



NOTICE OF DECISION

TAX LOT: 2S128C000200
ADDRESS: 21900 SW Tualatin-Sherwood Rd.
CASE NO: LU 2021-025 MM / CUP Cascade
Columbia Distribution
**DATE OF
NOTICE:** June 30, 2022

Applicant

Cascade Columbia Distribution
14200 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

Owner

Sherwood Road Industrial, LLC
6900 Fox Ave S.
Seattle, WA 98108

NOTICE

Because you are the applicant or because you testified on the subject application, you are receiving notice that on June 28, 2022, the Sherwood Planning Commission approved land use application 2021-025 MM / CUP Cascade Columbia Distribution.

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-2021-025-mm-cascade-columbia-distribution> or can be obtained by contacting Eric Rutledge, Associate Planner, at 503-625-4242 or rutledgee@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 14, 2022.**

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2021-025 MM / CUP was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on June 30, 2022 before 5pm.

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

CITY OF SHERWOOD
PLANNING COMMISSION FINDINGS REPORT
JUNE 28, 2022



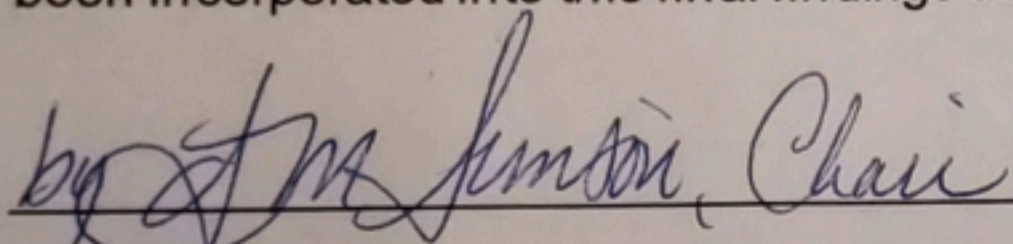
Home of the Tualatin River National Wildlife Refuge

CASCADE COLUMBIA DISTRIBUTION
MAJOR MODIFICATION
LU 2021-025 MM / CUP

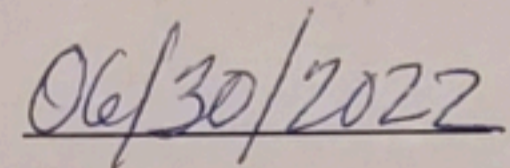
Pre-App Meeting:	August 12, 2021
App. Submitted:	December 17, 2021
App. Complete:	April 4, 2022
Hearing Date:	May 10, 2022
120-Day Deadline:	August 2, 2022

The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the Site Plan Major Modification application for Cascade Columbia Distribution on June 28, 2022. The Commission heard presentations from City staff and the applicant, followed by an opportunity for testimony from the public. No testimony was received from the public. The applicant agreed to all of the conditions of approval in the staff report, including additional Conditions of Approval B7 and G7. The applicant also accepted two minor changes to the findings and a change to Condition of Approval B3, clarifying that new parking lot landscaping within the BPA easement is limited to the size and location restrictions stated in the easement.

After considering all of the information in the record, the Commission unanimously approved the application based on the findings in the staff report dated June 21, 2022 with the addition of Conditions of Approval B7 and G7, a change to Condition of Approval B3, and two additional minor changes to the staff report findings. All of the changes have been incorporated into this final findings document.



Jean Simson, Planning Commission Chair



Date

I. BACKGROUND

- A. Applicant: Cascade Columbia Distribution
14200 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140
- Owner: Sherwood Road Industrial, LLC
6900 Fox Ave. S
Seattle, WA 98108
- B. Location: 21900 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140
(Tax Lot 2S128C000200)
- C. Review Type: The applicant is requesting the following land use approvals: Type IV Major Modification and Type III Conditional Use
- 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 April 20, 2022. Notice of the application was also published in a local newspaper (Tigard Times) on April 21 and May 5, 2022.
- E. Review Criteria: Sherwood Zoning and Community Development Code (SZCDC) SZCDC Chapter 16.31 Industrial Land Use Districts; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.82 Conditional Uses; 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 16.110 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 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, and Natural Areas
- F. History and Background: The subject property is owned and operated by Cascade Columbia Distribution, a chemical distribution company with locations in Oregon and Washington. The site is also occupied by Northstar Chemical Inc., a chemical distribution company with locations in Oregon, Washington, and California. The site received initial Site Plan approval for a 38,658 SF chemical storage and distribution facility in 1994

(SP 92-7). A 10,000 SF building expansion was approved in 2004 (SP 04-06).

The applicant is proposing to add approximately 20,400 SF of new storage area which represents a 10% or more increase in floor area. The application is subject to the Major Modification procedures. At the time of the original approval, storage and handling of acid products and other hazardous material did not require a Conditional Use Permit. Pursuant to SZCDC § 16.82.010(B), the applicant is required to obtain a Conditional Use Permit as the proposal represents a 20% or more increase in floor area to a site storing chemicals and hazardous materials. The applicant is also requesting retroactive Site Plan approval for new outdoor covered structures and additional outdoor storage areas that were added over the years without going through land use approval. The extent of these improvements is shown in Exhibit P.

The site is located on SW Tualatin-Sherwood Rd. under control of Washington County. The County has a capital improvement project for this portion of the road to redevelop the road from a 3-lane arterial to a 5-lane arterial.

- G. Existing Conditions: The subject property is a ±16.9-acre lot zoned General Industrial (GI). The northern boundary of the site has frontage and access on SW Tualatin-Sherwood Road, a Washington County arterial road. Washington County is in the process of purchasing ±9½ feet of additional frontage from the property owner for planned road widening, which is projected to occur in 2022. Portland and Western Railroad line runs along the northwestern boundary of the site. The site is also bisected by a 250-foot-wide Bonneville Power Administration (BPA) transmission easement running east and west.

Existing buildings, loading docks, storage tanks, and outdoor storage areas are located on the southern portion of the site, beyond the BPA easement. The warehouse and additional storage area planned with this application will be constructed adjacent to the existing warehouse in the southern portion of the site, next to the existing buildings and loading areas. The northern portion of the property—which contains a security fence, a paved access road, a paved truck parking area, a lined retention pond, and some unimproved land—will not be impacted.

H. Surrounding Land Uses:

- West: Portland & Western Railroad, wetland and floodplain

- South: Industrial uses (Allied Systems Company)
- East Industrial uses (Allied Systems Company and Pride Disposal)
- North Tualatin-Sherwood Rd. and Industrial uses

I. Current Zoning: General Industrial

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on April 14, 2022. The following responses were received:
1. City of Sherwood Engineering Department provided comments dated June 14, 2022 (Exhibit S). The comments address traffic and transportation, public utilities, and other engineering requirements. The comments and Conditions of Approval are incorporated throughout the report under each applicable code section.
 2. Washington County Land Use & Transportation – Washington County has submitted comments dated May 2, 2022 (Exhibit T). The comments state that access is proposed from SW Tualatin-Sherwood Rd., however, no frontage improvements are required as the street will be redeveloped as a capital project.
 3. Tualatin Valley Fire and Rescue (TVF&R) – TVF&R has issued a Service Provider Letter for the project which is included in the applicant submittal (Exhibit G). Issuance of the Service Provider Letter indicates the plans submitted comply with fire code requirements. Changes to the plans would require re-review and approval.
 4. Clean Water Services provided a memorandum dated May 17, 2022 (Exhibit U). 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 (Exhibit H) which addresses water quality and sensitive habitat protection requirements in detail.
 5. Oregon Department of State Lands (DSL) – DSL provided a Wetland Land Use Notice Response dated May 23, 2022 (Exhibit V). The response indicates the proposed development appears to avoid impacts to jurisdictional wetlands. A federal permit may still be required.
 6. Oregon Department of Transportation Region 1 – ODOT provided comments via email dated April 21, 2022 (Exhibit W). ODOT regulates the Portland & Western railroad abutting the site. Advisory comments related to private rail crossing were provided.

7. The following agencies acknowledged the application without expressing any issues or concerns: Oregon Department of Transportation Outdoor Advertising Sign Program.

B. Public Comments

1. As of the date of this report, no written public comments were received on the application.

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:

3. Type III

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

a. Conditional Uses

ANALYSIS: The applicant is requesting Conditional Use and Major Modification approval for the new storage buildings. While Conditional Use applications are processed under the Type III procedures, the Major Modification application is subject to the Type IV procedures pursuant to SZCDC § 16.90.030(A)(1)(b)(2). Both applications are being processed concurrently under the City's Type IV land use procedures.

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. A public hearing will be held on the application on May 10, 2022 in accordance with SZCDC § 16.72.

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	GI
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed	P

<p>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>	
<p>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations</p>	<p>P</p>
<p>Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals</p>	<p>C</p>

ANALYSIS: The proposed storage buildings will support the applicant’s growing business in the food industry by storing and re-packaging food-grade chemicals and products, including salt, sugar, dextrose, vitamin C, and other products. Storage of food-grade chemicals and products wholly within an enclosed building is permitted outright in the GI zone. The applicant also requests a Conditional Use Permit (CUP) to store and package acids and other material that requires a CUP. In addition to the new storage areas, a CUP is required for the previously completed outdoor storage areas, including covered and uncovered storage, and chemical storage tanks, beyond what was approved by the initial Site Plan Review (SP 92-07) and subsequent modification (SP 04-06). The areas of the site that have not been approved as part of a Site Plan Review are labeled in Exhibit P.

FINDING: These standards are met with approval of the Conditional Use Permit.

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	GI Zone
Lot area – Industrial Uses:	20,000 SF
Lot area – Commercial Uses (subject to Section 16.31.050):	20,000 SF
Lot width at front property line:	100 feet
Lot width at building line:	100 feet
Front yard setback ¹¹	None
Side yard setback ¹⁰	None
Rear yard setback ¹¹	None
Corner lot street side ¹¹	None
Height ¹¹	50 ft.

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 buildings will be located at the south end of the site, near the south and east property lines. The proposed covered storage building will be located approximately 19 ft. from the east property line and the proposed warehouse building will be located approximately 87 ft. from the south property line. The applicant's Existing Conditions Plan indicates center portion of the site has not been surveyed. Staff confirmed with the applicant that all of the property lines have been surveyed and the

proposed covered storage building will be located on-site, approximately 19 ft. from the property line. All of the structures added on the site without permits also meet the development standards of the zone (Exhibit P). Area 7 is a rain cover structure for truck loading and is approximately 100 ft. from the nearest property line. Area 8 is an outdoor covered storage structure and is approximately 200 ft. from the nearest property line. Outdoor storage without permanent structures (e.g. container storage) is not subject to setback standards.

FINDING: These standards are met.

16.31.080 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

ANALYSIS: A small portion of the 100-year floodplain associated with Rock Creek is located at the southwest corner of the property. The floodplain chapter of the development code is addressed below in this report.

FINDING: This standard is met.

Chapter 16.82 – CONDITIONAL USES

16.82.010 - Generally

A. Authorization

Uses permitted in zoning districts as conditional uses may be established, enlarged, or altered by authorization of the Commission in accordance with the standards and procedures established in this Chapter. If the site or other conditions are found to be inappropriate for the use requested, the Commission or Hearings Officer (cited below as Hearing Authority) may deny the conditional use.

B. Changes in Conditional Uses

Changes in use or expansion of a legal non-conforming use, structure or site, or alteration of structures or uses classified as conditional uses, that either existed prior to the effective date of this Code or were established pursuant to this Chapter shall require the filing of a new application for review conforming to the requirements of this Chapter if the proposed changes would increase the size, square footage, seating capacity or parking of existing permitted improvements by twenty percent (20%) or more.

C. Application and Fee

An application for a Conditional Use Permit (CUP) shall be filed with the City and accompanied by the appropriate fee pursuant to Section 16.74.010. The applicant is responsible for submitting a complete application which addresses all criteria of this Chapter and other applicable sections of this Code.

ANALYSIS: At the time of the original approval, storage and handling of acid products and other hazardous material did not require a Conditional Use Permit (CUP). Pursuant to SZCDC § 16.82.010(B), the applicant is required to obtain a CUP as the proposal represents a 20% or more increase in floor area to a site storing chemicals and hazardous materials which now requires a CUP in the GI zone. The applicant is also required to obtain a CUP for areas of the site that are storing similar chemicals and that have not been approved through a Site Plan Review process.

FINDING: A Conditional Use Permit is required for the new development and areas of the site that are storing hazardous chemicals but have not been approved through a Site Plan Review process.

16.82.020 – Permit 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: Public facilities - the site is developed with industrial uses and has access to public facilities including water, sanitary sewer, storm drainage, transportation, electrical, gas, and other utilities. The land use review has not identified any public facility deficiencies. The City of Sherwood Engineering comments (Exhibit S) address each utility in additional detail.

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 no service issues were indicated. The site is located in an industrial zone and public parks and open space are not proposed or required.

FINDING: 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 storage buildings meet the other standards of the GI zone as described in the findings under SZCDC § 16.31. The site is surrounded by industrial uses in all directions except to the west, where a wetland and floodplain associated with Rock Creek are located. The proposed storage building near the open space will be an enclosed building with a setback of approximately 150 ft. from the wetland.

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 storage buildings will be located on an existing industrial site occupied by Cascade Columbia Distribution since 1993. The applicant's narrative states the proposed expansion will ensure the business is able to expand and remain in the City while generating tax revenue and providing employment opportunities. The first Vision of Sherwood's 2040 Comprehensive Plan is "Thriving and Diversified Economy". Goal 1 Policy 1.4 reads "Support business growth in Sherwood to diversify and expand commercial and industrial development in order to provide employment opportunities and expand the tax base".

No changes are proposed to site access and employees and delivery trucks will access the site from Tualatin-Sherwood Rd, an arterial street under Washington County jurisdiction. The County is planning to widen Tualatin-Sherwood Rd. in front of the subject property from a 3-lane arterial to a 5-lane arterial with a center turn lane and does require additional frontage improvements from the applicant.

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 site is surrounded by industrial uses in all directions except to the west, where a wetland and floodplain associated with Rock Creek are located. The applicant's Executive Summary (Exhibit A – pp. 2 -3) states, "Based on facility's operations history, spills are highly unlikely, but in the event of a spill, Cascade Columbia Distribution is equipped and has procedures in place to quickly respond to an accidental spill. The entire Cascade Columbia Distribution facility is self-contained, which means that the premises provide complete separation from the outside environment with physical barriers, separate utilities, as well as established procedures, controls, and monitoring. Therefore, any spill on the facility's property is considered a controlled release and does not have the ability to get offsite. Spill response and clean-up procedures are described in detail under Section 16.82.020C.6 in this narrative."

"In the event of a spill that creates vapor, the Applicant follows a Risk Management Plan approved by Tualatin Valley Fire & Rescue (TVFR). The Plan identifies off-site zones and the surrounding businesses that would be affected in a worst-case scenario and contains notification procedures. The Washington County Local Emergency Planning Committee (LEPC), which the Applicant helped form, also has a copy of the Risk Management Plan on record. Cascade Columbia Distribution operations and handling of certain chemicals is governed by the U.S. Environmental Protection Agency (US EPA), among other regulatory agencies, who regularly audit the facility for conformance to regulations."

The applicant's narrative (Exhibit A – p. 23 – 25) also describes the various agencies with regulatory authority over the site and business. These include the US Food and Drug Administration, US Department of Homeland Security, US Environmental Protection Agency, US Department of Transportation (Pipeline and Hazardous Materials Safety), State of Oregon Department of Environmental Quality, Tualatin Valley Fire & Rescue, and others. The applicant is conditioned to comply with all applicable fire, state, and federal regulations related to storing and handling chemicals and other materials on the site.

All existing and proposed outdoor storage areas will be screened from adjacent properties by existing vegetation with the exception of Areas 5 and 9 as depicted in Exhibit P. Condition of Approval B7 requires the applicant to provide a sight-obscuring fence along the south property line (Area 9) in accordance with the outdoor storage regulations as trees will be removed up to the property line. Condition of Approval B7 requires the applicant to screen the outdoor storage area located along the north property line (Area 5).

FINDING: As discussed above, the site is self-contained from surrounding properties as a mitigation measure. In addition, the site and business are subject to strict safety regulations from outside agencies. The potential adverse impacts to surrounding

properties can be adequately mitigated by requiring the applicant to comply with all applicable fire, state, and federal regulations related to the storage and handling of chemicals and hazardous material. This criterion is met as conditioned below.

CONDITION OF APPROVAL A8: The site and businesses operating on the site shall maintain compliance with all applicable fire, state, and federal regulations related to the storage and handling of chemicals and other materials within the proposed storage buildings.

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

ANALYSIS: The proposed storage buildings will be located on an existing industrial site that has been operating in the location since 1993. The covered storage building will be located near the east property line with a setback of approximately 20 ft. The new warehouse building will be located at the south end with a setback of approximately 88 ft. to the property line and 100 ft. to the wetland buffer. Removal of mature trees is required to accommodate the new storage area, however, the site will maintain a minimum 30% tree canopy over the site. In addition, the wetland and floodplain associated with Rock Creek will not be impacted.

The areas of the site added without land use approval are located at the north and east ends of the site. With the exception of the north property line, the storage areas are buffered from surrounding properties by vegetation and maintain compliance with wetland and floodplain buffer requirements as demonstrated in the applicant's survey and Clean Water Services SPL.

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 development site is adjacent to sensitive habitats, including wetland, floodplain, and upland habitat. The applicant is proposing to develop a previously undeveloped portion of the site near the south/west corner of the property adjacent to the natural area. As discussed above, the site is self-contained in case of a spill in order to protect abutting properties including the natural area to the west of the site. The applicant has also provided an existing site survey and Clean Water Services SPL demonstrating that the proposed development meets applicable local and regional standards for natural resources.

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: The development site is adjacent to sensitive habitat including wetland, floodplain, and upland habitat. While the exterior lighting standards under SZCDC § 16.154 (Heat and Glare) apply when a commercial or industrial use is located next to a residential use, the Rock Creek corridor contains sensitive habitat including native

plants and wildlife. In order to ensure the sensitive area is protected from excessive outdoor lighting, a condition of approval is provided below.

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL B1: Prior to Final Site Plan approval, the applicant shall provide a lighting plan that demonstrates exterior lighting will not shine off-site in excess of 0.5 foot candle.

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 as conditioned below.

RECOMMENDED CONDITION OF APPROVAL A9: The Conditional Use permit shall be void after two (2) years unless substantial construction, in the City's determination, has taken place.

RECOMMENDED CONDITION OF APPROVAL A10: Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.

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 development site received Site Plan approval from the City in 1992 (SP 92-7). The current proposal will increase the floor area on the site by more than 10% and requires Major Modification approval. Compliance with the Site Plan and Major Modification approval criteria is addressed in this report. The applicant is required to obtain building permits for structures installed on the site without permits.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL D1: Prior to Issuance of a grading permit and/or building permits, the applicant shall obtain Final Site Plan approval.

CONDITION OF APPROVAL G1: Prior to issuance of occupancy, the applicant shall obtain building permits for the rain cover structure located in Area 7 and the covered outdoor storage structure in Area 8 as shown in Exhibit P. The applicant shall obtain final occupancy for both existing structures before or concurrent with occupancy for the new storage structures.

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: The proposed development meets or is conditioned to meet all of the applicable zoning district standards as discussed in this report.

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 services as demonstrated in this report under Division VII – Public Infrastructure and in the agency comments. The application was routed to affected agencies and no service deficiencies were reported.

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. The property contains various public and private easements for utilities including for overhead power lines. The proposed modification will not be within or near existing easements.

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 proposed covered storage building will be located interior to the site near the east property line and will not impact existing natural resources. The proposed warehouse building at the south end of the site will require tree removal and filling of the southern portion of the site to accommodate the building and additional outdoor storage. While a large portion of the site remains undeveloped near SW Tualatin-Sherwood Rd., the site is bisected by large electric utility easements that restrict development in the center of the site. While the proposed location of the new warehouse requires tree removal and fill, it is the only practical location for an expansion at this time. A small portion of the wetland buffer will be restored to good condition as part of CWS requirements.

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 Trip Generation Analysis (Exhibit L) that describes the expected trip generation of the new storage buildings. The trip generation calculations show that the proposed development is projected to generate a net increase of 3 morning peak hour trips, 4 evening peak hour trips, and of 34 average weekday trips. A complete Transportation Impact Analysis (TIA) is not required for this project.

FINDING: This criterion does not apply.

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 these standards do not apply.

FINDING: These standards do 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:**

ANALYSIS: The proposed buildings are not within 200 ft. of SW Tualatin-Sherwood Rd. and the industrial design standards do not apply.

FINDING: These standards do not apply.

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

ANALYSIS: There are no planned streets across from the existing driveway in the City's Transportation System Plan.

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: The Site Plan approval shall be void after two (2) years unless construction on the site has begun, as determined by the City. A one (1) year extension of the Site Plan approval may be requested by the applicant per the standard above.

16.90.030 - Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

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

- (3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;**
- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)—(2) as determined by the Review Authority.**

ANALYSIS: The proposed building represents a 10% increase or more for a non-residential use. The applicant has provided a written narrative addressing the previous conditions of approval placed on the site through the original land use decision. The narrative demonstrates the site continues to comply with the conditions of approval originally placed on the property.

FINDING: The application is subject to Major Modification procedures and approval criteria.

b. Approval Criteria. An applicant may request a major modification as follows:

- (1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.**
- (2) The application is subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure.**

- (3) The scope of review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.
- (4) Notice must be provided in accordance with Chapter 16.72.020.
- (5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

ANALYSIS: The application is being processed as a Type IV application, including public notice requirements in Chapter 16.72.020. The scope of the Major Modification review is limited to the areas of the site impacted by the modification. The proposed modification complies or is conditioned to comply with applicable standards.

FINDING: As discussed throughout this report, the proposed modification complies or is conditioned to comply with applicable standards. These criteria are 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.

ANALYSIS: The application is for Site Plan Major Modification and areas of the site that are new / redeveloped and areas of the site that were developed without permits are required to provide landscaping in accordance with this section. The applicant has provided plans and narrative addressing the standards in this chapter.

FINDING: This standard is met.

16.92.020 Landscaping Materials

A. Type of Landscaping

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or

adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

1. Ground Cover Plants

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

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.

ANALYSIS: The Landscape Plans provide detail on the size, location, and quantity of landscaping in conformance with this section.

FINDING: These standards are met.

C. Existing Vegetation

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

ANALYSIS: Mature trees at the southern end of the property will be removed to accommodate the new warehouse building. The remaining mature trees on the site will be retained. A total of 170 mature trees will be preserved through the Major Modification development.

FINDING: These standards have been met.

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: Non-vegetative features may be used as prescribed above. No artificial plants are permitted or proposed.

FINDING: These standards are met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

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

ANALYSIS: The subject property is zoned General Industrial and the surrounding zoning in all directions is industrial land uses.

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: New and redeveloped parking is proposed along the south and east property lines. The plans show a 10 ft. wide landscape buffer is proposed for the south property line. A 10 ft. wide setback is shown for the parking near the east property line

but no new landscaping is proposed. The application has also not demonstrated that any existing landscaping meets the standard above.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B2: Prior to Final Site Plan approval, revise the plans to provide a 10 ft. wide landscape buffer between the proposed parking along the east property line and the property line.

B. Parking Area Landscaping

3. Required Landscaping

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

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:
 - (3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.
 - e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.

ANALYSIS: A total of 60 new and redeveloped parking stalls are proposed. Parking lot landscaping is defined as any site landscaping that is not required as perimeter landscaping. The plans indicate a total of 170 mature trees are present on the site totaling 226,108 SF and exceeding the parking lot tree requirements. The plans indicate landscape islands will be provided to break up parking stalls into 12 contiguous spaces or less. Trees are not proposed within the landscape islands because of the existing power line easements and restrictions on vegetation. Staff concurs with this finding as the new parking would need to be provided outside of the easements at the far north end of the site resulting in an inefficient site for the owner and employees. The existing trees and buildings located near the parking provide shade in lieu of new parking lot trees. The application does not show compliance with the requirements for shrubs and ground cover.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B3: Prior to Final Site Plan approval, a minimum of 120 new shrubs are required to be installed to serve the proposed 60 stalls. Any additional parking lot landscaping area not covered by trees and shrubs shall be landscaped with groundcover. Trees and other parking lot landscaping within the BPA easement is limited to the restrictions stated in the easement documents.

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: No new landscaping is proposed at the points of access.

FINDING: This standard is met.

6. 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 abuts SW Tualatin-Sherwood Rd. and outdoor storage areas are screened from the street by existing mature trees. There are no adjacent residential zones.

FINDING: This standard is met.

D. Visual Corridors

Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142 (Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

ANALYSIS: The site has frontage on SW Tualatin-Sherwood Rd., an arterial street. The establishment of the visual corridor is not required because the scope of the Major Modification does not propose changes to the front of the site near the road.

FINDING: This standard does not apply.

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: The applicant's landscape plans provide planting details to industry standards and indicate hand watering is proposed.

FINDING: This standard is met.

Chapter 16.94 OFF-STREET PARKING AND LOADING

16.94.010 General Requirements

A. Off-Street Parking Required

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

ANALYSIS: The applicant is proposing a total of 60 new and redeveloped parking stalls. Parking areas have been added to the site throughout the years without land use approval and without meeting the design standards. The 9 stalls approved as part of the original land use approval will be restriped as part of this project.

FINDING: These criteria are 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.

ANALYSIS: No deferral of improvements is proposed at this time.

FINDING: These criteria are met.

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.

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

FINDING: This standard does not apply.

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.**

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

FINDING: This standard does not apply.

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: The parking areas are required to be used for parking as indicated in this section.

FINDING: This standard is met.

E. Location

1. Residential off-street parking spaces:

- a. **Shall be located on the same lot or development as the residential use.**

- b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).
- 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. No shared or on-street parking is proposed.

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 plans provide marking details for the parking and loading areas.

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL G2: Prior to Receiving Occupancy, all parking, loading or maneuvering areas including ADA and loading stalls shall be clearly marked and signed. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

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.**

ANALYSIS: All proposed parking and loading areas are required to be hard surface and include storm drainage facilities. In addition, any previously constructed parking and loading areas installed without permits are required to be hard surface and include storm drainage facilities. Areas 1 and 3 in Exhibit P are currently used for truck parking but have not been approved through a Site Plan Review process. Area 3 is paved, but Area 1 is not.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B4: Prior to Final Site Plan approval, revise the plans to provide a permanent hard surface under “Area 1” as shown in Exhibit P.

CONDITION OF APPROVAL B5: Prior to Final Site Plan approval, revise the plans to provide storm drainage facilities for all parking and loading areas.

CONDITION OF APPROVAL G3: Prior to Occupancy, all parking and loading areas, including Area 1, shall be improved with a permanent hard surface and include storm drainage facilities.

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.

ANALYSIS: The property owner will be responsible for the proper maintenance of the parking and loading areas. Violations are subject to City code compliance action.

FINDING: This standard is met.

I. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

- 1. Delineation of individual parking and loading spaces and dimensions.**
- 2. Circulation areas necessary to serve parking and loading spaces.**
- 3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.**
- 4. Landscaping as required by Chapter 16.92.**
- 5. Grading and drainage facilities.**
- 6. Signing and bumper guard specifications.**
- 7. Bicycle parking facilities as specified in Section 16.94.020.C.**
- 8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.**

ANALYSIS: The applicant has provided a narrative and plans that include information at an adequate level to determine compliance with the parking and loading standards.

FINDING: This standard is met.

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: 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
Office	1.6	None	None
Warehouse	0.3	-	-

ANALYSIS: The applicant is proposing to utilize the office and warehouse parking ratios. Parking stalls for a total of 11,333 SF of office and 87,673 SF of warehousing is proposed.

11.33 x 2.7 = 30.59
 87.67 x 0.3 = 26.30

Rounding up, a minimum of 57 stalls are required. The applicant is proposing 60 parking stalls.

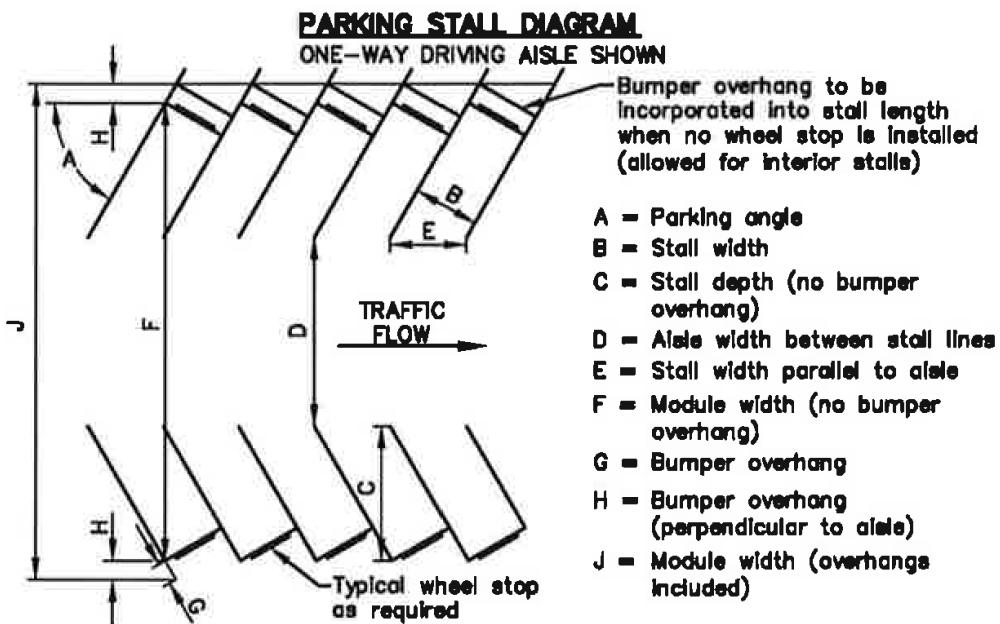
FINDING: This standard is met.

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

A	B	C	D	E	F	G	H	J
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0

**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 plans show the proposed dimensions of the parking and loading areas. All stalls are proposed at 9 ft. wide by 20 ft. deep. Drive aisles are proposed to be 24 ft. wide. Wheel stops are proposed as required by the standard above.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G4: Prior to occupancy, parking stalls and drive aisles shall meet the dimensional standards shown in the plans. Wheel stops shall also be installed in accordance with the plans.

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.

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.

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 applicant’s narrative states that bicycle parking is not proposed or required due to the industrial nature of the development. The code does not provide exceptions for industrial development and the City has consistently applied these standards to all industrial development.

A minimum of two short-term bicycle parking stalls is required.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B6: Prior to Final Site Plan approval, revise the plans to include two short-term bicycle stalls in accordance with SZCDC § 16.94.020(C)(2) including a space 2x6' for each bicycle.

CONDITION OF APPROVAL G5: Prior to Receiving Occupancy, the development shall include two short-term bicycle stalls in accordance with SZCDC § 16.94.020(C)(2) including a space 2x6' 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.**

ANALYSIS: The site is used as a chemical storage and distribution facility, and as such loading areas are an integral component of site design. Existing off-street loading areas are located throughout the site in excess of 750 SF.

FINDING: This standard is met.

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 off-street parking and loading areas are not adjacent to each other.

FINDING: This standard is met.

C. Exceptions and Adjustments.

The review authority, through Site Plan Review, may approve loading areas within a street right-of-way in the Old Town Overlay District when all of the following conditions are met:

1. Short in duration (i.e., less than one (1) hour);
2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;
4. Does not obstruct a primary emergency response route; and
5. Is acceptable to the applicable roadway authority.

ANALYSIS: No exceptions are requested.

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.

E. Maintenance of Required Improvements

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

F. Access to Major Roadways

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

1. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
2. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.
3. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

ANALYSIS: The applicant’s narrative states sidewalks and curbs are not proposed as part of the development due to physical conditions that make the connections impracticable. The primary physical condition making the connections impracticable is the existing development including use of the site as an outdoor storage area containing forklifts and trucks as an integral part of the operations.

Staff agrees with this conclusion as it relates to the outdoor storage areas and circulation pattern around the existing and proposed buildings. Staff does not agree with this conclusion it relates to the parking areas and connection between the parking areas and the office building. The existing office space indicates some staff are not involved in the outdoor operations of the site.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B7: Prior to Final Site Plan approval, revise the plans to provide a 4 ft. wide pedestrian pathway between all existing and proposed parking areas and the primary office entrance(s). Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface.

CONDITION OF APPROVAL G8: Prior to Occupancy, a 4 ft. wide pedestrian pathway is required between all existing and proposed parking areas and the primary office entrance. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface.

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: All of the proposed drive aisles serving the parking are 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: There are no physical or topographic conditions that make connection impracticable between the parking areas and the office building.

FINDING: This standard is met by Condition of Approval B7 and G8.

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 site has an existing access along SW Tualatin-Sherwood Rd. No new driveways are proposed.

FINDING: These standards are 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.

ANALYSIS: No changes are proposed to the on-site trash and recycling area. Pride Disposal has provided comment (Exhibit N) that indicates no changes are required.

FINDING: This standard is met.

16.98.030 - Material Storage

- A. Generally. Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Review Authority as part of a site plan or per Section 16.98.040.**
- 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: New outdoor storage is proposed along the east property line. In addition, outdoor storage areas have been established in various areas of the site that have not been reviewed and approved through a Site Plan. All existing and proposed outdoor storage areas will be screened from adjacent properties by existing on-site vegetation, with the exception of Area 5 and Area 9 as identified in Exhibit P.

Area 5 - A chain link fence is located near the property line but does not appear to be sight-obscuring. The adjacent property to the north has existing vegetation along the property line, therefore the additional landscaping is not required.

Area 9 – a portion of this area will be replaced with an enclosed building as part of the Major Modification and the remaining area will be used for outdoor storage. The plans indicate a chain link fence is proposed but it is not sight obscuring. The adjacent property to the south has existing vegetation along the property line, therefore the additional landscaping is not required.

FINDING: These standards are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B8: Prior to Final Site Plan approval, revise the plans to show a minimum 6 ft. tall sight obscuring fence between Areas 5 and 9 and the adjacent property lines.

RECOMMENDED CONDITION OF APPROVAL G7: Prior to Occupancy, a minimum 6 ft. tall sight obscuring fence between Areas 5 and 9 and the adjacent property lines shall be installed.

Chapter 16.106 - TRANSPORTATION FACILITIES

Sections 16.106.010 Generally through 16.106.090 Rough Proportionality

ANALYSIS: The site has frontage on SW Tualatin-Sherwood Rd., an arterial street under County jurisdiction. The County comments (Exhibit T) state that no frontage improvements are required as the street will be redeveloped as a capital project.

FINDING: No transportation facility improvements are required as part of the proposed development. These standards are met as conditioned below.

CONDITION OF APPROVAL A11: The applicant shall comply with Condition of Approval I in the Washington County comments dated June 16, 2022. A County Right-of-Way Permit is required for any work performed by the applicant within the Tualatin-Sherwood Rd. right-of-way.

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 S) state “Currently a public sanitary sewer main exists along the northwest side of the subject property and along the north side of the subject property along the full frontage of SW Tualatin Sherwood Road. No public sanitary sewer main extension is required. The proposed warehouse building will obtain sanitary sewer via the existing on-site sanitary sewer system.”

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL E2: Prior to Issuance of a Plumbing Permit, the proposed development shall design the private sanitary sewer to be in compliance with the current Oregon Plumbing Specialty Code.

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 “Currently there is a public water main existing within SW Tualatin-Sherwood Road along the full frontage of the subject property frontage. No public water main extension is required. The proposed warehouse building will obtain domestic and fire water via the existing on-site water system.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E3: Prior to Issuance of a Plumbing Permit, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.

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

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 state “Currently the subject property consists of 2 drainage basins. The north basin flows to a ditch which flows to culvert pipes crossing SW Tualatin-Sherwood Road. The south basin discharges to a vegetative corridor along Rock Creek. The proposed site improvements are all within the south basin. No public storm sewer main extension required. All new storm facilities are proposed to be built on-site.

Currently there are no water quality/hydro-modification facilities existing on the site to accommodate the subject development.

The subject development will need to provide on-site water quality/hydro-modification facilities in compliance with Clean Water Services (CWS) standards for any new/modified impervious area to be installed or installed previously without a permit unless otherwise approved for a payment-in-lieu by the City of Sherwood and CWS.

Clean Water Services (CWS) has issued a Service Provider Letter for the subject development. A vegetative corridor does exist within the subject development. CWS has issued conditions associated with the vegetative corridor.

Due to required vegetative corridor restoration by Clean Water Services, public improvement plans (aka vegetative corridor restoration) will need City of Sherwood and CWS approval.

City policy requires that a grading and erosion control permit be obtained for any site work that disturbs over 500 square feet of area. This permit is obtained from the Building Department.”

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C1: Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide water quality and hydro-modification in compliance with Clean Water Services’ standards unless otherwise approved for a payment-in-lieu by the City of Sherwood and CWS. This includes impervious area installed previously within the subject property without a permit.

CONDITION OF APPROVAL F1: Prior to Final Acceptance of Public Improvements, private water quality/hydro-modification facilities shall have a recorded Private Stormwater Facility Access and Maintenance Covenant. An Operation and Maintenance

Plan for all private hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.

CONDITION OF APPROVAL E5: 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 C2: Prior to Approval of the Engineering Public Improvement Plans, a grading and erosion control permit shall be obtained.

CONDITION OF APPROVAL F2: Prior to Final Acceptance of Public Improvements, all conditions of the Clean Water Services' Service Provider Letter shall be met (includes recording of easement dedication).

CONDITION OF APPROVAL C3: Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.

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 project which is included in the applicant submittal (Exhibit G). Issuance of the Service Provider Letter indicates the plans submitted comply with fire code requirements. Changes to the plans would require re-review and approval.

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL G9: Prior to Receiving Occupancy, the site shall conform to local fire code standards and obtain final approval from TVF&R. Any changes to the plans impacting fire code requirements require a revised Service Provider Letter from TVF&R.

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 City of Sherwood Engineering comments state “Currently there is no PUE along the subject property frontage of SW Tualatin-Sherwood Road. Washington County will be widening SW Tualatin-Sherwood Road along the frontage of the subject property. With

said widening improvements additional right-of-way will be needed in order to construct said improvements. However Washington County will not be obtaining a PUE along the subject property street frontage. The developer will need to dedicate a minimum 8-foot wide PUE along the subject property frontage of SW Tualatin-Sherwood Road outside of the new/future right-of-way line.

Currently there is no Sherwood Broadband existing along the subject property frontage of SW Tualatin-Sherwood Road. The developer will either need to install vaults and conduit for Sherwood Broadband along the subject property frontage at the location of the new PUE or make a payment in lieu of.

FINDING: These standards are as conditioned below.

CONDITION OF APPROVAL F3: Prior to Final Acceptance of Public Improvements, a minimum 8-foot wide PUE shall be dedicated to the City of Sherwood outside of the new/future right-of-way line as established by the Washington County widening of SW Tualatin-Sherwood Road.

CONDITION OF APPROVAL C4: Prior to Approval of the Engineering Public Improvement Plans, the developer shall either design for the installation of Sherwood Broadband facilities (vaults and conduit) along the subject property of SW Tualatin-Sherwood Road or make a payment-in lieu thereof.

CONDITION OF APPROVAL E6: Prior to Issuance of Building or Plumbing Permit, Approval of the Engineering Public Improvement Plans and an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.

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 site is located along SW Tualatin-Sherwood Rd., an arterial roadway. The scope of the modification does not include changes to the northern portion of the property near the road. Establishment of a visual corridor is not required until such time that the front of the property is developed.

FINDING: This standard does not apply.

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.

ANALYSIS: New street trees along Tualatin-Sherwood Rd. will be installed as part of the County improvement project.

FINDING: These standards do not apply.

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.
- 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

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes
<p>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.</p>			
<p>Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.5^2) = 962$ square feet</p>			

ANALYSIS: Trees will be removed at the south end of the site to accommodate the new storage building. A total of 170 mature trees will be retained along the western edge and throughout the property. The 30% canopy requirement is met as shown below. Double canopy has been granted for each existing mature tree retained through site development.

Net buildable area	733,968 SF
30% canopy required	220,190 SF
Canopy proposed	452,216 SF (includes 2x canopy for mature trees)

FINDING: This standard is met.

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, 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 has provided a Preliminary Tree and Perseveration Removal Plan (Exhibit A – Sheets P07 and P08) that describe tree protection requirements. The applicant is required to comply with the tree preservation notes as conditioned below.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL A12: The applicant shall protect and preserve the 170 trees identified for protection in the Tree Preservation and Removal Plan through site development.

Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS*

Chapter 16.134 - FLOODPLAIN (FP) OVERLAY

16.134.010 - Generally

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," (flood

insurance study) dated October 19, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file with the Sherwood City Engineer at Sherwood City Hall.

16.134.20 - Purpose

The purpose of this ordinance is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by complying with the provisions of this chapter.

- A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and**

water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

- B. FP zoning districts are areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file at the City.
- C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code.
- D. In areas where a regulatory floodway has not been designated, and where the Flood Insurance Study indicates that it is possible to calculate a floodway, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

ANALYSIS: A 100-year floodplain associated with Rock Creek is located on the property. The applicant has identified the floodplain on the plans. No development is proposed within the floodplain, as shown in Exhibit A – Sheet P11.

FINDING: A portion of the subject site is located within the 100-year floodplain, however, no development is proposed within the base flood zone. This chapter does not apply.

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.

ANALYSIS: A 100-year floodplain and Regionally Significant Fish and Wildlife Habitat are located at the west end of the property near the Rock Creek corridor. A wetland is located on the adjacent property to the west and the vegetated corridor buffer of the wetland extends to the subject property.

FINDING: Wetland and habitat areas regulated by this chapter are located on the site and this chapter applies. Compliance with the applicable regulations is addressed below.

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.**
 - 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 application includes a Natural Resource Assessment included as Exhibit I. The report indicates wetlands will not be impacted by the proposed development. The applicant has also obtained a Clean Water Services SPL (Exhibit H) demonstrating compliance with the sensitive area requirements of the agency including

the required buffer around the off-site wetland. The Department of State Lands (DSL) has provided comment as Exhibit V. The comments indicate a state permit is not required for the proposed activity, but that a federal permit may be required.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL A13: The applicant shall obtain a federal permit for the development located near the wetland or demonstrate that a federal permit is not required.

- 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 has provided a Natural Resource Assessment (Exhibit I) that describes the significance and functional value of natural features on the site. Existing mature trees will be removed to accommodate the storage building at the south end of the site, however, the development activities will be set back from the wetland by a buffer as determined by Clean Water Services. The remaining natural area will be preserved through site development.

FINDING: This standard is 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 scatted 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: The applicant has provided a Natural Resource Assessment (Exhibit I) that describes the significance and functional value of natural features on the site including the upland and riparian habitat. Existing mature trees will be removed to accommodate the storage building at the south end of the site, however, the development activities will be set back from the wetland by a buffer as determined by Clean Water Services. The remaining natural area will be preserved through site development.

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 development site is surrounded in all directions by industrial zoning, and a noise study is not required. The proposed use as warehousing is not expected to generate noise levels that exceed state standards. 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 use as warehousing and packaging of chemicals is not expected to generate vibrations that exceed 0002 gravity at the property line. 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 16.150 - 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 use as warehousing and packaging of chemicals is not expected to dust or other air quality impacts. The applicant's narrative states that a state discharge permit is not required for the operations. 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 16.152 - 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 use as warehousing and packaging of chemicals is not expected to create odors that are discernible beyond the boundaries of the site. 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 16.154 - 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 proposed use as warehousing and packaging of chemicals is not expected to create heat and glare in violation of this section. 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.

IV. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff recommends approval of LU 2021-025 MM / CUP Cascade Columbia Distribution, 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. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
4. 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.
5. All new utilities to be installed for the development of the subject property shall be underground.
6. Retaining walls within public easements or the public right-of-way shall require engineering approval.
7. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.
8. The site and businesses operating on the site shall maintain compliance with all applicable fire, state, and federal regulations related to the storage and handling of chemicals and other materials within the proposed storage buildings.
9. The Conditional Use permit shall be void after two (2) years unless substantial construction, in the City's determination, has taken place.
10. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.
11. The applicant shall comply with Condition of Approval I in the Washington County comments dated June 16, 2022. A County Right-of-Way Permit is required for any work performed by the applicant within the Tualatin-Sherwood Rd. right-of-way.
12. The applicant shall protect and preserve the 170 trees identified for protection in the Tree Preservation and Removal Plan through site development.

13. The applicant shall obtain a federal permit for the development located near the wetland or demonstrate that a federal permit is not required.

B. Prior to Final Site Plan Approval

1. Prior to Final Site Plan approval, the applicant shall provide a lighting plan that demonstrates exterior lighting will not shine off-site in excess of 0.5 foot candle.
2. Prior to Final Site Plan approval, revise the plans to provide a 10 ft. wide landscape buffer between the proposed parking along the east property line and the property line.
3. Prior to Final Site Plan approval, a minimum of 120 new shrubs are required to be installed to serve the proposed 60 stalls. Any additional parking lot landscaping area not covered by trees and shrubs shall be landscaped with groundcover. Trees and other parking lot landscaping within the BPA easement is limited to the restrictions stated in the easement documents.
4. Prior to Final Site Plan approval, revise the plans to provide a permanent hard surface under "Area 1" as shown in Exhibit P.
5. Prior to Final Site Plan approval, revise the plans to provide storm drainage facilities for all parking and loading areas.
6. Prior to Final Site Plan approval, revise the plans to include two short-term bicycle stalls in accordance with SZCDC § 16.94.020(C)(2) including a space 2x6' for each bicycle.
7. Prior to Final Site Plan approval, revise the plans to provide a 4 ft. wide pedestrian pathway between all existing and proposed parking areas and the primary office entrance(s). Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface.
8. Prior to Final Site Plan approval, revise the plans to show a minimum 6 ft. tall sight obscuring fence between Areas 5 and 9 and the adjacent property lines.

C. Prior to Approval of the Engineering Public Improvement Plans

1. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide water quality and hydro-modification in compliance with Clean Water Services' standards unless otherwise approved for a payment-in-lieu by the City of Sherwood and CWS. This includes impervious area installed previously within the subject property without a permit.
2. Prior to Approval of the Engineering Public Improvement Plans, a grading and erosion control permit shall be obtained.
3. Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.
4. Prior to Approval of the Engineering Public Improvement Plans, the developer shall either design for the installation of Sherwood Broadband facilities (vaults and conduit) along the subject property of SW Tualatin-Sherwood Road or make a payment-in lieu thereof.

D. Prior to Issuance of a Grading Permit .

1. Prior to Issuance of a grading permit and/or building permits, the applicant shall obtain Final Site Plan approval.

E. Prior to Issuance of Building Permits

1. Prior to issuance of occupancy, the applicant shall obtain building permits for the rain cover structure located in Area 7 and the covered outdoor storage structure in Area 8 as shown in Exhibit P. The applicant shall obtain final occupancy for both existing structures before or concurrent with occupancy for the new storage structures.
2. Prior to Issuance of a Plumbing Permit, the proposed development shall design the private sanitary sewer to be in compliance with the current Oregon Plumbing Specialty Code.
3. Prior to Issuance of a Plumbing Permit, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.
4. Prior to Issuance of a Plumbing Permit, the proposed development shall design for private water lines to be in compliance with the current Oregon Plumbing Specialty Code.
5. 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.
6. Prior to Issuance of Building or Plumbing Permit, Approval of the Engineering Public Improvement Plans and an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.

F. Prior to Acceptance of Public Improvements

1. Prior to Final Acceptance of Public Improvements, private water quality/hydro-modification facilities shall have a recorded Private Stormwater Facility Access and Maintenance Covenant. An Operation and Maintenance Plan for all private hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.
2. Prior to Final Acceptance of Public Improvements, all conditions of the Clean Water Services' Service Provider Letter shall be met (includes recording of easement dedication).
3. Prior to Final Acceptance of Public Improvements, a minimum 8-foot wide PUE shall be dedicated to the City of Sherwood outside of the new/future right-of-way line as established by the Washington County widening of SW Tualatin-Sherwood Road.

G. Prior to Receiving Occupancy

1. Prior to issuance of occupancy, the applicant shall obtain building permits for the rain cover structure located in Area 7 and the covered outdoor storage structure in Area 8 as shown in Exhibit P. The applicant shall obtain final occupancy for both

existing structures before or concurrent with occupancy for the new storage structures.

2. Prior to Receiving Occupancy, all parking, loading or maneuvering areas including ADA and loading stalls shall be clearly marked and signed. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.
3. Prior to Occupancy, all parking and loading areas, including Area 1, shall be improved with a permanent hard surface and include storm drainage facilities.
4. Prior to occupancy, parking stalls and drive aisles shall meet the dimensional standards shown in the plans. Wheel stops shall also be installed in accordance with the plans.
5. Prior to Receiving Occupancy, the development shall include two short-term bicycle stalls in accordance with SZCDC § 16.94.020(C)(2) including a space 2x6' for each bicycle.
6. Prior to Occupancy, a 4 ft. wide pedestrian pathway is required between all existing and proposed parking areas and the primary office entrance. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface.
7. Prior to Occupancy, a minimum 6 ft. tall sight obscuring fence between Areas 5 and 9 and the adjacent property lines shall be installed.
8. Prior to Receiving Occupancy, the site shall conform to local fire code standards and obtain final approval from TVF&R. Any changes to the plans impacting fire code requirements require a revised Service Provider Letter from TVF&R.

V. EXHIBITS*

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

Applicant Submittal

- A.** Narrative and Preliminary Plans
- B.** Application Form
- C.** Ownership Information
- D.** Assessors Map
- E.** Documentation of Neighborhood Meeting
- F.** Mailing Labels
- G.** Tualatin Valley Fire & Rescue SPL
- H.** Clean Water Services SPL
- I.** Natural Resource Assessment Report
- J.** Preliminary Tree Preservation and Removal Inventory Table
- K.** Tree Canopy Calculations
- L.** Traffic Analysis Memo
- M.** Conditions of Approval of SP 92-7
- N.** Pride Disposal Comments

- O. Preliminary Storm Report
- P. Existing Site Improvements Requiring Retroactive Approval
- Q. Clean Water Services Permit
- R. Transmission Line Easement

Agency Comments

- S. City of Sherwood Engineering Department
- T. Washington County Land Use & Transportation
- U. Clean Water Services
- V. Department of State Lands
- W. Oregon Department of Transportation (Rail)

Additional Information

- X. SP 92-04 Original land use approval
- Y. SP 04-06 Modification approval
- Z. Continuance and 120-Day Extension