

**CITY OF SHERWOOD  
NOVEMBER 5, 2022  
HEARINGS OFFICER STAFF REPORT**



**SHERWOOD COMMERCE CENTER PHASE 1  
CONDITIONAL USE PERMIT FOR NEW LOCAL ROAD  
LU 2022-022 CUP**

Pre-App Meeting:	N/A
App. Submitted:	September 16, 2022
App. Complete:	October 13, 2022
Hearing Date:	N/A
120-Day Deadline:	March 15, 2022

**PROPOSAL:** Sherwood Commerce Center Phase 1 was approved by the City of Sherwood in February 2022 via land use decision LU 2021-012 SP / CUP / VAR. The approved plans include 435,000 SF of new industrial building area and associated site parking, landscaping, and utilities. Phase 1 has been issued a grading permit and is currently being graded. Building permits and public improvement permits have not been issued.

The applicant is proposing a new east-west local street to the south of Phase 1. Under the proposal, access would be provided via the new east-west local street to the south of Phase 1 instead of SW Tonquin Ct. (aka Laurelwood Way) to the west of Phase 1. The plans also include an extension of SW Tonquin Ct. (aka SW Laurelwood Way) to serve the Kerr properties to the south and west of the Sherwood Commerce Center site. The remaining portion of SW Tonquin Ct (aka Laurelwood Way) was approved as part of the Oregon St. Business Park land use decision (LU 2021-015 SP / VAR).

Pursuant to SZCDC § 16.66, a Conditional Use Permit is required for the proposed road system because the improvement is not designated in the adopted City of Sherwood Transportation System Plan (TSP).

A Minor Modification to the Site Plan is being processed separately for the on-site changes resulting from the local street and access reconfiguration. The scope of this Conditional Use Permit is limited to the proposed public improvements.

*Note – the Conditional Use Permit and Minor Modification were originally submitted for concurrent review. The applicant has requested that the applications be processed separately with separate conditions of approval, as discussed in the applicant memo*

(Exhibit A1). The applicant narrative and exhibits (Exhibit A2) covers code standards for both the minor modification and conditional use permit. This staff report addresses the code standards required for issuance of the conditional use permit only. A separate decision will be issued for the minor modification (LU 2022-026 MM) as a Type 1.

**I. BACKGROUND**

- A. Applicant: (TL 401 and 600) VLMK Engineering + Design  
Jennifer Kimura  
3933 S. Kelly Ave.  
Portland, OR 97239  
  
Owner: (TL 401 and 600) Sherwood Commerce Center  
1121 SW Salmon St. #400  
Portland, OR 97205  
  
Applicant: (TL 100 and 400) VLMK Engineering + Design  
Jennifer Kimura  
3933 S. Kelly Ave.  
Portland, OR 97239  
  
Owner: (TL 100 and 400) Woodburn Industrial Capitol Group  
395 Shenandoah Lane NE  
Woodburn, OR 97071
- B. Location: 21600 SW Oregon St.; 14240 SW Tonquin Rd.; additional lots with addresses
- C. Review Type: Type III Conditional Use Permit
- D. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before October 20, 2022. Notice of the application was also published in a local newspaper (Tigard Times) on October 20 and November 3, 2022.
- E. Review Criteria: SZCDC Chapter 16.66 Transportation Facilities and Improvements; Chapter 16.72 Procedures for Processing Development Permits ; Chapter 16.82 Conditional Uses ; 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 ;

- F. History and Background: The subject properties are located in the City's Tonquin Employment Area (TEA) and have been previously annexed to the City of Sherwood. The TEA was added to the Urban Growth Boundary by the Metro Council in 2004. In conjunction with Metro adding this area to the Urban Growth Boundary, the City of Sherwood undertook extensive planning of the TEA, including for transportation and public utilities through the TEA Concept Plan (Ordinance 2010-014) and TEA Implementation Plan (Resolution 2015-051).

The original Site Plan approval for Sherwood Commerce Center Phase 1 was approved by the City of Sherwood in February 2022 via land use decision LU 2021-012 SP / CUP / VAR. The site has been issued a grading permit and is currently being graded, however, building permits and public improvement permits have not been issued.

The applicant is requesting approval of a Conditional Use Permit to add a new local road to the south of Phase 1. The revised public improvement plans also propose an extension of SW Tonquin Ct. (SW Laurelwood Way) to the south to serve two undeveloped properties to the south and east of Phase 1. A private-party Cooperative Agreement (Exhibit C1) has been reached for construction of the roadway and public utilities. A Minor Modification to the original Site Plan is in process under LU 2022-026 MM.

- G. Existing Conditions: The subject properties are located south of Oregon St. and east of Tonquin Rd. in the City's Tonquin Employment Area. Tax Lots 100, 400, and 600 are all being graded in anticipation of industrial development under early grading permits issued by the City. Tax Lot 401 has received a grading and tree removal permits but construction on the site has not started. This portion of the Tonquin Employment Area generally slopes down from east to west. No floodplains or wetlands are known to be present on the site.

H. Surrounding Land Uses:

- West: Undeveloped industrial land
- South: Undeveloped industrial land
- East Single-family residence and industrial business on large lot
- North SW Oregon St., developed industrial land

- I. Current Zoning: Employment Industrial

## II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on October 18, 2022. The following agency responses were received:
1. City of Sherwood Engineering Department (Exhibit B1) – Comments address traffic and transportation, public utilities, and other engineering requirements for local public improvements.
  2. Washington County Land Use & Transportation (Exhibit B2) – Comments address access and frontage requirements for SW Oregon St., a County arterial road.
  3. Clean Water Services (Exhibit B3) – CWS provided a memorandum dated April 19, 2022. The memorandum provides Conditions of Approvals related to CWS regulations for stormwater, erosion control, and sensitive habitat areas. The applicant has also submitted an Amended Service Provider Letter covering sensitive area requirements.
- B. Public Comments
1. None

## III. APPLICABLE CODE PROVISIONS

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

### Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

#### 16.72.010 – Generally

##### A. Classifications

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

##### 4. Type III

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

##### a. Conditional Uses

**ANALYSIS:** Pursuant to SZCDC § 16.66 Transportation Facilities and Improvements, new transportation facilities that are not designated in the adopted TSP require a Conditional Use Permit. The on-site changes resulting from the new transportation

system require a Type I minor modification. The Minor Modification is currently in review as a separate Type I application.

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

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## **Chapter 16.82 – CONDITIONAL USES**

### **16.82.020 – Permit Approval**

#### **A. Hearing Authority Action**

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

**ANALYSIS:** Pursuant to SZCDC § 16.66, a new CUP is required for proposed east-west road along the southern boundary of Phase 1. The findings below address the approval criteria for the proposed east-west local street.

**FINDING:** A CUP is required, and findings of compliance with the approval criteria are provided below.

#### **B. Final Site Plan**

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

**ANALYSIS:** Final Site Plan is required for the Minor Modification related to the on-site improvements. The subject proposal is for new public infrastructure with final plans being reviewed by the City's Engineering Department.

**FINDING:** This standard is met as conditioned in this report.

**C. Use Criteria**

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

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

**ANALYSIS:** The site is located on the south side of SW Oregon St. in the TEA. The TEA is an industrial growth area with minimal existing public infrastructure such as streets, water lines, and storm drainage facilities. As the first large property to develop along SW Oregon St. in the TEA, it is anticipated that new public facilities will be required to serve the site.

The proposed east-west road will connect to SW Laurelwood Way to the west and ultimately SW Ice Age Dr. to the north/east. The applicant is proposing public utilities in the roadway, including sanitary sewer and storm sewer lines for future extension.

The application was routed to affected agencies and service providers, and no service issues were reported. The applicant has been conditioned to obtain an engineering compliance agreement to ensure public infrastructure can be provided in accordance with the approved decision.

**FINDING:** This criterion is met.

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

**ANALYSIS:** The existing and future land use in all directions is General Industrial or Employment Industrial, and no adverse impacts related to noise and public safety are anticipated to result from the proposed local east-west road and extension of SW Tonquin Ct.

The proposed street system will enhance overall vehicle and pedestrian circulation within the area and improve public safety. Traffic on the local road is not expected to generate noise impacts that are excessive or unreasonable for an industrial area.

The applicant has provided a Future Street Connectivity Diagram (Exhibit A – Appendix E) that shows how the new east-west street can be aligned through the properties to the east and north of the subject site. The proposed alignment will allow the street to continue along shared property lines in order to minimize the impact of any single property.

**FINDING:** This criterion is met.

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

**ANALYSIS:** The subject property is zoned Employment Industrial and is located in the City's Tonquin Employment Area. The TEA Concept Plan was adopted by City Council via Ordinance 2010-014. The proposed transportation system complies with the TEA Concept Plan, TEA Implementation Plan, and City TSP. The most detailed plan, the TEA Implementation Plan (Exhibit C4), shows SW Tonquin Ct. extending south from SW Oregon St. to serve properties to the south of the subject development site. The applicant is proposing an additional east-west local road to connect SW Laurelwood Way. to SW Ice Age Dr. and improve overall vehicle circulation in the area. The proposed street will allow numerous properties in the southwest corner of the TEA to access SW Ice Age Dr. without traveling on SW Oregon St.

**FINDING:** This criterion is met.

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

**ANALYSIS:** The land in all directions is zoned for industrial uses and the use of this portion of the property as a new local roadway will not adversely impact surrounding properties or the City as a whole.

As shown in the Future Road Connectivity Plan, the proposed east-west road will continue off-site and eventually connect to SW Ice Age Dr. The proposed design will

require one or more properties to the east of the development site to dedicate and construct the local road extension through their properties. Any future right-of-way dedications and public improvements are required to meet rough proportionality standards in SZCDC § 16.106.090 but are outside the scope of this land use review.

**FINDING:** This criterion is met.

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

**ANALYSIS:** The proposed east-west road and extension of Tonquin Ct. can be accommodated on the site and be aligned through off-site properties based on the existing size, shape, and location. No grades over 10% or natural features such as wetlands are located along the proposed alignment.

**FINDING:** This criterion is met.

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

**ANALYSIS:** No wetlands or floodplains are present within the alignment areas. In addition, the area within the future right-of-way for the east-west road and Tonquin Ct. have been previously cleared of most trees and significant vegetation under separate permits. The applicant has obtained a CWS Provider Letter addressing sensitive habitat areas subject to their standards for the proposed transportation system.

**FINDING:** This criterion is met.

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**D. Additional Conditions**

**In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:**

1. **Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.**



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

**ANALYSIS:** Conditions of approval related to roadway design and alignment for the east-west local road are included in the transportation facilities section.

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

**E. Time Limits**

Unless approved under Section 16.82.020.A.2 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

**F. Revocation**

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

**satisfied, the CUP approval, or building and occupancy permits, shall be revoked.**

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

**FINDING:** These standards are met.

## **Chapter 16.84 - VARIANCES**

### **16.84.020 - Applicability**

#### **A. Exceptions and Modifications versus Variances**

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

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

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

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

**STAFF COMMENT:** The original Site Plan approval included a concurrent Class A Variance permit to reduce the number of required driveways from two to one on an interim basis. SZCDC § 16.96.030(A)(2) requires two driveways for industrial uses that require over 250 vehicle parking stalls.

Once the proposed local street system is constructed, the site will have access to two or more permanent driveways and the variance permit will no longer be needed.

## **Chapter 16.106 - TRANSPORTATION FACILITIES**

### **16.106.010 - Generally**

#### **A. Creation**

**Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional**

street classification, as shown on the Transportation System Plan (TSP) Map (Figure 17) and other applicable City standards. The following table depicts the guidelines for the street characteristics.

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscaping Strip (exclusive of Curb)	Median Width
Arterial	60-102'	2-5	12'	Limited	6 feet	6-8'	5'	14' if required
Collector	58-92'	2-3	11'	8' optional	6'	6-8'	5'	14' median turn lane
40' Commercial/ Industrial Not Exceeding 3000 vehicles per day	64'	2	20'	8'	none	6'	5'	none
50' Commercial/ Industrial Exceeding 3000 vehicles per day	64'	2	12'	8'	5'	6'	5'	none
Local	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	none

**ANALYSIS:** Under the modified proposal, the development site will be located along one existing street and three proposed streets. The classification and jurisdiction for each street is provided below:

Street	Jurisdiction	Classification	Status
SW Oregon St.	Washington County	Arterial	Existing
SW Ice Age Dr.	City of Sherwood	Collector	Planned / Approved

SW Tonquin Ct (now Laurelwood Way).	City of Sherwood	Local (Industrial Not Exceeding 3,000 vehicles per day)	Planned / Partially Approved
East-west local road	City of Sherwood	Local (Industrial Not Exceeding 3,000 vehicles per day)	Proposed

**FINDING:** The application complies or is conditioned to comply with applicable City of Sherwood transportation standards as part of the original approval (LU 2021-012) and the additional conditions below.

**B. Street Naming**

1. All streets created by subdivision or partition will be named prior to submission of the final plat.
2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.
3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.
4. All streets named shall conform to the general requirements as outlined in this Section.
5. At the request of the owner(s), the City may approve a private street name and address. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

**C. Street Name Standards**

1. All streets named or renamed shall comply with the following criteria:
  - a. Major streets and highways shall maintain a common name or number for the entire alignment.
  - b. Whenever practicable, names as specified in this Section shall be utilized or retained.
  - c. Hyphenated or exceptionally long names shall be avoided.
  - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.
  - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.
2. The following classifications (suffixes) shall be utilized in the assignment of all street names:

- a. **Boulevards: North/south arterials providing through traffic movement across the community.**
  - b. **Roads: East/west arterials providing through traffic movement across the community.**
  - c. **Avenues: Continuous, north/south collectors or extensions thereof.**
  - d. **Streets: Continuous, east-west collectors or extensions thereof.**
  - e. **Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.**
  - f. **Lanes: Short east/west local streets under 1,000 feet in length.**
  - g. **Terraces: short north/south local streets under 1,000 feet in length.**
  - h. **Court: All east/west cul-de-sacs.**
  - i. **Place: All north/south cul-de-sacs.**
  - j. **Ways: All looped local streets (exceeding 180 degrees).**
  - k. **Parkway: A broad landscaped collector or arterial.**
- 3. **Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.**
  - 4. **All proposed street names shall be approved, prior to use, by the City.**

**D. Preferred Street Names**

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

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

**STAFF ANALYSIS:** The east-west collector through the TEA was recently named by City Council as "Ice Age Drive" via Resolution 2021-066. The name is related to the unique geology of the area and is consistent with the standards above.

The local street identified as “SW Tonquin Ct” in the City’s TEA Implementation Plan has not been formally named. Due to Tonquin Ct’s proximity to SW Tonquin Rd., it is recommended the name is changed to avoid confusion. Based on the criteria above, the name “SW Laurelwood Way” was recommended as part of the original Site Plan approval. The name can be changed before the public improvement plans are finalized. A street name is also required for the proposed east-west local street.

**FINDING:** These criteria are met as conditioned below.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Plans, the local street currently known as SW Tonquin Ct. and the east-west local road shall be named in accordance with SZCDC § 16.106.010(B) – (D).

**16.106.020 - Required Improvements**

**A. Generally**

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

**B. Existing Streets**

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

**C. Proposed Streets**

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

**D. Extent of Improvements**

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any

bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.

2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
  - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
  - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
  - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
  - d. The improvement would be in conflict with an adopted capital improvement plan;
  - e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets;  
or
  - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

**ANALYSIS:** Under the modified plans, the applicant is proposing to construct a new local street system to serve the development site (Tax Lot 600) and additional properties to the south. A portion of these transportation improvements were also required to be provided under the Oregon St. Business Park land use approval (LU 2021-015) for Tax Lot 500 to the west. The impacted owners have developed a Cooperative Agreement for construction of the road and public utilities (Exhibit C1).

The proposed spacing between the existing driveway for Oregon St. Business Park and the proposed east-west local road has not been met. The applicant has been conditioned to meet the standard by re-aligning the road or by having the adjacent property owner agree to relocate the driveway.

The City of Sherwood Engineering comments (Exhibit B) state - *The subject property currently has public street frontage along SW Oregon Street (Arterial – Washington County) to the northwest. The subject property is conditioned to construct street frontage improvements along the subject property frontage of SW Oregon Street (LU 2021-012).*

*In the original land use decision (LU 2021-012) for the subject property, the developer was conditioned to dedicate right-of-way for the future SW Laurelwood Way and to make a fee-in-lieu payment for that portion of SW Laurelwood Way falling within the subject property.*

*As part of this conditional use permit, the developer would like to install the public street improvements within SW Laurelwood Way that were previously conditioned for a fee-in-lieu payment. In addition, the developer would like to install the remainder of the street improvements for SW Laurelwood Way (full street section) all the way to its terminus in a cul-de-sac in the south. The extension of SW Laurelwood Way south of the proposed East-West Road will result in a cul-de-sac length that exceeds the 200 feet maximum as stated in the Sherwood Municipal Code. An exception to the standard is being proposed through this land use application.*

*The new street section for SW Laurelwood Way and SW East-West Road shall be in compliance with the Sherwood Engineering Design Standards section for a “40’ Standard Commercial/Industrial” street section. This will include construction of the full 40 feet of street width including curb and gutter on both sides of the street and complete street lighting. The developer will also provide for a 5-foot wide landscape strip (including street trees) and 6-foot wide concrete sidewalk along the street frontage adjacent to the developing portion (LU 2021-012) of the subject property. Landscape strips and sidewalks adjacent to street frontage along property that is not being developed under LU 2021-012 may be deferred to the future development of those properties.*

*As the subject property is along both sides of the proposed East-West Road, the street section will need to be installed to its full 40 feet of width. The proposed SW Laurelwood Way (from SW Oregon Street to its cul-de-sac terminus) has frontage along multiple properties owned by multiple owners. Normally the street could only be required to be installed to a half street section (22 feet of pavement width) along the subject property frontage. However, the developer has entered into an agreement with surrounding property owners in order to install SW Laurelwood Way to its full 40 feet of width which is preferable due to the potential high volume of truck traffic on this street.*



*As part of LU 2022-012, the subject property was conditioned to make a fee-in-lieu payment towards public improvements for SW Laurelwood Way prior to Issuance of the Engineering Compliance Agreement for said land use decision. This condition of approval is still applicable. Said fee-in-lieu may be paid out to the developer after Final Acceptance of the Public Improvements under this land use decision has been received.*

*Right-of-way for both SW Laurelwood Way and East-West Road will need to be dedicated to a width of 64 feet in accordance with a “40’ Standard Commercial/Industrial” street section.*

*As part of a land use decision for the property west of the subject property, a driveway location was established for the developing parcel. The new intersection of SW Laurelwood Way/East-West Road will either need to align with this driveway or be separated from this driveway a distance consistent with the Sherwood Engineering Design Standards and the Sherwood Municipal Code. This can be done through the alignment of East-West Street or via an agreement by the neighbor relocating the location of the driveway away from the SW Laurelwood Way/East-West Road intersection.*

*Per city standards a minimum 8-foot wide PUE is required along all street frontage unless an exception is granted by the City Engineer. The previous land use decision for the subject property (LU 2021-012) provided for exclusions to this requirement. Any exclusions from PUE requirements previously granted will be honored.*

*SW Oregon Street is a Washington County arterial street. Therefore, the new intersection of SW Laurelwood Way and SW Oregon Street will need to be designed in accordance with the conditions of approval as dictated by Washington County.*

*All transportation conditions stated in the original land use decision (LU 2021-012) and the development to the west (LU 2021-015) are still applicable.*

*There are underground utilities as part of other land use decisions (LU 2021-012 and LU 2022-026) to be installed beneath the public streets being approved within this land use decision. These utilities shall be installed by the contractor meeting the approval of the Sherwood Engineering Department prior to any asphalt or concrete curb and gutter being installed under this land use decision.*

**FINDING:** These criteria are met as conditioned below.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall get approval for the alignment of the future East West Road by the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the SW Laurelwood Way / east-west road intersection shall meet the intersection access spacing standards for local streets in SZCDC 16.106.040(M)(2)(a). The standard can be met by re-aligning the approved driveway on Tax lot 500 through the Final Site Plan approval or a Type I Minor Modification to the Oregon Street Business Park land use approval. The standard can also be met by re-aligning the public street intersection without a change to the driveway location on Tax Lot 500 (Oregon Street Business Park).

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall design SW Laurelwood Way to meet a 40-foot Standard Commercial/Industrial street section. The design shall include the following:

- a) Paving the full street width (40-feet curb to curb).
- b) Curb and gutter.
- c) A cul-de-sac at the southern terminus.
- d) Street lighting.
- e) Landscape strip (5-feet wide), street trees and concrete sidewalk (6-feet wide) along the portion of street frontage being developed under LU 2021-012.

All public street improvement shall be designed meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall design East-West Road to meet a 40-foot Standard Commercial/Industrial street section. The design shall include the following:

- a) Paving the full street width (40-feet curb to curb).
- b) Curb and gutter.
- c) A cul-de-sac at the southern terminus.
- d) Street lighting.
- e) Landscape strip (5-feet wide), street trees and concrete sidewalk (6-feet wide) along the portion of street frontage being developed under LU 2021-012.

All public street improvement shall be designed meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to installation of asphalt or curb and gutter under this land use decision, underground utilities as part of other land use decisions (LU 2021-012 and LU 2022-026) to be installed beneath the public streets being approved within this land use decision shall be installed by the contractor meeting the approval of

the Sherwood Engineering Department prior to any asphalt or concrete curb and gutter being installed under this land use decision.

**CONDITION OF APPROVAL:** Prior to Acceptance of the Public Improvements, the developer shall dedicate 64 feet of right-of-way (including right-of-way monumentation) for SW Laurelwood Way and East-West Road meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Acceptance of the Public Improvements, the developer shall dedicate minimum 8-foot wide PUE meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer or otherwise excluded as part of a previous land use decision.

**E. Transportation Facilities Modifications**

1. **A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.**
2. **A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:**
  - a. **Reduced sight distances.**
  - b. **Vertical alignment.**
  - c. **Horizontal alignment.**
  - d. **Geometric design (length, width, bulb radius, etc.).**
  - e. **Design speed.**
  - f. **Crossroads.**
  - g. **Access policy.**
  - h. **A proposed alternative design which provides a plan superior to these standards.**
  - i. **Low impact development.**
  - j. **Access Management Plans**
3. **Modification Procedure**
  - a. **A modification shall be proposed with the application for land use approval.**
  - b. **A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.**

- c. **When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.**
- 4. **Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:**
  - a. **Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**
  - b. **Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**
  - c. **A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.**
  - d. **An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.**
  - e. **Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.**

**ANALYSIS:** The applicant is requesting approval of facility modifications to the following standards:

- a) Maximum block length (SZCDC 16.106.030(B)(3))
- b) Maximum cul-de-sac length (SZCDC 16.106.040(E)(1))
- c) Accessway easement at cul-de-sacs (SZCDC 16.106.040(E)(3))
- d) Intersection spacing (SZCDC 16.106.040(M)(2)(a))

Based on a review of the approval criteria, staff supports modifications (a) – (c) but does not support modification (d). Supporting analysis is provided below.

Modifications (a) – (c) are related to the overall circulation and access pattern within the south/east portion of the Tonquin Employment Area. A full connection of SW Tonquin

Ct. (now SW Laurelwood Way) to SW Tonquin Rd. to break up block and cul-de-sac length is not practicable due to steep grades. Recognizing this constraint, the TEA Concept Plan, TEA Implementation Plan, and Oregon St. Access Management Plan assume access for the development site and properties to the south would be provided from SW Oregon St. The conceptual street network shown in the planning documents assumes a long cul-de-sac in excess of the code maximum would be required. The proposed east-west road between SW Tonquin Ct. and SW Ice Age Dr. will shorten the block and cul-de-sac length relative to the original Site Plan approval. Modifications (a) through (c) meet criteria (a) and (b) above.

Modification (d) requests a reduction to the required access spacing between the approved driveway along SW Tonquin Ct. (now SW Laurelwood Way) serving the Oregon St. Business Park development (LU 2021-015 SP / VAR) and the proposed east-west local street. The applicant's narrative states that the standard is not met by 4.4 ft. and that by meeting the standard, approximately 5,000 SF of building area will be lost on the properties to the south (e.g. Phase II of Sherwood Commerce Center). While the City is sensitive to the loss of building area as it relates to employment forecasts, the property to the south is undeveloped and can be reasonably developed for large-format industrial uses without a reduction to the access spacing standards.

The City's adopted TSP states "Access management is not easy to implement and requires long institutional memory of the impacts of short access spacing – increased collisions, reduced capacity, poor sight distance and greater pedestrian exposure to vehicle conflicts."

As an alternative to shifting the proposed road alignment, the approved driveway to the west on Tax Lot 500 can be relocated through the Final Site Plan approval or through a Minor Modification to LU 2021-015 SP / VAR Oregon Street Business Park. A condition is provided above that requires the access spacing to meet City standards.

**FINDING:** A modification is granted to the standards for Maximum block length (SZCDC 16.106.030(B)(3)), Maximum cul-de-sac length (SZCDC 16.106.040(E)(1), and Accessway easement at cul-de-sacs (SZCDC 16.106.040(E)(3)).

#### **16.106.030 - Location**

##### **A. Generally**

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

with solar access requirements as per Chapter 16.156, and topographical considerations.

**B. Street Connectivity and Future Street Systems**

- 1. Future Street Systems.** The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).
- 2. Connectivity Map Required.** New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.
  - a.** A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.
  - b.** Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.
  - c.** Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.
  - d.** Driveways that are more than 24 feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.
- 3. Block Length.** For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.

4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.
5. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.
6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right- of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.
7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
  - a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
  - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
  - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

**ANALYSIS:** The code language above has a typo and the Local Street Connectivity Map contained in the TSP is Figure 18. The applicant has provided a Future Street Connectivity Diagram (Exhibit A – Appendix E) that shows how properties in the TEA can be served by a future street system. The applicant’s proposal meets the criteria above because the proposal meets the design standards for public streets, unless

specifically modified, and implements and responds to the Local Street Connectivity Map in the TSP.

**FINDING:** These standards are met with the permitted modifications pursuant to SZCDC § 16.106.020(E).

**C. Underground Utilities**

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

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

**FINDING:** This standard is met.

**D. Additional Setbacks**

**Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.**

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



**ANALYSIS:** The development site is located along one existing and three planned public streets. The proposed setbacks along each frontage exceed the setbacks required above.

**FINDING:** This standard is met.

#### **16.106.040 - Design**

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

**A. Reserve Strips**

**Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.**

**B. Alignment**

**All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.**

**C. Future Extension**

**Where necessary to access or permit future subdivision or development of adjoining land, streets must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length must comply with the Engineering Design Manual.**

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

**ANALYSIS:** Design criteria (C) above requires streets to extend to the boundary of the proposed development site to permit future development of adjoining land. The applicant is proposing to dedicate right-of-way for the east-west local road and SW Ice Age Dr. to allow for future extension of the streets. SW Tonquin Ct. (now SW Laurelwood Way) will be dedicated and constructed to its planned terminus.

**FINDING:** These standards are met.

**D. Intersection Angles**

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

**ANALYSIS:** The applicant's plans show how the two new street intersections will connect at a 90 degree angle. The City of Sherwood Engineering comments and exhibits provide additional detail on the alignment and angle of the intersections.

**FINDING:** This standard is met.

**E. Cul-de-sacs**

- 1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
- 2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**
- 3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

**ANALYSIS:** A new cul-de-sac is proposed at a length of approximately 960 ft. The applicant has applied for a modification to standards (1) and (3) above pursuant to SZCDC § 16.106.020(E).

**FINDING:** This standard is met with the modifications provided by SZCDC § 16.106.020(E).

**F. Grades and Curves**

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

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

**FINDING:** This standard is met.

**G. Streets Adjacent to Railroads**

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

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

**FINDING:** This standard does not apply.

**H. Buffering of Major Streets**

**Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.**

**I. Median Islands**

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

**J. Transit Facilities**

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

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

**K. Traffic Controls**

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

**L. Traffic Calming**

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

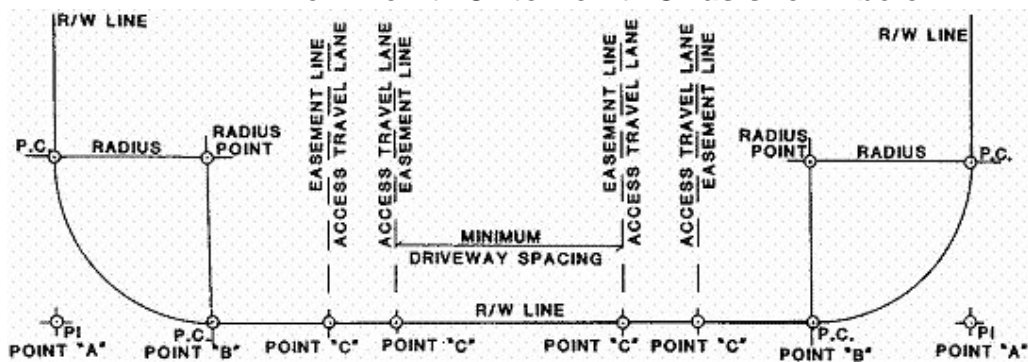
**ANALYSIS:** Buffering of major streets, median island, traffic calming, and enhanced transit facilities are not proposed or required as part of the development.

**FINDING:** These standards are met.

**M. Vehicular Access Management**

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

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



**2. Roadway Access**

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street

available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

**a. Local Streets:**

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

**c. Collectors:**

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

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

**d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:**

- (1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from**

**Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.**

- (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:**
  - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').**
  - (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.**
- (3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or**

**collector streets, including frontage or  
backage roads, consistent with the  
Transportation Plan Map and Chapter 6 of  
the Community Development Plan**

**ANALYSIS:** Access spacing for Oregon St. is under the regulatory jurisdiction of Washington County. Washington County has provided comments included as Exhibit B2.

The proposed spacing between the existing driveway for Oregon St. Business Park and the proposed east-west local road has not been met. The intersection offset between the East/West road and the driveway location for the Oregon Street Business Park (LU 2021-015 SP / VAR), which occurs on the opposing side of the road, is currently proposed at 20.6-feet, which is less than the 25-foot standard per section 16.106.040.M.2.a.

The applicant has been conditioned to align the proposed roadway with the approved driveway location or relocate the road alignment to meet the intersection spacing standards.

**FINDINGS:** These standards are met as conditioned.

3. **Exceptions to Access Criteria for City-Owned Streets**
  - a. **Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications)**

**ANALYSIS:** The applicant is not proposing alternative points of access for City-owned streets.

**FINDING:** This criterion is not applicable.

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



**City Engineer. The approved plan shall be implemented as a condition of development approval.**

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

**FINDING:** This criterion does not apply.

**N. Private Streets**

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

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

**FINDING:** These criteria do not apply.

**16.106.060 - Sidewalks**

**A. Required Improvements**

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

**B. Design Standards**

- 1. Arterial and Collector Streets**

**Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.**

**2. Local Streets**

**Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.**

**3. Handicapped Ramps**

**Sidewalk handicapped ramps shall be provided at all intersections.**

**C. Pedestrian and Bicycle Paths**

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

**ANALYSIS:** The development site has frontage along one existing and three planned streets. The applicant has been conditioned to provide 12 ft. wide sidewalks along SW Oregon St. frontage to accommodate the planned Ice Age Trail on the south side of Oregon St. The two other streets will not be constructed at this time and a fee-in-lieu of construction for future sidewalks is required.

**FINDING:** These standards are met.

**16.106.070 - Bike Lanes**

**If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide.**

**ANALYSIS:** The development site has frontage along one existing and three planned streets. SW Oregon St. has existing bike lanes which will be maintained through site development. SW Ice Age Dr. is proposed as a 76 ft. right-of-way including two 12 ft. wide multi-use path for combined pedestrian and bicycle circulation. SW Tonquin Ct. and the local east-west road are planned as a 64 ft. right-of-way without bike lanes.

**FINDING:** These standards are met.

**16.106.080 - Traffic Impact Analysis (TIA)**

**A. Purpose**

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

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

**B. Applicability**

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

1. An amendment to the Sherwood Comprehensive Plan or zoning map.
2. A new direct property approach road to Highway 99W is proposed.
3. The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.
4. An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.
5. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.

6. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

**C. Requirements**

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

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

**D. Study Area**

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

1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
2. Roads and streets through and adjacent to the site.
3. All intersections needed for signal progression analysis.

4. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

**E. Analysis Periods**

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

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

**F. Approval Criteria**

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

1. The analysis complies with the requirements of 16.106.080.C;
2. The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;

3. For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and
4. Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.
5. Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.

**G. Conditions of Approval**

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

**ANALYSIS:** The applicant provided a TIA for the original Site Plan application that accounted for 468,000 SF of building area under Phase 1. The applicant has also provided a TIA addendum (Exhibit A3) that incorporates the new east-west local road. The City’s transportation consultant has reviewed the TIA addendum and concurs with the findings that:

- Provide northbound right turn lanes (on Oregon Street) at each of the two intersections
- A traffic signal is not warranted

Full transportation findings and conditions for the CUP are included in this section.

**FINDING:** This criterion is met.

**16.106.090 - Rough Proportionality**

**A. Purpose**

The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality

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

- B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.**
- C. The following shall be considered when determining proportional improvements:**
  - 1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**
  - 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**
  - 3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.**
  - 4. Applicable TSP goals, policies, and plans.**
  - 5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.**
  - 6. Accident history within the impact area.**
  - 7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.**
  - 8. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.**

**9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.**

**ANALYSIS:** Rough proportionality analysis was conducted as part of the original land use approval. The modified street system is a local system that is being proposed by the applicant.

**FINDING:** These criteria are met.

**Chapter 16.108 – IMPROVEMENT PLAN REVIEW**

**16.108.010 – Preparation and Submission**

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

**A. Review Fee**

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

**B. Engineering Agreement**

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

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

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

**FINDING:** This criterion is met as conditioned below.



**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall execute an Engineering Compliance Agreement (including performance assurances) with the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall execute an Engineering Compliance Agreement (including performance assurances) for the improvements associated with LU 2021-012 and LU 2022-026 with the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall receive all permits/approval from Washington County pertaining to any frontage/utility improvements required within SW Oregon Street right-of-way and for improvements associated with the SW Oregon Street/SW Laurelwood Way intersection.

**CONDITION OF APPROVAL:** Prior to Acceptance of Public Improvements, the developer shall receive final acceptance from Washington County.

**CONDITION OF APPROVAL:** Prior to Acceptance of Public Improvements, the developer shall provide maintenance warranty(ies) in compliance with the City of Sherwood standards.

**NOTE:** The conditions called out within these Engineering Land Use Comments are meant to be in conjunction with the conditions of the original subject property land use decision (LU 2021-012) and the minor modification to the original land use decision (LU 2022-026). All conditions of the original land use decision are still applicable unless a condition within these land use comments specifically says that a change to the original decision may be applicable at the discretion of the Sherwood Engineering Department.

#### **Chapter 16.110 – SANITARY SEWERS**

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.**

##### **16.110.020 - Design Standards**

###### **A. Capacity**

**Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean**

**Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.**

**B. Over-Sizing**

- 1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.**
- 2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.**

**ANALYSIS:** City of Sherwood Engineering Comments (Exhibit B) - *Proposed public sanitary sewer is addressed with the original Sherwood Commerce Center project (LU 2021-012) land use decision and with the pending Sherwood Commerce Center minor modification (LU 2022-026) land use decision.*

*Some modifications to manholes approved under previous land use decisions may be necessary in order for the manhole covers to match the proposed street surfaces.*

*In order to construct the public streets shown within this land use application, all sanitary sewer will need to be constructed within the public streets. Therefore any public sanitary sewer necessary to serve adjacent parcels to the street system proposed in this land use application that have not been included with a previous land use decision, will need to be constructed within this land use decision.*

**FINDING:** This standard is met as conditioned below.

**CONDITION OF APPROVAL:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for adjustments to the sanitary sewer system as necessary to match the approved street system meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for sanitary sewer facilities within SW Laurelwood Way necessary to provide service for adjacent neighboring properties meeting the approval of the Sherwood Engineering Department.

## **Chapter 16.112– WATER SUPPLY**

### **16.112.010 Required Improvements**

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.**

### **16.112.020 - Design Standards**

#### **A. Capacity**

**Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.**

#### **B. Fire Protection**

**All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.**

#### **C. Over-Sizing**

- 1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.**
- 2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.**
- 3. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.**

**ANALYSIS:** City of Sherwood Engineering Comments (Exhibit B) - *Proposed public water is addressed with the original Sherwood Commerce Center project (LU 2021-012) land use decision and with the pending Sherwood Commerce Center minor modification (LU 2022-026) land use decision.*

*Some modifications to water facilities approved under previous land use decisions may be necessary in order for the covers to match the proposed street surfaces.*

*In order to construct the public streets shown within this land use application, all water facilities will need to be constructed within the public streets. Therefore any public water facilities necessary to serve adjacent parcels to the street system proposed in this land use application that have not been included with a previous land use decision, will need to be constructed within this land use decision.*

**FINDING:** This standard is met as conditioned below.

**CONDITION OF APPROVAL:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for adjustments to the water system as necessary to match the approved street system meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for water facilities within SW Laurelwood Way necessary to provide service for adjacent neighboring properties meeting the approval of the Sherwood Engineering Department.

#### **Chapter 16.114 – STORM WATER**

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

##### **16.114.020 - Design Standards**

###### **A. Capacity**

**Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9**

or its replacement, and hydrologic data and improvement plans submitted by the developer.

**B. On-Site Source Control**

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.

**C. Conveyance System**

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

**16.114.030 - Service Availability**

Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.

**ANALYSIS:** City of Sherwood Engineering Comments (Exhibit B1) - *Proposed public storm sewer main is addressed with the original Sherwood Commerce Center project (LU 2021-012) land use decision and with the pending Sherwood Commerce Center minor modification (LU 2022-026) land use decision.*

*As part of this conditional use permit, catch basins and catch basin leads will need to be installed to receive runoff from the proposed public streets.*

*In order to construct the public streets shown within this land use application, all storm sewer will need to be constructed within the public streets. Therefore any public storm sewer necessary to serve adjacent parcels to the street system proposed in this land use application that have not been included with a previous land use decision, will need to be constructed within this land use decision.*

*All new/modified impervious area is required to have storm water runoff water quality treatment and hydro-modification facilities per Clean Water Services standards. Water quality treatment and hydro-modification facilities are required to be in a separate tract of land dedicated to the city of Sherwood unless otherwise approved by the City of Sherwood to be within an easement.*

*Some modifications to manholes approved under previous land use decisions may be necessary in order for the manhole covers to match the proposed street surfaces.*

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

*The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.*

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

*Since the subject development exceeds 5 acres a DEQ NPDES 1200-C permit is required. A DEQ NPDES 1200-C permit has already been obtained for site grading of the subject property. This 1200-C permit will either need to be modified or a new 1200-C obtained to allow for the construction of the additional improvements shown within this minor modification application.*

**FINDING:** These standards are met as conditioned below.

**CONDITION OF APPROVAL:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for adjustments to the storm sewer system as necessary to match the approved street system meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for storm facilities within SW Laurelwood Way and East-West Road necessary for approved street improvements and to provide service for adjacent neighboring properties meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for storm water runoff water quality

treatment and hydro-modification facilities meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Acceptance of Public Improvements, the subject development shall dedicate any land containing any storm water runoff water quality treatment and hydro-modification facilities serving the new public street system (SW Laurelwood Way and East-West Road) to the City of Sherwood unless otherwise approved by the City to dedicate an easement instead. Dedication shall meet the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall design to adhere to the conditions of the Clean Water Services' Service Provider Letters.

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

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall revise the DEQ NPDES 1200-C plans meeting the approval of the Sherwood Engineering Department and Clean Water Services.

## **Chapter 16.116 - FIRE PROTECTION**

### **16.116.010 Required Improvements**

**When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.**

**A. Capacity**

**All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.**

**B. Fire Flow**

**Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure.**

Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

**C. Access to Facilities**

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

**D. Hydrants**

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

**ANALYSIS:** Tualatin Valley Fire and Rescue has issued a Service Provider Letter for the modified proposal dated October 11, 2022. The applicant is required to meet the conditions in the SPL and obtain final inspection approval prior to occupancy.

**FINDING:** This standard is met as conditioned below.

**CONDITION OF APPROVAL:** Prior to Final Occupancy, the site shall conform to Tualatin Valley Fire & Rescue standards and receive approval of a final occupancy inspection.

**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:** Sherwood Broadband does not currently exist along the subject property frontage of SW Oregon Street. Therefore underground Sherwood Broadband conduits

and vaults will either need to be installed along the subject property frontage of SW Oregon Street.

**FINDING:** These standards are as conditioned below.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for the installation of Sherwood Broadband utilities (vaults and conduit) within the PUE adjacent to the portion of the subject property to be developed under LU 2022-012 properties street frontages per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074. Also crossing conduits shall be placed under the new street at intersections for future conduit installation as needed meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Any existing overhead utilities needing to be relocated for the construction of the street improvements shall be installed underground.

## **Chapter 16.142 Parks, Trees and Open Space**

### **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:** Under the modified site plan, street trees are required for SW Oregon St., SW Tonquin Ct., and the east-west local road. SW Ice Age Dr. will be constructed at a

future date. The selected species are on the City's street tree list and are spaced appropriately for the spread.

**FINDING:** These standards are met as conditioned below.

**CONDITION OF APPROVAL:** Prior to Occupancy, street trees for SW Oregon St., SW Tonquin Ct., and the east-west local road shall be installed.

#### **IV. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL**

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

**Therefore, staff recommends approval of the application subject to 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. Additional development or change of use may require a new development application and approval.
3. This approval is valid for a period of two (2) years from the date of the Notice of Decision. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
4. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
5. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
6. All new utilities to be installed for the development of the subject property shall be underground.
7. Retaining walls within public easements or the public right-of-way shall require engineering approval.
8. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.

9. The site shall conform to all local building and fire code regulations, in addition to any applicable state and federal regulations, for hazardous materials storage on the site.
10. Prior to installation of asphalt or curb and gutter under this land use decision, underground utilities as part of other land use decisions (LU 2021-012 and LU 2022-026) to be installed beneath the public streets being approved within this land use decision shall be installed by the contractor meeting the approval of the Sherwood Engineering Department prior to any asphalt or concrete curb and gutter being installed under this land use decision.
11. Any existing overhead utilities needing to be relocated for the construction of the street improvements shall be installed underground.

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

1. Prior to Approval of the Engineering Plans, the local street currently known as SW Tonquin Ct. and the east-west local road shall be named in accordance with SZCDC § 16.106.010(B) – (D).
2. Prior to Approval of the Engineering Public Improvement Plans, the developer shall get approval for the alignment of the future East West Road by the Sherwood Engineering Department.
3. Prior to Approval of the Engineering Public Improvement Plans, the SW Laurelwood Way / east-west road intersection shall meet the intersection access spacing standards for local streets in SZCDC 16.106.040(M)(2)(a). The standard can be met by re-aligning the approved driveway on Tax lot 500 through the Final Site Plan approval or a Type I Minor Modification to the Oregon Street Business Park land use approval. The standard can also be met by re-aligning the public street intersection without a change to the driveway location on Tax Lot 500 (Oregon Street Business Park).
4. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design SW Laurelwood Way to meet a 40-foot Standard Commercial/Industrial street section. The design shall include the following:
  - a) Paving the full street width (40-feet curb to curb).
  - b) Curb and gutter.
  - c) A cul-de-sac at the southern terminus.
  - d) Street lighting.
  - e) Landscape strip (5-feet wide), street trees and concrete sidewalk (6-feet wide) along the portion of street frontage being developed under LU 2021-012.

All public street improvement shall be designed meeting the approval of the Sherwood Engineering Department.

5. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design East-West Road to meet a 40-foot Standard Commercial/Industrial street section. The design shall include the following:
  - a) Paving the full street width (40-feet curb to curb).

- b) Curb and gutter.
- c) A cul-de-sac at the southern terminus.
- d) Street lighting.
- e) Landscape strip (5-feet wide), street trees and concrete sidewalk (6-feet wide) along the portion of street frontage being developed under LU 2021-012.

All public street improvement shall be designed meeting the approval of the Sherwood Engineering Department.

6. Prior to Approval of the Engineering Public Improvement Plans, the developer shall execute an Engineering Compliance Agreement (including performance assurances) with the Sherwood Engineering Department.
7. Prior to Approval of the Engineering Public Improvement Plans, the developer shall execute an Engineering Compliance Agreement (including performance assurances) for the improvements associated with LU 2021-012 and LU 2022-026 with the Sherwood Engineering Department.
8. Prior to Approval of the Engineering Public Improvement Plans, the developer shall receive all permits/approval from Washington County pertaining to any frontage/utility improvements required within SW Oregon Street right-of-way and for improvements associated with the SW Oregon Street/SW Laurelwood Way intersection.
9. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for adjustments to the sanitary sewer system as necessary to match the approved street system meeting the approval of the Sherwood Engineering Department.
10. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for sanitary sewer facilities within SW Laurelwood Way necessary to provide service for adjacent neighboring properties meeting the approval of the Sherwood Engineering Department.
11. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for adjustments to the water system as necessary to match the approved street system meeting the approval of the Sherwood Engineering Department.
12. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for water facilities within SW Laurelwood Way necessary to provide service for adjacent neighboring properties meeting the approval of the Sherwood Engineering Department.
13. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for adjustments to the storm sewer system as necessary to match the approved street system meeting the approval of the Sherwood Engineering Department.
14. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for storm facilities within SW Laurelwood Way and

East-West Road necessary for approved street improvements and to provide service for adjacent neighboring properties meeting the approval of the Sherwood Engineering Department.

15. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for storm water runoff water quality treatment and hydro-modification facilities meeting the approval of the Sherwood Engineering Department.
16. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design to adhere to the conditions of the Clean Water Services' Service Provider Letters.
17. Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.
18. Prior to Approval of the Engineering Public Improvement Plans, the developer shall revise the DEQ NPDES 1200-C plans meeting the approval of the Sherwood Engineering Department and Clean Water Services.
19. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for the installation of Sherwood Broadband utilities (vaults and conduit) within the PUE adjacent to the portion of the subject property to be developed under LU 2022-012 properties street frontages per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074. Also crossing conduits shall be placed under the new street at intersections for future conduit installation as needed meeting the approval of the Sherwood Engineering Department.

**C. Prior to Acceptance of Public Improvements**

1. Prior to Acceptance of the Public Improvements, the developer shall dedicate 64 feet of right-of-way (including right-of-way monumentation) for SW Laurelwood Way and East-West Road meeting the approval of the Sherwood Engineering Department.
2. Prior to Acceptance of the Public Improvements, the developer shall dedicate minimum 8-foot wide PUE meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer or otherwise excluded as part of a previous land use decision.
3. Prior to Acceptance of Public Improvements, the developer shall receive final acceptance from Washington County.
4. Prior to Acceptance of Public Improvements, the subject development shall dedicate any land containing any storm water runoff water quality treatment and hydro-modification facilities serving the new public street system (SW Laurelwood Way and East-West Road) to the City of Sherwood unless otherwise approved by the City to dedicate an easement instead. Dedication shall meet the approval of the Sherwood Engineering Department.
5. Prior to Acceptance of Public Improvements, the developer shall provide maintenance warranty(ies) in compliance with the City of Sherwood standards.

**D. Prior to Receiving Occupancy**

1. Prior to Final Occupancy, the site shall conform to Tualatin Valley Fire & Rescue standards and receive approval of a final occupancy inspection.
2. Prior to Occupancy, street trees for SW Oregon St., SW Tonquin Ct., and the east-west local road shall be installed.

**V. EXHIBITS**

**A. Applicant Material**

1. Minor Modification / CUP Memo
2. Narrative and Attachments (Plans, Tax Map, Title Report, etc.)
3. Applicant TIA Addendum
4. Applicant Revised CWS SPL

**B. Agency Comments**

1. City of Sherwood Engineering Comments
2. Washington County Land Use and Transportation Comments
3. Clean Water Services Memo

**C. Additional Information**

1. Cooperative Development Agreement
2. LU 2021-012 Notice of Decision (Sherwood Commerce Center Phase 1)
3. LU 2021-015 Notice of Decision (Oregon St. Business Park)
4. Figure 17 – Tonquin Employment Area Implementation Plan