

Tonquin Site Grading

Sherwood, Oregon

A Land Use Application For:
Site Plan Review

Submitted: June 21, 2021

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Applicant:

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Woodburn, Oregon 97071

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Exhibits

- A. Application Form
- B. Title Report and Ownership Information
- C. Pre-Application Conference Notes (PAC 2020-03)
- D. Notice of Decision for LU 2020-012
- E. Mailing Labels
- F. Plan Set (updated 8/26/2021)
- G. CWS SPL
- H. Natural Resource Assessment
- I. Stormwater Drainage Report
- J. Traffic Impact Plan (updated 8/26/2021)
- K. Preliminary Sight Distance Certification (updated 8/26/2021)

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1.0 Introduction

General Information

Applicant and Owner:	Woodburn Industrial Capital Group LLC 395 Shenandoah Lane NE Woodburn, OR 97071 Contact: Tim Kerr Phone: 971.235.5003 Email: tkerr@kerrcontractors.com
Prepared by:	DOWL 720 SW Washington Street; Suite 750 Portland, OR 97205 Contact: Matthew Robinson, Land Use Planner Phone: 971.229.8318 Email: mrobinson@dowl.com
Site Location:	Site Address Not Assigned, Sherwood, OR 97140
Tax Lot ID Number:	2S133BB00100 (±8.17 acres) 2S1330000400 (±20.00 acres)
Zoning:	Employment Industrial (EI)
Comprehensive Plan:	Industrial (IND)
Site Area:	±28.17 acres

2.0 Project Summary

Description of Proposal

Woodburn Industrial Capital Group, LLC (applicant) is requesting Site Plan Review approval for proposed site grading activities. The project site is approximately 28.17 acres and consists of two tax lots, 2S133BB00100 and 2S1330000400. The site is generally located on the eastern side of SW Tonquin Road, just south of its intersection with SW Oregon Street. The purpose of the proposed site grading is to prepare the site for future industrial uses consistent with those allowed in the Employment Industrial (EI) zone. Following on-site grading work, the site's final condition will be native subgrade material.

As identified on Sheet C3.0 of the plan set (Exhibit F), proposed grading work will result in a balanced site, with only minimal import material needed. It is anticipated that site grading will take approximately four to six months. During on-site work, access to the site will occur through two separate entrances, including the existing entrance along SW Tonquin Road, as well as from the existing private roadway along the site's northern boundary. A preliminary sight distance certification for both access points is included as Exhibit K.

Because this application is only for site grading, and no floor area or parking areas are proposed, this request is for a grading-only Site Plan Review and will be processed as a Type II Fast-Track application pursuant to Sherwood Municipal Code (SMC) 16.72.010.A.2.c. In further support of this request, a signed application form is included as Exhibit A.

Existing Site Conditions

The site is currently zoned EI and is located within the Tonquin Employment Area (TEA). The TEA Concept Plan was adopted by the City of Sherwood in 2010 with the intent of realizing future industrial employment development throughout the area. Access to the site is provided from SW Tonquin Road (arterial), as well as from a private road north of the site. A vicinity and zoning map is included as Figure 1 within this narrative, and surrounding uses are identified in Table 1 below. As identified in the Clean Water Services (CWS) Service Provider Letter (SPL) (Exhibit G) and the natural resource assessment (Exhibit H) no sensitive areas exist on-site, including natural drainageways, wetlands, forest habitat, or other environmentally sensitive vegetation/lands. The site's only existing trees, adjacent to SW Tonquin Road along the site's western boundary, are not impacted by proposed site grading as identified on Sheets C3.0-C3.1 of the plan set (Exhibit F) and are not proposed for removal with this application.

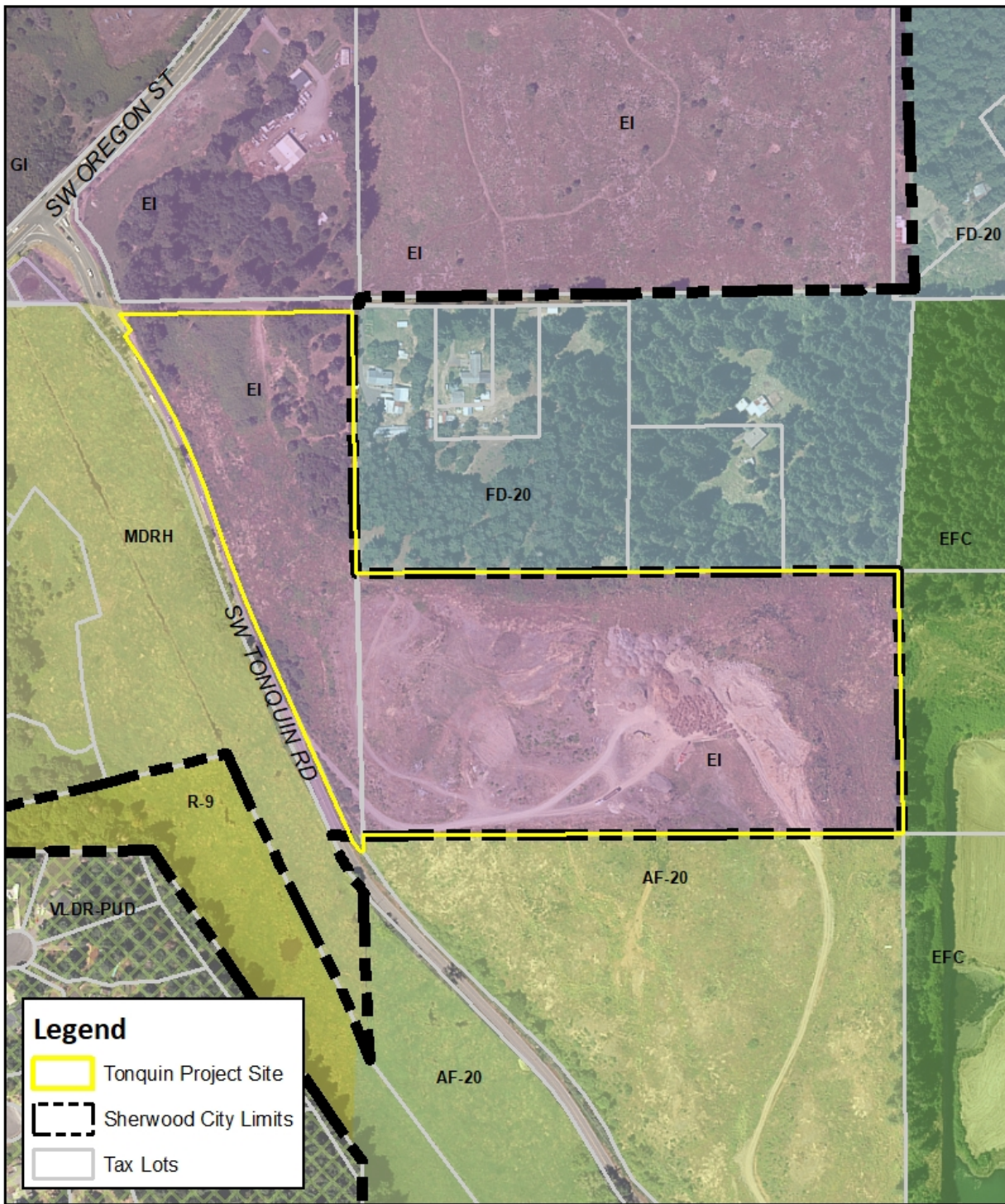
Table 1: Surrounding Uses

	Zoning	Use
North	EI, FD-20 (County)	Undeveloped, rural residential uses
South	AF-20 (County)	Undeveloped
East	FD-20/EFC (County)	Undeveloped, rural residential uses
West	MDRH	Undeveloped, open space

Previous Site Approvals

The site was annexed into the City of Sherwood with approval of the applicant's annexation request (LU 2020-0012 AN). A copy of the notice of decision, which includes a copy of the applicable ordinance (2020-007), is included with this submittal as Exhibit D.

Figure 1: Vicinity and Zoning Map



Source: Metro RLIS, City of Sherwood, June 2021

Tonquin Site Grading

Vicinity and Zoning Map

Sherwood, OR

3.0 Sherwood Municipal Code

The applicable City of Sherwood Municipal Code (SMC) provisions are set forth below with findings demonstrating the project’s consistency with these provisions.

Chapter 16.31 – Industrial Land Use Districts

16.31.020 – Uses

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

Response: Only site grading is proposed at this time; no specific uses are proposed with this application. The proposed site grading work will prepare the site for future industrial uses consistent with those allowed in the EI zone.

16.31.030 – 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 (Variances and Adjustments).

Response: As shown in the table below, the site complies with the applicable development standards for the EI zone.

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

Development Standards by Zone	EI	Response:
Lot area – industrial uses:	3 acres ⁹	The site is approximately 28.17 acres as identified on Sheet C1.0 of the plan set (Exhibit F). This standard is met.

Lot width at front property line:	100 feet	The lot width at the front property line is approximately 1,140 feet as identified on Sheet C1.0 of the plan set (Exhibit F). This standard is met. Buildings or development beyond site grading is not proposed with this application. These standards are not applicable.
Lot width at building line:	100 feet	
Front yard setback¹¹	20 feet	
Side yard setback¹⁰	None	
Rear yard setback¹¹	None	
Corner lot street side¹¹	20 feet	
Height¹¹	50 feet	

⁹Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three acres shall be prohibited unless Section 16.31.050 applies.

¹⁰When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹Structures located within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

Response: As identified in the above table, the site currently meets applicable minimum development standards for lot area and lot width at the front property line for the EI zone. As no buildings or development beyond site grading proposed with this application, all other development standards are not applicable.

Chapter 16.72 – Procedures for Processing Development Permits

16.62.010 – Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

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.

Response: No floor area or parking areas are proposed with this application, and no buildings currently exist within the site. Only site grading is proposed at this time; no specific uses

are proposed with this application. Therefore, the Type II Fast Track Site Plan Review applies to the proposed site grading with this application.

Chapter 16.90 – Site Planning

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: Only site grading is proposed with this application. No other site development elements, such as buildings, utility service, driveways, parking, on-site storage, or signs are proposed. Future development proposed for the site will be reviewed through a subsequent Site Plan Review application. This application is specific to proposed site grading. Applicable standards of the SMC are addressed for compliance within 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: Only site grading is proposed with this application. No other site development is proposed, and no utility services are required at this time. Grading is proposed to prepare the site for future industrial uses consistent with those allowed in the EI zone. As identified on Sheets C3.0-C3.1 of the plan set (Exhibit F), proposed grading will not conflict with or inhibit the future provision of utility services to the site when future development is proposed.

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: Only site grading is proposed with this application. No other site development is proposed that would require on-going maintenance agreements.

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: As identified in the CWS SPL (Exhibit G) and the natural resource assessment (Exhibit H), no sensitive areas exist on-site, including natural drainageways, wetlands, forest habitat, or other environmentally sensitive vegetation/lands. While the Rock Creek Wetland-Stream Complex exists to the west of the site, this area is isolated from the site by SW

Tonquin Road, and the associated 50-foot buffers do not extend into the site. An approximately 14,214 square-foot wetland also exists approximately 1,000-feet south of the site but impacts to this sensitive area and its associated vegetated corridor will not occur as a result of proposed site grading. As a result, there will be no impacts to these sensitive areas and their associated vegetated corridors. Further, the site's few trees along its western boundary adjacent to SW Tonquin Road are not impacted by proposed site grading as identified on Sheets C3.0-C3.1 of the plan set (Exhibit F) and are not proposed for removal with this application. As shown on Sheets C2.0 and C3.0 of the plan set, various erosion control techniques are also proposed to prevent any off-site impacts, including sediment fencing at the edge of the work area, straw wattles at the top of the existing roadside ditch along SW Tonquin Road, rocked and stabilized construction entrances, and a temporary settling pond to prevent sediment-laden runoff from leaving the site. As vegetation along the slope adjacent to SW Tonquin Road is not proposed for removal, erosion of this slope is not anticipated. Therefore, and as concluded by the CWS SPL, no sensitive areas exist on-site, and as described further in the natural resource assessment, proposed site grading work will not impact any off-site sensitive areas or associated vegetated corridors.

- 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: Only site grading is proposed with this application. No other site development is proposed that would result in the long-term generation of new trips to and from the site. Therefore, a traffic impact analysis is not required, and this requirement does not apply. Traffic impacts will be evaluated with future development proposals.

As identified in the Traffic Impact Plan (Exhibit J), proposed grading activities, including mobilization and rough grading, are not anticipated to result in excessive truck traffic trips to and from the site; as identified on Sheets C3.0-C3.1 of the plan set (Exhibit F), proposed grading will result in a balanced site, eliminating the need for material to be exported off-site, and requiring only minimal amounts of import. The on-site contractor will utilize traffic control methods as needed as described further in the Traffic Impact Plan. A preliminary sight distance certification for both access points is included as Exhibit K.

- 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: [...]**

Response: Only site grading is proposed with this application. A specific use or site development beyond grading is not proposed at this time. Therefore, the urban design standards identified are not applicable.

- 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: Only site grading is proposed with this application. Buildings, parking, or larding areas are not proposed at this time. Therefore, the industrial design standards identified are not applicable.

- 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: Only site grading is proposed with this application. Driveways and internal streets are not proposed at this time. Therefore, this standard does not apply.

Chapter 16.118 – Public and Private Utilities

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: Only site grading is proposed with this application. Utilities are not proposed at this time. Therefore, this standard does not apply.

- 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: Proposed on site grading will not require frontage improvements, public rights-of-way dedications, or the dedication of a PUE.

- 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: Only site grading is proposed with this application. Public and franchise utilities are not proposed at this time. Therefore, this standard does not apply.

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

Response: Only site grading is proposed with this application. Franchise utilities are not proposed at this time. Therefore, this standard does not apply.

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

Response: Only site grading is proposed with this application. Public telecommunication conduits and appurtenances are not proposed at this time. Therefore, this standard does not apply.

- 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: Proposed on site grading will not require street or utility improvements. Therefore, this standard does not apply.

Chapter 16.142 – Parks, Trees and Open Spaces

16.142.050 – Park Reservation

Areas designated on the Natural Resources and Recreation Plan Map, in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 16.142.030 or 16.134.020, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.

Response: The Natural Resources and Recreation Plan Map in Chapter 5 of the Community Development Plan does not identify any areas affected by the proposed site grading. As identified in the CWS SPL (Exhibit G) and the natural resource assessment (Exhibit H), no sensitive areas exist on-site.

15.142.070 – Trees on Property Subject to Certain Land Use Applications

B. Applicability

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

Response: As identified on Sheet C1.0 of the plan set (Exhibit F), the site is largely vacant and contains few trees or woodland areas. The site's only existing trees, adjacent to SW Tonquin Road along the site's western boundary, are not impacted by proposed site grading as identified on Sheets C3.0-C3.1 and are not proposed for removal with this application.

Chapter 16.144 – Wetland, Habitat and Natural Areas

16.155.020 – Standards

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

Response: As described in the natural resource assessment (Exhibit H), the entire site was investigated for wetland conditions, which were not found to be present within the site. While the Rock Creek Wetland-Stream Complex exists to the west of the site, this area is isolated from the site by SW Tonquin Road, and the associated 50-foot buffers do not extend into the site. An approximately 14,214 square-foot wetland also exists approximately 1,000-feet south of the site but impacts to this sensitive area and its associated vegetated corridor will not occur as a result of proposed site grading.

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

Response: As identified in the CWS SPL (Exhibit G) and the natural resource assessment (Exhibit H), no sensitive areas exist on-site, including natural drainageways, wetlands, forest habitat, or other environmentally sensitive vegetation/lands. While the Rock Creek Wetland-Stream Complex exists to the west of the site, this area is isolated from the site by SW Tonquin Road, and the associated 50-foot buffers do not extend into the site. An approximately 14,214 square-foot wetland also exists approximately 1,000-feet south of the site but impacts to this sensitive area and its associated vegetated corridor will not occur as a result of proposed site grading. As a result, there will be no impacts to these sensitive areas and their associated vegetated corridors. Further, the site's few trees along its western boundary adjacent to SW Tonquin Road are not impacted by proposed site grading as identified on Sheets C3.0-C3.1 of the plan set (Exhibit F) and are not proposed for removal with this application. As shown on Sheets C2.0 and C3.0 of the plan set, various erosion control techniques are also proposed to prevent any off-site impacts, including sediment fencing at the edge of the work area, straw wattles at the top of the existing roadside ditch along SW Tonquin Road, rocked and stabilized construction entrances, and a temporary settling pond to prevent sediment-laden runoff from leaving the site. As vegetation along the slope adjacent to SW Tonquin Road is not proposed for removal, erosion of this slope is not anticipated. Therefore, and as concluded by the CWS SPL, no sensitive areas exist on-site, and as described further in the natural resource assessment, proposed site grading work will not impact any off-site sensitive areas or associate vegetated corridors.

- C. When the Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site, the applicant shall provide plans that show the location of resources on the property. If resources are determined to be located on the property, the plans shall show the value of environmentally sensitive areas using the methodologies described in Sections 1 and 2 below.**

The Metro Regionally Significant Fish and Wildlife Habitat map shall be the basis for determining the location and value of environmentally sensitive habitat areas. In order to specify the exact locations on site, the following methodology shall be used to determine the appropriate boundaries and habitat values: [...]

Response: While the Metro Regionally Significant Fish and Wildlife Habitat map shows the possible presence of critical habitat within the site, the CWS SPL (Exhibit G) and the natural resource assessment (Exhibit H) both conclude that no sensitive areas exist on site that

would provide for this habitat. While the Rock Creek Wetland-Stream Complex exists to the west of the site, this area is isolated from the site by SW Tonquin Road, and the associated 50-foot buffers do not extend into the site. An approximately 14,214 square-foot wetland also exists approximately 1,000-feet south of the site but impacts to this sensitive area and its associated vegetated corridor will not occur as a result of proposed site grading. As a result, there would be no impacts to these sensitive areas and their associated vegetated corridors. Further, the site's few trees, along its western boundary adjacent to SW Tonquin Road are not impacted by proposed site grading as identified on Sheets C3.0-C3.1 of the plan set (Exhibit F) and are not proposed for removal with this application. As shown on Sheets C2.0 and C3.0 of the plan set, various erosion control techniques are also proposed to prevent any off-site impacts, including sediment fencing at the edge of the work area, straw wattles at the top of the existing roadside ditch along SW Tonquin Road, rocked and stabilized construction entrances, and a temporary settling pond to prevent sediment-laden runoff from leaving the site. As vegetation along the slope adjacent to SW Tonquin Road is not proposed for removal, erosion of this slope is not anticipated. Therefore, and as concluded by the CWS SPL, no sensitive areas exist on-site, and as described further in the natural resource assessment, proposed site grading work will not impact any sensitive areas or associated vegetated corridors, including any off-site regionally significant fish and wildlife habitat.

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 professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

Response: Commercial, industrial, or institutional uses are not proposed at this time. Therefore, there will be no uses that could be a source of operational noise on the site.

Chapter 16.148 – Vibrations

16.148.010 – 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.

Response: Only site grading is proposed at this time; no specific uses are proposed with this application that could be a source of operational vibrations on the site. As identified by this exception, vibrations that may result from proposed site grading are exempt from the standards of this chapter as grading is a construction activity necessary to prepare the site for future development.

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: Commercial, industrial, or institutional uses are not proposed at this time that could be a source of dust. Proposed site grading activities will be conducted in a manner that will minimize the potential of soil erosion, including wind erosion, and will be consistent with City construction approvals and the National Pollutant Discharge Elimination System (NPDES) construction stormwater permit obtained for the project.

- 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: Incinerators are not proposed. This standard 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: Only site grading is proposed at this time; no specific uses are proposed with this application. Therefore, an air contaminant discharge permit is not required. This standard does not apply.

Chapter 16.152 – Odors

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: Odors are not anticipated with the proposed site grading, and no uses are proposed with this application. This standard does not apply.

Chapter 15.154 – 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: Only site grading is proposed at this time; no specific uses are proposed with this application that could be a source of excessive heat or glare, and no exterior lighting is proposed. This standard does not apply.

4.0 Conclusion

As evidenced through this narrative and associated documents, the applicant's request for Site Plan Review for proposed site grading is consistent with the applicable local policies and regulations governing the allowance of this request. Therefore, the applicant respectfully requests City of Sherwood approval of this application.