

**CITY OF SHERWOOD
AUGUST 25, 2022
HEARINGS OFFICER STAFF REPORT**



**MORSE RETAIL
SITE PLAN REVIEW
LU 2022-018 SP**

To: David Doughman, City of Sherwood Hearings Officer

From: Eric Rutledge, Associate Planner

ER

Pre-App Meeting:	January 13, 2022
App. Submitted:	May 27, 2022
App. Complete:	August 2, 2022
Hearing Date:	September 1, 2022
120-Day Deadline:	November 30, 2022

PROPOSAL: The applicant is proposing a new 8,323 SF multi-tenant commercial building and associated site improvements on a 1.03-acre site located north of SW Tualatin-Sherwood Rd., along the east side of SW Baler Way. The property is zoned General Commercial is paved with asphalt but does not contain any structures. Access to the site is proposed from the northerly extension of SW Baler Way which is being constructed as part of Washington County's Tualatin-Sherwood Rd. widening project.

STAFF RECOMMENDATION: Staff recommends approval of LU 2021-018 SP Morse Retail 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.

I. BACKGROUND

- A. Applicant: Leslie Jones
15985 SW 72nd Ave, Suite 200
Portland, OR 97224
- Owner: JMCM Morse – Sherwood, LLC
10515 SW Allen Blvd.

Beaverton, OR 97005

- B. Location: No site address (Tax Lot 2S129B001500)
- C. Current Zoning: General Commercial (RC)
- D. Review Type: Type III Site Plan Review
- E. 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 August 12, 2022. Notice of the application was also published in a local newspaper (Tigard Times) on August 18th and August 25th, 2022.
- F. Review Criteria: Sherwood Zoning and Community Development Code (SZCDC) Chapter 16.22 Commercial Land Use Districts; Chapter 16.58 Vision Clearance and Fence Standards; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.90 Site Planning; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.98 On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.146 Noise; Chapter 16.148 Vibrations; Chapter 16.150 Air Quality; Chapter 16.152 Odors; Chapter 16.154 Heat and Glare; Chapter 16.156 Energy Conservation
- G. History and Background: The site is identified as Parcel 2 of Partition Plat 2001-002. The plat provides a 25 ft. access easement to benefit Parcel 2, however, access is now proposed from the northern extension of SW Baler Way. SW Baler Way is a local road under City jurisdiction but is being extended north as part of the Washington County Tualatin-Sherwood Rd. Widening Project. As of the date of this report, the City has not accepted the roadway, however, acceptance is anticipated before the subject development is ready for occupancy. The northern extension will also be used as the primary ingress and egress for Tax Lot 2S129B00100 (Regal Cinema site), located east of the subject site.

H. Existing Conditions: The site is vacant but does not include any structures. Based on aerial photographs the site is used for vehicle parking. No trees or other vegetation is present.

I. Surrounding Land Uses:

- North Commercial zoning, Regal Cinema site
- South Commercial zoning, Les Schwab site
- East SW Baler Way, Sentinel Self-Storage site
- West Commercial zoning, Regal Cinema site

II. AFFECTED AGENCY AND PUBLIC COMMENTS

A. Agency Comments - Notice of the application was sent to affected agencies via email on August 9, 2022. The following responses were received:

1. City of Sherwood Engineering Department provided full comments dated August 23, 2022 (Exhibit B1) and an Engineering Design Modification (Exhibit B2) for the proposed sanitary lateral. The full comments address traffic and transportation, public utilities (water, sanitary sewer, storm water), and other engineering requirements. The comments and Conditions of Approval are incorporated throughout the report under each applicable code section. A design modification was granted for a sewer lateral over 100 ft. through an easement.
2. Washington County Land Use and Transportation provided comments dated August 22, 2022 (Exhibit B3). The comments require the applicant to obtain a Washington County Right-of-Way permit for construction access to and from SW Tualatin-Sherwood Rd. which is currently under construction for a road widening.

B. Public Testimony - as of the date of this report, no public testimony was received.

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:

- b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.**

ANALYSIS: The application is proposing approximately 8,350 SF of commercial floor area and approximately 17,000 SF of parking area for a total of approximately 25,350 SF of floor and parking square footage.

FINDING: The application is subject to the Type III 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:

- c. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.**
 - (1) The Hearings Officer 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 Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.**

ANALYSIS: The application is being processed as a Type III quasi-judicial decision with the Hearings Officer as the Hearing Authority.

FINDING: This criterion is met.

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

16.22.010 – Purpose

- D. **General Commercial (GC) - The GC zoning district provides for commercial uses which require larger parcels of land, and/or uses which involve products or activities which require special attention to environmental impacts as per Division VIII.**

16.22.020 - Uses

- A. **The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.**
- 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 commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.**
- D. **Additional limitations for specific uses are identified in the footnotes of this table.**

***(*Abbreviated table*)

Uses	GC Zone
General retail trade, not exceeding 10,000 SF	P

ANALYSIS: The applicant is proposing a new multi-tenant commercial retail building with less than 10,000 SF.

FINDING: This standard is met.

16.22.030 - Development Standards

- A. **Generally**
No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced

below the minimum required by this Code. Nor shall the conveyance of any portion of a lot for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

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

Standard	GC	Proposed
Lot area	10,000 SF	44,866 SF
Lot width at front property line	70 ft.	228 ft.
Lot width at building line	70 ft.	228 ft.
Front yard setback⁹	0	> 100 ft.
Side yard setback⁹	0	30 ft. (south) 50 ft. (north)
Rear yard setback⁹	0	15 ft.
Height^{10,11}	50 ft.^{13, 14}	18 ft.

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

¹⁰ Maximum height is the lessor of feet or stories.

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

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

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

ANALYSIS: The lot and proposed development conform to the development standards of the General Commercial zone, as shown in the table above.

FINDING: This standard is met.

6.22.040 - Community Design

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

ANALYSIS: The applicable Community Design standards are addressed in this report.

FINDING: The application complies or is conditioned to comply with the applicable Community Design standards.

16.58.010 Clear Vision Areas

- A.** A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.
- B.** A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.
- C.** A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

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

ANALYSIS: The Site Plan (Exhibit A18 – Sheet A0.1) shows the required Clear Vision Area at the new driveway intersection with SW Baler Way. The Clear Vision Areas are not shown for the private driveway intersection with the public easement providing access to the Regal site (TL 2S129B00100).

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B1: Prior to Final Site Plan approval, revise the plans to show the clear vision triangles at the corners of the private driveway with the public easement providing access to the Regal site TL 2S129B00100.

16.58.020 - Fences, Walls and Hedges.

- A. Purpose:** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Reserved**
- C. Applicability:** The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.
- E. Location—Non-Residential Zone:**
 - 1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.
 - 2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
 - 3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.
- F. General Conditions—All Fences:**
 - 1. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.

2. Chain link fencing is not allowed in any required residential front yard setback.
3. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
4. Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.
5. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.
6. Fences and walls cannot be located within or over a public utility easement without an approved right-of-way permit.
7. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.

ANALYSIS: No fences or walls are proposed.

FINDING: This standard is not applicable.

Division V. - COMMUNITY DESIGN

Chapter 16.90 – SITE PLANNING

16.90.020 - Site Plan Review

D. Required Findings

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

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

ANALYSIS: The proposed use is permitted outright in the zone and the application complies or is conditioned to comply with all applicable design standards as described in this report.

FINDINGS: This criterion is met.

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

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

FINDING: This criterion is met.

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

ANALYSIS: The property will be under single ownership, and the property owner is responsible for managing and maintaining on-site development features and landscaping.

FINDING: This criterion is met.

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

ANALYSIS: The site is vacant and does not contain any existing vegetation or natural features.

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 proposed development is not expected to exceed 400 average daily trips, and a TIA was not required by the City's Engineering Department.

FINDING: This criterion is met.

6. **The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:**
 - a. **Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
 - b. **Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
 - c. **The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and**

sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.

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

ANALYSIS: As an alternative to standards A – C above, the applicant is utilizing the Commercial Design Review Matrix and is required to achieve a minimum of 60% of the total possible points.

The applicant has provided a Design Matrix (Exhibit A9) and Design Matrix Narrative (Exhibit A10). Staff concurs that the proposed development meets the minimum requirements as follows:

Design Category	Points Possible	Minimum Points Required	Points Received
Building Design	21	12	17
Building Location and Orientation	6	3	3
Parking and Loading Areas	13	7	7
Landscaping	24	14	14
Miscellaneous	10	5	5
TOTAL	74	41	46

FINDING: The proposed development qualifies for 46 points which equates to 62.2% and exceeds the minimum required 60%. This standard is met as conditioned below.

CONDITION OF APPROVAL A9: Any changes to the Site Plan after land use approval shall not cause the site to be out of compliance with the Commercial Design Review Matrix, including receiving the minimum number of points required by each section and 60% of the overall available points.

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

ANALYSIS: The City's Street Connectivity Map indicates that Baler Way is planned to be extended to the north along the east side of the subject site. In addition, SW Arrow St. is planned to be extended and terminated near the northeast corner of the site at a new intersection with Baler Way. Based on the location of the intersection and existing development surrounding the site, it is not practicable for the site to provide a driveway to be aligned with the two planned streets. New driveways are proposed in conformance with the City's development code.

FINDING: This standard does not apply.

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 approval shall expire after two (2) years unless construction on the site has begun, as determined by the City.

FINDINGS: This criterion is met as conditioned below.

CONDITION OF APPROVAL A4: The Site Plan approval shall be void after two (2) years unless construction on the site has begun, as determined by the City.

Chapter 16.92 – LANDSCAPING

16.92.010-Landscaping Plan Required

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

16.92.020 Landscaping Materials

A. Type of Landscaping

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

1. Ground Cover Plants

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

2. Shrubs

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

3. Trees

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

2. **Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.**
3. **Artificial plants are prohibited in any required landscaped area.**

ANALYSIS: The applicant has submitted a detailed plan (Exhibit A18 –Sheet L1.0) that shows the perimeter parking lot, and site landscaping. The plans include details on soil preparation and plant installation as required by the standard above. Irrigation will be provided. The required 30% tree canopy will be met primarily through new plantings.

FINDING: These standards have been 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).
2. **Perimeter Landscaping Buffer**
 - a. **A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.**
3. **Perimeter Landscape Buffer Reduction**
If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

ANALYSIS: The site is surrounded by commercial and industrial zoning in all directions. The applicant is proposing a 10 ft. landscape strip along the east property line,

separating the parking area from the property line. Perimeter screening / buffering is not required in any other locations.

FINDING: This standard is met.

B. Parking Area Landscaping

1. Purpose

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

2. Definitions

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

b. **Canopy Factor**

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

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

(2) **Growth Rate Factor:** The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

3. Required Landscaping

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

4. Amount and Type of Required Parking Area Landscaping

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

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

(1) Any combination of the following is required:

- (i) One (1) large tree is required per four (4) parking spaces;
 - (ii) One (1) medium tree is required per three (3) parking spaces; or
 - (iii) One (1) small tree is required per two (2) parking spaces.
 - (iv) At least five (5) percent of the required trees must be evergreen.
 - (2) Street trees may be included in the calculation for the number of required trees in the parking area.
 - b. Shrubs:
 - (1) Two (2) shrubs are required per each space.
 - (2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.
 - c. Ground cover plants:
 - (1) Any remainder in the parking area must be planted with ground cover plants.
 - (2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover..
5. Individual Landscape Islands Requirements
- a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.
 - b. Each landscape island shall be planted with at least one (1) tree.
 - c. Landscape islands shall be evenly spaced throughout the parking area.
 - d. Landscape islands shall be distributed according to the following:
 - (2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.
 - e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.

ANALYSIS: The applicant is proposing a total of 35 parking stalls. Parking lot landscaping calculations in conformance with the standards above are provided in Exhibit C18 – Sheet L1.0.

FINDING: This standard is met.

6. Landscaping at Points of Access

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

ANALYSIS: The applicant is conditioned to establish the clear vision areas prior to occupancy of the site. The property owner is required to maintain vegetation in compliance with the code after site development.

FINDING: This standard is met.

7. Exceptions

- a. **For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.**
- b. **The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.**

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

FINDING: This standard is not applicable.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

ANALYSIS: A loading zone is proposed at the southwest corner of the site. The loading zone will be screened to the extent practicable, given the access and circulation requirements for emergency and delivery vehicles. The loading zone will only be visible from a small portion of SW Baler Way where the driveway is located, and a break in landscaping is required. Landscaping will screen the loading zone from the street in all other locations. The applicant's narrative states mechanical equipment will be located on the west side of the building, screened from the public street.

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

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

16.92.040 Installation and Maintenance Standards

A. Installation

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

B. Maintenance and Mitigation of Landscaped Areas

- 1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.**
- 2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.**

3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).

C. Irrigation

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

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

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

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G1: Prior to Occupancy, all landscaping must be installed and have an irrigation system in accordance with SZCDC § 16.92.040(C).

Chapter 16.94 OFF-STREET PARKING AND LOADING

16.94.010 General Requirements

A. Off-Street Parking Required

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

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

FINDING: This criterion is met.

B. Deferral of Improvements

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

C. Options for Reducing the Required Parking Spaces

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

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

D. Prohibited Uses

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

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

FINDING: This standard is met.

E. Location

1. **Residential off-street parking spaces:**

2. **For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.**
3. **Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within**

garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.

- a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
- b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

ANALYSIS: All required parking spaces are proposed on-site, as shown in the applicant's plans. Based on the size of the development, it is not anticipated that the number of employees will exceed 40.

FINDING: These standards are met.

F. Marking

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

ANALYSIS: The applicant's plans do not show the flow of vehicle and pedestrian traffic. Final plans are required.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B2: Prior to Final Site Plan approval, provide a final marking plan for the on-site parking, loading, and maneuvering areas.

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.

- G. Surface and Drainage**
- 1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.**
 - 2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.**
- H. Repairs**
Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.
- I. Parking and Loading Plan**
An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:
- 1. Delineation of individual parking and loading spaces and dimensions.**
 - 2. Circulation areas necessary to serve parking and loading spaces.**
 - 3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.**
 - 4. Landscaping as required by Chapter 16.92.**
 - 5. Grading and drainage facilities.**
 - 6. Signing and bumper guard specifications.**
 - 7. Bicycle parking facilities as specified in Section 16.94.020.C.**
 - 8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.**
- J. Parking Districts**
The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.

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

FINDING: This standard is met.

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off-street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

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

Use	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
General retail / personal service	4.1	5.1	6.2

ANALYSIS: The applicant is proposing 8,350 SF of commercial floor area.

$8.350 \times 4.1 = 34.23$

The minimum required parking is 35 stalls and the applicant is proposing 35 stalls.

FINDING: This standard is met.

B. Dimensional and General Configuration Standards

1. Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

2. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

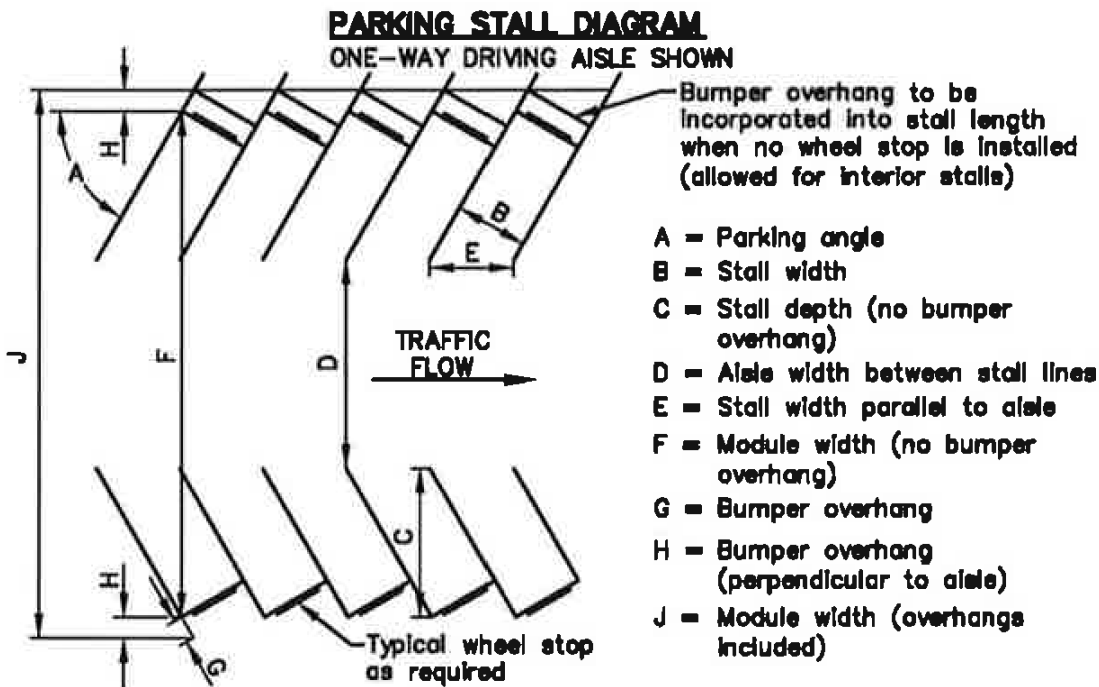


Table 3: Minimum Parking Dimension Requirements
Two-Way Driving Aisle (Dimensions in Feet)

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

3. Wheel Stops

- a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.

- b. **Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.**
- c. **The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.**

ANALYSIS: The applicant is proposing 90° parking stalls with two-way drive aisles at a minimum of 24 ft. All standard stalls will be 9x20 while three (3) stalls will be compact at 8x20. The western row of parking near the building will utilize a landscape area overhang in lieu of wheel stops. .

FINDING: These standards are met.

4. Service Drives

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

ANALYSIS: No service drives are proposed.

FINDING: This standard does not apply.

6. Reduction in Required Parking Spaces

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

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

FINDINGS: This standard does not apply.

C. Bicycle Parking Facilities

1. General Provisions

- a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.
- b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.
- c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
- e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

2. Location and Design.

a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room

for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.

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

b. Short-term Bicycle Parking

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

c. Long-term Bicycle Parking

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

d. Covered Parking (Weather Protection)

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

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

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Retail sales / service	2 or 1 per 20 auto spaces, whichever is greater

ANALYSIS: 35 vehicle parking stalls are required, therefore 2 bicycle stalls are required. The proposed bicycle stalls are located in front of the entrance to the building as shown on the Site Plan.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G3: Prior to Receiving Occupancy, bicycle parking shall be installed in accordance with the Final Site Plan approval and SZCDC § 16.94.020(C)(2) including a 2x6’ space for each bicycle.

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
 - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
 - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

ANALYSIS: A 10 x 25 loading zone is proposed on the south side of the building. The loading area is separated from the parking area.

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: A new private sidewalk is proposed to connect the front entrance of the building to SW Baler Way. This pathway will be located towards the southern / center portion of the site for convenient access to pedestrians coming from SW Tualatin-Sherwood Rd. A second private sidewalk is proposed to connect the building to the public easement along the north side of the site.

FINDING: These standards are met.

16.96.030 - Minimum Non-Residential Standards

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

A. Driveways

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

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

ANALYSIS: A new 40 ft. wide driveway will provide access to the site from SW Baler Way and will be constructed as part of the County Tualatin-Sherwood Rd. widening project. A second driveway at approximately 35 ft. wide is proposed at the north end of the site to provide access to the public access easement.

FINDING: This standard is met.

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

B. Sidewalks and Curbs

- 1. A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.**
- 2. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.**
- 3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four**

(4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.

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

ANALYSIS: The applicant is proposing a continuous pedestrian pathway system around the perimeter of the building and connecting to the public right-of-way. The primary pathway in front of the building will be 7 ft. wide. All other sidewalks are proposed at 5 ft. wide.

FINDING: This standard is met.

16.96.040 - On-Site Vehicle Circulation

A. Maintenance

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

B. Joint Access [See also Chapter 16.108]

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

C. Connection to Streets

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

elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

- D. **Maintenance of Required Improvements**
Required ingress, egress and circulation improvements shall be kept clean and in good repair.
- E. **Service Drives**
Service drives shall be provided pursuant to Section 16.94.030.

ANALYSIS: The applicant proposes access to SW Baler Way, a collector status roadway. Access is being reviewed and approved as part of the land use process.

FINDING: This standard is met.

Chapter 16.98 - ONSITE STORAGE

16.98.020 Solid Waste and Recycling Storage

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

16.98.030 - Material Storage

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

Code, shall comply with all local fire codes, and Federal and State regulations.

ANALYSIS: Solid waste and recycling storage receptacles will be located at the southwest corner of the property away from Baler Way. The trash enclosure will be ten (10) feet by sixteen (16) feet and accessible to collection vehicles through the shared access easement with Les Schwab along the southern property line. The trash enclosure will be obscured from view by a concrete masonry unit wall not less than six (6) feet tall.

The narrative states all service, repair, and storage necessary for the operation of the tenant spaces will take place within the building. There will be no storage of hazardous materials on the site.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B3: Prior to Final Site Plan approval, applicant shall obtain written approval from Pride Disposal for the location and design of trash and recycling enclosures. The design shall also meet the standards of SZCDC § 16.98.020.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.020 - Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 17.

ANALYSIS: The development site abuts a future extension of SW Baler Way, a collector status road that will be under the jurisdiction of the City of Sherwood. Baler Way is currently being extended north as part of the County's Tualatin-Sherwood Rd. widening project. As all public street improvements required to serve the site are being completed by the County, no public street improvements are required by the applicant.

The City of Sherwood Engineering comments state "As part of the Washington County SW Tualatin-Sherwood Road project, SW Baler Street is being extended northward along the eastern side of the subject property.

Therefore, the public ROW improvements for SW Baler Street will be installed by others to accommodate the frontage requirements of the subject property.

Any development of the subject property will not be able to obtain occupancy until the Washington County improvements within SW Baler Way have been completed and accepted by the City of Sherwood.

Per City Municipal Code Section 16.118.020(B) an 8-foot wide public utility easement shall be provided along all private property along all public street frontages. If not established in the WACO SW Baler Way improvement project, the establishment of this PUE shall be provided by the applicant.

An existing access easement is necessary along the northern end of the subject property for access to the new extension of SW Baler Way from the property to the west of the subject property. This easement should be obtained by Washington County as part of the SW Tualatin-Sherwood Road project.

A trip analysis of the subject property may be required to determine if any of the following conditions exist that would require a Traffic Impact Analysis:

- a) Per City Municipal Code Section 16.106.040.K.2 “For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.”
- b) Per City Municipal Code Section 16.106.080.B.3 “The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.”

Per City Municipal Code Section 16.106.080.B.4. “An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.

The applicant is presenting that based on Specialty Retail Center classification (ITE 826) the proposed site development is anticipated to generate 41.92 PM Peak Hour trips, with 22.63 Peak Hour Adjacent Street trips. It is not anticipated that any tenant use will generate truck trips exceeding the limit shown above. Based on this information, a formal TIA will not be required for the subject site.

FINDING: The transportation facility standards are met as conditioned below.

CONDITION OF APPROVAL G4: Prior to Grant of Occupancy of the proposed site improvements the SW Baler Street extension improvements being installed by WACO must be fully constructed, inspected, approved and accepted by the City.

CONDITION OF APPROVAL G5: Prior to Grant of Occupancy of the proposed site improvements, the applicant shall provide a copy of a recorded a public access easement

across the subject property northern property line from the SW Baler Way right-of-way line west to the adject property line.

CONDITION OF APPROVAL E1: Prior to Issuance of Building Permits, the facility use classification shall be designated as Specialty Retail Center (ITE 826) for determining City Transportation SDC and WACO TDT fees for shell building permits.

CONDITION OF APPROVAL G6: Prior to Grant of Occupancy, a copy of the recorded document establishing an 8-foot wide Public Utility Easement along the subject property fronting SW Baler Way shall be submitted to the City.

CONDITION OF APPROVAL D2: Prior to issuance of a grading permit, the applicant shall obtain a County Right-of-Way permit for construction access to and from SW Tualatin-Sherwood Rd.

Chapter 16.108 – IMPROVEMENT PLAN REVIEW

16.108.010 – Preparation and Submission

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

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

B. Engineering Agreement

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

- 1. Surveying sufficient to prepare construction plans.**
- 2. Preparation of construction plans and specifications.**
- 3. Construction staking, and adequate inspection.**
- 4. Construction notes sufficient to develop accurate as-built plans.**
- 5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.**
- 6. Certificate stating that construction was completed in accordance with required plans and specifications.**

ANALYSIS: Compliance with these standards will be reviewed as part of the Engineering Plan Review / issuance of an Engineering Compliance Agreement.

FINDING: This criterion will be met.

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.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state, “There is no public sanitary sewer available for direct connection for the subject property. The nearest public sanitary sewer is located within the property to the west of the subject property. The developer proposes a 10-foot wide private sanitary sewer easement from the property to the west in order to install a sanitary sewer lateral to the subject property meeting Clean Water Services standards. Only one property is allowed to be connected to a single sanitary sewer lateral.

Section 5.09.3(b) Clean Water Services standards state:

- b. When allowed by the local Building Official, laterals may cross a single adjoining property if the following criteria are met:
 - 1. The portion of the lateral on the adjoining property has a minimum 3 feet of cover over the pipe and the pipe is ductile iron.
 - 2. The portion of the lateral on the adjoining property contains no bends.
 - 3. The lateral crosses the adjoining property in a private easement that is a minimum of 10 feet wide.
 - 4. A copy of the private easement is provided to the District or City, demonstrating the legal right of the parcel being served to install and maintain a private lateral on the adjoining property.
 - 5. The portion of the lateral crossing the adjoining parcel is less than 100 feet long.
 - 6. The lateral can be used for only one property.
 - 7. The lateral crossing is not one of a number of lateral crossings in a new development designed to avoid constructing a sanitary sewer extension.
 - 8. The Engineer provides justification, to the satisfaction of the District or City, that the crossing is needed.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C1: Prior to Issuance of Approved Construction Plans, the applicant shall provide a copy of the recorded 10-foot wide private utility easement for the subject site sanitary sewer lateral.

CONDITION OF APPROVAL G7: Prior to Grant of Occupancy, installation of the private sanitary sewer lateral across adjoining property has been performed meeting CWS standards Sections 5.09.1 through 5.09.5.

CONDITION OF APPROVAL G8: Prior to Grant of Occupancy, all private sanitary sewer system laterals and associated appurtenances shall be installed to Oregon State Plumbing Codes and City requirements.

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.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state, “The nearest public water line is a 12-inch diameter water main located within the property to the west of the subject property and an 8-inch diameter water main located within the property to the north of the subject property. The subject property does not have direct access to either of these existing public water lines.

The applicant indicates obtaining water service by installation of a 2-inch service lateral from the 12-inch public main. The private water service lateral will be located within a 10-foot wide private utility easement across the adjacent property.

Submittal plans indicate a water meter with a downstream backflow preventer installed on the water service lateral. Plans do not indicate any separate fire sprinkler water system service. If a separate fire sprinkler water system service is desired/needed, then an appropriate backflow/vault will be required. All water meters and fire sprinkler water backflow vaults within private property need to be within a public water line easement.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C1: Prior to issuance of Approved Construction Plans, the applicant shall provide a copy of the recorded 10-foot wide private utility easement for the subject site water service lateral.

CONDITION OF APPROVAL C2: Prior to Grant of Occupancy all private water system laterals and associated appurtenances shall be installed to Oregon State Plumbing Codes and City requirements.

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.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state, “Surface water from the existing site flows to an existing detention pond located north of and in the adjoining property. From there, it flows northwesterly through a private storm sewer over to Pacific Highway, where it is discharged into an existing ODOT ditch. This existing condition for public storm sewer access is not in compliance with CWS standards for public storm sewer access (see Section 5.09.3(b) CWS Design and Construction Standards manual).

Therefore, in order for the subject property to discharge to an existing public stormwater system, either a) construct a new public stormwater system extension within a 10-foot wide public utility easement across the adjoining property to the boundary of the subject site, or b) obtain an exception to CWS standards which will allow discharging across the adjoining property within a private utility easement.

Discharge into the ODOT right-of-way will require proof of ODOT’s approval or acceptance.

Storm water quality treatment and hydro-modification will be required in compliance with Clean Water Services (CWS) standards. A storm water report in compliance with CWS standards is required. An analysis of the existing pond north of the subject property may show that the existing pond provides the necessary storm water quality treatment and hydro-modification for the subject property. However per CWS standards, storm facilities that serve more than 1 property should be publicly owned and maintained. Since there is no public storm sewer serving this pond, it will likely not be able to be transferred to the city. Therefore, an exception to CWS standards will likely be required. Use of the existing pond will likely require that any necessary maintenance repairs be performed in order to use the facility to provide water quality treatment and hydro-modification for the subject property.

Private storm water quality treatment/hydro-modification facilities require a Private Storm Water Access and Maintenance Covenant to be recorded.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C3: Prior to Issuance of Approved Construction Plans, the applicant shall provide a copy of the recorded 10-foot wide private utility easement for the subject site stormwater lateral across the adjoining property.

CONDITION OF APPROVAL C4: Prior to Issuance of Approved Construction Plans, the applicant shall provide a copy of the approval letter from ODOT for discharging stormwater runoff from the subject site into ODOT facilities.

CONDITION OF APPROVAL G9: Prior to Grant of Occupancy, all installed site stormwater collection, conveyance, treatment, detention and discharge systems shall be inspected and approved if in compliance with CWS standards.

CONDITION OF APPROVAL C5: Prior to Issuance of Approved Construction Plans, applicants plans shall conform to the requirements established by the Service Provider Letter (SPL) issued by CWS (File No. 22-000039, dated 01/05/2022).

CONDITION OF APPROVAL C6: Prior to Issuance of Approved Construction Plans, applicants shall obtain and submit a copy of the CWS issued Storm Water Connection Permit Authorization.

CONDITION OF APPROVAL E2: Prior to Issuance of City Building or Construction Permits, applicant shall obtain and submit a copy of the issued DEQ NPDES 1200-CN permit to the Engineering Department files.

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: Fire protection and emergency services are provided by Tualatin Valley Fire and Rescue (TVFR). The applicant has obtained a Service Provider Letter from TVF&R (Exhibit A13(B)) dated March 15, 2022.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL A11: The applicant shall comply with the TVF&R Service Provider Letter dated March 15, 2022 and all applicable fire code standards.

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: A public utility easement has been conditioned under the transportation section. All new utilities are required to be located underground. It does not appear there are existing overhead lines to be undergrounded.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G10: Prior to Grant of Occupancy Sherwood Broadband utilities shall be installed along the subject property's frontage as per requirements set

forth in City Ordinance 2005-017 and City Resolution 2005-074 (SW Baler Way extension).

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.

B. Landscape Materials

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

C. Establishment and Maintenance

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

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no

case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).

ANALYSIS: The development site will be accessed from a future collector status street (SW Baler Way) and a 10 ft. wide visual corridor is required. The plans show a 10 ft. wide landscaping corridor on private property as required by the standard above including trees, shrubs, and groundcover. No fences or walls are proposed.

FINDING: This standard is met.

16.142.060: STREET TREES

- A. Installation of Street Trees on New or Redeveloped Property.**
Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.
- 1. Location:** Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.
 - 2. Size:** Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.
 - 3. Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
 - 4. Required Street Trees and Spacing:**
 - a.** The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not

on the list, the mature canopy width must be provided to the planning department by a certified arborist.

- b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
- c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
 - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
 - (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
 - (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
 - (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
 - (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

ANALYSIS: Frontage improvements including street trees for SW Baler Way are being installed as part of the County Tualatin-Sherwood Rd. widening project. No additional street trees are required.

FINDING: These standards are met.

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
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' $(3.14159 * 17.52) = 962$ square feet</p>			

ANALYSIS: The proposal is for commercial development, and a 30% tree canopy is required over the net development site. The applicant's plans indicates new on-site trees will be planted to achieve a canopy of 20,676 SF or 46.2% canopy.

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 is for a multi-tenant commercial building. The indoor commercial spaces are not anticipated to generate noise that exceed state standards. The outdoor uses including a shared patio space, loading zone, and mechanical equipment are also not expected to exceed state standards. The applicant is responsible for maintaining compliance with the standard in the future.

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 development is for a multi-tenant commercial building. The indoor commercial spaces are not anticipated to generate any significant vibrations. The applicant is responsible for maintaining compliance with the standard in the future.

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 development is for a multi-tenant commercial building and the use is not expected to generate dust, require an incinerator, or otherwise require a state discharge permit. The applicant is responsible for obtaining any state air quality permits if required in the future.

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 development is for a multi-tenant commercial building. It is not anticipated that commercial uses will generate odors beyond the boundaries of the site. The applicant is responsible for obtaining any state air quality permits if required in the future.

FINDING: This standard is met.

Chapter 16.154 - Heat and Glare

16.154.010 – Heat and Glare

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

ANALYSIS: The applicant has provided a Lighting Plan (Exhibit A16 – Sheet A0.3) that demonstrates the use will not cause glare or lights to shine off site in excess of 0.5 candle foot. While this standard has been met, the site does not adjoin properties zoned for residential uses.

FINDING: This standard is met.

Chapter 16.156 - Energy Conservation

16.156.020 Standards

- A. **Building Orientation** - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.
- B. **Wind** - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

ANALYSIS: The building will be oriented north to south with a south and east facing wall to take advantage of sunlight. Trees are proposed around the perimeter of the site for shade and wind screens.

FINDING: This standard is met.

IV. STAFF RECOMMENDATION

Based upon review of the applicant's submittal, review of the applicable code, and agency comments, staff finds that the proposed site plan does not fully comply with the required standards and approval criteria but can be conditioned to comply.

Therefore, staff recommends approval of LU 2022-018 SP Morse Retail and adoption of the following Conditions of Approval:

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. Changes to the plans including building size and location, parking, and landscaping, and other changes to the plans impacting compliance with applicable criteria may require a new development application and approval.

3. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood.
4. The Site Plan approval shall be void after two (2) years unless construction on the site has begun, as determined by the City.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. 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.
7. All new utilities to be installed for the development of the subject property shall be underground.
8. Retaining walls within public easements or the public right-of-way shall require engineering approval.
9. Any changes to the Site Plan after land use approval shall not cause the site to be out of compliance with the Commercial Design Review Matrix, including receiving the minimum number of points required by each section and 60% of the overall available points.
10. A sign permit shall be obtained for all on-site signs.
11. The applicant shall comply with the TVF&R Service Provider Letter dated March 15, 2022 and all applicable fire code standards.

B. Prior to Final Site Plan Approval

1. Prior to Final Site Plan approval, revise the plans to show the clear vision triangles at the corners of the private driveway with the public easement providing access to the Regal site TL 2S129B00100.
2. Prior to Final Site Plan approval, provide a final marking plan for the on-site parking, loading, and maneuvering areas.
3. Prior to Final Site Plan approval, applicant shall obtain written approval from Pride Disposal for the location and design of trash and recycling enclosures. The design shall also meet the standards of SZCDC § 16.98.020.

C. Prior to Approval of the Engineering Public Improvement Plans

1. Prior to Issuance of Approved Construction Plans, the applicant shall provide a copy of the recorded 10-foot wide private utility easement for the subject site sanitary sewer lateral.
2. Prior to issuance of Approved Construction Plans, the applicant shall provide a copy of the recorded 10-foot wide private utility easement for the subject site water service lateral.
3. Prior to Issuance of Approved Construction Plans, the applicant shall provide a copy of the recorded 10-foot wide private utility easement for the subject site stormwater lateral across the adjoining property.

4. Prior to Issuance of Approved Construction Plans, the applicant shall provide a copy of the approval letter from ODOT for discharging stormwater runoff from the subject site into ODOT facilities.
5. Prior to Issuance of Approved Construction Plans, applicants plans shall conform to the requirements established by the Service Provider Letter (SPL) issued by CWS (File No. 22-000039, dated 01/05/2022).
6. Prior to Issuance of Approved Construction Plans, applicants shall obtain and submit a copy of the CWS issued Storm Water Connection Permit Authorization.

D. Prior to Issuance of a Grading Permit

1. Prior to Issuance of a Grading Permit, the subject development shall obtain approval of a site erosion control plan from the Sherwood Engineering Department.
2. Prior to issuance of a grading permit, the applicant shall obtain a County Right-of-Way permit for construction access to and from SW Tualatin-Sherwood Rd.

E. Prior to Issuance of Building Permits

1. Prior to Issuance of Building Permits, the facility use classification shall be designated as Specialty Retail Center (ITE 826) for determining City Transportation SDC and WACO TDT fees for shell building permits.
2. Prior to Issuance of City Building or Construction Permits, applicant shall obtain and submit a copy of the issued DEQ NPDES 1200-CN permit to the Engineering Department files.

F. Prior to Acceptance of Public Improvements

1. N/A

G. Prior to Receiving Occupancy

1. Prior to Occupancy, all landscaping must be installed and have an irrigation system in accordance with SZCDC § 16.92.040(C).
2. Prior to Receiving Occupancy, all parking, loading or maneuvering areas including ADA and loading stalls shall be clearly marked and signed.
3. Prior to Receiving Occupancy, bicycle parking shall be installed in accordance with the Final Site Plan approval and SZCDC § 16.94.020(C)(2) including a 2x6' space for each bicycle.
4. Prior to Grant of Occupancy of the proposed site improvements the SW Baler Street extension improvements being installed by WACO must be fully constructed, inspected, approved and accepted by the City.
5. Prior to Grant of Occupancy of the proposed site improvements, the applicant shall provide a copy of a recorded a public access easement across the subject property northern property line from the SW Baler Way right-of-way line west to the adject property line.

6. Prior to Grant of Occupancy, a copy of the recorded document establishing an 8-foot wide Public Utility Easement along the subject property fronting SW Baler Way shall be submitted to the City.
7. Prior to Grant of Occupancy, installation of the private sanitary sewer lateral across adjoining property has been performed meeting CWS standards Sections 5.09.1 through 5.09.5.
8. Prior to Grant of Occupancy, all private sanitary sewer system laterals and associated appurtenances shall be installed to Oregon State Plumbing Codes and City requirements.
9. Prior to Grant of Occupancy, all installed site stormwater collection, conveyance, treatment, detention and discharge systems shall be inspected and approved if in compliance with CWS standards.
10. Prior to Grant of Occupancy Sherwood Broadband utilities shall be installed along the subject property's frontage as per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074 (SW Baler Way extension).

EXHIBITS*

A. Applicant Submittal – Table of Contents and Land Use Form

1. Deed
2. Title Report
3. Fee Schedule
4. Neighborhood Meeting Information
5. Tax Map
6. Mailing Labels
7. Vicinity Map
8. Narrative
9. Design Matrix
10. Design Matrix Narrative
11. Surrounding Land Use Map
12. Architectural Rendering and Materials Board
13. (a) Clean Water Services SPL (b) TVF&R SPL
14. Geotechnical Report
15. Sanitary Lateral Design Modification
16. Storm Water Narrative
17. Storm Water Report
18. Plan Set

B. Agency Comments

1. City of Sherwood Engineering Comments
2. City of Sherwood Design Exception
3. Washington County comments
4. Agency Notice Distribution List

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