification Approval Criteria.** The review authority approves, denies, or approves with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification.

RESPONSE: As demonstrated above, the project does not qualify as a Major Modification. Additionally, the project is in compliance with prior conditions of approval as well as all applicable requirements of the Development Code. This criterion is therefore met.

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.

RESPONSE: A landscape plan has been included with the submitted materials and depicts proposed vegetation for all areas of the project not covered by building, and vehicular and pedestrian areas. This criterion is therefore met.

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.

1. Ground Cover Plants

- a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
- b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.

RESPONSE: Landscape areas will be planted with ground cover and/or lawn. Ground cover is a minimum 4" pot with a maximum spacing of 24". Disturbed landscape areas will be replanted to match adjacent landscape. Please see attached landscape plan, L1.0. This criterion is therefore met.

2. Shrubs

- a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.
- b. Shrubs must be at least the one-gallon container size at the time of planting.

RESPONSE: Shrubs will be installed at a minimum of one (1) gallon, or larger if slow growing. This criterion is therefore met.

3. Trees

- a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.
- b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.

RESPONSE: Trees are specified at a minimum of 2" caliper and a minimum 6' tall. Three (3) trees in the parking area are to remain and count as 4 medium trees toward the tree requirement. See landscape summary on sheet L1.0. This criterion is therefore met.

B. Plant Material Selection and Preparation

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

RESPONSE: All landscaping materials will be maintained to ensure continued health and vitality. Specifications for property topsoil and subsoil preparation have been included on Sheet L3.0, Planting and Irrigation Specifications.

2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

RESPONSE: Plants have been selected for their hardiness, water efficiency and aesthetics. This criterion is therefore met.

C. Existing Vegetation

1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142.(Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).

RESPONSE: The proposed project will disturb approximately 1,992 square feet of existing landscape area. The project will remove two (2) deciduous trees, 13" and 11", species unknown. Due to the limited area of impact from this project the majority of the trees and vegetation onsite will be retained; therefore, this criterion is met.

2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.
 - a. If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.
 - b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.
 - c. Each additional three (3) inch diameter increment above nine (9)

inches counts as an additional medium tree.

RESPONSE: Three existing trees are being used to meet the landscape standards. Please see the landscape summary on Sheet L1.0.

D. Non-Vegetative Features

1. Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.

RESPONSE: The project does not include any of the above as new features within the work area. This criterion therefore does not apply.

2. Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.

RESPONSE: This criterion does not apply; the project does not include any impervious paving.

3. Artificial plants are prohibited in any required landscaped area.

RESPONSE: The project does not include any artificial plants. This criterion is therefore 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).
 - a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.
 - b. The required screening shall have breaks, where necessary, to

allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.

- c. Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.

RESPONSE: The proposed project site is adjacent to residentially zoned projects to the south across SW Langer Drive. The location of the pad building is not adjacent to the residentially zoned parcels; therefore, screening is not required.

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.

RESPONSE: The proposed drive-through is separated from the abutting rights-of-way by landscape stripes a minimum 10 feet in wide. These areas include a mix of trees, shrubs and ground cover; refer to the included landscape plan. All other parking and vehicular areas associated with the project are internal to the site. This criterion is therefore met.

B. Parking Area Landscaping

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.

RESPONSE: The “work area” associated with this submittal includes 28 new and restriped parking stalls. Interior landscaping within the work area totals 2,951 square feet. (105.39 sf per stall). This criterion is met as the provided interior landscape within the work area greatly exceeds the minimum required.

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.

RESPONSE: The project includes 28 new and restriped parking stalls requiring seven (7) large, nine (9) medium or 14 small trees. The project proposes to plant five (5) trees and retain three (3) existing trees in the landscape island plus plan 11 trees around the proposed trash enclosure. Of the 18 trees planted or retained, 12 are evergreen. This criterion is met as the number of trees planted meets the minimum total trees as well as minimum number of evergreen trees.

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.

RESPONSE: The “work area” includes 28 new and restriped parking stalls requiring 56 shrubs. The proposed landscape plan includes 137 shrubs. This criterion is met as the number of provided shrubs exceeds the minimum required.

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.

RESPONSE: All landscape area not covered by trees and shrubs is specified to be planted with various ground cover plants with a maximum spacing of 24” to ensure they cover the area within three (3) years. Refer to the included landscape plan, L1.0 This criterion is therefore met.

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.

RESPONSE: The proposed project includes six (6) new and three (3) modified landscape planter islands. All islands exceed 90 square feet in area, have an area a minimum five (5) feet in width and are curbed to protect the landscaping. This criterion is therefore met.

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

RESPONSE: Each island will include a *Zelkova serrata* 'Green Vase'. This criterion is therefore met.

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

RESPONSE: The new landscape islands have been placed at each end of the new row of parking. This criterion is met as the new landscape islands are evenly distributed.

d. Landscape islands shall be distributed according to the following:
(2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.

RESPONSE: Six (6) new landscape islands and three (3) modified planter are proposed for 28 new and restriped parking spaces. The maximum number of contiguous stalls in the work area is nine (9). This criterion is therefore met.

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.

RESPONSE: The proposed project does not include any stormwater bio-swales.

6. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.

RESPONSE: The project does not include any new access points or modifications to existing access points within the center; therefore, this criterion does not apply.

7. Exceptions

- a. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.

RESPONSE: This criterion does not apply as the project does not include an environmentally sensitive areas and/or trees or woodlands that merit protection.

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.

RESPONSE: The proposed project does not include any ground mounted equipment except a water vault off the northwest corner of the building. It will be flush with the ground and screened with shrubs and ground cover. The drive through lane is screened by a hedge of various shrubs. Refer to the included landscape plan, Sheet L1.0. This criterion is therefore 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.

RESPONSE: The project is a modification of an existing center which has frontage on two (2) existing streets, Highway 99, a Highway and Tualatin-Sherwood Road, an arterial. The proposed project does not require any frontage improvements or dedications along Highway 99 which has an existing visual corridor. The proposed project will provide landscaping according to Chapter 16.142 within the existing corridor to enhance it.

The Tualatin-Sherwood Road right-of-way is currently being improved by the county. The proposed project includes the required 15-foot corridor and landscaping. Refer to included narrative Section 16.142, site plan and landscape plans for detailed information. This criterion is met as adequate visual corridors will be maintained and provided on both abutting frontages.

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.

RESPONSE: All landscaping will be planted in-ground according to current nursery industry standards and will be properly maintained to ensure survival. This criterion is therefore met.

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).

RESPONSE: All landscaping will be maintained consistent with the approved landscape plan. Any required trees will be replanted according to the approved landscape plan should they necessitate removal. This criterion will therefore be met.

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.**

RESPONSE: The site has an existing irrigation system which will be modified for the proposed changes to landscape areas. The system will be design build. This criterion is therefore met.

D. Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within one (1) year, the security may be used by the City to complete the installation.

RESPONSE: All landscaping will be installed prior to occupancy. This criterion will therefore be 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.

RESPONSE: The project site is an existing, full development shopping center. The

proposed project will remove 38 parking stalls and install 28 new and reconfigured parking stalls with landscape islands. Refer to the included narrative for details on parking count compliance.

B. Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty-five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

RESPONSE: The project plans to construct all parking spaces prior to issuance of occupancy permits.

C. Options for Reducing the Required Parking Spaces

2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed-use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:
 - a. Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.
 - b. Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.
 - c. Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.

RESPONSE: The proposed project will add approximately 4,000 square feet of fast food with drive-through use to an existing mixed-use center. The center, using the allowed parking reductions for a mixed-use center, requires a minimum of 631 parking stalls and has an allowed maximum of 916 stalls. The project will provide a total of 593 vehicular parking stalls. As the site is approximately 6.01% deficient on parking a Class B Variance is being requested; refer to the included Variance narrative section for detailed information on the variance request.

D. Prohibited Uses

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

RESPONSE: Required parking, loading and maneuvering areas are not and will not be used for long-term storage or sale of vehicles or other materials and are not and will not be rented, leased or assigned to any person or organization not using or occupying the building or use served. This criterion is therefore met.

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.

RESPONSE: All parking associated with the project is located on-site.

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 forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.

b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

RESPONSE: At this time, there are no confirmed tenants for the pad building; however,

a typical 4,000 square foot pad building with either a single food use or a mix of retail and food/coffee uses does not provide more than 40 employees. Therefore, no carpool/vanpool spaces are required or proposed.

F. Marking

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

RESPONSE: All parking, loading and maneuvering areas will be clearly marked, painted and signed to show the direction of flow. This criterion is therefore met.

G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.
2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

RESPONSE: All parking and loading areas will be paved with asphalt or concrete. All parking and loading areas include storm water drainage facilities; refer to included civil drawings. This criterion is therefore met.

H. Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.

RESPONSE: All parking and loading areas shall be kept clean and in good repair. This criterion is therefore met.

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.

RESPONSE: The submitted materials includes a site plan which shows all parking stalls and dimensions, circulation, loading, bicycle parking and pedestrian pathways. Included civil drawings include drainage facilities and proposed grading. A landscape plan is provided showing the changes to existing landscaping and new landscaping proposed. This criterion is therefore 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.

Table 1: Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹
General retail or personal service	4.1 (244 sf)	5.1
General office & personal service	2.7 (370 sf)	3.4
Furniture Store	4.1	5.1
Recreation Facility	4.3 (233 sf)	5.4
Bank with drive-thru	4.3 (233 sf)	5.4
Eating or drinking establishment	15.3 (65 sf)	19.1

Fast food drive-thru	9.9 (101 sf)	12.4
Day care	None	None

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (1/4) mile walking distance of bus transit stops, one-half (1/2) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

RESPONSE: The existing center has a mix of commercial uses and the proposed project will increase the square footage of the center by 4,000 square feet. The center, after construction of the proposed building, will require a minimum of 631 parking stalls utilizing the reduction in parking allowed by subsection 16.94.010.C.2 above. The center will provide 593 parking stalls; and is requesting a Class B variance for the 6.01% deviation in parking. Refer to the included Variance narrative section for detailed information on the variance request.

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.

RESPONSE: The 14 reconfigured parking stalls along the building’s east façade measure nine (9) feet x 20 feet in length (17 feet with a three (3) foot overhang). The 14 restriped stalls along the east work area boundary are all nine (9) feet wide and either 20 feet or 18.16 feet long. The 10, 18-foot stalls account for 3% of the total stalls within the center. This criterion is met as the proposed stalls meet the minimum stall size requirements and the compact stalls total less than 25% allowed.

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.

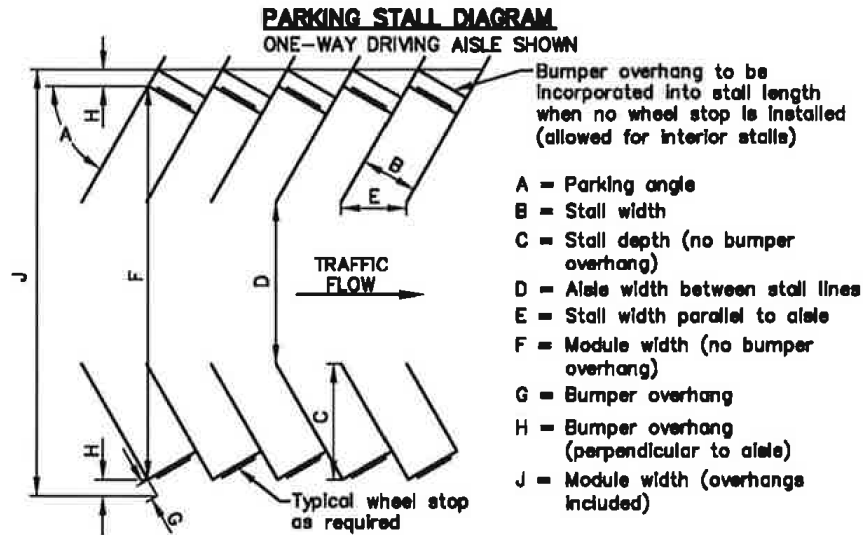


Table 2: Minimum Parking Dimension Requirements One-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	23.0	9.3	61.0	3.0	3.0	67.0
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

Table 3: Two-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0

75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

RESPONSE: All parking new parking stalls within the work area meets the minimum stalls dimension and include an aisle a minimum 24 feet in width. This criterion is therefore met.

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.

RESPONSE: All parking areas along the boundary of the parking lot or adjacent to interior landscape areas and sidewalks are provided with a raised curb to ensure cars do not impact those areas. Wheel stops create a tripping and liability hazard and a place for blow garbage and leaves to collect. They make it difficult to clean the parking lot of debris as they must be manual cleaned behind. Wheel stops, in addition to raise curbs, will be installed as required.

- b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.

RESPONSE: There are no wheel stops adjacent to water quality facilities. This criterion does not apply.

- 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.

RESPONSE: This criterion does not apply as the project does not include any stalls where the front three (3) feet are landscaped.

4. Service Drives

- Service drives shall be clearly and permanently marked and defined

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

RESPONSE: The project does not include any service drives; therefore, this criterion does not apply.

7. Parking Location and Shared Parking

Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

RESPONSE: All required signage will be posted if it does not already exist in the center.

C. Bicycle Parking Facilities

1. General Provisions

a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.

RESPONSE: Bicycle parking has been provided at the new pad building. Refer to the included site plan for detailed information on location.

b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.

RESPONSE: The proposed project is only required two (2) short term spaces and per subsection (d) below, long term parking is not required. The project provides all required short-term parking. This criterion is therefore met.

c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.

RESPONSE: Currently, there are no confirmed tenants for the building. The included

traffic analysis assumes the entire building as a fast food drive-through as a worst-case analysis. Table 4 does not require any bicycle parking for fast food drive-throughs. If all of the building is assumed to be retail uses Table 4 would require a total of two (2) short term bicycle parking stalls. The project includes two (2) short term parking stalls to the south of the east entry. This criterion is therefore met as the minimum parking is provided.

- d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.

RESPONSE: The project, as demonstrated in subsection (d) above, is required a total of two (2) short term parking stalls. This does not meet the threshold for requiring long-term spaces; therefore, this criterion does not apply.

- e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

RESPONSE: Currently, there are no confirmed tenants for the new pad building. For the purpose of this analysis it is assumed that the building would be either a fast-food restaurant or a mix of retail and services uses. The fast-food restaurant does not require any bicycle parking and as a combination of retail and service use it would require two (2) short term spaces.

2. Location and Design.

a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.

RESPONSE: The bicycle parking spaces provided meets the minimum size requirement; therefore, this criterion is met.

- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.

RESPONSE: The bicycle parking area is served by a minimum five (5) foot aisle. This

critterion is therefore met.

- (3) **Lighting.** Bicycle parking shall be at least as well lit as vehicle parking for security.

RESPONSE: The bicycle parking area is lit as well as the vehicle parking area. This criterion is therefore met.

- (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

RESPONSE: The bicycle parking area will be clearly marked and used only for bicycle parking. This criterion is therefore met.

- (5) **Bicycle parking in the Old Town Overlay District** can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.

RESPONSE: This criterion does not apply as the project site is not located in the Old Town Overlay District.

- (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.

RESPONSE: Bicycle parking has been located outside of all vision clearance areas. This criterion is therefore met.

b. Short-term Bicycle Parking

- (1) Provide lockers or racks that meet the standards of this section.
- (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.

RESPONSE: The required short-term parking is provided by racks within 30 feet the main eastern entry (south of the entry). This criterion is therefore met.

c. Long-term Bicycle Parking

- (1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
- (2) Locate the outside bicycle parking spaces within one

- hundred (100) feet of the entrance that will be accessed by the intended users.
- (3) All of the spaces shall be covered.

RESPONSE: The project does not meet the threshold for requiring long term stalls; therefore, this criterion does not apply.

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Commercial Categories	
Retail sales/service office /daycare	2 or 1 per 20 auto spaces, whichever is greater
Drive-up vehicle servicing	None
Vehicle repair	None

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty-five (25) persons at one time.

RESPONSE: This criterion does not apply to the project as it does not include, nor is it required to provide, a passenger loading/unloading area.

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.

RESPONSE: The project is not required (per subsection 4 below) nor does it provide a loading area associated with the proposed pad building. Therefore, this criterion does not apply.

3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.

RESPONSE: The proposed pad building will be occupied by tenants that do not require deliveries by large semi-truck. Deliveries will also occur at off hours. A dedicated loading area for the pad building is not proposed as all deliveries

can be accommodated with the plan shown.

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.

RESPONSE: The proposed project is for the construction of a 4,000 square foot pad building; therefore, a loading area associated with the pad building is not required.

Chapter 16.96 - ON-SITE CIRCULATION

16.96.010 - On-Site Pedestrian and Bicycle Circulation

B. Maintenance

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

RESPONSE: The proposed project does not include any new ingress or egress access points or changes to existing site ingress and egress. Changes to onsite circulation are minimal with the removal of a row of parking stalls.

C. Joint Access

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

RESPONSE: The project proposes to use the existing access points to the site and does not propose any change to those access points. The ADT of the site is projected to decrease by approximately 749 trips as compared to the sites original TIA. Refer to the included easements represented in the provided property title. This criterion is therefore met.

D. Connection to Streets

1. Except for joint access per this Section, all ingress and egress to a

use or parcel shall connect directly to a public street, excepting alleyways with paved sidewalk.

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

RESPONSE: All existing accesses connect directly to one of the abutting public streets. The project does not propose any new connections or changes to the existing connections. The new pad building includes a private pedestrian pathway that connects the building to the adjacent SW Tualatin Sherwood Road right-of-way. This criterion is therefore met.

E. Maintenance of Required Improvements

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

RESPONSE: All required ingress, egress and circulation improvements will be kept clean and in good repair. This criterion is therefore met.

F. Access to Major Roadways

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

3. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

RESPONSE: The project will not modify existing ingress or egress points and they will continue to be maintained. The project does not propose any new access points to any of the abutting rights-of-ways. The included site plan shows all existing accesses to remain. This criterion is therefore met.

16.96.030 - Minimum Non-Residential Standards

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

A. Driveways

1. Commercial: Improved hard surface driveways are required as follows:

Required		Minimum Width
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Parking Spaces	# Driveways	One-Way Pair	Two-Way
1 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

RESPONSE: The proposed project is a new pad building within an existing center with existing access points. The project does not include any changes to the existing access points or any new access points. The existing center includes more than two (2) driveways and therefore meets this criterion.

B. Sidewalks and Curbs

1. A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.

RESPONSE: The project includes a pedestrian pathway from the new building to the abutting SW Tualatin-Sherwood Road right-of-way as well as a pedestrian pathway south to the adjacent building. These two connections allow for pedestrian access from both the right-of-way and the remainder of the existing center and parking area. This criterion is therefore met.

2. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.

RESPONSE: Curbs will be provided according to city engineering standards. This criterion will therefore be met.

3. **Private Pathway/Sidewalk Design.** Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or

raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.

RESPONSE: All new pathways associated with the proposed project are a minimum six (6) feet wide and constructed of concrete and/or asphalt. Where pedestrian pathways cross a drive aisle, they will at a minimum include painted striping. These criteria are therefore met.

16.96.040 - On-Site Vehicle Circulation

A. Maintenance

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

RESPONSE: The proposed project does not include any changes to existing ingress or egress or propose any new access points to public streets. Existing onsite circulation will be modified by the removal of a two (2) rows of parking and an access aisle with a third row of parking reconfigured from angled to 90 degrees and the installation of a drive-through. The existing drive aisle used to access the modified parking stalls is currently a two-way aisle and will remain two-way. The proposed changes to the onsite circulation are depicted included with the submittal materials and requested approval.

B. Joint Access [See also Chapter 16.108]

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

RESPONSE: The proposed project occurs within an existing center and will share the existing accesses associated with the center. The project will not modify any of the existing accesses and does not include any new accesses. This criterion is therefore met.

C. Connection to Streets

1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
2. Required private sidewalks shall extend from the ground floor

entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

RESPONSE: All existing accesses connect directly to one of the abutting public streets. The project does not propose any new connections or changes to the existing connections. The new pad building includes a private pedestrian pathway that connects the building to the adjacent SW Tualatin Sherwood Road right-of-way. This criterion is therefore met.

D. Maintenance of Required Improvements

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

RESPONSE: All ingress, egress and circulation improvements are currently maintained and cleaned. The proposed project will not alter the centers existing maintenance of those improvements. The improvements will continue to be kept in good repair and clean. This criterion will therefore be met.

E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

RESPONSE: Service drives are being provided in accordance with Section 16.94.030 as discussed above. This criterion is therefore met.

Chapter 16.98 - ON-SITE STORAGE

16.98.010 - Recreational Vehicles and Equipment

Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 16.92.030.

RESPONSE: The project does not include storage of any recreational vehicles or equipment. This criterion does not apply.

16.98.020 - Solid Waste and Recycling Storage

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

masonry wall and shall be easily accessible to collection vehicles.

RESPONSE: The proposed project includes a new trash and recycling enclosure in which the trash and recycling receptacles will be stored. The enclosure is seven (7) feet high and constructed of concrete masonry units with a color and texture to match the proposed building's materials. This criterion is therefore met.

16.98.030 - Material Storage

- A. Generally. Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Review Authority as part of a site plan or per Section 16.98.040.

RESPONSE: The project does not include external material storage aside from trash and recycling. This criterion is therefore met.

- B. Standards. Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot to eight (8) foot high, sight obscuring fence subject to chapter 16.58.020. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.

RESPONSE: The project does not include any service, repair, storage or merchandise display activities outside of the building. This criterion does not apply.

- C. Hazardous Materials. Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations.

RESPONSE: The project does not include storage of any hazardous, corrosive, flammable or explosive materials. This criterion therefore does not apply.

16.98.040 - Outdoor Sales and Merchandise Display

- A. Sales Permitted
Outdoor sales and merchandise display activities, including sales and

merchandise display that is located inside when the business is closed but otherwise located outside, shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.

RESPONSE: The project does not include any outdoor sales or merchandise display activities; this section does not apply.

Chapter 16.102 - TEMPORARY, PORTABLE AND BANNER SIGNS

16.102.010 - Temporary and Portable Signs—Purpose

Temporary, portable, and banner signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel. Signs that are not clearly regulated by the provisions of this chapter are subject to the standards for permanent signs in Chapter 16.100. Definitions for permanent, temporary, and portable signs can be found in Section 16.100.010.I. All temporary, portable, and banner signs are subject to the time, place, and manner regulations of this chapter

RESPONSE: The proposed project does not include any signage as there are no confirmed tenants for the building.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.020 - Required Improvements

A. Existing Streets

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

RESPONSE: Per the preapplication meeting conducted on October 11, 2018 no abutting right-of-way requires improvement as part of this project. The SW Tualatin-Sherwood Road right-of-way is being improved by the County and will require dedications that are not related to the proposed pad building.

D. Extent of Improvements

1. **Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.**

RESPONSE: Per the preapplication meeting conducted on October 11, 2018 no abutting right-of-way requires improvement as part of this project. The SW Tualatin-Sherwood Road right-of-way is being improved by the County and will require dedications that are not related to the proposed pad building.

2. **If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:**
 - a. **A partial improvement is not feasible due to the inability to achieve proper design standards;**
 - b. **A partial improvement may create a potential safety hazard to motorists or pedestrians.**
 - c. **Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;**
 - d. **The improvement would be in conflict with an adopted capital improvement plan;**
 - e. **The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or**
 - f. **Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.**

RESPONSE: Per the preapplication meeting conducted on October 11, 2018 no abutting right-of-way requires improvement as part of this project. The SW Tualatin-Sherwood Road right-of-way is being improved by the County and will require dedications that are not related to the proposed pad building.

16.106.030 - Location

B. Street Connectivity and Future Street Systems

1. **Future Street Systems.** The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).

RESPONSE: The project does not include the creation of new streets or the modification of existing streets.

C. Underground Utilities

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

RESPONSE: There are no new proposed streets associated with this project. The project will provide connections to existing water, storm and sanitary lines located with the center. This criterion will therefore be met.

D. Additional Setbacks

Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

RESPONSE: No additional setbacks are required or provided as both abutting rights-of-way are of standard width. This criterion therefore does not apply.

	Classification	Additional Setback
1.	Principle Arterial (99W)	61 feet
2.	Arterial	37 feet
3.	Collector	32 feet
4.	Neighborhood Route	32 feet
5.	Local	26 feet

16.106.040 - Design

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.

H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

RESPONSE: The proposed project does not include any residential uses.

I. Median Islands

As illustrated in the adopted Transportation System Plan, Chapter 8, median islands may be required on arterial or collector streets for the purpose of controlling access, providing pedestrian safety or for aesthetic purposes.

RESPONSE: Per the Preapplication Meeting the abutting streets do not require improvement as part of this project. The SW Tualatin-Sherwood right-of-way will be improved by the County.

J. Transit Facilities

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

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.

RESPONSE: Per the Preapplication Meeting the abutting streets do not require improvement as part of this project. The SW Tualatin-Sherwood right-of-way will be improved by the County.

2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.

RESPONSE: The proposed project includes a walkway to the abutting SW Tualatin-Sherwood Road right-of-way and therefore the existing transit stop which resides on that frontage near the centers main access drive. This criterion is therefore met.

3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).

RESPONSE: The existing center includes two existing bus stops along established bus routes. The proposed project will not impact those stops which will remain compliant. This criterion is met.

4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.

RESPONSE: This criterion does not apply as the project does not include any new transit amenities.

5. Provide lighting at a transit stop (if not already existing to transit agency standards).

RESPONSE: All existing transit stops are lit. The project does not include any new transit stops. This criterion is already met.

16.106.060 - Sidewalks

A. Required Improvements

1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

RESPONSE: The proposed project does not include any new public streets or improvements to existing streets (improvement of SW Tualatin-Sherwood Road is being completed by Washington County). No new public street walkways are included with this project.

2. For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.

RESPONSE: The proposed project does not include any new public streets or improvements to existing streets (improvement of SW Tualatin-Sherwood Road is being completed by Washington County and Highway 99W is fully constructed). No new public street walkways are included with this project.

16.106.070 - Bike Lanes

If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide.

RESPONSE: Both abutting rights-of-way have existing bicycle lanes. No right-of-way work is required or proposed as part of this project. This criterion therefore does not apply.

16.106.080 - Traffic Impact Analysis (TIA)

B. Applicability

A traffic impact analysis (TIA) shall be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one (1) or more of the following:

1. An amendment to the Sherwood Comprehensive Plan or zoning map.

RESPONSE: This criterion does not apply as the project does not include an amendment to the Sherwood Comprehensive Plan or zoning map.

2. A new direct property approach road to Highway 99W is proposed.

RESPONSE: No new approach road is proposed as part of the project. This criterion does not apply.

3. The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.

RESPONSE: The proposed changes to the Sherwood Market Center are projected to reduce PM peak-hour trip generation by 139 trips. Neither of these criteria apply.

4. An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.

RESPONSE: The proposed changes to the site include construction of a drive-through use and re-tenanting of a grocery store to a general retail space. Based on these changes, it is not expected that an increase of 10 or more vehicles over 20,000 pounds GVW would occur.

5. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.

RESPONSE: To the applicant's knowledge, all existing access driveways meet all required standards. The proposed project does not include any new access driveways. This criterion does not apply.

6. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

RESPONSE: The proposed project does not change internal traffic patterns; therefore, this criterion does not apply.

C. Requirements

The following are typical requirements that may be modified in coordination with Engineering Staff based on the specific application.

1. **Pre-application Conference.** The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.

RESPONSE: A Pre-application Meeting was held on October 11, 2018. A Trip Generation Memo has been prepared by licensed traffic engineers at Lancaster Engineering. As described in the February 2019 memorandum prepared by Lancaster Engineering, City, County, and ODOT thresholds for a full TIA are not met, so a full transportation impact analysis is not expected to be required. This criterion is therefore met.

2. **Preparation.** The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.

RESPONSE: Registered Oregon Traffic Engineers with Lancaster Engineering have prepared a Trip Generation Memo which demonstrates that a full TIA is not required. This criterion does not apply.

3. **Typical Average Daily Trips and Peak Hour Trips.** The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is

appropriate.

RESPONSE: The February 2019 memorandum referenced the 10th Edition of the Trip Generation Manual, published in 2017, and reported that the proposed land use would result in a decrease in 139 PM peak hour trips and a decrease of 1,552 average daily trips. The proposed project, as compared to the sites original TIA and uses, will result in a decrease of 22 trips during the PM Peak Hour and a decrease of 749 total daily trips.

4. **Intersection-level Analysis.** Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.

RESPONSE: Based on the projected trip generation of the site, none of the nearby intersections were projected to receive 50 or more peak hour trips as a result of the land uses. Accordingly, no intersection-level analysis is required.

5. **Transportation Planning Rule Compliance.** The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.

RESPONSE: The proposed construction of the 4,000 square foot fast food pad is an allowed use under the property's zoning and is not expected to significantly affect the transportation system.

D. Study Area

The following facilities shall be included in the study area for all TIAs:

1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
2. Roads and streets through and adjacent to the site.
3. All intersections needed for signal progression analysis.
4. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

RESPONSE: Since the proposed land use is projected to result in a decrease of trips generated by the site, all site-access points and surrounding intersections are expected to continue operating as they currently are or improve in operation. Accordingly, detailed analysis of intersections in a TIA is not required. Therefore, the criterion above do not apply.

E. Analysis Periods

To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:

1. **Existing Year.**
2. **Background Conditions in Project Completion Year.** The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.
3. **Full Buildout Conditions in Project Completion Year.** The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
4. **Phased Years of Completion.** If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
5. **Twenty-Year or TSP Horizon Year.** For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.

RESPONSE: As discussed previously, no TIA is required for the proposed development. Since the proposed land use is projected to reduce the evening and daily trip generation of the site, operation of intersections under full buildout conditions is expected to be better than what would be reported under background conditions. The above criterion therefore does not apply.

F. Approval Criteria

When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying land use proposal:

1. The analysis complies with the requirements of 16.106.080.C;
2. The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;
3. For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and
4. Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.
5. Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.

RESPONSE: The proposed land use does not trigger the need for a TIA per Section 16.106.080 of the City Municipal Code, per Washington County's Resolution and Order Number 86-95, or under the Oregon Department of Transportation's Development Review Guidelines. Accordingly, the approval criteria in this section do not apply.

G. Conditions of Approval

The City may deny, approve, or approve a development proposal with conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the future planned transportation system. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities, pursuant to Section 16.106.090. Findings in the development approval shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.

RESPONSE: The County has plans to improve the Tualatin-Sherwood Road frontage. This improvement has been coordinated with this project.

16.106.090 - Rough Proportionality

- B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.**

RESPONSE: Compared to the sites original 1994 TIA and uses, the subject property is expected to generate 22 less trips during the evening peak hour and 749 less average daily trips. Accordingly, the proposed land use is not anticipated to have impacted requiring mitigation due to the decreased demand on the transportation facilities.

- C. The following shall be considered when determining proportional improvements:**
- 1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**
 - 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**
 - 3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.**
 - 4. Applicable TSP goals, policies, and plans.**
 - 5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.**
 - 6. Accident history within the impact area.**
 - 7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.**
 - 8. Potential benefit the development property will receive as a result of**

the construction of any required transportation facility improvements.

9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.

RESPONSE: **RESPONSE:** The existing facilities within a half mile of the project site are not expected to be significantly affected by the proposed development, given the small increase in trips expected during the morning peak hour, the decrease expected during the evening peak hour, and the overall reduction in daily trips. Accordingly, no improvements to the nearby transportation system are anticipated to be required as a result of the proposed land use.

Chapter 16.110 - SANITARY SEWERS

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.

RESPONSE: The existing center is serviced with public sewer. The proposed pad building will connect to the existing public main in the center of the plaza.

16.110.020 - Design Standards

A. Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.

RESPONSE: The proposed sewer connection for the pad building have been sized, located and will be installed and constructed according to all required code. This criterion will therefore be met.

B. Over-Sizing

1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

RESPONSE: This criterion does not apply as the sewer will not serve development outside of the property.

16.110.030 - Service Availability

Approval of construction plans for new facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development.

RESPONSE: The project's civil engineer will coordinate with the plumbing contractor to demonstrate that sanitary sewer demand is met by existing and proposed sanitary infrastructure. This criterion will therefore be met.

Chapter 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.

RESPONSE: The existing center is serviced with public water. The proposed pad building will connect to the existing public main at the plaza's northwest corner. This criterion is therefore met.

16.112.020 - Design Standards**A. Capacity**

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

RESPONSE: The proposed water line has been sized to meet anticipated demand. The

project's civil engineer will work with the contractor to ensure construction is per all applicable City standards. This criterion will therefore be met.

B. Fire Protection

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

RESPONSE: Approval from the Fire Marshal will be obtained and forwarded to the City prior to permit issuance. This criterion will therefore be met.

C. Over-Sizing

1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

RESPONSE: This criterion does not apply as the waterline will not serve development outside of the property.

2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

RESPONSE: Any required fees will be paid by the developer. This criterion will be met.

16.112.030 - Service Availability

Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.

RESPONSE: It is understood that the City will need to provide certification prior to issuance of a building permit.

Chapter 16.114 - STORM WATER**16.114.010 - Required Improvements**

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

RESPONSE: All storm water facilities have been designed in accordance with CWS standards. Therefore, this criterion is met.

16.114.020 - Design Standards**A. Capacity**

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.

RESPONSE: The proposed project's storm water drainage has been sized in accordance with all required codes. The projects civil engineer will coordinate with the contractor for construction, location and installation to insure conformance with CWS standards. This criterion will therefore be met.

B. On-Site Source Control

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.

RESPONSE: The proposed project's storm water drainage has been sized in accordance with all required codes. The projects civil engineer will coordinate with the contractor for construction, location and installation to insure conformance with CWS standards. This criterion will therefore be met.

C. Conveyance System

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges

through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

RESPONSE: The proposed development has been designed in conformance with CWS standards. Therefore, this criterion is met.

16.114.030 - Service Availability

Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.

RESPONSE: It is understood that the City will need to provide certification prior to issuance of a building permit.

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.

RESPONSE: There is an existing water line in the drive aisle adjacent to the new pad building location. The building will be tied into and served with water from this

16.116.020 - Standards

A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

RESPONSE: The proposed project's fire protection facilities have been sized in accordance with all required codes. The projects civil engineer with coordinate with the contractor for construction, location and installation to insure conformance with City standards. This criterion will therefore be met.

B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

RESPONSE: The projects civil engineer with coordinate with the plumbing designer for fire demands to insure conformance with all applicable standards. The civil engineer with also coordinate with the water authority for available fire flow. This criterion will therefore be met.

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

RESPONSE: The proposed development is within an existing center and will utilize existing fire access routes. This criterion is therefore met.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

RESPONSE: The proposed development is within an existing center and will utilize the

existing fire hydrant. Signage/stripping to meet fire life safety will be detailed in the permit submittal. This criterion is therefore met.

16.116.030 - Miscellaneous Requirements

A. Timing of Installation

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

RESPONSE: Installation of the facilities will be coordinated with the contractor. This criterion will be met.

B. Maintenance of Facilities

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.

RESPONSE: The proposed development is an addition to an existing fully development center. The Center owner maintains the property and all utilities and facilities and will continue to do so with the proposed addition. This criterion will therefore be met.

C. Modification of Facilities

On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.

RESPONSE: Any future alterations or repairs will be coordinated with the City and Fire District by the property owner. This criterion will be 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.

RESPONSE: The new pad building will be provided connections to franchise utilities.

This criterion will therefore be met.

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, and applicable utility company and City standards.**

RESPONSE: There are no new PUE's required. The new water meter is to be located with an existing PUE and all other utilities are private. All utilities have been designed and will be installed and located according to the applicable City and utility company standards. This criterion is therefore met.

- 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.**

RESPONSE: There are no new PUE's required. The new water meter is to be located with an existing PUE and all other utilities are private. The existing PUE meets the requirements of this section.

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

RESPONSE: This criterion does not apply as all abutting properties are developed.

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

RESPONSE: Coordination of franchise utilities installation will be under taken by the contractor. This criterion will therefore be met.

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

RESPONSE: Coordination of franchise utilities, including telecoms, will be under taken by the contractor. This criterion will therefore be met.

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

improvements in that location occur.

RESPONSE: At this time, there are no street improvements required for this project. Should the developer choose fee in lieu they will discuss it with the city for more information.

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.

RESPONSE: All utilities will be placed underground. This criterion will therefore be met.

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.

RESPONSE: At this time, the project does not include any surface mounted utilities.

Chapter 16.142 – Parks, Trees and Open Spaces

16.142.040 – Visual Corridors

A. Corridors Required

New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:

	Category	Width
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.

RESPONSE: The site is an existing developed center. The proposed project will add minimal square footage to the center. The frontage along Highway 99 is existing and fully developed and includes a 25-foot visual corridor. The project does not require that the frontage be improved, or a dedication granted. Thus, the frontage and property line will remain as-is and the visual corridor unaffected. As part of this project, the existing visual corridor will be enhanced to meet the landscaping requirements below.

The Tualatin-Sherwood right-of-way is currently being improved by the County. As part of this project, a 15-foot corridor is being provided. This criterion is met as the project will maintain and enhance the existing Highway 99 visual corridor and provide a corridor along Tualatin-Sherwood Road for the portion of the frontage affected by the proposed project.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

RESPONSE: The existing visual corridor along Highway 99 already includes street trees. The proposed project will further enhance the existing corridor with evergreen trees, a deciduous tree, a solid shrub hedge and turf.

The project will provide the required visual corridor along the portion of the frontage abutting the project work area and Tualatin-Sherwood Road as per the anticipated new lot line resulting from the County road widening project. This area will include two (2) deciduous trees in addition to the street trees anticipated to be planted by the County work and turf. This criterion is met as the visual corridors do not include walls or fences and provide landscaping to provide a visual and /or acoustic buffer.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

RESPONSE: There is an existing visual corridor along Highway 99 that will be maintained and improved as there are no right-of-way improvements or dedications required along this frontage that require moving the existing corridor. A visual corridor will be provided along Tualatin-Sherwood Road for the length of the projects work area based on the anticipated new property line at completion of the County's road improvements. This criterion is met as both frontages are provided the adequate amount of visual corridor.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).

RESPONSE: The proposed building is not sited within either of the required visual corridors. This criterion is therefore met.

E. Pacific Highway 99W Visual Corridor

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.

RESPONSE: There is an existing concrete median in Highway 99 abutting the project

location. There are no required changes to this right-of-way or the median; therefore, a landscape plan for the median is not required.

2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.

RESPONSE: The size of the project site does not allow for evergreen trees to be spaced 50 feet apart. Instead, a grouping of five (5) evergreens is provided along with a new deciduous tree. All proposed visual corridor trees have been specified at the standards above; refer to Sheet L1.0. This criterion is therefore met.

16.142.060 - Street Trees

- A. **Installation of Street Trees on New or Redeveloped Property.** Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. 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.
 1. **Location:** Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

RESPONSE: The site has frontage on both Highway 99 and Tualatin-Sherwood Road. The Highway 99 frontage is developed and includes an existing visual corridor. The proposed project does not require modifications to the frontage or a dedication. There are existing street trees along this frontage.

The Tualatin-Sherwood Road frontage is currently being improved by the county. The visual corridor provided as part of this project will be

landscaped with two (2) trees and it is our understanding the county will plant street trees as part of their work on this frontage.

Chapter 16.146 - NOISE*

16.146.010 - Generally

All otherwise permitted commercial, industrial, and institutional uses in the City shall comply with the noise standards contained in OAR 340-35-035. The City may require proof of compliance with OAR 340-35-035 in the form of copies of all applicable State permits or certification by a professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

RESPONSE: The proposed building includes a drive-through facility for a potential restaurant or coffee use. Drive-through facilities typically have an order station who's. The sound levels of the order station will be controlled to ensure that it complies with OAR 340-35-035. Aside from the drive-through the proposed building will not create any extraordinary noises not already found within the developed center. The building and uses will comply with OAR 340-35-035 therefore this criterion will be met.

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.

RESPONSE: The proposed project site does not abut any land that is not commercial or industrial in nature. There are residentially zoned parcels to the south of the project parcel; however, the proposed new building location is screened from those parcels by large existing buildings within the center and by a right-of-way. The criteria of this section do not apply.

Chapter 16.148 - VIBRATIONS*

16.148.010 - Generally

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.

RESPONSE: The proposed project is for construction of a commercial building anticipated to be occupied by a fast-food or coffee drive-up use. The anticipated uses are not uses which cause discernible vibrations; therefore, this criterion will be met.

Chapter 16.150 - AIR QUALITY

16.150.010 - Generally

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.

RESPONSE: The proposed project is for construction of a commercial building anticipated to be occupied by a fast-food or coffee drive-up use. The anticipated uses are not uses which cause dust emissions; therefore, this criterion will be met.

- 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.

RESPONSE: The proposed project does not include an incinerator; therefore, this criterion does not apply.

- 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.

RESPONSE: The anticipated uses, fast-food and/or coffee, do not require an Air Contamination Discharge Permit. This criterion does not apply.

Chapter 16.152 - ODORS*

16.152.010 - Generally

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.

RESPONSE: The anticipated uses of the site, fast-food and/or coffee, generate minimal odor, mostly in the form of food or coffee smells. At this time there is no confirmed tenants; however, any future tenant will take all steps similar to any that existing food uses within the center provide to limit odors. This criterion will be met.

16.152.020 - Standards

The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors.

RESPONSE: As mentioned above, the proposed project is anticipated to be occupied by a food or coffee use(s) which generate minimal smells. Future tenants will provide information on source, type and frequency of odors with the tenant improvement permits are required by the City. This criterion will therefore be met.

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.

RESPONSE: The anticipated fast-food or coffee use does not include any operations that produce excessive heat or glare. All proposed exterior building lighting will be directed away from adjoining properties. This criterion will therefore be met.

Chapter 16.156 - ENERGY CONSERVATION*

16.156.010 - Purpose

This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

16.156.020 – Standards

- A. **Building Orientation** - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.

RESPONSE: The proposed building has been located away from the existing structure to ensure that neither it nor the existing building affect each other's potential for solar energy system use. New proposed landscaping resides primarily to the north and west of the building. The northern vegetation will not affect the buildings solar opportunities and the westerly vegetation will help shield the building from excess western sun which can significantly affect a buildings cooling requirement. This criterion is met as the

proposed project does not negatively impact using solar energy systems on either it or any existing building onsite.

- B. Wind -** The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

RESPONSE: New landscaping associated with the project is primarily to the north and west of the building. The northern vegetation will moderate the prevailing winter wind and the westerly vegetation will help shield the building from excess western summer sun which can significantly affect a buildings cooling requirement. The vegetation will not limit the cooling south summer breezes. This criterion is met as wind will be moderated.

Chapter 16.156 - ENERGY CONSERVATION*

16.156.010 - Purpose

This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

RESPONSE: The project does not exceed allowable densities or lot coverage as discussed in prior narrative sections. The project will remove two (2) existing landscape trees and install nine (9) new trees.

16.156.020 - Standards

- C. Building Orientation -** The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.

RESPONSE: The new building has been placed so as to provide adequate separation from all other buildings onsite. This will ensure that in the future should the proposed or existing buildings wish to install solar energy systems they will receive adequate sunlight. This criterion is therefore met.

- D. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.**

RESPONSE: The site has adequate mature vegetation to provide for shade and breeze management. The project will impact the existing vegetation only minimally with the removal of two (2) trees; however, the project will plant nine (9) new trees to ensure shade and breeze management is maintained. This criterion is therefore met.