



NOTICE OF DECISION

TAX LOT: 2S128C000500
ADDRESS: 21720 SW Oregon St.
CASE NO: LU 2021-015 SP / VAR Oregon St.
Business Park
DATE OF NOTICE: July 15, 2022

Applicant

Bruce and Karen Polley
PO Box 1489
Sherwood, OR 97140

Owner

Bruce and Karen Polley
PO Box 1489
Sherwood, OR 97140

NOTICE

Because you are the applicant or because you testified on the subject application, you are receiving notice that on July 12, 2022, the Sherwood Planning Commission approved land use application 2021-015 SP / VAR Oregon St. Business Park. The approval is for a multi-tenant, multi-building industrial development with a total of 115,170 square feet

INFORMATION: The full Planning Commission findings report, conditions of approval, and land use exhibits can be viewed at: <https://www.sherwoodoregon.gov/planning/project/lu-2021-015-sp-oregon-street-business-park> or can be obtained by contacting Eric Rutledge, Associate Planner, at 503-625-4242 or rutledge@sherwoodoregon.gov

APPEAL

Pursuant to Sherwood Zoning and Community Development Code Section 16.72.010.B.3.d, the Sherwood City Council is the Appeal Authority for Type IV land use decisions. Any person who testified before the Planning Commission at the public hearing or who submitted written comments prior to the close of the record may appeal the Planning Commission's decision, no later than 14 days from the date of this notice. Details on appeal procedures are located in SZCDC § 16.76. **An appeal of this decision must be filed no later than 5:00 PM on July 29, 2022.**

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2021-015 SP / VAR was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on July 15, 2022 before 5pm.

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

**CITY OF SHERWOOD
JULY 12, 2022
PLANNING COMMISSION FINDINGS**



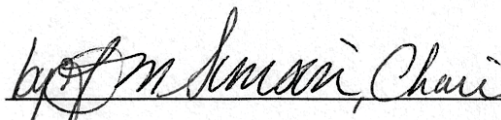
**OREGON ST. BUSINESS PARK
SITE PLAN REVIEW
LU 2021-015 SP / VAR**

Pre-App Meeting: April 30, 2020
App. Submitted: June 28, 2021
App. Complete: September 21, 2021
Hearing Dates: Nov. 9, 2021 / Dec. 14, 2021, Jan. 11, 2022 / Jan 25, 2022 / Feb. 8, 2022 / June 28, 2022
120-Day Deadline: September 21, 2022

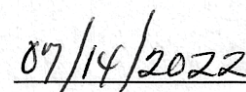
HEARING SUMMARY:

The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the subject application on January 25, 2022 and a continued hearing on February 8, 2022. The Commission heard presentations by City staff and the applicant, followed by testimony from the general public. Prior to the conclusion of the continued hearing, the applicant requested the record be left open and the hearing continued to a date certain of June 28, 2022 in order to revise the proposal and provide access from a planned local street (SW Tonquin Ct., also known as SW Laurelwood Way) instead of an existing arterial street (SW Oregon St.). The hearing was continued one additional time to July 12, 2022 in order for the applicant to make revisions to the revised Transportation Impact Analysis.

On July 12, 2022 the Commission held the continued hearing. The Commission heard presentations by City staff and the applicant, followed by testimony from the general public. The Commission discussion and deliberations focused on the SW Oregon St. improvements and the proposed Class A Variance. After considering all of the information in the record, the Commission unanimously approved the application based on the findings in the staff report dated July 5, 2022 with clarifications to the analysis and findings pages 1 and 73. Minor changes were also made to clarify Condition of Approval F9. The revised findings and conditions of approval have been incorporated into this findings document.



Jean Simson, Planning Commission Chair



Date

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PROPOSAL: The applicant is requesting Site Plan and Class A Variance approval for a new industrial development located at 21720 SW Oregon St. The 9.53-acres development site is zoned Employment Industrial and is located at the southwest and southeast corners of SW Oregon St. and SW Tonquin Rd. Four separate industrial buildings are proposed for a total of 115,170 square feet. Associated site improvements include parking and maneuvering areas, trash enclosures, pedestrian facilities, landscaping, and utilities. A Class A Variance is proposed to reduce the front yard setback along the new local street from 20 ft. to 10 ft. The site has frontage on two public roads under Washington County jurisdiction, SW Oregon St. and SW Tonquin Rd. Access is proposed from a new local street along the east property line of the subject property.

The application was revised and re-submitted on June 1, 2022 to provide access from the planned street commonly referred to as SW Tonquin Ct. (identified as SW Laurelwood Way in the application). The site plan has been modified based on the change in access and a Class A Variance was added to the application for a reduced front yard setback along SW Tonquin Ct. As described in this report, SW Tonquin Ct. was tentatively re-named SW Laurelwood Way as part of land use approval LU 2021-012 SP / CUP / VAR. The two names are used interchangeably in this report and in the agency comments.

I. BACKGROUND

A. Applicant: Bruce and Karen Polley
PO Box 1489
Sherwood, OR 97140

Owner: Bruce and Karen Polley
PO Box 1489
Sherwood, OR 97140

B. Location: 21720 SW Oregon St. (Tax Lot 2S128C000500)

C. Review Type: Type IV Site Plan Review.

D. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before October 15, 2021, December 22, 2021, and June 8, 2022. Notice of the application was also published in a local newspaper (Tigard

Times) on October 14, November 4, and December 16, 2021 and January 6, June 9 and June 23, 2022. The application was re-noticed in December 2021 to update the public hearing procedure and participation requirements pursuant to House Bill 2560. The application was re-noticed in June 2022 based revised site plan and addition of the Class A Variance.

- E. Review Criteria: SZCDC Chapter 16.31 Industrial Land Use Districts ; Chapter 16.58 Clear Vision and Fence Standards ; Chapter 16.72 Procedures for Processing Development Permits ; Chapter 16.84 Variances ; Chapter 16.90 Site Planning ; Chapter 16.92 Landscaping ; Chapter 16.94 Off-Street Parking and Loading ; Chapter 16.96 On-Site Circulation ; Chapter 16.98 On-Site Storage ; Chapter 16.106 Transportation Facilities ; Chapter 16.108 Improvement Plan Review ; Chapter 16.110 Sanitary Sewers ; Chapter 16.112 Water Supply ; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities ; Chapter 16.120 Subdivisions ; Chapter 16.134 Floodplain Overlay ; Chapter 16.136 Procedures ; Chapter 16.142 Parks, Trees, and Open Spaces ; Chapter 16.144 Wetland, Habitat, and Natural Areas; Chapter 16.146 Noise; Chapter 16.148 Vibrations ; Chapter 16.150 Air Quality ; Chapter 16.152 Odors ; Chapter 15.154 Heat and Glare ; Chapter 16.156 Energy Conservation
- F. History and Background: The subject property was annexed into the City of Sherwood in 2020 (Ord. 2020-008). The property is located on the western edge of the Tonquin Employment Area (TEA) which was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004. In conjunction with Metro adding this area to the UGB, the City of Sherwood undertook extensive planning of the TEA including transportation facilities and other infrastructure through the TEA Concept Plan (Ordinance 2010-014) and TEA Implementation Plan (Resolution 2015-051).
- A. Existing Conditions: The site is largely vacant, with several small buildings used for the applicant's current industrial business. The site contains a gravel driveway and parking lot. The remainder of the site is comprised of a large stand of trees, fields and a small wetland located south and east of the SW Tonquin Road/SW Oregon Street intersection. The portion of the property west of SW Tonquin Road is primarily floodplain / wetland and will not be affected by this project.
- B. Surrounding Land Uses:
- West: SW Tonquin Rd. and Rock Creek
 - South: Undeveloped industrial land

- East Undeveloped industrial land
- North SW Oregon St. and developed industrial land

C. Current Zoning: Employment Industrial

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on October 11, 2021. The revised application was routed to affected agencies on June 2, 2022. The following responses were received:
1. City of Sherwood Engineering Department provided revised comments dated July 5, 2022 (Exhibit B). The comments address traffic and transportation, public utilities, and other engineering requirements.
 2. Washington County Land Use & Transportation – Washington County provided revised comments dated June 13, 2022 (Exhibit C). The comments address transportation requirements for County roads and intersections including SW Oregon St. and SW Tonquin Rd. The applicant is required to dedicate the necessary right-of-way for a 3-lane arterial including adequate space for the planned Ice Age Trail and future roundabout at SW Oregon St. and SW Tonquin Rd.
 3. Tualatin Valley Fire and Rescue (TVF&R) – TVF&R has provided a Service Provider Letter (SPL) on the revised proposal (Exhibit D). The SPL indicates the site meets applicable fire code standards. The applicant is conditioned to receive final approval from TVF&R prior to occupancy of the site.
 4. Clean Water Services provided a revised memorandum dated June 17, 2022 (Exhibit E). The memorandum provides Conditions of Approvals related to CWS regulations for stormwater, erosion control, and sensitive habitat areas. The applicant has also submitted a CWS Service Provider Letter which addresses water quality and sensitive habitat protection requirements in detail.
 5. Pride Disposal Company – Pride Disposal provided revised comments dated June 7, 2022 (Exhibit F). Additional changes are required to the trash enclosure design prior to issuance of a Service Provider Letter. The applicant is conditioned to receive written approval from Pride Disposal for trash enclosure access and design.
 6. Oregon Department of State Lands (DSL) – DSL provided a Wetland Land Use Notice Response dated October 18, 2021 (Exhibit H). The response indicates wetlands are located on the property and state and federal permits may be required. The applicant has provided a Concurrence Letter from DSL dated July 14, 2021 (Exhibit G). The

applicant is conditioned to obtain the required state and federal permits for wetland fill and mitigation.

7. The following agencies acknowledged the application without expressing any issues or concerns: Sherwood Police Department, ODOT Rail
- B. Notice of the application was provided three (3) times based on new state law requirements and the revised proposal. A total of 15 public comments were received. All of the comments were related to the required transportation improvements including construction of SW Tonquin Ct. (aka SW Laurelwood Way) and a potential new signal along SW Oregon St. The applicant has revised their plans to propose access from SW Tonquin Ct. (SW Laurelwood Way) in conformance with the City's long-range planning documents. The applicant's TIA indicates a signal at SW Laurelwood Way and SW Oregon St. is not required at this time. Public testimony received:
1. Tim Kerr (Exhibit I)
 2. Jeff Rink (Exhibit P)
 3. Matt Langer (Exhibit Q)
 4. William Sproul (Exhibit R)
 5. Amy Thornton (Exhibit S)
 6. Bruce Polley (Exhibit T)
 7. Jeff Hargens (Exhibit U)
 8. Richard Pier (Exhibit V)
 9. Steve Durrell (Exhibit W)
 10. Schnitzer Properties (Exhibit X)
 11. Phillip Rissell (Exhibit Z)
 12. Matt Langer (Exhibit AA)
 13. Schnitzer Properties (Exhibit DD)
 14. Matt Langer (Exhibit EE)
 15. Tim Kerr (Exhibit FF)

III. APPLICABLE CODE PROVISIONS

*Note – three asterisks (***) Indicates code has been omitted because it is not applicable*

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – 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:

4. **Type IV**

The following quasi-judicial actions shall be subject to a Type IV review process:

- c. **Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity**
- g. **Class A Variance**

ANALYSIS: The application is proposing 120,815 SF of new industrial building space. Site Plans greater than 40,000 SF and Class A Variance applications are subject to the Type IV land use review process.

FINDING: The application is subject to the Type IV land use review procedures and this criterion is met.

B. Hearing and Appeal Authority

3. **The quasi-judicial Hearing and Appeal Authorities shall be as follows:**

d. **The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.**

(1) **The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.**

(2) **Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.**

ANALYSIS: The application is being processed as a Type IV quasi-judicial decision with the Planning Commission as the Hearing Authority.

FINDING: This criterion is met.

C. Approval Criteria

1. **The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It**

is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

2. In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

ANALYSIS: The approval criteria for the development is addressed throughout this report. The applicant has provided a detailed narrative and supporting plans and documents addressing the applicable criteria.

FINDING: This criterion is met.

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS

16.31.010 - Purpose

- A. **Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.**

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and/or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

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.**

Uses Industrial	EI¹
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P
Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building ⁹	P
Medical or dental laboratories, including biomedical compounding	P
Research and development and associated manufacturing	P
Uses Commercial	
Business and professional offices ³	P
Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ³	P

Tool and equipment repair, rental and sales, including truck rental ⁷	P
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¹ See special criteria for the EI zone, 16.31.050 and the Tonquin Employment Area (TEA), 16.31.060.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁷ Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

¹¹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

ANALYSIS: The applicant is proposing a new multi-building industrial park with approximately 115,170 SF of new floor area. The development is speculative, and the planned users include manufacturing, distribution, and warehousing.

The subject property is also located in the Tonquin Employment Area and is subject to the commercial node use restrictions in SZCDC § 16.31.060.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL A10: The subject property is located in the Tonquin Employment Area and is subject to the commercial node use restrictions in SZCDC § 16.31.060.

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).

B. Development Standards

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

Development Standards by Zone	EI Zone	Proposed
Lot area – Industrial Uses:	3 acres⁹	9.51 AC
Lot area – Commercial Uses (subject to Section 16.31.050):	10,000 SF	-
Lot width at front property line:	100 feet	> 100 ft. (Laurelwood Way)
Lot width at building line:	100 feet	> 100 ft. (Laurelwood Way)
Front yard setback¹¹	20 feet	10 ft. (Laurelwood Way)
Side yard setback¹⁰	None	10 ft. (south property line)
Rear yard setback¹¹	None	-
Corner lot street side¹¹	20 feet	>100 ft. (Tonquin Rd.) 39 ft. (Oregon St.)
Height¹¹	50 ft.	23 ft. 6 in.

⁹ Lots 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.

¹⁰ When 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.

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

ANALYSIS: The proposed site plan meets the development standards of the EI zone with the exception of the front yard setback along SW Laurelwood Way (aka SW Tonquin Ct.). The applicant has requested approval of a concurrent Class A Variance application to reduce the front yard setback from 20 ft. to 10 ft.

FINDING: This standard is met with approval of the Class A Variance.

16.31.050 - Employment Industrial (EI) Restrictions

A. Use Restrictions

- 1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.**
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and**
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five acres in size. A "development project" includes all improvements proposed through a site plan application.**
- 2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions," commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.**

ANALYSIS: The standard above allows limited commercial uses in the Employment Industrial zone and requires commercial development to be located on lots 5-acres or more. While the site is approximately 9.5-acres, it is not eligible for commercial uses due to commercial node use restrictions in SZCDC § 16.31.060. The applicant's narrative states the proposed uses include manufacturing, distribution, and warehousing.

FINDING: This standard is met.

B. Land Division Restrictions

- 1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone 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.

2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a planned unit development approved by the city so long as the resulting division yields at least one lot or parcel of at least fifty (50) acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a planned unit development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

ANALYSIS: The subject property is approximately 9.5-acres in size and meets the minimum size requirement for the EI zone. A land division is not proposed with this application.

FINDING: This standard is met.

16.31.060 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions modified

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

ANALYSIS: The subject property is located in the Tonquin Employment Area and the criteria above apply. The site is not adjacent to the east-west collector (SW Ice Age Dr.) and is not eligible for standalone commercial development. The applicant's narrative states the proposed uses include manufacturing, distribution, and warehousing.

FINDING: This standard is met.

16.31.070 - Community Design

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

ANALYSIS: The proposal includes development features that are subject to the Community Design Standards of the development code. The applicable standards are addressed in this report.

FINDING: Community Design standards apply and are addressed below.

16.31.080 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

ANALYSIS: The subject property is divided by SW Tonquin Rd. and the western portion of the property is located entirely within a floodplain. The off-site utility design proposes to discharge storm water into the Rock Creek floodplain located in the SW Tonquin Rd. right-of-way. The applicable standards of the floodplain chapter are addressed in this report.

FINDING: The development will be discharging storm water into a floodplain and the applicable standards of the floodplain chapter (SZCDC 16.134.020) apply.

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.**
- 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.

ANALYSIS: Access is proposed from a new local street that will be dedicated along the east property line of the subject site. A new driveway will be constructed to serve the site from the local street. Clear vision areas are required on each side of the driveway intersection. The clear vision triangles are not shown on the plans.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B1: Prior to Final Site Plan Approval, revise the plans to show the clear vision areas for the driveway intersection in accordance with SZCDC § 16.58.010.

CONDITION OF APPROVAL G1: Prior to Occupancy, the site shall establish the clear vision areas for the driveway intersection in accordance with SZCDC § 16.58.010.

16.58.020 - Fences, Walls and Hedges.

- A. **Purpose:** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Reserved
- C. **Applicability:** The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.
- 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) and building department requirements.
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.
3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.

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.
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.
3. Chain link fencing is not allowed in any required residential front yard setback.
4. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
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.
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.
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.
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.

ANALYSIS: The applicant is proposing fences and walls as necessary to serve the development. The narrative indicates no fences will be over 8 ft. in height. Due to the grade of the site retaining walls are required along the south property line and at the northeast corner of the site near the new public road. Fences and walls are not proposed within the required PUE.

FINDING: These standards are met.

Chapter 16.84 - VARIANCES

16.84.010 - Purpose

This Chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this Code as exceptions to Code standards. This Chapter provides flexibility, while maintaining the purposes and intent of the Code. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use is located. In granting a variance, conditions may be imposed when necessary to protect the best interests of surrounding properties and neighborhoods, and otherwise achieve the purposes of the adopted Comprehensive Plan, the Transportation System Plan, and other Code provisions.

16.84.020 - Applicability

A. Exceptions and Modifications versus Variances

A code standard or approval criterion may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code provision does not expressly provide for exceptions or modifications then a variance is required to modify that code section and the provisions of Chapter 16.84 apply.

B. Combining Variances with Other Approvals; Permit Approvals by Other Agencies.

Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site plan review, subdivision, conditional use, etc.); however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.

C. Adjustments and variances cannot be applied to change any existing Planned Unit Development (PUD).

ANALYSIS: The applicant is proposing a Class A Variance to reduce the front yard setback along SW Laurelwood Way from 20 ft. to 10 ft. (50% reduction). The variance is being processed concurrently with the Type IV Site Plan application. The applicant's narrative (Exhibit A – pp. 20 – 23) address the variance approval criteria in detail. Staff recommends a Condition of Approval related to the building design in order to improve the aesthetic of the buildings along SW Laurelwood Way where the reduced setback is proposed.

FINDING: These standards are met.

16.84.030 - Types of Variances

C. Class A Variances

1. Generally

- a. The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.**
- b. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.**
- c. A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.**

ANALYSIS: The Class A Variance will apply to a single existing lot in the EI zone. The proposed variance will not alter the allowed uses on the site and a subdivision is not proposed.

FINDING: These standards are met.

2. Approval Process:

- a. Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.**
- b. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.**

ANALYSIS: The applicant is proposing a Class A Variance to reduce the front yard setback along SW Laurelwood Way from 20 ft. to 10 ft. (50% reduction). The variance is being processed concurrently with the Type IV Site Plan application. The applicant's narrative (Exhibit A – pp. 20 – 23) address the variance approval criteria in detail.

FINDING: These standards are met.

3. **Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:**
 - a. **The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;**

APPLICANT RESPONSE: The nature of the site's zoning, use, and circumstances provides that the variance will not be materially detrimental to the purposes of the SZCDC or other applicable policies, standards, or neighboring properties. The Employment Industrial zoning district has only one listed setback standard—front yard setbacks. Side and rear setbacks are not required within the zoning district, and the standards permit zero-setback structures to be constructed.

The location of the variance is shielded from view from local residential districts through the adjacent Rock Creek corridor, several rights-of-way, and the project buildings themselves. The reduced setback will be visible from the adjacent Sherwood Commerce Center project and SW Laurelwood Way, an industrial local street that is not proposed to serve through traffic. The appearance of the buildings is also proposed to be softened by dense landscape plantings along the building and by street trees along the length of SW Laurelwood Way.

STAFF ANALYSIS: Staff concurs with the applicant response and recommends a Condition of Approval for the applicant to provide a minimum of 15% glazing on the east facing facades of Buildings 3 and 4 to enhance the building elevations when viewed from the public right-of-way (SW Laurelwood Way) and adjacent properties. The 15% glazing can be met through false or faux windows.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL B2: Prior to Final Site Plan approval, revise the building design to provide a minimum of 15% glazing along the east façade of Buildings 3 and 4. This requirement can be met through false or faux windows.

- b. **A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);**

APPLICANT RESPONSE: The project site is peculiar in a number of ways. The shape of the site is detrimental to development of the site as it requires the concentration of buildings at the center and eastern portions of the site—where industrial multi-tenant buildings, typically long and narrow, can be located. The topography of the site precludes the effective use of the western portions of the site, which must instead be used for a stormwater facility or would require large amounts of fill to elevate the ground above the adjacent rights-of-way for the purposes of development. Similarly, the Applicant's property is unlike other properties in the area in that it is completely surrounded by rights-of-way. The applicant has no control over the amount of street frontage available. All of these factors create a hardship to development of the site.

While being only ±9.53 acres in size, the site is surrounded by rights-of-way, requiring a number of front yard setbacks. Since the property abuts SW Oregon Street, SW Tonquin Road, SW Laurelwood Way, and an unnamed right-of-way to the south of the property, 20-foot front yard setbacks are required along each of these frontages. Dedication of right-of-way was required along each of these streets with the exception of the unnamed right-of-way to the south, further reducing the buildable area of the site. The unnamed right-of-way, however, is unlikely to be developed as a street and may be vacated in the future. Should the right-of-way be vacated, the property line would function as a side or rear property line, which has no minimum required setback within the Employment Industrial district. The granting of a variance along this portion of the property would have little to no impact on adjacent properties as a result.

The location of SW Laurelwood Way requires a significant reduction in the building area that can be constructed on the site, originally ±120,815 square feet. Without the requested variance, the currently proposed project (±115,170 square feet), would result in a further reduction in buildable area (±5.3 percent).

STAFF ANALYSIS: Staff concurs with the applicant response. The site faces significant development challenges that are unique to the property including:

- a. Irregular shaped lot (triangular)
- b. Three public street frontages
- c. Significant grade change from east to west

The proposed variance will alleviate these hardships by creating additional buildable area along the eastern edge of the property where the land is relatively flat and can accommodate industrial buildings. The western portion of the site is a low lying area and is not suitable for development without significant fill.

FINDING: This criterion is met.

- c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;**

APPLICANT RESPONSE: The proposed use of the property will not be altered by the requested variance. The variance will not apply to other portions of the site with front setbacks and is the minimum variance needed to accomplish the reasonable economic use of the land.

STAFF ANALYSIS: Staff concurs with the applicant response.

FINDING: This criterion is met.

- d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;**

APPLICANT RESPONSE: The requested variance will not adversely affect existing physical or natural systems in the area. Access, traffic, drainage, natural resources, and parks are anticipated to be unaffected by the front yard setback variance.

STAFF ANALYSIS: Staff concurs with the applicant response and adds that the on-site trees and other resources will be removed or modified to accommodate development of the site whether or not variance is granted. The area between the building and right-of-way would likely be improved with parking and drive aisles if not the proposed building.

FINDING: This criterion is met.

- e. The hardship is not self-imposed; and**

APPLICANT RESPONSE: The hardship is caused by external factors outside the control of the Applicant such as site shape, topography, and road orientation.

STAFF ANALYSIS: Staff concurs with the applicant response and adds that SW Laurelwood Way is a planned street that is required by the City's TEA Concept Plan and Implementation Plan. The applicant is required to dedicate the necessary right-of-way for the new street in order to develop the site.

FINDING: This criterion is met.

f. The variance requested is the minimum variance that would alleviate the hardship.

APPLICANT RESPONSE: The requested variance is the minimum needed to alleviate the hardship. The reduced setback will allow a 10-foot front yard in the affected areas: a 50 percent reduction rather than one that would match the side and rear yard requirements of the zoning district. The requested variance will not apply to other areas of the site where front yard setbacks also apply.

STAFF ANALYSIS: Staff concurs with the applicant response and adds that the underlying yard setback and industrial design standards for portions of the development along SW Tonquin Rd. and SW Oregon St. will be met. The variance is only requested to the portion of the development abutting the local road where it is most appropriate due to grades and potential adverse impact to adjacent properties.

FINDING: This criterion is met.

Chapter 16.82 – CONDITIONAL USES

16.82.020 – Permit Approval

A. Hearing Authority Action

- 1. The Hearings Authority shall conduct a public hearing pursuant to Chapter 16.72 and take action to approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan, or the Code. The decision shall include appropriate findings of fact as required by this Section, and an effective date.**
- 2. Conditional uses may be approved at the hearing for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of**

uses allowed as conditional uses are considered, and specifically approved, at the time of original application.

ANALYSIS: SZCDC § 16.72.010(C) requires any Type IV Site Plan application to show conformance with the Conditional Use approval criteria.

FINDING: The application is a Type IV Site Plan Review and the development is required to show conformance with the Conditional Use criteria.

B. Final Site Plan

Upon approval of a conditional use by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Section 16.90. The final site plan shall include any revisions or other features or conditions required by the Hearing Authority at the time of the approval of the conditional use.

ANALYSIS: A Type I Final Site Plan approval is required.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E1: Prior to Issuance of Building Permits the applicant shall obtain Final Site Plan approval.

C. Use Criteria

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

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

ANALYSIS: The site is located on the south side of SW Oregon St. in the TEA. The TEA is an industrial growth area with minimal existing public infrastructure such as streets, water lines, and storm drainage facilities. As one of the first properties along SW Oregon St. in the TEA, it is anticipated that new public facilities will be required to serve the site. The City of Sherwood Engineering Comments (Exhibit B) describe the public improvements required in order to serve the development site. The application complies or is conditioned to comply with all public facility standards.

Regarding public services, the property is located within the service districts of the Sherwood Police Department, Tualatin Valley Fire and Rescue, and Pride Waste Disposal. The application has been routed to these service districts and capacity issues were indicated. The site is located in an industrial zone and public parks and open space are not proposed or required.

FINDING: As described in this section and the Sherwood Zoning and Community Development Code Division VI Public Infrastructure, this criterion is met.

2. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.

ANALYSIS: The proposed use conforms to other standards of the EI zone as discussed in this report. The abutting land uses to the north, south, and east are industrial or future industrial. The property to the west (across SW Tonquin Rd.) is zoned residential, however, the property is part of the Rock Creek corridor. The creek corridor provides a significant buffer between the development site and the actual residential land uses to the west/southwest. No adverse impacts related to noise and public safety are anticipated to result from the flex industrial tenant spaces.

FINDING: This criterion is met.

3. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.

ANALYSIS: The proposed development is consistent with the Employment Industrial zoning and will provide a facility that meets the goals of the Tonquin Employment Area and City Comprehensive Plan. The development will provide flex industrial space for businesses that include new employment opportunities for the City and region. As discussed in the Public Facilities section of this report, the applicant is proposing or is conditioned to provide all required public infrastructure.

FINDING: This criterion is met.

4. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.

ANALYSIS: The abutting land uses to the north, south, and east are industrial or future industrial. The property to the west (across SW Tonquin Rd.) is zoned residential, however, the property is part of the Rock Creek corridor. The creek corridor provides a significant buffer between the development site and the actual residential land uses to the west/southwest. Surrounding properties are not anticipated to be adversely affected by the proposed flex industrial tenant spaces.

FINDING: This criterion is met.

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

ANALYSIS: The development site is approximately 9.50-acres in size and is located at the corner of SW Oregon St. and SW Tonquin Rd. The sight slopes down from east to west and applicant's site plan proposes retaining walls to accommodate the new buildings. A stormwater facility is located at the eastern boundary of the site and is situated to take advantage of the sloping property. The applicant is proposing to remove all of the trees on the site to accommodate the development.

FINDING: This criterion is met.

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

ANALYSIS: The applicant has provided a Natural Resource Assessment (Exhibit A – Exhibit E) and CWS Service Provider Letter (Exhibit A – Exhibit J) for the proposed development. The applicant is proposing permanent impacts to the on-site wetland and associated Vegetated Corridor. The applicant's narrative states that no sensitive wildlife species are present on the site. While the development plans propose removal of the on-site wetlands and trees, no significant adverse impacts to sensitive wildlife or the natural environment are anticipated.

FINDING: This criterion is met.

**D. Additional Conditions
In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the**

best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

1. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.
2. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.
3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.
4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.
5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
6. Limiting the number, size, location, height and lighting of signs.
7. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
8. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

ANALYSIS: No additional conditions are recommended related to the conditional use permit.

FINDING: No additional conditions are recommended and this standard is met.

E. Time Limits

Unless approved under Section 16.82.020.A.2 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant

showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

F. Revocation

Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of CUP approval are not or cannot be satisfied, the CUP approval, or building and occupancy permits, shall be revoked.

ANALYSIS: The Conditional Use permit is subject to the time limits and revocation standards described above.

FINDING: These standards are met.

Chapter 16.90 – SITE PLANNING

16.90.020 – Site Plan Review

A. Site Plan Review Required

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

ANALYSIS: The proposal is for a new building and site improvements including parking, circulation, and landscaping.

FINDING: The application is required to comply with the Site Planning criteria and standards.

D. Required Findings

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

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

ANALYSIS: As discussed in the findings under each Division, the proposed development meets or is conditioned to meet all of the applicable standards in Division II and VI.

FINDING: This criterion is met.

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.**

ANALYSIS: The subject site is located within City boundaries and can be adequately served by the required public facilities and services as demonstrated in this report under Division VII – Public Infrastructure and in the agency comments. The application was routed to public service providers including Tualatin Valley Fire and Rescue, Sherwood Police Department, Bonneville Power Administration, Portland General Electric, Clean Water Services, and others. No service capacity issues were raised. The proposed improvements combined with the Conditions of Approval ensure adequate services will be provided.

FINDING: This criterion is met.

3. **Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.**

ANALYSIS: The property will be under single ownership and the property owner is responsible for management and maintenance of on-site development features and landscaping.

FINDING: This criterion is met.

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

ANALYSIS: The applicant has provided a Natural Resource Assessment and CWS Service Provider Letter for the site. The applicant is proposing permanent impacts to the on-site wetland and associated Vegetated Corridor. The applicant is also proposing to remove all of the existing trees on the site. The applicant's narrative states that no

sensitive wildlife species are present on the site. While the development plans propose removal of the wetland and existing trees, the property is zoned Employment Industrial, and development in the zone is expected to maximize the employment use on the site while conforming to public infrastructure policy and standards. The applicant is required to mitigate for the wetland and provide new trees and landscaping for the site.

FINDING: This criterion is met.

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

ANALYSIS: The applicant has provided a TIA for the development which is included as Exhibit A – Exhibit G. The TIA indicates the development will generate 572 total daily trips including 81 during the AM peak hour and 73 during the PM peak hour. The applicant has been conditioned to provide the required transportation improvements or payments based on the TIA and City Engineer analysis.

FINDING: This criterion is met.

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:**

ANALYSIS: The proposal is for an industrial development and the design standards in subsection (7) below apply.

FINDING: This standard does not apply.

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:

- a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) must meet any four of the following six design criteria:**
 - (1) A minimum 15% window glazing for all frontages facing an arterial or collector.**
 - (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).**
 - (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).**
 - (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.**
 - (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.**
 - (6) All roof-mounted equipment is screened with materials complimentary to the building design materials.**

ANALYSIS: The development site is located along SW Oregon St. (arterial) and the SW Tonquin Rd. (arterial). Portions of the development within 200 ft. of the arterial streets and visible from the street are required to comply with the industrial design criteria above. Based on the Site Plan, the north elevations of Buildings 1, 2, and 3, and the west elevation of Building 1 are required to meet the design standards.

All of the elevations subject to the design standards meet the following four standards:

- Minimum 15% window glazing
- Two building materials (concrete and corrugated metal panel)
- Loading areas to the side of the building or screened from the right-of-way

- No roof mounted equipment or roof mounted equipment screened from right-of-way

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E2: Prior to Issuance of Building Permits, all roof mounted equipment on Buildings 1, 2, and 3 shall be designed to be screened from SW Tonquin Rd. and SW Oregon St.

CONDITION OF APPROVAL G2: Prior to Occupancy, all roof mounted equipment on Buildings 1, 2, and 3 shall be screened from view from SW Tonquin Rd. and SW Oregon St.

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.**

ANALYSIS: The applicant is proposing a new driveway off SW Laurelwood Way, a new local industrial street. There are no additional planned or existing streets that the driveway is required to align with.

FINDING: This standard is not applicable.

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.

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.

ANALYSIS: The applicant is required to comply with all conditions of approval included in the Notice of Decision and has the right to appeal to City Council in accordance with SZCDC § 16.76. The site plan approval becomes void after two (2) years unless construction on the site has begun, as determined by the City.

FINDING: This standard is met.

Chapter 16.92 – LANDSCAPING

16.92.010-Landscaping Plan Required

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

16.92.020 Landscaping Materials

A. Type of Landscaping

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

1. Ground Cover Plants

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

2. Shrubs

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

3. **Trees**
 - a. **Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.**
 - b. **Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.**
- B. **Plant Material Selection and Preparation**
 1. **Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**
 2. **Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.**
- C. **Existing Vegetation**
 1. **All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142 (Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).**
 2. **Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.**
 - a. **If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.**
 - b. **Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.**
 - c. **Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.**
- D. **Non-Vegetative Features**
 1. **Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock**

- groupings, bark dust, semi-pervious decorative paving, and graveled areas.
- 2. Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.
- 3. Artificial plants are prohibited in any required landscaped area.

ANALYSIS: The applicant has submitted detailed landscaping plans (Exhibit A – Exhibit A, Sheets P13) that shows perimeter, parking lot, and site landscaping. The plans include details on soil preparation and plant installation as required by the standard above. A total of 404 trees were inventoried on the site. All but three of the existing trees are proposed to be removed to accommodate the industrial development and the required 30% tree canopy will be met primarily through new plantings.

FINDING: These standards have been met as conditioned below.

CONDITION OF APPROVAL B3: Prior to Final Site Plan Approval, provide a final landscape plan meeting the requirements of SZCDC § 16.92.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

- 1. **Perimeter Screening Separating Residential Zones:**
A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).

ANALYSIS: The portion of property on the west side of SW Tonquin Rd. shares a property line with a residentially zoned property. However, this portion of property will not be used for industrial development and will remain a wetland and floodplain. The developed portion of the site is not located adjacent to a residential zone and does not require perimeter landscaping per the standard above.

FINDING: This standard is not applicable.

- 2. **Perimeter Landscaping Buffer**
 - a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be

provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.

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.

ANALYSIS: The Site Plan proposes parking and drive aisles on the north, south, and west edges of the development site. The applicant's plans show a minimum on-site landscaping width of 10 ft. along each property line.

FINDING: This standard is met.

B. Parking Area Landscaping

1. Purpose

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

2. Definitions

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

b. **Canopy Factor**

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

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

(2) **Growth Rate Factor:** The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow

growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

3. **Required Landscaping**
There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.
4. **Amount and Type of Required Parking Area Landscaping**
 - a. **Number of Trees required based on Canopy Factor**
Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);
 - (1) Any combination of the following is required:
 - (i) One (1) large tree is required per four (4) parking spaces;
 - (ii) One (1) medium tree is required per three (3) parking spaces; or
 - (iii) One (1) small tree is required per two (2) parking spaces.
 - (iv) At least five (5) percent of the required trees must be evergreen.
 - (2) Street trees may be included in the calculation for the number of required trees in the parking area.
 - b. **Shrubs:**
 - (1) Two (2) shrubs are required per each space.
 - (2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.
 - c. **Ground cover plants:**
 - (1) Any remainder in the parking area must be planted with ground cover plants.
 - (2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover..
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:
 - (2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) 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.

ANALYSIS: The applicant is proposing a total of 185 parking stalls spread throughout the development site. The preliminary plans show conformance with the standards above. Condition of Approval B3 requires final landscaping plans in conformance with Section 16.92.

FINDING: This standard is met.

- 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.

ANALYSIS: As discussed in Section 16.58.010 above, the development will contain multiple new public street intersections and points of access where clear vision areas are required. The site will be inspected to ensure clear vision areas have been established prior to issuance of occupancy.

FINDING: This standard is met.

- 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.

- 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.

ANALYSIS: The applicant is not requesting any additional reduction to the site landscaping requirements.

FINDING: This standard is not applicable.

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.

ANALYSIS: The site is located along two existing public streets and is adjacent to Tax Lot 2S1330002500 which is zoned Medium Density Residential High (MDRH). The applicant is proposing significant perimeter landscaping around the entire property that will act as a screen between the roadways / residential zones and the site. No outdoor storage areas are proposed.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G3: Prior to Issuance of Occupancy, mechanical equipment shall be screened from view from all public streets and 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.

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.

ANALYSIS: Visual corridor standards are addressed under SZCDC § 16.142.040(A).

FINDING: These standards are addressed under § 16.142.040(A).

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.

ANALYSIS: Landscaping is required to be in-ground and installed to current nursery standards with an approved form of irrigation. The plans indicate a design-build system by the contractor is proposed.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G4: Prior to Occupancy, all landscaping must be installed and have an irrigation system in accordance with SZCDC § 16.92.040(C).

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.

ANALYSIS: Details on the proposed off-street parking and loading areas are provided in the narrative and on the plans. The development can provide parking in accordance with this chapter, as described and conditioned below. No deferral of improvements is proposed at this time.

FINDING: This criterion is met.

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.

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.**
- 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.

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.

ANALYSIS: No deferral of improvements, shared parking, or prohibited uses are proposed.

FINDING: This standard is met.

E. Location

- 1. Residential off-street parking spaces:

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

ANALYSIS: All required parking spaces are proposed on-site as shown in the applicant's plans. Based on the proposed building sizes, the development is likely to carry more than forty (40) employees and preferential space for carpool / vanpool riders is required. The Site Plan shows one (1) parking stall for vanpool riders.

FINDING: These standards are met.

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.

ANALYSIS: The applicant's plans provide preliminary details on the direction and flow of vehicle and pedestrian traffic. Final plans are required.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B4: Prior to Final Site Plan approval, provide a final marking plan for the on-site parking, loading, and maneuvering areas.

CONDITION OF APPROVAL G5: Prior to Receiving Occupancy, all parking, loading or maneuvering areas including ADA and loading stalls shall be clearly marked and signed.

G. Surface and Drainage

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

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.

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.

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

ANALYSIS: The applicant has providing parking details as required by the standard above. The parking area will be improved with asphalt and include adequate storm drainage facilities. No parking districts or structured parking is proposed.

FINDING: This standard is not applicable.

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest

shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

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

Use	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Industrial	1.6	None	None
Warehouse	0.3	0.4	0.5

ANALYSIS: The applicant is proposing 115,170 SF of new flex industrial space. The applicant is proposing to utilize the “industrial” parking standard for the entire floor area.

Industrial	115,170 SF (100%)	$115.17 \times 1.6 = 184.27$
Total	115,170 SF	185 stalls

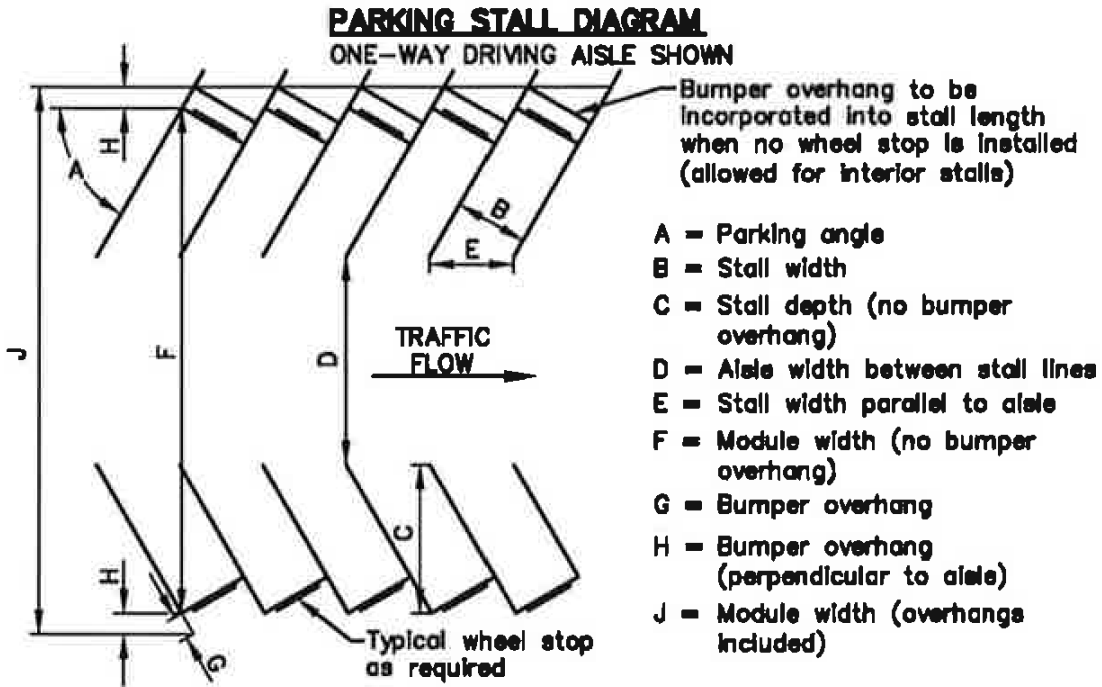
A minimum of 185 off-street parking stalls is required with no maximum. The applicant is proposing 185 off-street stalls.

FINDING: This standard is met.

B. Dimensional and General Configuration Standards

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.
2. **Layout** Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking

areas shall meet the minimum standards shown in the following table and diagram.



**Table 3: Minimum Parking Dimension Requirements
Two-Way Driving Aisle (Dimensions in Feet)**

A	B	C	D	E	F	G	H	J
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

3. **Wheel Stops**
 - a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.
 - b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.
 - c. The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot

vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

ANALYSIS: The applicant is proposing 90° parking stalls adjacent to two-way drive aisles throughout the development site. The minimum drive aisle width is 24 ft. and the minimum stall width is 20 ft. deep by 9 ft. wide. Wheel stops are provided as required when adjacent to sidewalks and interior landscape areas. No compact stalls are proposed.

FINDING: These standards are met as conditioned below.

4. Service Drives

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

ANALYSIS: No service drives are proposed.

FINDING: This standard does not apply.

6. Reduction in Required Parking Spaces

Developments utilizing Engineered storm water bio-swales or those adjacent to environmentally constrained or sensitive areas may reduce the amount of required parking spaces by ten (10) percent when twenty-five (25) through forty-nine (49) parking spaces are required, fifteen (15) percent when fifty (50) and seventy-four (74) parking spaces are required and twenty (20) percent when more than seventy-five (75) parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.

ANALYSIS: A decrease to the amount of required parking is not proposed.

FINDINGS: This standard does not apply.

C. Bicycle Parking Facilities

1. **General Provisions**
 - a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.
 - b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.
 - c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
 - d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
 - e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
2. **Location and Design.**
 - a. **General Provisions**
 - (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
 - (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the

maneuvering area may extend into the right-of-way.

- (3) **Lighting.** Bicycle parking shall be at least as well lit as vehicle parking for security.
- (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (5) **Bicycle parking in the Old Town Overlay District** can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
- (6) **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

b. Short-term Bicycle Parking

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

c. Long-term Bicycle Parking

- (1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
- (2) Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.
- (3) All of the spaces shall be covered.

d. Covered Parking (Weather Protection)

- (1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
- (2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle

- from rainfall and provide seven-foot minimum overhead clearance.
- (3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Industrial	2 or 1 per 40 auto spaces, whichever is greater

ANALYSIS: The development is required to provide 185 vehicle parking stalls which requires a minimum of 5 bicycle parking stalls. Since less than eight (8) bicycle stalls are required, no long-term stalls are required. The applicant’s site plan shows a minimum of 5 bicycle parking located outside of the buildings in various locations. Details on the type of bike rack and the final stall dimensions have not been provided.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B5: Prior to Final Site Plan Approval, show the final location and design of the short-term bicycle parking. The location and design shall meet the requirements of SZCDC § 16.94.020(C). Each space is required to provide a minimum of 2x6’ of clear space.

CONDITION OF APPROVAL G6: Prior to Receiving Occupancy, bicycle parking shall be installed in accordance with the Final Site Plan approval and SZCDC § 16.94.020(C)(2) including a 2x6’ space for each bicycle.

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.

4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
 - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
 - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.
- B. Separation of Areas**
Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

ANALYSIS: The applicant is proposing multi-tenant industrial buildings with individual loading stalls for each space. Typical loading areas are 18 ft. wide x 25 ft. deep. The total amount of loading area exceeds 750 SF. Striping is proposed to separate the loading areas from required parking areas.

FINDING: This standard is met.

Chapter 16.96 - ONSITE CIRCULATION

16.92.010 – 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.

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.

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.

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.

ANALYSIS: The Site Plan shows a continuous pedestrian pathway system around the perimeter of the buildings and connecting to SW Oregon St and SW Laurelwood Way. All pathways are proposed at 6 ft. wide. Joint access with another property is not proposed.

FINDING: This standard is met.

E. Maintenance of Required Improvements

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

ANALYSIS: Maintenance of the required circulation improvements will be addressed after construction. Any issues related to maintenance will fall under the City's Code Compliance program.

FINDING: This standard is met.

F. Access to Major Roadways

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

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.

ANALYSIS: The applicant is proposing vehicle access from a planned local street labeled as SW Laurelwood Way in the plans. Access from an arterial street is not proposed.

FINDING: This standard is met.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

ANALYSIS: No service drives are proposed.

FINDING: These standards do not apply.

16.96.030 - Minimum Non-Residential Standards

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

A. Driveways

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

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

ANALYSIS: The site requires a minimum of 185 parking stalls and therefore one hard-surfaced driveway. A new 40 ft. wide, two-way driveway is proposed. All internal drive aisles will also be a minimum of 24 ft. wide.

FINDING: This standard is met.

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

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.**
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.**
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.**
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.**

ANALYSIS: The applicant is proposing a continuous pedestrian pathway system around the perimeter of the buildings including curbs.

FINDING: This standard is met.

16.96.040 - On-Site Vehicle Circulation

A. Maintenance

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

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.

ANALYSIS: The applicant is proposing access from SW Laurelwood Way (aka SW Tonquin Ct.) in conformance with the City's Transportation System Plan and Comprehensive Plan. A pedestrian walkway is also provided between the site and the public street.

FINDING: This standard is met.

Chapter 16.98 - ONSITE 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.

16.98.030 - Material Storage

- A. Generally.** Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Review Authority as part of a site plan or per Section 16.98.040.
- B. Standards.** Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot to eight (8) foot high, sight obscuring fence subject to chapter 16.58.020. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.
- C. Hazardous Materials.** Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations.

ANALYSIS: The applicant is proposing new waste and recycling enclosures spread throughout the development site. The Site Plan provides a trash enclosure details in conformance with the standards above. No outdoor storage areas are proposed and the applicant has not indicated that approval of outdoor storage is requested through this Site Plan Review.

Pride Disposal provided revised comment on the application (Exhibit F). The comments state there are additional design requirements for the trash enclosures that are not currently shown on the applicant's plans.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B6: Prior to Final Site Plan approval, applicant shall obtain written approval from Pride Disposal for the location and design of trash and recycling enclosures. The design shall also meet the standards of SZCDC § 16.98.020.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.010 - Generally

A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the Transportation System Plan (TSP) Map (Figure 17) and other applicable City standards. The following table depicts the guidelines for the street characteristics.

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscaping Strip (exclusive of Curb)	Median Width
Arterial	60-102'	2-5	12'	Limited	6 feet	6-8'	5'	14' if required
Collector	58-92'	2-3	11'	8' optional	6'	6-8'	5'	14' median turn lane
40' Commercial/Industrial Not Exceeding 3000 vehicles per day	64'	2	20'	8'	none	6'	5'	none
50' Commercial/Industrial Exceeding 3000 vehicles per day	64'	2	12'	8'	5'	6'	5'	none

Local	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	none
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ANALYSIS: The development site abuts two existing arterial streets (SW Oregon St. and SW Tonquin Rd.), and one planned local street (SW Laurelwood Way, aka SW Tonquin Ct). The classification and jurisdiction for each street is provided below:

Street	Jurisdiction	Classification	Status
SW Oregon St.	Washington County	Arterial	Existing
SW Tonquin Rd.	Washington County	Arterial	Existing
SW Laurelwood Way (aka SW Tonquin Ct.)	City of Sherwood	Local (Industrial Not Exceeding 3,000 vehicles per day)	Planned

The applicant is proposing right-of-way dedication for all three streets abutting the property. Access is proposed from SW Laurelwood Way (aka SW Tonquin Ct.) in conformance with the Oregon St. Access Management Plan. The City of Sherwood Engineering comments (Exhibit B) and Washington County comments (Exhibit C) provide full analysis on the required right-of-way dedication and transportation improvements.

The applicant has entered into a Cooperative Development Agreement (Exhibit MM) that indicates the adjacent property owners to the east and south will design and construct SW Laurelwood Way (aka Tonquin Ct.) Because the only site access is proposed from a new road that is yet to be constructed, the applicant is required to construct the roadway in its entirety or provide a performance bond for the entire roadway construction. The condition is written to allow a separate legal entity (e.g. the adjacent owners) to provide the performance bond in lieu of the applicant. Occupancy of the site will not be granted until SW Laurelwood Way (aka SW Tonquin Ct.) has been constructed and is accepted by the City of Sherwood.

The full transportation related Conditions of Approval are provided in section 16.106.020 below.

FINDING: This standard is met.

B. Street Naming

1. All streets created by subdivision or partition will be named prior to submission of the final plat.
2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.

3. **An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.**
 4. **All streets named shall conform to the general requirements as outlined in this Section.**
 5. **At the request of the owner(s), the City may approve a private street name and address. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.**
- C. Street Name Standards**
1. **All streets named or renamed shall comply with the following criteria:**
 - a. **Major streets and highways shall maintain a common name or number for the entire alignment.**
 - b. **Whenever practicable, names as specified in this Section shall be utilized or retained.**
 - c. **Hyphenated or exceptionally long names shall be avoided.**
 - d. **Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.**
 - e. **Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.**
 2. **The following classifications (suffixes) shall be utilized in the assignment of all street names:**
 - a. **Boulevards: North/south arterials providing through traffic movement across the community.**
 - b. **Roads: East/west arterials providing through traffic movement across the community.**
 - c. **Avenues: Continuous, north/south collectors or extensions thereof.**
 - d. **Streets: Continuous, east-west collectors or extensions thereof.**
 - e. **Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.**
 - f. **Lanes: Short east/west local streets under 1,000 feet in length.**
 - g. **Terraces: short north/south local streets under 1,000 feet in length.**
 - h. **Court: All east/west cul-de-sacs.**
 - i. **Place: All north/south cul-de-sacs.**
 - j. **Ways: All looped local streets (exceeding 180 degrees).**

- k. Parkway: A broad landscaped collector or arterial.
- 3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.
- 4. All proposed street names shall be approved, prior to use, by the City.

D. Preferred Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

- 1. Original holders of Donation Land Claims in Sherwood.
- 2. Early homesteaders or settlers of Sherwood.
- 3. Heirs of original settlers or long-time (50 or more years) residents of Sherwood.
- 4. Explorers of or having to do with Sherwood.
- 5. Indian tribes of Washington County.
- 6. Early leaders and pioneers of eminence.
- 7. Names related to Sherwood's flora and fauna.
- 8. Names associated with the Robin Hood legend.

STAFF ANALYSIS: The development site abuts two existing streets, SW Oregon St. and SW Tonquin Rd., and one planned street, SW Tonquin Ct. SW Tonquin Ct. was named “SW Laurelwood Way” as part of the Sherwood Commerce Center land use approval (LU 2021-012). The name was recommended by staff as the existing soils on the property and adjacent Tax Lot 600 to the east are identified as “Laurelwood Silt Loam”. The street will be a looping street that connects SW Oregon St. to SW Ice Age Dr. and the suffix is determined to be “Way”.

FINDING: These criteria are met.

CONDITION OF APPROVAL C27: Prior to Approval of the Engineering Plans, the local street currently known as SW Tonquin Ct. shall be re-named SW Laurelwood Way or an alternative that meets the naming requirements of SZCDC § 16.106.010(B) – (D).

16.106.020 - Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on

functional classification of the street network as established in the Transportation System Plan, Figure 17.

B. Existing Streets

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

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.
2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;

- d. **The improvement would be in conflict with an adopted capital improvement plan;**
- e. **The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets;**
or
- f. **Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.**

ANALYSIS: The City of Sherwood Engineering comments state “Applicant Analysis - The applicant has prepared and submitted a TIA prepared by Lancaster Mobley, dated May 23, 2022. The TIA presents an Operational Analysis based on performance standards of WACO and the City. Based on the data, the applicant has presented a list of intersection mitigation projects, along with proportionate cost share assessments. The mitigation projects and their proportionate share costs include the following:

- 1) Dedication of necessary right-of-way for the future design and construction of a roundabout at the intersection of Tonquin Road and Oregon Street.
- 2) Proportionate share cost for designing and constructing a northbound left turn lane and southbound right turn lane at the intersection of Murdock Road and Sunset Boulevard. The proposed proportionate share cost associated with this mitigation is calculated at \$45,833.33.

The applicants TIA presents analysis of an Access Management Plan as being consistent with WACO Development Code Sections 501-8.5.B(4)(a), Section 501-8.5.A(5), and Section 501-8.5.C(3). The applicant indicates that based on these requirements, the proposed site access onto Oregon Street does not meet access spacing standards, however, because it is physically impossible to meet the access spacing standards, access to Oregon Street cannot be denied, and that the proposed location is the best point for trying to meet these standards.

The applicants TIA states that left-turn lane warrants are not projected to be met at any of the applicable study intersections upon completion and occupancy of the proposed development during either the AM or PM Peak Hour periods.

City Staff Analysis

The applicant has provided plans which identifies the north-south public road along the east property line of the site as SW Laurelwood Way. This road was formerly known as (SW) Tonquin Court in previous application submittals and reports. For the purposes of

this analysis and report, SW Laurelwood Way shall be referred to as Tonquin Court so as to remain consistent with previous reports and analysis.

To provide context to City staff transportation analysis and comments, the following City document references are included:

- A. The City adopted the Tonquin Employment Area Concept Plan prepared by Angelo Planning Group (dated October 20210) via City Ordinance 2010-014, on October 5, 2010.
- B. The City adopted the City's Transportation System Plan, prepared by DKS Associates (dated June 14, 2014), via City Ordinance 2014-012, on June 17, 2014.
- C. The City approved the Tonquin Employment Area Market Analysis, Business Recruitment Strategy, and Implementation Plan, prepared by Johnson Economics (dated June 15, 2015), via City Resolution 2015-051, on June 16, 2015.

The combination of these plans represents the City's basic intent for establishing public infrastructure for development within the City including the Tonquin Employment Area (TEA).

As shown on Figure IV-5 of the TEA Concept plan, an internal connector road (detail number 4) is shown providing local access off Oregon Street to the TEA. Also, as shown on Figure 18 of the Implementation Plan, a local connector road identified as Tonquin Court is clearly presented. The intent of this road connection is to provide for future connectivity of development lots located to the south of the subject site. Access to Tonquin Road from lots south of the subject site encounter severe topographic constraints.

Due to the number of proposed adjacent site developments occurring at the same time within the TEA, the City conducted an Access Management Plan (AMP) analysis of Oregon Street in order to facilitate a common development access pattern onto Oregon Street. This AMP was performed using City funds with general agreement of the subject parcel owners, that the results of the AMP would be used to define individual site access points, rather having each applicant perform an AMP with the last site development application being relegated to whatever condition is left over from previous developments.

The AMP (dated June 25th, 2021) was prepared by DKS Associates under a Professional Service Contract with the City. The AMP was conducted in compliance with WACO's AMP analysis procedures processes (CDC 501-8.5C). The AMP analysis limits were from the exiting intersection of Tonquin Road and Oregon Street to the proposed intersection of the future Ice Age Drive collector road intersection with Oregon Street.

The AMP reviewed the proposed site development relative to three access alternatives:

- 1) Alternative 1 – install a full site access for TL 500 at the location of the future Tonquin Court intersection with Oregon Street and dedicate the necessary right-of-way for the future Tonquin Court. This alternative will restrict location of building and permanent structures within the future Tonquin Court alignment.
- 2) Alternative 2 – install a signalized intersection at the Tonquin Court & Oregon Street intersection and relocate TL 500 access to a point along the Tonquin Court alignment. This alternative will restrict location of building and permanent structures within the future Tonquin Court alignment. Signal installation will be predicated on site development impacts meeting signal warrants at the intersection.
- 3) Alternative 3 – ultimate access configuration will meet WACO access spacing requirements and would be dependent on the completion of the Ice Age Drive collector road. This impact may change the Tonquin Court intersection configuration from a signalized intersection into a restricted right-in/right-out configuration. At a minimum, a right turn lane is anticipated along the eastbound lane of Oregon Street for this intersection under the ultimate access configuration.

City staff is recommending using the City conducted AMP as the baseline document for generated conditions of approval for transportation.

An initial TIA review analysis was performed by the City's Transportation Engineering Consultant (Garth Appanaitis PE, DKS Associates), which resulted in a DKS Memorandum to the City dated June 17, 2022. This memorandum is attached to the Engineering LU Review Comments as "Attachment B", for which the contents and conditions will be included in the Engineering LU Review Comments and Conditions in their entirety.

The applicant's Transportation Consulting Engineers (Lancaster Mobley) provided a TIA Addendum #1 dated June 28, 2022 and attached herein as "Attachment D" which was intended to address the DKS memorandum of June 17th. Staff has had DKS perform a review of the TIA Addendum #1, which provided a review memorandum dated July 1, 2022, attached herein as "Attachment E".

The review comments and conditions (Attachments B and E) provided by the City's Transportation Engineer (Garth Appanaitis, DKS Associates) are included in their entirety in the City Engineering Department LU Comments and Conditions. In addition, subsequent oral discussions with WACO staff were had regarding the AMP requirements for a dedicated right-turn lane off Oregon Street south onto Tonquin Court. As Oregon Street is a WACO road and the AMP was conducted to meet WACO standards, any change to the right-turn lane requirement after the City LU process has been completed, must be done through WACO design exception approval process with

the results of such process provided to City engineering staff prior to Approval of Engineering Public Improvement Plans. Failure by the applicant to obtain and provide written approval for removal of the turn lane requirement, will result in the right-turn lane requirement being complied with to receive approval of public improvement plans. City staff has prepared a proportionality analysis for determining if the conditioning of dedication of the Tonquin Court right-of-way meets City Municipal Code standards. The Proportionality Analysis is attached as “Attachment A” to this report and is included in its entirety.

Washington County DLUT Comments and Conditions

Washington County Department of Land Use and Transportation (WACO DLUT) has submitted a letter from Naomi Vogel (WACO Associate Planner), dated June 13, 2022, which is attached to the Engineering LU Review Comments as “Attachment C”, for which the contents and conditions will be included in the Engineering LU Review Comments and Conditions in their entirety.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL C1: Prior to Approval of Engineering Public Improvement Plans, the applicant shall provide a final TIA, corrected to conform to the Recommendations detailed in the DKS Memorandums (Attachments B and E), including associated changes to the Engineering Public Improvement Plans.

CONDITION OF APPROVAL C2: Prior to Approval of Engineering Public Improvement Plans, the applicant shall provide for proportionate share dedication of necessary right-of-way for the construction of Tonquin Court. The alignment of Tonquin Court shall be located along the eastern property line 22-foot ROW dedication until the alignment veers westerly at an appropriate point to intersect Oregon Street perpendicularly full street section, at a point being in alignment with the centerline of the existing southern driveway access on the west side of Oregon Street to Allied Systems Company (Tax Lot #2S128C000501), and as approved by WACO and City Engineering.

CONDITION OF APPROVAL C3: Prior to Approval of Engineering Public Improvement Plans, the applicant’s plans submittal shall show the Tonquin Court right-of-way section conforming with the City’s 40-Foot Standard Commercial / Industrial Not Exceeding 3,000 Vehicles Per Day street section, with total right-of-way width of 64-feet, being constructed by others, with City Engineering Department approval.

CONDITION OF APPROVAL C4: Prior to Approval of Engineering Public Improvement Plans, the initial site construction access shall be classified as “interim” and shall be located at the point where Tonquin Court intersects Oregon Street perpendicularly at a point being in alignment with the centerline of the existing southern driveway access on

the west side of Oregon Street to Allied Systems Company (Tax Lot #2S128C00501), and as approved by WACO and City Engineering. At such time as when Tonquin Court is constructed, the ultimate site access shall be relocated to an approved point along the Tonquin Court alignment.

CONDITION OF APPROVAL C5: Prior to Approval of Engineering Public Improvement Plans, the applicant's plans for the initial site access shall include dedication of additional right-of-way and construction of a dedicated right-turn lane on the south right-of-way line of Oregon Street, and a dedicated left-turn lane within the current center lane in the westbound direction of Oregon Street. Exception to the right-turn lane requirement may only come from WACO issuance of an approved (signed) design exception waiver.

CONDITION OF APPROVAL C6: Prior to Issuance of Compliance Agreement, applicant shall pay a fee in-lieu-of amount for the proportional share mitigation costs of designing and constructing a roundabout at the intersection of Tonquin Road and Oregon Street. The fee in-lieu-of amount is to be provided by applicant to City staff for review and approval.

CONDITION OF APPROVAL C7: Prior to Issuance of Compliance Agreement, applicant shall pay a fee in-lieu-of amount of \$45,833.33 for the proportional share mitigation costs of designing and constructing a northbound and southbound left turn lane at the intersection of Murdock Road and Sunset Boulevard.

CONDITION OF APPROVAL F1: Prior to Acceptance of Constructed Public Improvements, no permanent structures or impediments to the construction of Tonquin Court may be constructed or placed within the dedicated Tonquin Court right-of-way.

CONDITION OF APPROVAL C8: Prior to Issuance of Compliance Agreement, applicant shall ensure that Tonquin Court construction will occur, by the submittal of a performance bond from the applicant or another legal entity who is shown to be responsible for the construction of Tonquin Court via private agreement, in the amount of 125% of the estimated construction cost.

CONDITION OF APPROVAL E3: Prior to Issuance of Building Permits, Tonquin Court shall obtain substantial completion approval from the City Engineering Department.

CONDITION OF APPROVAL C9: Prior to Approval of Engineering Public Improvement Plans, the applicant shall submit a separate design exception request form for any additional non-conforming public infrastructure design element(s) that were not submitted under the Land Use process, to the City Engineer for review and approval.

CONDITION OF APPROVAL C10: Prior to Approval of Engineering Public Improvement Plans, frontage improvements along Oregon Street shall comply with City standards, and shall include a 12-foot wide multi-use sidewalk, planter strip with street trees and irrigation system, and street lighting (Cobra Head style) meeting PGE standards.

CONDITION OF APPROVAL C11: Prior to Approval of Engineering Public Improvement Plans, frontage improvements along Tonquin Road shall comply with City standards, and shall include a 6-foot wide sidewalk, planter strip with street trees and irrigation system, and street lighting (Cobra Head style) meeting PGE standards.

CONDITION OF APPROVAL F2: Prior to Acceptance of Constructed Public Improvements, the applicant shall record an 8-foot wide PUE along the south side of the SW Oregon Street alignment that lays within the subject site property limits.

CONDITION OF APPROVAL F3: Prior to Acceptance of Constructed Public Improvements, the applicant shall record an 8-foot wide PUE along each side of the Tonquin Court alignment that lays within the subject site property limits.

CONDITION OF APPROVAL C12: Prior to Approval of Engineering Public Improvement Plans, the applicant shall record any slope or retaining wall easements necessary to support the Tonquin Court road section/alignment. Slope easements shall be based on a 2 horizontal to 1 vertical finish slope grade and retaining wall easements shall run to the open face of the retaining wall.

CONDITION OF APPROVAL F4: Prior Acceptance of Constructed Public Improvements, applicant shall provide a two (2) year maintenance warranty for deficient workmanship and/or materials associated with the public improvements.

CONDITION OF APPROVAL G7: Prior to Grant of Occupancy all public improvements must be constructed, inspected, approved and accepted by the City

E. Transportation Facilities Modifications

- 1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.**
- 2. A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System**

Plan. The standards that may be modified include but are not limited to:

- a. Reduced sight distances.**
- b. Vertical alignment.**
- c. Horizontal alignment.**
- d. Geometric design (length, width, bulb radius, etc.).**
- e. Design speed.**
- f. Crossroads.**
- g. Access policy.**
- h. A proposed alternative design which provides a plan superior to these standards.**
- i. Low impact development.**
- j. Access Management Plans**

3. Modification Procedure

- a. A modification shall be proposed with the application for land use approval.**
- b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.**
- c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.**

4. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:

- a. Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**
- b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**
- c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.**

- d. **An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.**
- e. **Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.**

ANALYSIS: No modifications are proposed or required as part of the application. A Transportation Facility Modification pursuant to this section was approved for SW Laurelwood Way (aka SW Tonquin Ct.) as part of the Sherwood Commerce Site Plan Review (LU 2021-012).

FINDING: Modifications to the transportation standards are not required and this section does not apply.

16.106.030 - Location

A. Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

ANALYSIS: The location of existing and proposed streets are appropriate for the topography and surrounding land uses. SW Oregon St. and SW Tonquin Rd. will continue to serve as arterial streets for through-traffic. Access to the site is proposed from a new local street (SW Laurelwood Way) stemming from SW Oregon St. The design of each street will be reviewed for compliance with the City’s Engineering Design standards as part of the public improvement plan review.

FINDING: This standard is met.

B. Street Connectivity and Future Street Systems

- 1. **Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).**
- 2. **Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new**

streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.

- a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.
- b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.
- c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.
- d. Driveways that are more than 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.

ANALYSIS: The code language above has a typo and the Local Street Connectivity Map contained in the TSP is Figure 18 (Exhibit J). The applicant is proposing to dedicate the necessary right-of-way for SW Laurelwood Way (aka SW Tonquin Ct.) in order to provide access to the subject property and properties within the Tonquin Employment Area to the south. The applicant has been conditioned to construct or provide a performance bond for construction of the local access road. A separate party e.g. the adjacent property owners, can also construct or provide a bond for the improvements. The road is required to be constructed to City standards. The remaining portion of the right-of-way that is located off-site will be dedicated as part of the Sherwood Commerce Center land use approval (LU 2021-012).

FINDING: This standard is met.

3. **Block Length.** For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.

ANALYSIS: The applicant is not proposing streets over 530 ft.

FINDING: The criterion is met.

4. **Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.**

ANALYSIS: This project does not involve a street crossing of water features identified in Title 3 of the UGMFP.

FINDING: This standard does not apply.

5. **Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.**

ANALYSIS: This project does not involve a street crossing of water features identified in Title 3 of the UGMFP.

FINDING: This standard does not apply.

6. **Pedestrian and Bicycle Connectivity.** Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.

ANALYSIS: No street connections have been deemed infeasible that would require a pedestrian and bicycle easement.

FINDING: This standard does not apply.

7. **Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:**
 - a. **Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.**
 - b. **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**
 - c. **Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.**

ANALYSIS: An exception to the standard is not proposed.

FINDING: This criterion does not apply.

- C. **Underground Utilities**

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

ANALYSIS: Public and private utilities are proposed to be located underground with the construction of streets and accessways through the site.

FINDING: This standard is met.

- D. **Additional Setbacks**

Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and

improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

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

ANALYSIS: The applicant has been conditioned to provide all of the right-of-way necessary to meet current right-of-way standards for City and County streets. No additional building setback is required.

FINDING: This standard is met.

16.106.040 - Design

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

- A. **Reserve Strips**
Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.
- B. **Alignment**
All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.
- C. **Future Extension**
Where necessary to access or permit future subdivision or development of adjoining land, streets must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length must comply with the Engineering Design Manual.

A durable sign must be installed at the applicant's expense. The sign is required to notify the public of the intent to construct future streets. The sign must read as follows: "This road will be extended with future development. For more information contact the City of Sherwood Engineering Department."

ANALYSIS: The applicant is proposing to dedicate the necessary right-of-way for the three public streets abutting the property, including SW Laurelwood Way (aka SW Tonquin Ct.). SW Laurelwood Way will be dedicated to the south property line of the subject site in order to provide access to the properties within the Tonquin Employment Area to the south. The remaining portion of the right-of-way for SW Laurelwood Way has already been dedicated as part of the Sherwood Commerce Center land use approval (LU 2021-012). The final design of each street will be reviewed and approved as part of the public improvement plan review by the City's Engineering Department.

FINDING: This standard is met.

D. Intersection Angles

Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.

ANALYSIS: The proposal will create one new public street intersection along SW Oregon St. The applicant has been conditioned to align the new public street with the private driveway across SW Oregon St. at a 90 degree angle.

FINDING: This standard is met by Condition of Approval C4.

E. Cul-de-sacs

- 1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
- 2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**

3. **Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

ANALYSIS: No cul-de-sacs are proposed as part of the transportation system. While SW Laurelwood Way (aka SW Tonquin Ct.) is shown as a cul-de-sac in the TEA Implementation Plan, the latest alignment is for the street to connect to SW Ice Age Dr. in the central part of the Tonquin Employment Area. Therefore no cul-de-sacs are proposed.

FINDING: This standard is met.

F. Grades and Curves

Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.

ANALYSIS: The City's engineering department will review the grades and curves of the site during the approval of the final engineering plans to confirm with this standard.

FINDING: This standard is met, and will continue to apply throughout development of the site and surrounding street network.

G. Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

ANALYSIS: No streets associated with the development are adjacent to a railroad.

FINDING: This standard does not apply.

H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties

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must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

I. Median Islands

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

J. Transit Facilities

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

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

K. Traffic Controls

1. Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.
2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.

L. Traffic Calming

1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
 - a. Curb extensions (bulb-outs).
 - b. Traffic diverters/circles.
 - c. Alternative paving and painting patterns.
 - d. Raised crosswalks, speed humps, and pedestrian refuges.
 - e. Other methods demonstrated as effective through peer reviewed Engineering studies.
2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

ANALYSIS: Buffering of major streets, median island, traffic calming, and enhanced transit facilities are not proposed or required as part of the development.

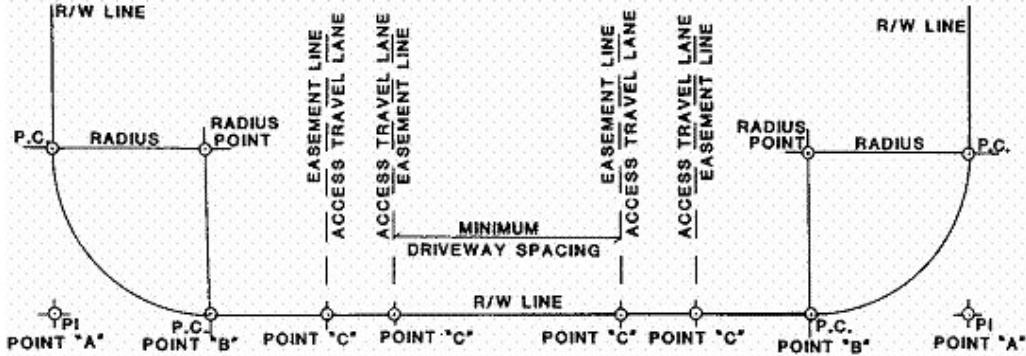
FINDING: These standards are met.

M. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
 - a. Minimum right-of-way radius at intersections shall conform to City standards.
 - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.
 - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.

- d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
- e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

c. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one- hundred (100) feet of any present

Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

- d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 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 or arterials. 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. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:**
 - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as**

follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

- (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.**
- (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, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan**

ANALYSIS: Vehicular access management for SW Tonquin Rd. and SW Oregon St. is under the jurisdiction of Washington County. Access management for existing and planned local streets is under the jurisdiction of the City. The applicant is proposing to take access from SW Laurelwood Way (aka SW Tonquin Ct.) as required by the criteria above. The driveway location on Laurelwood Way has been aligned with the private driveway across the street approved as part of the Sherwood Commerce Center approval (LU 2021-012). Direct driveway access to an arterial street is not proposed. The application also does not propose a phased access approach. The only legal access the site is from the future street known as SW Laurelwood Way.

FINDINGS: This standard is met.

- 3. Exceptions to Access Criteria for City-Owned Streets**
 - a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of**

the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications)

ANALYSIS: An exception to access is not proposed.

FINDING: This standard does not apply.

- b. Access in the Old Town (OT) Overlay Zone**
Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

ANALYSIS: The development site is not located in Old Town.

FINDING: This criterion does not apply.

N. Private Streets

- 1. The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).**
- 2. 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.**
- 3. 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.**
- 4. A private street shall also be signed differently from public streets and include the words "Private Street".**

ANALYSIS: Private streets are not proposed as part of this development.

FINDING: These criteria do not apply.

16.106.060 - Sidewalks

A. Required Improvements

- 1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.**
- 2. For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.**
- 3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.**

B. Design Standards

- 1. Arterial and Collector Streets**
Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.
- 2. Local Streets**
Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.
- 3. Handicapped Ramps**
Sidewalk handicapped ramps shall be provided at all intersections.

C. Pedestrian and Bicycle Paths

Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

ANALYSIS: The development site has frontage along two existing arterial streets and one planned local street. The applicant is proposing a 12 ft. wide concrete sidewalk for SW Oregon St. as the corridor will be used as part of the regional Ice Age Trail. A 6 ft. wide sidewalk is required for SW Laurelwood Way and SW Tonquin Rd.

FINDING: These standards are met.

16.106.070 - Bike Lanes

If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike

lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide.

ANALYSIS: Figure 13 of the TSP shows a shared-use path associated with the Ice Age Trail along the site frontages with SW Tonquin Rd. and SW Oregon St. The plans for Ice Age Trail call for a 12 ft. wide shared use multi-path along the east side of SW Tonquin Rd. and south side of SW Oregon St. The applicant is proposing the required pathways and will also be dedicating the right-of-way required for each street abutting the site. Bike lanes will be provided in the street design as required by the TSP.

FINDING: This standard is met.

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

The purpose of this section is to implement Sections 660-012-0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt performance standards and a process to apply conditions to land use proposals in order to minimize impacts on and protect transportation facilities. This section establishes requirements for when a traffic impact analysis (TIA) must be prepared and submitted; the analysis methods and content involved in a TIA; criteria used to review the TIA; and authority to attach conditions of approval to minimize the impacts of the proposal on transportation facilities.

This section refers to the TSP for performance standards for transportation facilities as well as for projects that may need to be constructed as mitigation measures for a proposal's projected impacts. This section also relies on the City's Engineering Design Manual to provide street design standards and construction specifications for improvements and projects that may be constructed as part of the proposal and mitigation measures approved for the proposal.

B. Applicability

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

- 1. An amendment to the Sherwood Comprehensive Plan or zoning map.**
- 2. A new direct property approach road to Highway 99W is proposed.**

3. The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.
4. An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.
5. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
6. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

C. Requirements

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

1. **Pre-application Conference.** The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.
2. **Preparation.** The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.
3. **Typical Average Daily Trips and Peak Hour Trips.** The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.
4. **Intersection-level Analysis.** Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.
5. **Transportation Planning Rule Compliance.** The requirements of OAR 660-012-0060 shall apply to those land use actions that

significantly affect the transportation system, as defined by the Transportation Planning Rule.

D. Study Area

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

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

E. Analysis Periods

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

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

future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.

F. Approval Criteria

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

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

G. Conditions of Approval

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

ANALYSIS: The City of Sherwood Engineering Comments state “The City’s review of the applicant’s original Traffic Impact Analysis (TIA), dated June 1, 2021, resulted in several significant comments and action items that were required to provide an approvable TIA. Review of the current applicant TIA submittal, dated May 23, 2022, has identified that the significant comments and action items identified in the earlier TIA have not been

addressed, and that the current TIA is not approvable. A final revised TIA will be required to meet City review comments prior to the City issuance of public improvement plans. In addition, the applicant's transportation design plans have not included specific design requirement items identified in the Access Management Plan (AMP). These AMP requirements will be conditioned unless WACO provides a Design Exception Waiver prior to approval of the public improvement plans.

FINDING: This criterion is met.

16.106.090 - Rough Proportionality

A. Purpose

The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the City Engineer for any proposed development that triggers transportation facility improvements pursuant to this chapter. The City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.

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

C. The following shall be considered when determining proportional improvements:

- 1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**
- 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**
- 3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects**

within the impact area that is associated with the proposed development.

4. **Applicable TSP goals, policies, and plans.**
5. **Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.**
6. **Accident history within the impact area.**
7. **Potential increased safety risks to transportation facility users, including pedestrians and cyclists.**
8. **Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.**
9. **Other considerations as may be identified in the review process pursuant to Chapter 16.72.**

ANALYSIS: The City of Sherwood Engineering comments include a proportionately analysis (Exhibit B – Attachment A) for the SW Laurelwood Way (SW Tonquin Ct.) dedication. The analysis demonstrates that the total SDC / TDT fees exceed the land valuation of the right-of-way being conditioned.

FINDING: This standard is met.

Chapter 16.108 – IMPROVEMENT PLAN REVIEW

16.108.010 – Preparation and Submission

An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business 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.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. **Surveying sufficient to prepare construction plans.**
2. **Preparation of construction plans and specifications.**
3. **Construction staking, and adequate inspection.**

4. **Construction notes sufficient to develop accurate as-built plans.**
5. **Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.**
6. **Certificate stating that construction was completed in accordance with required plans and specifications.**

ANALYSIS: The development project will include the construction of new public facilities and improvement plan review is required. All work impacting or creating public facilities requires an Engineering Compliance Agreement issued by the City of Sherwood Engineering Department.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL C13: Prior to Approval of the Engineering Public Improvement Plans or Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.

Chapter 16.110 – SANITARY SEWERS

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.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B) state “The proposed site development has provided a preliminary sanitary sewer and waterline plan, (sheet P10) which shows the routing of new public sanitary sewer mainline, from the existing public sanitary sewer mainline located north and east of the Oregon Street and Tonquin Road intersection. The nearest public manhole (414NSAN) is located within a public utility easement on Allied Systems Company property (2S128C000501). This new sanitary sewer mainline is to be constructed with the adjacent site development project (Sherwood Commercial Center Phase 1, LU 2021-012).

The plans indicate the alignment of the new 8” public sanitary sewer south on Tonquin Road to the unnamed public access road, east through the road access easement to the southeast property corner. Service to the proposed site development will be taken from this new public sanitary sewer along the south side of the site boundary.

The applicant has obtained a Service Provider Letter (SPL) issued by Clean Water Services (CWS) as CWS File Number 21-001024, which includes various conditions and requirements. The plans will need to comply with the conditions of the SPL for any sanitary sewer line installation which fall within the SPL requirements..”

The recommended conditions of approval in the Engineering Comments are included below. Additional details on the proposed system are provided in the applicant’s narrative and plans.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C14: Prior to Approval of the Engineering Public Improvement Plans, the adjacent site development project (Sherwood Commercial Center Phase 1, LU 2021-12) is constructing the public sanitary sewer mainline extension within Oregon Street, Tonquin Road, the unnamed public access drive, and across the southern portion of the subject site, to which the subject site will connect for sanitary sewer service, that the public sanitary sewer mainline must be constructed, inspected, approved, and accepted by the City prior to issuance of a Final Approval letter from the Engineering Department for the subject site.

CONDITION OF APPROVAL A11: Construction of service laterals and connection to the existing public sanitary sewer system shall conform to CWS design and construction standards and meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C15: Prior to Approval of the Engineering Public Improvement Plans, the proposed development sanitary sewer design shall comply with all the relevant conditions of CWS SPL File No. 21-001024.

CONDITION OF APPROVAL E4: Prior to Issuance of a Plumbing Permit, the proposed development shall design all the private sanitary sewer to be in compliance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL F5: Prior to Final Acceptance of the Constructed Public Improvements, any public sanitary sewer facilities located on private property outside public right-of-way, shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.

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.**

ANALYSIS: The City of Sherwood Engineering Comments state “The proposed site development has provided a preliminary sanitary sewer and waterline plan, (sheet P10) which shows the connection to the existing 12-inch diameter public water mainline located in the Oregon right-of-way. The connection is located at approximately 300 feet west of the northwest corner of the subject property along Oregon Street.

The plans indicate installation of a double check detector assembly for the sites domestic and fire water systems. A 2-inch domestic water service line with a 1½-inch water meter set is also identified. Both assemblies are to be located within a public utility easement dedicated to the city.

On-site fire protection may be necessary depending on conditions by Tualatin Valley Fire & Rescue.”

The recommended conditions of approval in the Engineering Comments are included below. Additional details on the proposed system are provided in the applicant’s narrative and plans.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C16: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide water service to supply domestic, irrigation and fire water (if required) of the subject development at a location meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C17: Prior to Approval of the Engineering Public Improvement Plans, water flows calculations (domestic, irrigation and fire) shall be provided by the developer to the City for review and acceptance.

CONDITION OF APPROVAL C18: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of Reduced Pressure Backflow Assemblies meeting Sherwood Engineering Department standards.

CONDITION OF APPROVAL C19: Prior to Approval of the Engineering Public Improvement Plans, if on-site fire protection is to be installed, the proposed development shall design for the installation of backflow protection meeting Sherwood Engineering Department standards.

CONDITION OF APPROVAL E5: Prior to Issuance of a Plumbing Permit, the proposed development private water system lines design shall comply with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL F6: Prior to Final Acceptance of the Constructed Public Improvements, any public water facilities located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting Sherwood Engineering standards.

Chapter 16.114 – STORM WATER

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

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.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B) state “The CWS Hydromodification Planning Tool indicates that the site is located within an Expansion Area and drains to an area classified as low hydromodification risk level. Per Table 4-2 of CWS Design and Construction Standards (R&O 19-5 as Amended by R&O 19-22, adopted 11/12/2019), within the Development Class/Risk Level of Expansion/Low the project is identified as a Category 3 type Hydromodification Approach Project Category. This means that the design criteria will need to follow a Flow Duration Curve Matching Hydraulic Design Criteria requirements of Section 4.08.07. The site currently is undeveloped and has no specific storm water discharge point

The applicant has submitted a Preliminary Stormwater Report prepared by AKS Engineering & Forestry, dated May 12, 2021. The report indicates that the project design is based on Flow Duration Matching Hydraulic Design Criteria the stormwater calculation for hydromodification will need to meet ½ of the 2yr – 24hr amount. The design proposes construction of an on-site water quality treatment and detention system, prior to stormwater discharge off-site. In subsequent discussion with applicant’s consulting engineers, the stormwater plan has been revised to provide a private stormwater treatment/detention facility for the subject site, and a public stormwater treatment/detention facility for the Tonquin Court stormwater runoff.

The development will be required to install these stormwater quality treatment/detention, and hydromodification facilities for all new/modified impervious area meeting Clean Water Services standards.

Any requirements of Washington County on the subject development to construct/modify impervious area within Washington County right-of-way will cause the subject development to provide water quality treatment and hydromodification of storm water runoff meeting Clean Water Services standards. The report indicates that the stormwater runoff from the new impervious surface areas along Oregon Street and Tonquin Road will be directed to the existing stormwater catch basins for discharge to Rock Creek. It must be noted that the existing public stormwater system within Oregon Street and Tonquin Road do not have stormwater quality treatment facilities incorporated into their systems. Adding new impervious surface area from public improvements initiates the same water quality treatment, detention and hydromodification requirements as the private on-site system in meeting CWS standards.

The preliminary storm drainage report indicates that there are no deficiencies within the downstream conveyance system.

The application indicates that the on-site stormwater discharge is going to be to the existing 12-inch diameter public stormwater line located in Oregon Street. However, the Preliminary Storm Drainage Plan (Sheet P09) of the applicant's submittal indicates a direct discharge to a storm outfall with 10' x 10' rip rap pad on the west side of Tonquin Road, and from there to the adjacent wetland/stream corridor (Rock Creek) which is supported by the Preliminary Stormwater Report.

The Preliminary Stormwater Report indicates that post developed stormwater runoff from Nodes Subcatchment6S (adjacent site development), Subcatchment2S (Oregon & Tonquin Road surfaces), and Subcatchment5S (natural ground surrounding water quality facility) will not be included into the on-site stormwater treatment facility. The report indicates that the stormwater treatment facility will be a privately owned, operated and maintained system.

The Report indicates that Node Subcatchment1S combines the main site development and SW Tonquin Court impervious surface areas. This creates a condition where public stormwater runoff is being combined with private site stormwater runoff for treatment. City and CWS design requirements do not permit the mixing of public and private stormwater runoff for treatment in the same facility unless the system is classified as a regional treatment system which provides treatment for two or more tax lots and which does not include public right-of-way in the definition of a tax lot. Therefore, a separate stormwater treatment/hydromodification system needs to be provided for the proposed Oregon Street, Tonquin Road and Tonquin Court public improvements."

"City policy requires that prior to grading, a permit is obtained from the Building Department for all grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public

improvements is reviewed, approved and released as part of the public improvement plans.

An erosion control plan and permit are required from the City of Sherwood Engineering Department for all public and private improvements. The erosion control permit is reviewed, approved and released as part of the public improvement plans.

The proposed disturbance area for the subject development is greater than 5 acres in area therefore a DEQ NPDES 1200-C permit is required for this project.

It is anticipated that site grading may include site blasting processes. The applicant will need to obtain a Blasting Permit from TVF&R and include it with the submittal to obtain a City Blasting permit. The City Blasting Permit only covers the blasting process and does not replace the need to obtain a site grading permit.

CWS standards call for a phased mass grading plan for projects where clearing and mass grading activities are proposed during the wet weather period.”

The recommended conditions of approval in the Engineering Comments are included below. Additional details on the proposed system are provided in the applicant’s narrative and plans.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C20: Prior to Approval of the Engineering Public Improvement Plans, the applicant shall provide an Engineering stamped and signed Final Stormwater Report, which represents the final configuration of stormwater collection, conveyance, water quality treatment, detention and hydromodification systems meeting CWS design requirements.

CONDITION OF APPROVAL C21: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide stormwater quality treatment and hydro-modification in compliance with Clean Water Services standards meeting the approval of the Sherwood Engineering Department for all new impervious area constructed or modified by the subject development, including any required improvements within Washington County right-of-way (Oregon Street, Tonquin Road and Tonquin Court).

CONDITION OF APPROVAL C22: Prior to Approval of the Engineering Public Improvement Plans, if the final storm drainage report indicates any downstream deficiencies, then the subject development shall either correct the downstream deficiencies or provide detention meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL F7: Prior to Final Acceptance of the Constructed Public Improvements, private stormwater treatment/hydromodification facilities will be provided to the site development under private ownership. The City and CWS will be granted access rights to the facility for the purpose of inspection to ensure compliance with the required maintenance operations. The applicant will be required to sign a City Standard Access and Maintenance Covenant.

CONDITION OF APPROVAL C23: Prior to Approval of the Engineering Public Improvement Plans, the public improvement plans shall provide for a separate public stormwater treatment/hydromodification systems which will handle the stormwater runoff from Oregon Street, Tonquin Road, and Tonquin Court. This requirement may include dedication of any necessary additional right-of-way or dedication of land in a tract to the City to allow for the placement of the public stormwater facilities.

CONDITION OF APPROVAL E6: Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL F8: Prior to Final Acceptance of the Constructed Public Improvements, any public storm sewer located on or across private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.

CONDITION OF APPROVAL D1: Prior to Issuance of a Grading Permit, the subject development shall submit a phased mass grading plan/erosion control plan meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL D2: Prior to Issuance of a Grading Permit, the subject development shall obtain a DEQ NPDES 1200-C permit.

CONDITION OF APPROVAL D3: Prior to Issuance of a Site Grading Permit (if blasting is desired), the applicant shall obtain a Blasting Permit from TVF&R and include it with any submittal to obtain a City issued Blasting Permit. The City Blasting Permit only covers the blasting process and does not replace the need to obtain a site grading permit.

CONDITION OF APPROVAL C24: Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization from Clean Water Services shall be obtained.

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.

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.

ANALYSIS: Tualatin Valley Fire and Rescue has issued a Service Provider Letter for the proposed development included as Exhibit D. The applicant is conditioned to meet all applicable fire requirements prior to occupancy.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G8: Prior to Final Occupancy, the site shall conform to Tualatin Valley Fire & Rescue standards and obtain final approval from the agency.

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES

16.118.010 Purpose

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

16.118.020 Standard

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**
- 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.**

16.118.030 - Underground Facilities

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

16.118.040 - Exceptions

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

ANALYSIS: The applicant's narrative states all utilities will be installed in accordance with City standards including undergrounding. Existing overhead lines are located in the SW Oregon St. and SW Tonquin Rd. right-of-way adjacent to the site. The lines are required to be placed underground in accordance with City and PGE standards.

There is no Sherwood Broadband existing along the subject property frontage of Oregon Street, Tonquin Road, or the proposed alignment of Tonquin Court.

FINDING: These standards are as conditioned below.

CONDITION OF APPROVAL C25: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for Sherwood Broadband conduits and vaults along the subject property frontage of SW Oregon Street, SW Tonquin Road and SW Tonquin Court in areas where a PUE is dedicated meeting the approval of the Sherwood Engineering Department unless otherwise approved for a payment-in-lieu.

CONDITION OF APPROVAL F9: Prior to Acceptance of Public Improvements, the proposed development shall set all monumentation and record the Record of Survey with the Washington County Surveyor's Office.

CONDITION OF APPROVAL F10: Prior to Acceptance of Public Improvements, the proposed development shall dedicate a minimum 8-foot wide PUE along the subject property frontage of all public right-of-way meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

Chapter 16.134 - FLOODPLAIN (FP) OVERLAY

16.134.050 - Permitted Uses

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or floodplain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per Section 16.134.030.

- A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.
- B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district that do not impede the movement of floodwaters and flood-carried materials.
- C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 16.134.080 and 16.134.090.
- D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the floodplain.

ANALYSIS: The portion of property located on the west side of SW Tonquin Rd. is located in a floodplain. The applicant is proposing the area to be used for stormwater conveyance, the future street round-about and underground utilities. All of the proposed future uses are permitted outright in the floodplain zone, as shown in the section above. The applicant is not proposing industrial development on the west side of Tonquin Rd.

FINDINGS: This standard is met.

Chapter 16.142 Parks, Trees and Open Space

16.142.040 - Visual Corridors

A. Corridors Required

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

	<u>Category</u>	<u>Width</u>
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

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

ANALYSIS: The development site has frontage on SW Oregon St. (arterial) and SW Tonquin Rd. (arterial). The applicant's Site Plan (Exhibit A – Exhibit A, Sheet P06) show a minimum 15 ft. wide landscaped visual corridor on private property along both frontages. The public street cross sections shown in on Sheet P07 show the visual corridor within the right-of-way. The visual corridor is required to be on private property after dedication of the required right-of-way.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B7: Prior to Final Site Plan Approval, show the final location of the required visual corridors along SW Oregon St. (15 ft.) and SW Tonquin Rd. (15 ft.). The visual corridor shall be on private property after the required right-of-way dedications.

B. Landscape Materials

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

ANALYSIS: The Landscape Plan (Exhibit A – Exhibit B, Sheet L1.0) shows the proposed planting for each visual corridor. The applicant is proposing uniformly planted trees, shrubs, and ground cover.

FINDING: This standard is met.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be

dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

ANALYSIS: Continuous maintenance of the visual corridors is required by the developer and future owners of the property.

FINDING: This standard is met.

D. Required Yard

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

ANALYSIS: The required yard setbacks are 20 ft. along both street frontages, which exceeds the required 15 ft. wide visual corridors. No buildings are proposed in the setbacks or the visual corridors.

FINDING: This standard is met.

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.

ANALYSIS: The subject site is located along the Rock Creek corridor and the western portion of the property is identified as “Greenway / Visual Corridor / Open Space” in the Natural Resources and Recreation Plan Map. The applicant is proposing to develop the site for industrial uses. The portion of property in the greenway will be landscaped with trees as part of the City’s 15 ft. wide visual corridor requirement. Additional plantings associated with the storm water facility will create a continuous landscaped area at the western corner of the site. The proposed landscaping is appropriate for this specific site and a park dedication is not proposed or required.

FINDING: This standard is met.

16.142.060: STREET TREES

A. Installation of Street Trees on New or Redeveloped Property.

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

- 1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.**
- 2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.**
- 3. Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.**
- 4. Required Street Trees and Spacing:**
 - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.**
 - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.**
 - c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:**

- (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
- (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
- (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
- (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
- (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

ANALYSIS: The development site will have frontage on three public streets that require street trees. The applicant is proposing Paperbark Maple trees along SW Tonquin Rd. and SW Oregon St. Street trees and Tilia Americana trees along SW Laurelwood Way (aka SW Tonquin Ct.).

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G9: Prior to Occupancy, street trees shall be installed within all three public rights-of-way in accordance with SZCDC § 16.142.060.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette

Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

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

C. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:
 - a. Tree size (in DBH and canopy area)
 - b. Tree species
 - c. The condition of the tree with notes as applicable explaining the assessment
 - d. The location of the tree on the site
 - e. The location of the tree relative to the planned improvements
 - f. Assessment of whether the tree must be removed to accommodate the development
 - g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.
2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.
3. Definitions for the inventory purposes of this Section
 - a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.

- b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.
- c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.

D. Retention requirements

- 1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.

ANALYSIS: The applicant has provided a Tree Preservation and Removal Plan with details on the location, size, and species of each tree on the site (Exhibit A – Exhibit A, Sheet P 15 - 17). The applicant is proposing to remove all but three on-site trees in order to accommodate the proposed development. New on-site trees will be planted to meet the City’s 30% canopy requirement and new off-site trees will be planted to meet street tree planting requirements.

FINDING: These criteria are met.

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

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

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide

an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	40%	N/A	30%
Counted Toward the Canopy Requirement			
Street trees included in canopy requirement	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	Yes
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes
Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * \text{radius}^2)$ (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.			
Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.52) = 962$ square feet			

ANALYSIS: The proposal is for an industrial development and a 30% tree canopy is required over the net development site. The applicant’s narrative indicates 89 new trees are proposed for a total of 180,256 SF SF of tree canopy coverage, equal to approximately 52% of the net site area.

FINDING: This standard is met.

4. **The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:**

- a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
- b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
- c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
- d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
- e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

ANALYSIS: No retention of specific trees located on the site are proposed by the applicant.

FINDING: This criterion is met.

- 5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.

ANALYSIS: The site is not located within the Old Town Overlay District.

FINDING: This criterion does not apply.

- 6. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection

D of this Section and any limitations or conditions attached thereto.

ANALYSIS: The Tree Preservation and Removal Plan sheets indicate which trees will be preserved and which will be removed as part of the site development. The plans will be included as an exhibit to the application.

FINDING: This criterion is met.

- 7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.**

ANALYSIS: No areas are proposed for dedication to the City.

FINDING: This criterion does not apply.

- E. Tree Preservation Incentive**
Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).

ANALYSIS: The applicant is not proposing to preserve on-site trees.

FINDING: This criterion applies does not apply.

- G. Tree Protection During Development**
The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing,

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selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

ANALYSIS: The applicant is proposing to protect three trees at the northern corner of the site in the small trangular piece of land that is left over after dedication of right-of-way for SW Laurelwood Way. The Preliminary Tree Preservation and Removal Plan (Exhibit A – Exhibit A Sheet P15 - 17) provides instructions for tree preservation including fencing.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL A12: The three on-site trees identified for protection shall be protected and preserved through site development in accordance with the Preliminary Tree Preservation and Removal Plan.

Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS*

16.144.010 - Generally

Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro, and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.

16.144.20 Standards

- A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:**
 - 1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.**

- a. **A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.**
- b. **Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.**
- c. **A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.**

ANALYSIS: The applicant has provided a Wetland Assessment and Delineation Report (Exhibit A – Exhibit E) and a CWS Service Provider Letter (Exhibit A – Exhibit J). The Wetland Assessment identifies a 0.27-acre and 0.33-acre on-site wetland located on each side of SW Tonquin Rd. near the intersection with SW Oregon St. Wetland A is 0.27-acres and is located on-site east of SW Tonquin Rd. Wetland B is 0.33-acres is also on-site but located on the bifurcated portion of the property on the west side of SW Tonquin Rd. The applicant is proposing to remove Wetland A (0.27-acres) in order to accommodate a new storm water facility, visual corridor plantings, and street improvements. Wetland B on the east side of SW Tonquin Rd. will remain and the applicant is proposing a Vegetative Corridor Public Benefit Mitigation Area between the remaining wetland and SW Tonquin Rd. The new vegetation will provide a buffer between the wetland and development across SW Tonquin Rd. The proposed enhancement area will also protect the wetland from harm including sedimentation and physical trespass.

FINDING: Wetland B will remain and enhancement and protection measures required by the standard above have been provided. The applicant is also proposing to remove Wetland A from the site and subsection (2) below applies.

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

ANALYSIS: The applicant is proposing to eliminate 0.27-acre “Wetland A” in order to accommodate a new storm water facility, visual corridor plantings, and street improvements. The standard above requires the applicant to “develop or enhance an area of wetland that is at least equal to the area and functional value of the wetlands eliminated”. The applicant’s narrative states that the storm water facility replacing the

wetland is equal to the area and functional value of the wetland it is replacing. However, the standard above specifically requires a wetland to be provided as mitigation, not a storm water facility. However, the applicant has also provided a US Army Corps of Engineers and Oregon Department of State Lands Joint Permit Application that indicates the applicant is proposing to mitigate for the loss of wetlands through a mitigation bank. Specifically, the applicant is proposing to purchase 0.27-acres of Legacy Credits from the Tualatin Valley Environmental Bank to mitigate for the wetland impacts.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL D4: Prior to Issuance of a Grading Permit, the applicant shall demonstrate that the wetland mitigation bank requirements described in the US Army Corps of Engineers and Oregon Department of State Lands Joint Permit Application have been satisfied.

CONDITION OF APPROVAL D5: Prior to Issuance of a Grading Permit, the applicant shall obtain applicable state and federal wetland permits for the stormwater discharge to Rock Creek.

CONDITION OF APPROVAL C26: Prior to Issuance of the Engineering Compliance Permit, applicant shall provide written sign-off or permits issued by CWS , DSL, USACE, or other agencies for the removal of any wetlands from the project site and/or City's inventory.

- B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:**
- 1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).**
 - 2. The facility will comply with applicable requirements of the zone.**
 - 3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed**

areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.

4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.
5. Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.

ANALYSIS: The applicant's narrative states that the endangered and threatened species were not identified in the site's natural resource areas. The applicant has obtained a Service Provider Letter from CWS and is required to comply with the sensitive area regulations including development setbacks. All of the trees on the site are proposed for removal.

FINDING: These standards are met.

- 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:

1. **Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:**
 - a. **Located the Water Feature that is the basis for identifying riparian habitat.**
 1. **Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.**
 2. **Locate all flood areas within 100 feet of the property.**
 3. **Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.**
 - b. **Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;**
 1. **Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).**

2. **Woody vegetation** — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.
 3. **Forest canopy** — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.
- c. **Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and**
 - d. **Identify the riparian habitat classes applicable to all areas on the property using Table 8-1 below:**

Distance in feet from Water Feature	Development/Vegetation Status			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
Surface Streams				
0-50	Class II	Class I	Class I	Class I
50-100		Class II	Class I	Class I
100-150		Class II if slope >25%	Class II if slope >25%	Class II
150-200		Class II if slope >25%	Class II if slope >25%	Class II if slope >25%
Wetlands (Wetland feature itself is a Class I Riparian Area)				

0-100			Class I	Class I
100-150				Class II
Flood Areas (undeveloped portion of a flood area is a Class I Riparian area)				
0-100			Class II	Class II

- 2. Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map. The perimeter of an area delineated as "forest canopy" on the Metro Vegetative Cover map may be adjusted to more precisely indicate the drip line of the trees within the canopied area.**

ANALYSIS: Based on MetroMaps the site contains Regionally Significant Riparian and Upland Habitat. The applicant has provided a Wetland Assessment and Delineation Report and Tree Preservation and Removal Plan that provide details on the habitat. The applicant is proposing to develop the entire portion of the site east of SW Tonquin Rd. The wetland on the east side of SW Tonquin Rd. will be retained.

FINDING: This standard is met.

Chapter 16.146 - Noise

16.146.010 - Generally

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

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.**

ANALYSIS: The proposed industrial use adjoins land exclusively zoned Employment Industrial and General Industrial with the exception of an open space property to the east zoned Medium Density Residential High. The residentially zoned property is associated with the Tualatin River National Wildlife Refuge and Rock Creek. The riparian corridor provides a buffer between the proposed industrial development and residential development to the south and east of the site. The use of the site as flex industrial space is not anticipated to exceed the noise standards in OAR 340-35-035. Any future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

FINDING: This standard is met.

Chapter 16.148 - Vibrations

16.148.010 - Vibrations

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

ANALYSIS: The proposed industrial use adjoins land exclusively zoned Employment Industrial and General Industrial with the exception of an open space property to the east zoned Medium Density Residential High. The residentially zoned property is associated with the Tualatin River National Wildlife Refuge and Rock Creek. The riparian corridor provides a buffer between the proposed industrial development and residential development to the south and east of the site. The use of the site as flex industrial space is not anticipated to generate vibrations in excess of the standard above. Future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

FINDING: This standard is met.

Chapter 16.150 - Air Quality

16.150.010 – Air Quality

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

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.**
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.**
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.**

ANALYSIS: The proposed industrial use adjoins land exclusively zoned Employment Industrial and General Industrial with the exception of an open space property to the east zoned Medium Density Residential High. The residentially zoned property is associated with the Tualatin River National Wildlife Refuge and Rock Creek. The riparian corridor provides a buffer between the proposed industrial development and residential development to the south and east of the site. The applicant and future tenants of the site are required to comply with applicable air quality regulations.

FINDING: This standard is met.

Chapter 16.152 - Odors

16.152.010 - Odors

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

ANALYSIS: The proposed industrial use adjoins land exclusively zoned Employment Industrial and General Industrial with the exception of an open space property to the east zoned Medium Density Residential High. The residentially zoned property is associated with the Tualatin River National Wildlife Refuge and Rock Creek. The riparian corridor provides a buffer between the proposed industrial development and residential development to the south and east of the site. The use of the site as flex industrial space is not anticipated to create discernable odors beyond the boundaries of the site. Future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

FINDING: This standard is met.

Chapter 16.154 - Heat and Glare

16.154.010 – Heat and Glare

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

ANALYSIS: The applicant has provided a preliminary lighting plan (Exhibit A – Exhibit, Sheet P20) that shows the proposed on-site lighting. No outdoor uses requiring significant outdoor lighting is proposed. The portion of the site that will include lighting does not adjoin properties zoned for residential uses.

FINDING: This standard is met.

Chapter 16.156 - Energy Conservation

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.**

ANALYSIS: The buildings are oriented north-south with large expanses of walls facing south in order to take advantage of solar energy. Trees are proposed around the perimeter of the site to shade and cool the site in summer. Due to the slope of the site, light to the buildings will be maximized while the cooling effects of the trees will be focused around the parking areas.

FINDING: This standard is met.

IV. STAFF RECOMMENDATION AND CONDITION OF APPROVAL

Staff recommends approval of LU 2021-012 SP / VAR Oregon St. Business Park, subject to the findings and Conditions of Approval described in this report. The recommendation is based on review of the applicable code standards and approval criteria, the applicant's submittal, agency comments, and public testimony.

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The development shall substantially comply with the submitted preliminary plans and narrative except as indicated in the conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. This approval is valid for a period of two (2) years from the date of the Notice of Decision. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
5. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
6. All new utilities to be installed for the development of the subject property shall be underground.
7. Retaining walls within public easements or the public right-of-way shall require engineering approval.
8. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.
9. The site shall conform to all local building and fire code regulations, in addition to any applicable state and federal regulations, for hazardous materials storage on the site.

10. The subject property is located in the Tonquin Employment Area and is subject to the commercial node use restrictions in SZCDC § 16.31.060.
11. Construction of service laterals and connection to the existing public sanitary sewer system shall conform to CWS design and construction standards and meeting the approval of the Sherwood Engineering Department.
12. The three on-site trees identified for protection shall be protected and preserved through site development in accordance with the Preliminary Tree Preservation and Removal Plan.

B. Prior to Final Site Plan Approval

1. Prior to Final Site Plan Approval, revise the plans to show the clear vision areas for the driveway intersection in accordance with SZCDC § 16.58.010.
2. Prior to Final Site Plan approval, revise the building design to provide a minimum of 15% glazing along the east façade of Buildings 3 and 4. This requirement can be met through false or faux windows.
3. Prior to Final Site Plan Approval, provide a final landscape plan meeting the requirements of SZCDC § 16.92.
4. Prior to Final Site Plan approval, provide a final marking plan for the on-site parking, loading, and maneuvering areas.
5. Prior to Final Site Plan Approval, show the final location and design of the short-term bicycle parking. The location and design shall meet the requirements of SZCDC § 16.94.020(C). Each space is required to provide a minimum of 2x6' of clear space.
6. Prior to Final Site Plan approval, applicant shall obtain written approval from Pride Disposal for the location and design of trash and recycling enclosures. The design shall also meet the standards of SZCDC § 16.98.020.
7. Prior to Final Site Plan Approval, show the final location of the required visual corridors along SW Oregon St. (15 ft.) and SW Tonquin Rd. (15 ft.). The visual corridor shall be on private property after the required right-of-way dedications.

C. Prior to Approval of the Engineering Public Improvement Plans / Issuance of the Engineering Compliance Agreement

1. Prior to Approval of Engineering Public Improvement Plans, the applicant shall provide a final TIA, corrected to conform to the Recommendations detailed in the DKS Memorandums (Attachments B and E), including associated changes to the Engineering Public Improvement Plans.
2. Prior to Approval of Engineering Public Improvement Plans, the applicant shall provide for proportionate share dedication of necessary right-of-way for the construction of Tonquin Court. The alignment of Tonquin Court shall be located along the eastern property line 22-foot ROW dedication until the alignment veers westerly at an appropriate point to intersect Oregon Street perpendicularly full street section, at a point being in alignment with the centerline of the existing southern driveway access on the west side of Oregon Street to Allied Systems Company (Tax Lot #2S128C000501), and as approved by WACO and City Engineering.

3. Prior to Approval of Engineering Public Improvement Plans, the applicant's plans submittal shall show the Tonquin Court right-of-way section conforming with the City's 40-Foot Standard Commercial / Industrial Not Exceeding 3,000 Vehicles Per Day street section, with total right-of-way width of 64-feet, being constructed by others, with City Engineering Department approval.
4. Prior to Approval of Engineering Public Improvement Plans, the initial site construction access shall be classified as "interim" and shall be located at the point where Tonquin Court intersects Oregon Street perpendicularly at a point being in alignment with the centerline of the existing southern driveway access on the west side of Oregon Street to Allied Systems Company (Tax Lot #2S128C00501), and as approved by WACO and City Engineering. At such time as when Tonquin Court is constructed, the ultimate site access shall be relocated to an approved point along the Tonquin Court alignment.
5. Prior to Approval of Engineering Public Improvement Plans, the applicant's plans for the initial site access shall include dedication of additional right-of-way and construction of a dedicated right-turn lane on the south right-of-way line of Oregon Street, and a dedicated left-turn lane within the current center lane in the westbound direction of Oregon Street. Exception to the right-turn lane requirement may only come from WACO issuance of an approved (signed) design exception waiver.
6. Prior to Issuance of Compliance Agreement, applicant shall pay a fee in-lieu-of amount for the proportional share mitigation costs of designing and constructing a roundabout at the intersection of Tonquin Road and Oregon Street. The fee in-lieu-of amount is to be provided by applicant to City staff for review and approval.
7. Prior to Issuance of Compliance Agreement, applicant shall pay a fee in-lieu-of amount of \$45,833.33 for the proportional share mitigation costs of designing and constructing a northbound and southbound left turn lane at the intersection of Murdock Road and Sunset Boulevard.
8. Prior to Issuance of Compliance Agreement, applicant shall ensure that Tonquin Court construction will occur, by the submittal of a performance bond from the applicant or another legal entity who is shown to be responsible for the construction of Tonquin Court via private agreement, in the amount of 125% of the estimated construction cost.
9. Prior to Approval of Engineering Public Improvement Plans, the applicant shall submit a separate design exception request form for any additional non-conforming public infrastructure design element(s) that were not submitted under the Land Use process, to the City Engineer for review and approval.
10. Prior to Approval of Engineering Public Improvement Plans, frontage improvements along Oregon Street shall comply with City standards, and shall include a 12-foot wide multi-use sidewalk, planter strip with street trees and irrigation system, and street lighting (Cobra Head style) meeting PGE standards.
11. Prior to Approval of Engineering Public Improvement Plans, frontage improvements along Tonquin Road shall comply with City standards, and shall include a 6-foot wide sidewalk, planter strip with street trees and irrigation system, and street lighting (Cobra Head style) meeting PGE standards.

12. Prior to Approval of Engineering Public Improvement Plans, the applicant shall record any slope or retaining wall easements necessary to support the Tonquin Court road section/alignment. Slope easements shall be based on a 2 horizontal to 1 vertical finish slope grade and retaining wall easements shall run to the open face of the retaining wall.
13. Prior to Approval of the Engineering Public Improvement Plans or Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.
14. Prior to Approval of the Engineering Public Improvement Plans, the adjacent site development project (Sherwood Commercial Center Phase 1, LU 2021-12) is constructing the public sanitary sewer mainline extension within Oregon Street, Tonquin Road, the unnamed public access drive, and across the southern portion of the subject site, to which the subject site will connect for sanitary sewer service, that the public sanitary sewer mainline must be constructed, inspected, approved, and accepted by the City prior to issuance of a Final Approval letter from the Engineering Department for the subject site.
15. Prior to Approval of the Engineering Public Improvement Plans, the proposed development sanitary sewer design shall comply with all the relevant conditions of CWS SPL File No. 21-001024.
16. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide water service to supply domestic, irrigation and fire water (if required) of the subject development at a location meeting the approval of the Sherwood Engineering Department.
17. Prior to Approval of the Engineering Public Improvement Plans, water flows calculations (domestic, irrigation and fire) shall be provided by the developer to the City for review and acceptance.
18. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the installation of Reduced Pressure Backflow Assemblies meeting Sherwood Engineering Department standards.
19. Prior to Approval of the Engineering Public Improvement Plans, if on-site fire protection is to be installed, the proposed development shall design for the installation of backflow protection meeting Sherwood Engineering Department standards.
20. Prior to Approval of the Engineering Public Improvement Plans, the applicant shall provide an Engineering stamped and signed Final Stormwater Report, which represents the final configuration of stormwater collection, conveyance, water quality treatment, detention and hydromodification systems meeting CWS design requirements.
21. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide stormwater quality treatment and hydro-modification in compliance with Clean Water Services standards meeting the approval of the Sherwood Engineering Department for all new impervious area constructed or modified by the subject development, including any required improvements within Washington County right-of-way (Oregon Street, Tonquin Road and Tonquin Court).

22. Prior to Approval of the Engineering Public Improvement Plans, if the final storm drainage report indicates any downstream deficiencies, then the subject development shall either correct the downstream deficiencies or provide detention meeting the approval of the Sherwood Engineering Department.
23. Prior to Approval of the Engineering Public Improvement Plans, the public improvement plans shall provide for a separate public stormwater treatment/hydromodification systems which will handle the stormwater runoff from Oregon Street, Tonquin Road, and Tonquin Court. This requirement may include dedication of any necessary additional right-of-way or dedication of land in a tract to the City to allow for the placement of the public stormwater facilities.
24. Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization from Clean Water Services shall be obtained.
25. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for Sherwood Broadband conduits and vaults along the subject property frontage of SW Oregon Street, SW Tonquin Road and SW Tonquin Court in areas where a PUE is dedicated meeting the approval of the Sherwood Engineering Department unless otherwise approved for a payment-in-lieu.
26. Prior to Issuance of the Engineering Compliance Permit, applicant shall provide written sign-off or permits issued by CWS , DSL, USACE, or other agencies for the removal of any wetlands from the project site and/or City's inventory.
27. Prior to Approval of the Engineering Plans, the local street currently known as SW Tonquin Ct. shall be re-named SW Laurelwood Way or an alternative that meets the naming requirements of SZCDC § 16.106.010(B) – (D).

D. Prior to Issuance of a Grading Permit

1. Prior to Issuance of a Grading Permit, the subject development shall submit a phased mass grading plan/erosion control plan meeting the approval of the Sherwood Engineering Department.
2. Prior to Issuance of a Grading Permit, the subject development shall obtain a DEQ NPDES 1200-C permit.
3. Prior to Issuance of a Site Grading Permit (if blasting is desired), the applicant shall obtain a Blasting Permit from TVF&R and include it with any submittal to obtain a City issued Blasting Permit. The City Blasting Permit only covers the blasting process and does not replace the need to obtain a site grading permit.
4. Prior to Issuance of a Grading Permit, the applicant shall demonstrate that the wetland mitigation bank requirements described in the US Army Corps of Engineers and Oregon Department of State Lands Joint Permit Application have been satisfied.
5. Prior to Issuance of a Grading Permit, the applicant shall obtain applicable state and federal wetland permits for the stormwater discharge to Rock Creek.

E. Prior to Issuance of Building Permits

1. Prior to Issuance of Building Permits the applicant shall obtain Final Site Plan approval.
2. Prior to Issuance of Building Permits, all roof mounted equipment on Buildings 1, 2, and 3 shall be designed to be screened from SW Tonquin Rd. and SW Oregon St.
3. Prior to Issuance of Building Permits, Tonquin Court shall obtain substantial completion approval from the City Engineering Department.
4. Prior to Issuance of a Plumbing Permit, the proposed development shall design all the private sanitary sewer to be in compliance with the current Oregon Plumbing Specialty Code.
5. Prior to Issuance of a Plumbing Permit, the proposed development private water system lines design shall comply with the current Oregon Plumbing Specialty Code.
6. Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

F. Prior to Acceptance of Public Improvements

1. Prior to Acceptance of Constructed Public Improvements, no permanent structures or impediments to the construction of Tonquin Court may be constructed or placed within the dedicated Tonquin Court right-of-way.
2. Prior to Acceptance of Constructed Public Improvements, the applicant shall record an 8-foot wide PUE along the south side of the SW Oregon Street alignment that lays within the subject site property limits.
3. Prior to Acceptance of Constructed Public Improvements, the applicant shall record an 8-foot wide PUE along each side of the Tonquin Court alignment that lays within the subject site property limits.
4. Prior Acceptance of Constructed Public Improvements, applicant shall provide a two (2) year maintenance warranty for deficient workmanship and/or materials associated with the public improvements.
5. Prior to Final Acceptance of the Constructed Public Improvements, any public sanitary sewer facilities located on private property outside public right-of-way, shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.
6. Prior to Final Acceptance of the Constructed Public Improvements, any public water facilities located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting Sherwood Engineering standards.
7. Prior to Final Acceptance of the Constructed Public Improvements, private stormwater treatment/hydromodification facilities will be provided to the site development under private ownership. The City and CWS will be granted access

rights to the facility for the purpose of inspection to ensure compliance with the required maintenance operations. The applicant will be required to sign a City Standard Access and Maintenance Covenant.

8. Prior to Final Acceptance of the Constructed Public Improvements, any public storm sewer located on or across private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.
9. Prior to Acceptance of Public Improvements, the proposed development shall set all monumentation and record the Record of Survey with Washington County Surveyor's Office.
10. Prior to Acceptance of Public Improvements, the proposed development shall dedicate a minimum 8-foot wide PUE along the subject property frontage of all public right-of-way meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

G. Prior to Receiving Occupancy

1. Prior to Occupancy, the site shall establish the clear vision areas for the driveway intersection in accordance with SZCDC § 16.58.010.
2. Prior to Occupancy, all roof mounted equipment on Buildings 1, 2, and 3 shall be screened from view from SW Tonquin Rd. and SW Oregon St.
3. Prior to Issuance of Occupancy, mechanical equipment shall be screened from view from all public streets and 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.
4. Prior to Occupancy, all landscaping must be installed and have an irrigation system in accordance with SZCDC § 16.92.040(C).
5. Prior to Receiving Occupancy, all parking, loading or maneuvering areas including ADA and loading stalls shall be clearly marked and signed.
6. Prior to Receiving Occupancy, bicycle parking shall be installed in accordance with the Final Site Plan approval and SZCDC § 16.94.020(C)(2) including a 2x6' space for each bicycle.
7. Prior to Grant of Occupancy all public improvements must be constructed, inspected, approved and accepted by the City
8. Prior to Final Occupancy, the site shall conform to Tualatin Valley Fire & Rescue standards and obtain final approval from the agency.
9. Prior to Occupancy, street trees shall be installed within all three public rights-of-way in accordance with SZCDC § 16.142.060.

V. EXHIBITS*

- A. Applicant Submittal and Narrative***

- Exhibit A – Preliminary Plans
 - Exhibit B – Land Use Application and Forms
 - Exhibit C – Washington County Assessor’s Map
 - Exhibit D – Preliminary Stormwater Report
 - Exhibit E – Wetland Assessment and Delineation Report
 - Exhibit F – Ownership Information
 - Exhibit G – Traffic Impact Analysis
 - Exhibit H – Neighborhood Meeting Documentation
 - Exhibit I – Public Notice Information
 - Exhibit J – CWS Service Provider Letter
- B.** City of Sherwood Engineering Comments
- Attachment A – Tonquin Ct. Proportionality Analysis
 - Attachment B – TIA Review Comments 6-17-22
 - Attachment C – Washington County Comments 6-13-22
 - Attachment D – TIA Addendum from Applicant 6-28-22
 - Attachment E – TIA Review Comments 7-1-22
- C.** Washington County Land Use and Transportation Comments
- D.** Tualatin Valley Fire & Rescue SPL
- E.** Clean Water Services Comments
- F.** Pride Disposal Comments
- G.** Department of State Lands Concurrence Letter
- H.** Department of State Lands Wetland Land Use Notice Response
- I.** Public Testimony (Tim Kerr)
- J.** Transportation System Plan Figure 18
- K.** TEA Preferred Concept Plan Figure IV
- L.** TEA Implementation Plan Figure 17
- M.** Oregon St. Access Management Plan
- N.** Tonquin Employment Area Preferred Concept Plan
- O.** 120-Day Extensions
- P.** Public Testimony (Jeff Rink)
- Q.** Public Testimony (Matt Langer)
- R.** Public Testimony (William Sproul)
- S.** Public Testimony (Amy Thornton)
- T.** Public Testimony (Bruce Polley)
- U.** Public Testimony (Jeff Hargens)
- V.** Public Testimony (Richard Pier)
- W.** Public Testimony (Steve Durrell)
- X.** Public Testimony (Schnitzer Properties)
- Y.** Memo from Applicant (AKS Engineering and Forestry)
- Z.** Public Testimony (Phillip Rissell)
- AA.** Public Testimony (Matt Langer)
- BB.** Memo from Applicant (AKS Engineering and Forestry)

- CC.** City of Sherwood Staff Memo
- DD.** Public Testimony (Schnitzer Properties)
- EE.** Public Testimony (Matt Langer)
- FF.** Public Testimony (Tim Kerr)
- GG.** 120-Day Extension
- HH.** 120-Day Extension
- II.** Continuance Request
- JJ.** 120-Day Extension
- KK.** 120-Day Extension
- LL.** Continuance Request
- MM.** Cooperative Agreement

**The complete application materials are available in the paper project file at City Hall.*