

**SENESTRARO FAMILY ORTHODONTICS**

**SITE PLAN REVIEW NARRATIVE – 17457 SW Parkway Court**

July 9, 2020

**Project Description:**

The proposed development includes a new two-story medical clinic for orthodontics and associated parking area. The subject property is located in the General Commercial (GC) district. The site currently consists of four (4) contiguous parcels, totaling approximately 1.24 +/- acres.

**Below are responses to the applicable review and decision criteria:**

Chapter 16.22 – Commercial Land Use Districts

**Applicant Response:** The subject property is located in the General Commercial (GC) district. The proposed use, an orthodontics clinic, most closely relates to a “medical and dental offices and urgent care facilities” as listed per Section 16.22.020. This is a permitted use in the GC Zone.

**Table 1 – Compliance with Development Standards (per 16.22.030 – Development Standards)**

Standard (minimum per GC zone)	Required	Proposed
Lot area	10,000 sq. ft.	53,919 sq. ft.
Lot width at front property line	70 ft.	150 ft. +/-
Lot width at building line	70 ft.	150 ft. +/-
Front yard setback	0	89 ft +/-
When abutting residential zone	20 feet	Front yard not abutting residential zone.
Side yard setback	0	East side: 13 ft West side: 100+ feet
When abutting residential zone or public park	20 feet	100+ feet
Height	50 ft	23 ft

**Applicant Response: The proposed development meets or exceeds the Development Standards pursuant to Sherwood Zoning and Community Development Code Section 16.22.030.**

Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS

16.58.010 - Clear Vision Areas

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

**Applicant Response: A clear vision area has been maintained at the intersection of Hwy 99W / SW Meinecke Parkway and the intersection of SW Meinecke Parkway / SW Parkway Court**

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

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

The following requirements shall govern clear vision areas:

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

- 16.58.020 - Fences, Walls and Hedges.

1. All fences shall be subject to the clear vision provisions of Section 16.58.010.

**Applicant Response: No fences will be in the clear vision area.**

D. Location—Non-Residential Zone:

1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision Areas) and building department requirements.

**Applicant Response: An existing chain link fence is located along the northern property line and is under 8 feet in height.**

2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.

**Applicant Response: No sound walls are proposed with this application.**

3. Hedges up to twelve (12) feet tall are allowed.

**Applicant Response: No hedges are proposed that would grow above 12 feet.**

E. General Conditions—All Fences:

1. Retaining, masonry, concrete, and modular retaining walls may not be constructed within the eight-foot public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.

**Applicant Response: No retaining walls are proposed as the project site is generally flat.**

2. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.

**Applicant Response: The existing chain link fence is the only fence proposed for the site and is currently in good repair.**

3. Chain link fencing is not allowed in any required residential front yard setback.

**Applicant Response: The proposed development is not located within a residential zone. No chain link fences are proposed in the front yard.**

4. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.

**Applicant Response: No new fences are proposed. The existing chain link fence faces Highway 99W.**

5. Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.

**Applicant Response: Buffering is achieved by generous landscaping and setbacks from neighboring properties. Vehicle use areas have been located as far from neighboring homes as practicable.**

6. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.

**Applicant Response: The applicant has not identified any conflicts between the code sections listed above.**

7. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.

**Applicant Response: No new fencing is proposed on the subject property.**

8. Call before you dig (811) if placing a fence within the public utility easement (PUE) to have your utility lines located. This easement area is usually located eight (8) feet across the front yard and the side yard setback on a corner lot. Utility lines can be buried just beneath the surface.

**Applicant Response: Understood. Contractor will call for locates before any ground disturbing activities.**

## Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

### 2.Type II

c."Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.

**Applicant Response: The proposed development includes a building less than 15,000 sq. ft. of floor area and commercial uses that are outright permitted.**

#### 16.72.020 - Public Notice and Hearing

**Applicant Response: The notice procedures of this section will be followed in coordination with City Staff.**

#### 16.90.020 - Site Plan Review

##### 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 development meeting the applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.**

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

**Response: The proposed development will be adequately served by the utilities and infrastructure listed above.**

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: To the best of our knowledge, the appropriate agreements are in place or will be in place as part of the conditions of approval for this development.**

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: Natural features are preserved to the maximum extent feasible. There are no identified wetlands on site. Vegetation is limited due to previous ground disturbing activities.**

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.

**Applicant Response: The development site pre-supposed traffic impacts during the subdivision review and infrastructure improvement plans to modify the project frontage with Highway 99W have been developed in conjunction with ODOT and City Staff by the previous property owner. It is our understanding that those improvements are in the permitting phase with ODOT and construction will begin during the Summer 2020.**

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:

**Applicant Response: The proposed development is accessible by pedestrians, cyclists, and by public transit via connected sidewalks and roadways adjacent and internal to the site.**

- 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 primary front entrance faces SW Parkway Court and includes significant articulation to provide wayfinding to visitors of the site. There are no secondary public entrances for the proposed building.**

- 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 building is located in the northwest corner of the property and addresses the street along SW Meinecke Parkway.**

- 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 materials for building construction will include modern, high quality products and finishes. No prohibited materials will be specified. Street facing elevations include windows and trellis.**

- 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.

**Applicant Response: The proposed development complies with Section 16.90.020.D.6.a—c and will not be applying the Commercial Design Review Matrix.**

#### E. Approvals

The application is reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action must include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

**Response: Understood.**

#### F. Time Limits

Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

**Response: Understood.**

### 16.92.030 - Site Area Landscaping and Perimeter Screening Standards

#### A. Perimeter Screening and Buffering

##### 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: A minimum of a 10-foot buffer is provided between parking, loading, and vehicle use areas and adjacent or abutting properties.**

##### 3. Perimeter Landscape Buffer Reduction

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

**Response: No reduction to the landscape buffer requirement is sought.**

#### B. Parking Area Landscaping

##### 1. Purpose

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

**Response: The proposed landscaping includes a mix of trees, shrubs, and groundcover. See Sheet L1.1.**

### 3. Required Landscaping

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

### 4. Amount and Type of Required Parking Area Landscaping

#### a. Number of Trees required based on Canopy Factor

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

(1) Any combination of the following is required:

- (i) One (1) large tree is required per four (4) parking spaces;
- (ii) One (1) medium tree is required per three (3) parking spaces; or
- (iii) One (1) small tree is required per two (2) parking spaces.
- (iv) At least five (5) percent of the required trees must be evergreen.

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

**Response. See Sheet L1.1 for proposed planting list.**

#### 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. See Sheet L1.1 for required and proposed planting list.**

#### 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. See Sheet L1.1 for required and proposed planting list.**

### 5. Individual Landscape Islands Requirements

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

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

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



d. Landscape islands shall be distributed according to the following:(1)Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.(2)Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.(3)Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.

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

f. Exception to Landscape Requirement

Linear raised or marked sidewalks and walkways within the parking areas connecting the parking spaces to the on-site buildings may be included in the calculation of required site landscaping provide that it:

(1)Trees are spaced a maximum of thirty (30) feet on at least one (1) side of the sidewalk.(2)The minimum unobstructed sidewalk width is at least six (6) feet wide.(3)The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.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. See Sheet L1.1 for proposed landscape island size and plantings.**

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. No landscape exceptions are sought.**

b. The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.

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. Mechanical equipment and service delivery areas will be screened from public view. No outdoor storage or manufacturing uses are proposed for the site.**

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.

**Applicant Response: The subject property includes previously established visual corridors which will be maintained with the proposed development.**



## 16.92.040 - Installation and Maintenance Standards

### A. Installation

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

B. Maintenance and Mitigation of Landscaped Areas  
1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.  
2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.  
3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).

### C. Irrigation

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

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

### E. 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.

**Applicant Response The proposed development will comply with the required landscape installation and maintenance requirements listed above.**

## 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.

**Applicant Response: The applicant/owner/developer has read and acknowledges the above criterion. No variances are proposed or expected to be needed with this application.**

#### 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.

**Applicant Response: The applicant/owner/developer has read and acknowledges the above criterion.**

#### C . Options for Reducing the Required Parking Spaces

1. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.
  - a. Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.
  - b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
    - (1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
    - (2) That the peak hours of operation of such establishments do not overlap, and
    - (3) That an exclusive permanent easement over a delineated area has been granted for parking space use.

**Applicant Response: No parking space reductions are requested with this application.**

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.

**Applicant Response: The proposed development is not a mixed-use project.**

#### 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.

**Applicant Response: No long-term storage or sale of vehicles is proposed for this development.**

E. Location

1. Residential off-street parking spaces:

- a. Shall be located on the same lot or development as the residential use.
- b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

**Applicant Response: No residential uses are proposed for this development.**

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.

**Applicant Response: All required parking spaces will be provided on site and not include any on-street parking.**

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.

**Applicant Response: All required parking spaces will be provided on site and not include any on-street parking.**

## 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.

**Applicant Response: The proposed development plans include provisions for parking, loading, and maneuvering area marking to clearly delineate spaces.**

## 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.

**Applicant Response: The proposed parking and loading areas will be paved with asphalt or concrete where appropriate.**

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

**Applicant Response: The proposed development includes the use of underground storm chambers for storm water collection, treatment, and discharge. See preliminary civil plans included in this application.**

## 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.

**Applicant Response: The developer/owner understands the parking and loading areas need to be kept in good repair and will comply with the above criterion.**

## 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.

**Applicant Response: The proposed architectural site plan and preliminary civil plans include the information required to demonstrate compliance with the above criteria.**

#### J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.

**Applicant Response: No parking district is anticipated or proposed for this development. The owner/developer is providing adequate parking above the minimum to serve the proposed use.**

K. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.

**Applicant Response: No structured parking or on-street parking to serve this specific use is proposed.**

#### 16.96.010 - On-Site Pedestrian and Bicycle Circulation

##### A. Purpose

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

##### On-Site Circulation System (Multi-Family Example)

16-96-010

##### 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.

**Applicant Response: The proposed development would include two driveway access points as proposed on the site plan. See Sheet A1.1.**

##### 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.

**Applicant Response: Three (3) separate uses will be housed within the proposed structure with the intent of shared ingress/egress and parking for all uses.**

##### 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.

**Applicant Response: Driveways connect directly to SW Parkway Court. Walkways connect the building entrance to the public sidewalk**

E. Maintenance of Required Improvements

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

**Applicant Response: All circulation areas will be kept clean and in good repair.**

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:

- 1.Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
- 2.Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.
- 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.

**Applicant Response. The proposed development is located adjacent to Highway 99W. However, no access points directly to the highway are proposed. No direct ingress/egress is proposed on to SW Meinecke Parkway. Ingress/egress will be connected to SW Parkway Ct.**

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

**Applicant Response: Service to the site refuse enclosure is provided to the standards of Section 16.94.030.**

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
Parking	
Spaces # Driveways	One-Way

Pair Two-Way

1 - 49 1 15 feet 24 feet  
50 & above 2 15 feet 24 feet

**Applicant Response: 50 parking spaces are proposed for the mix of uses on site. Two driveways are proposed to SW Parkway Court that provide 2-way access. Each driveway is a minimum of 24 feet wide.**

3. Surface materials are encouraged to be pervious when appropriate considering soils, anticipated vehicle usage and other pertinent factors.

**Applicant Response: No pervious surfaces are proposed for vehicle use areas.**

#### 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.

**Applicant Response: The proposed development includes direct walkways from the main building entrance to the public sidewalk along SW Meinecke Rd.**

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.

**Applicant Response: Curbs and sidewalks are proposed throughout the proposed development. An internal walkway from the main building entrance provides a direct connection to the public sidewalk.**

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.

**Applicant Response: One internal pathway surfaced in concrete is provided from the main building entrance directly to the public sidewalk. The internal pathway is a minimum of 6.5 feet wide. No internal pathways are proposed to cross parking/vehicle use areas.**

4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

**Applicant Response: No exceptions to the private pathway/sidewalk standards are sought.**



#### 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.

##### 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.

##### 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.

##### D. Maintenance of Required Improvements

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

##### E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

**Applicant Response: The criteria listed have been addressed in the section above.**

#### **Chapter 16.98 - ON-SITE STORAGE\***

##### 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.

**Applicant Response: The proposed refuse enclosure has been designed to accommodate the expected waste and recycling generated by the mix of uses on site and has been sent to the refuse hauler for review/approval.**

#### **Chapter 16.106 - TRANSPORTATION FACILITIES[47]**

**Applicant Response: The proposed development is part of an approved subdivision. Street design, public sidewalks, and infrastructure improvements have been built along SW Meinecke Parkway and SW Parkway Court. Highway 99W improvements are being handled by the previous owner under an agreement with the current owner during the purchase of the subject property.**

## Chapter 16.108 - IMPROVEMENT PLAN REVIEW[48]

### 16.108.020 - Construction Permit

#### A. Approval

The City will return one (1) set of plans to the applicant marked "approved," "approved as noted" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

**Applicant Response: Understood.**

#### B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

**Applicant Response: Understood.**

#### C. Easement Documents

Easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

**Applicant Response: Understood.**

#### D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

##### 1. Liability Insurance

Evidence of liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

##### 2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or irrevocable standby letter of credit.

**Applicant Response: Understood.**

### 16.108.030 - Construction

#### A. Initiation of Construction

Actual construction of improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

**Applicant Response: Understood.**

#### B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

**Applicant Response: Understood.**

#### C. As-Built Plans

A complete set of reproducible plans and an electronic copy of the base files in "AutoCad" or PDF format showing the public improvements as built shall be filed with the City upon completion of the improvements.

**Applicant Response: Understood.**

#### D. Suspension of Improvements Activity

The City may cause a suspension of construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

**Applicant Response: Understood.**

(Ord. No. 2011-011, § 1, 10-4-2011)

#### 16.108.040 - Acceptance of Improvements

##### A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

**Applicant Response: Understood.**

##### B. Notification of Acceptance

The City shall give written notice of acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

**Applicant Response: Understood.**

##### C. Maintenance Bond

Prior to City acceptance of public improvements, the applicant shall provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.

**Applicant Response: Understood.**

#### 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.

#### 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.

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. 2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. 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.

#### 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.

**Applicant Response: The applicant understands the sewer design criteria above and will retain a licensed civil engineer to complete design of improvements.**

### 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.

#### 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.

##### 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.

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. 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.3. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-008, § 3, 7-21-2009; Ord. 91-922, § 3; Ord. 86-851)

#### 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.

**Applicant Response: The applicant understands the water supply design criteria above and will retain a licensed civil engineer to complete design of improvements.**

### 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.

(Note: Section 16.114.015, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) to be removed from the SZCDC and permanently located in the Municipal Code).

#### 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.

##### 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.

##### 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.

#### 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.

**Applicant Response: The applicant understands the stormwater design criteria above and will retain a licensed civil engineer to complete design of improvements.**

#### 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.

##### 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.

###### 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.

###### 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.

###### 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.

##### 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.

#### 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.

#### 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.

**Applicant Response: The design team and civil engineer will work in conjunction with the fire department to ensure the standards listed above are met. Further details on the fire protection measures for the site and building will be submitted the construction documents.**

### Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES[49]

#### 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.

**Applicant Response: The design team will work with local utility provides to ensure availability and connection of the utilities listed above.**

#### 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.

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.

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

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

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

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

(Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2009-005, § 2, 6-2-2009)

**Applicant Response: The design team will work with local utility provides to ensure the standards above are met.**



#### 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.

**Applicant Response: The design team will work with local utility provides to ensure the standards above are 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.

**Applicant Response: The design team will work with the local utility to determine best location for electrical equipment**

#### 16.118.050 - Private Streets

The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".

**Applicant Response: No new private streets are proposed with this development.**

### Chapter 16.124 - PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS

#### 16.124.020 - Approval Criteria

A. The City Manager or his/her designee shall approve or deny a request for a property line adjustment in writing based on findings that the following criteria are satisfied: 1. No new lots are created 2. The adjusted lots comply with the applicable zone requirements 3. The adjusted lots continue to comply with other regulatory agency or department requirements.

B. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

(Ord. No. 2011-011, § 1, 10-4-2011)

**Applicant Response: The proposed development consists of 4 separate lots that will be consolidated to one lot through the property line adjustment process.**

#### 16.124.030 - Filing and Recording Requirements

A. Recording Requirements If a property line adjustment is approved by the City, it does not become final until reviewed and approved by County in accordance with its property line adjustment recording requirements.

B. Time Limit The applicant shall submit the copy of the recorded property line adjustment survey map to the City within 30 days of recording and shall be completed prior to the issuance of any building permits on the re-configured lots.

(Ord. No. 2011-011, § 1, 10-4-2011)

**Applicant Response: Understood.**

Chapter 16.126 - REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS

16.126.050 - Lot Consolidations

Upon approval of a Type I lot consolidation by the City Manager or designee, and upon demonstrating compliance with approval conditions:

- A. For the consolidation of lots or parcels of a recorded plat, the lot consolidation shall be finalized by a re-plat of the subdivision or partition.
- B. The County may consolidate parcels or tracts of land that are not within a recorded plat.

**Applicant Response: The subject parcels are part of a recorded plat and will be shown as consolidated into one parcel by a re-plat.**

Chapter 16.140 - SOLID WASTE

**Applicant Response: The proposed development does not include plans for a solid waste facility. The criteria in this chapter do not apply to the proposed development.**

Chapter 16.142 - PARKS, TREES AND OPEN SPACES

**Applicant Response: Street trees and landscape improvements in the right of way have been previously developed. The application complies with applicable standards in Chapter 16.142.**

Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS

**Applicant Response: The subject properties do not contain any inventoried wetland areas. The criteria in Chapter 16.144 do not apply to the proposed development.**

Chapter 16.146 - NOISE\*

Sections:

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.

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.

#### 16.146.030 - Exceptions

This Chapter does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travel ways, flight paths or other routes. This Chapter also does not apply to noise produced by humans or animals. Nothing in this Chapter shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

**Applicant Response: The proposed uses: an orthodontics clinic, general office, and restaurant, would not create noise or contain noise-making devices outside the building area.**

#### Chapter 16.148 - VIBRATIONS\*

Sections:

##### 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.

##### 16.148.020 - Exceptions

This Chapter does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flight paths or other routes. Nothing in this Chapter shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.

**Applicant Response: No noticeable vibrations are anticipated from the proposed uses on site.**

#### Chapter 16.150 - AIR QUALITY

Sections:

##### 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. B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905. C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

#### 16.150.020 - Proof of Compliance

Proof of compliance with air quality standards as per Section 16.150.010 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.

#### 16.150.030 - Exceptions

Nothing in this Chapter shall preclude the City from abating any air quality problem as per applicable City nuisance and public safety ordinances.

**Applicant Response: No noticeable air quality impacts are anticipated from the proposed uses on site.**

#### Chapter 16.152 - ODORS\*

Sections:

##### 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.

##### 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.

##### 16.152.030 - Exceptions

Nothing in this Chapter shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.

**Applicant Response: No noticeable odors are anticipated from the proposed uses on site.**

#### Chapter 16.154 - HEAT AND GLARE\*

Sections:

##### 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.

16.154.020 - Exceptions

Nothing in this Chapter shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.

**Applicant Response: Exterior lighting of the building and parking areas will be in compliance with City standards and will not spill beyond the property boundaries.**

Chapter 16.156 - ENERGY CONSERVATION

Sections:

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. 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.

**Applicant Response: The proposed building has been sited to take advantage of solar energy.**

16.156.030 - Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

**Applicant Response: No variances are requested for height, setbacks, or yard requirements for solar energy.**

If you have any questions or need any additional information, please contact me at (503) 399-1090 or by e-mail at [samt@lenityarchitecture.com](mailto:samt@lenityarchitecture.com). Thank you for your time and attention.

Sincerely,



Samuel A. Thomas

Senior Land Use Specialist