

SITE PLAN REVIEW AND CONDITIONAL USE PERMIT

To
City of Sherwood

For
Sherwood Industrial Park,
Phase 3

Dated
October 19, 2022
(Revised January 11, 2023)

Project Number
2200393.03



MACKENZIE
Since 1960

RiverEast Center | 1515 SE Water Ave, Suite 100, Portland, OR 97214
PO Box 14310, Portland, OR 97293 | T 503.224.9560 | www.mcknze.com



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EXHIBITS

- A. Application Form
- B. Title Report
- C. Deed
- D. Tax Map
- E. Aerial Map
- F. Plans
- G. Notes from November 25, 2020 Pre-Application Conference
- H. Neighborhood Meeting Documentation dated March 20, 2021
- I. Traffic Impact Analysis
- J. FEMA Flood Hazard Map
- K. Wetland Delineation Report, WD#2022-0166, approved October 12, 2022
- L. Natural Resource Assessment Report
- M. Preliminary Stormwater Report
- N. Pride Disposal Service Provider Letter
- O. Arborist Report
- P. Clean Water Services Service Provider Letter, CWS File Number 22-000943
- Q. Clean Water Services Service Provider Letter, CWS File Number 20-000667
- R. City of Sherwood TSP Functional Classification Map
- S. Tualatin Valley Fire and Rescue (TVF&R) Service Provider Letter (SPL) dated October 6, 2022
- T. Metro Regionally Significant Fish and Wildlife Habitat Inventory Map - Newberg and Sherwood Quadrants dated 2005
- U. City of Sherwood Wetlands Inventory dated 1992
- V. Sherwood Natural Resources and Recreation Plan Map dated April 19, 1990
- W. Wetland Delineation Report WD# 2020-0201, approved January 21, 2021
- X. Wetland Delineation Report WD# 2019-0535, approved December 18, 2019

MATERIALS PROVIDED SEPARATELY

- 1. Application fee
- 2. Mailing labels for properties within 1,000 feet of site
- 3. Land Use Submittal Checklist
- 4. Electronic copy of submittal materials



I. PROJECT SUMMARY

Applicant: ORWA Sherwood LLC
8320 NE Highway 99
Vancouver, WA 98665
bchristina@mobinv.net

Owner: ORWA Sherwood LLC
8320 NE Highway 99
Vancouver, WA 98665
bchristina@mobinv.net

Site Address: 15028 SW Century Drive

Washington County Tax Lot: Tax Lot 2S129D000150

Tax Lot Area: 37.47 AC

Subject Site Area: 4.08 AC

Comprehensive Plan: Industrial

Zoning: Light Industrial (LI)

Adjacent Zoning: North: Light Industrial (LI) and General Industrial (GI)
East: General Industrial (GI)
South: Light Industrial (LI)
West: Light Industrial (LI)

Existing Structures: Four industrial buildings on southern portion of tax lot

Request: Site Plan Review and Conditional Use Permit for two speculative buildings in an existing industrial park, totaling 18,497 square feet (SF)

Project Contact: Mackenzie, Attn: Brian Varricchione
1515 SE Water Avenue, Suite 100
Portland, OR 97214
(971) 346-3742
bvarricchione@mcknze.com

II. INTRODUCTION

Description of Request

The applicant requests Site Plan Review and Conditional Use Permit approval for two speculative buildings totaling approximately 18,497 square feet (SF) with associated parking and site improvements on an approximately 4.08-acre portion of a Light Industrial (LI) zoned site in the City of Sherwood, Oregon (Washington County Tax Lot 2S129D000150). A pre-application conference with City staff was conducted on November 25, 2020.

Existing Site and Surrounding Land Use

The subject property is a partially developed industrial site with multiple buildings, parking, loading, trailer storage, and related facilities. The southern boundary is formed by a rail line (identified as “Southern Pacific” on the tax map, Exhibit D) and the central portion of the property is encumbered by both a Bonneville Power Administration easement and a Portland General Electric easement. Rock Creek flows northward through the eastern portion of the property and has associated floodplain and riparian areas. Per the Natural Resource Assessment conducted by Pacific Habitat Services (PHS) and enclosed in Exhibit L, a wetland (Wetland A) and wetland ditch are present along the eastern boundary of the Subject Site. The PHS Natural Resource Assessment report (Exhibit L) provides recommendations for on-site wetlands preservation to maintain the ecological integrity of these resource features.

Tax Lot 2S129D000150 (Tax Lot 150) is located at the intersection of SW Tualatin-Sherwood Road and SW Century Drive as shown in Figure 1 and Exhibit E. Tax Lot 150 was partially developed as part of Sherwood Industrial Park Phases 1 and 2, in the southern portion of the parcel. For purposes of this application, the “Subject Site” consists of the northern portion of Tax Lot 150 as shown in Figure 1 and Exhibit E.

Public utilities are already available in SW Century Drive and east of the Subject Site, with multiple utility stubs already in place to serve the development.

Previous Land Use Decisions

Based on information provided by City staff, the following applications have previously been approved for this property:

- SP-001 – Site Plan approval for new 90,216 SF industrial building, 165 parking spaces, and fill of approximately 5 acres of wetlands. The staff report for SP 08-09 indicates the building and parking was never constructed, but some wetland fill and habitat restoration was completed.
- SP 05-07 – Site Plan approval for rough grading of future buildings pads and extension of SW Century Drive. SW Century Drive was constructed and stubbed to the west property line.
- SP 08-09 – Site Plan approval for two concrete tilt-up buildings totaling 59,687 SF. Buildings were constructed east of SW Century Drive on Tax Lot 150 (Phase 1).
- SP 13-03 – Site Plan approval for two concrete tilt-up buildings totaling 107,000 SF. Buildings were constructed south of SW Century Drive on Tax Lot 150 (Phase 2).



Figure 1: Site Aerial Photo

Proposed Development

The applicant proposes to construct Phase 3 of the project, consisting of the construction of two speculative commercial buildings with up to 11 tenant spaces totaling 18,497 SF. Proposed Building 5 will be 8,673 SF and proposed Building 6 will be 9,824 SF. A total of 113 parking spaces will be provided to serve the proposed development.

The development will be accessed via two existing driveways from SW Century Drive as shown on Sheet C1.13 of Exhibit F. No driveways are proposed to access SW Tualatin-Sherwood Road. The proposed development avoids all impact to the adjacent vegetated corridor and wetlands. In accordance with Clean Water Services (CWS) standards, protection of sensitive areas and the vegetated corridor will be achieved through sediment control measures, including erosion control fencing, construction fencing, storm inlet protection, and other best management practices (BMP's). All vegetated corridor plant communities will be enhanced to "good" condition to comply with CWS requirements under *Section 3.08 of the Design and Construction Standards*.

Public Improvements and Transportation

Right-of-Way Dedication and Public Improvements

The site abuts SW Century Drive, which is classified as a collector street in the Sherwood Transportation System Plan (TSP). This street standard requires a minimum 58-foot right-of-way and 34-foot paved section. The existing right-of-way width varies from approximately 62 feet to 68.5 feet and the existing approximately 40-foot roadway width meets these requirements, and City staff has stated that SW Century Drive, along the Subject Site's frontage, is fully improved with no street frontage improvements anticipated to be required (Exhibit G).

The site also abuts SW Tualatin-Sherwood Road, which is classified as an arterial in the TSP. Street widening improvements are currently underway by Washington County to add lanes to the roadway. This street standard requires a minimum 90- to 122-foot right-of-way and 50- to 98-foot paved section. The existing approximately 86-foot right-of-way width and approximately 50-foot roadway does not meet County arterial standards. As part of the ongoing SW Tualatin-Sherwood Road expansion and improvement project, Washington County has acquired additional right-of-way (ROW) along the SW Tualatin-Sherwood Road and SW Century Drive frontages of the subject site. A copy of the ROW acquisition along the Subject Site can be found as Exception 26 of the Title Report (Exhibit B).

Initial comments from County staff in the Pre-Application Conference notes (Exhibit G) indicate that the need for frontage improvements along the Subject Site's frontage is unlikely.

No off-site improvements to water, sanitary sewer, or storm sewer are necessary to serve the development as prior improvements have been put in place and sized to accommodate development of this site. The applicant proposes maintenance upgrades to the on-site stormwater facility.

Transportation Impact Analysis

A Transportation Impact Analysis (TIA) has been conducted and included with this application as Exhibit I. The TIA concludes that all study area intersections currently operate and are projected to continue to operate within the City's and County's mobility standards with the proposed development. Intersection operations and queuing are projected to improve along SW Tualatin-Sherwood Road with the County's ongoing improvements to widen the roadway to five lanes. Additionally, the proposed driveways are not anticipated to adversely impact safety and operations for the SW Tualatin-Sherwood Road/SW Century Drive intersection. As noted in the TIA, no off-site improvements are recommended with the proposed development.

III. NARRATIVE AND COMPLIANCE

The following narrative addresses the specific Sherwood Zoning and Community Development Code (Sherwood Municipal Code Title 16) approval criteria and development standards that apply to the proposed project.

Division II. - Land Use and Development

Chapter 16.31 - Industrial Land Use Districts

16.31.020 - Uses

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

TABLE 1 – PERMITTED USES WITHIN THE LI ZONE (EXCERPT)	
Office and Professional Support Services	LI
<i>Business and Professional Offices³</i>	<i>P</i>
<i>Business Support such as duplicating, photocopying, mailing services, fax, and computer facilities³</i>	<i>P</i>
<i>Any incidental business, service, processing storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building.</i>	<i>P</i>
General Retail – sales oriented	
<i>Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business³</i>	<i>P</i>
<i>Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage</i>	<i>p⁶</i>
<i>Tool and equipment repair, rental and sales, including truck rental⁷</i>	<i>P</i>
<i>Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)</i>	<i>P</i>
<i>Wholesale building material sales and service</i>	<i>C</i>
<i>Retail building material sales and lumber yards³</i>	<i>C</i>
Personal Services	
<i>Health clubs and studios less than 5,000 square feet in size</i>	<i>P</i>
<i>Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services⁸</i>	<i>C</i>

<i>Public or commercial parking (non-accessory)</i>	<i>N</i>
<i>Veterinarian offices and animal hospitals</i>	<i>C</i>
<i>Animal boarding/kennels and pet daycare facilities with outdoor recreation areas⁸</i>	<i>C</i>
<i>Eating and drinking establishments</i>	
<i>Restaurants, taverns, and lounges without drive-thru³</i>	<i>C</i>
<i>Restaurants with drive-thru services</i>	<i>N</i>
<i>On-site cafeteria that is secondary to, and serving employees of, a permitted use</i>	<i>P</i>
<i>Industrial</i>	
<i>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code</i>	<i>P</i>
<i>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations</i>	<i>C</i>
<i>Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals</i>	<i>N</i>
<i>Distribution, warehousing and storage associated with a permitted use operating on the same site</i>	<i>P</i>
<i>Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building⁹</i>	<i>P</i>
<i>Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building⁹</i>	<i>N</i>
<i>Medical or dental laboratories, including biomedical compounding</i>	<i>P</i>
<i>Laboratories (not medical or dental)</i>	<i>P</i>
<i>Research and development and associated manufacturing</i>	<i>P</i>
Notes: ³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project. ⁶ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020. ⁷ Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project ⁸ Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service." ⁹ For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations.	

Response: The proposed development is speculative in nature and is intended for commercial tenants, but has no specific users identified. This development application assumes a mix of permitted and conditional uses as specified in the table above. As explained in the applicant's response to Section 16.82.020, the applicant is seeking conditional use approval for future tenants of the proposed development to provide flexibility in case conditional uses seek to lease tenant space.

In the Applicant’s pre-application conference with the City, staff indicated that for commercial uses subject to Table 1 Note 3, the development code does not define “outlet” or “development project.” Staff’s interpretation is that “outlet” refers to an individual business or tenant while development project refers to a single property.

As shown on Sheet 5A1.11 in Exhibit F, Building 5 is proposed to have 5 separate tenant spaces measuring as shown in table 2 below. As shown on Sheet 6A1.11 in Exhibit F, Building 6 is proposed to have 6 separate tenant spaces measuring as shown in Table 2 below. Each outlet/tenant space is less than 5,000 SF and the total of all proposed outlets is 18,497 SF. In 2017, a tenant improvement permit was submitted for a 1,434 SF mercantile space within Building 4 of Sherwood Industrial Park. Including the 2017 tenant improvement, the total area of all existing and proposed outlets is 19,931 SF, which is less than the maximum 20,000 SF allowed for all outlets combined. This standard is met.

TABLE 2: EXISTING AND PROPOSED COMMERCIAL TENANT SPACES	
Outlet/ Tenant	Area (SF)
Building 4 (Existing)	
Existing Mercantile Space	1,434 SF
Building 5 (Proposed)	
Tenant A	1,965 SF
Tenant B	1,500 SF
Tenant C	1,460 SF
Tenant D	1,428 SF
Tenant E	2,320 SF
Building 5 Total	8,673 SF
Building 6 (Proposed)	
Tenant A	2,340 SF
Tenant B	1,378 SF
Tenant C	1,378 SF
Tenant D	1,378 SF
Tenant E	1,378 SF
Tenant F	1,972 SF
Building 6 Total	9,824 SF
Total Area	19,931 SF

16.31.030 - Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

B. Development Standards

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

TABLE 3: DEVELOPMENT STANDARDS BY ZONE (EXCERPT)		
Minimum Development Standards	LI	Proposed
Lot area – Industrial Uses:	10,000 SF	No industrial use proposed.
Lot area – Commercial Uses (Subject to SDC 16.31.050)	10,000 SF	1,632,193 SF
Lot width at front property line:	100 feet	893' (SW Tualatin-Sherwood Road) 1,665' (SW Century Drive)
Lot width at building line:	100 feet	893' (SW Tualatin-Sherwood Road) 1,665' (SW Century Drive)
Front yard setback ¹¹	20 feet	20' (SW Tualatin-Sherwood Road) 27' (SW Century Drive)
Side yard setback ¹⁰	None	790'
Rear yard setback ¹¹	None	600'
Corner lot street side ¹¹	20 feet	N/A
Height ¹¹	50 feet	24.5'
<p><i>Table Notes</i></p> <p>¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.</p> <p>¹¹ Structures located within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.</p>		

Response: The proposed development is located wholly in the LI zone. As the lot is a corner lot, the site has two front lot lines as defined in SDC Chapter 16.10.¹ The rear lot line is the south lot boundary line as shown on Sheet C1.10 of Exhibit F, and the side lot line is the east lot boundary line as shown on Sheet C1.10 of Exhibit F. The proposed front yard setback, side yard setback, rear yard setback, and height in Table 3 are for the proposed Phase 3 and do not include any prior development. As shown in Table 3 above, the minimum development standards are met. This standard is met.

16.31.040 - Special Standards Hospitality and Lodging Uses Within the Light Industrial Zone

Response: No hospitality or lodging uses are proposed as part of this development.

16.31.070 - Community Design

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

Response: The proposed development has been designed to meet the provisions of the Sherwood Development Code Divisions V and VIII as presented herein. Division IX does not apply as there are no known historic resources on site. These standards are addressed elsewhere in the narrative.

16.31.080 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

Response: According to Flood Insurance Rate Map 41067C0602F, dated October 19, 2018, a portion of the subject property is in a regulated floodplain as shown in Exhibit L; however, no development or alterations are proposed in the floodplain.

¹ Lot Line, Front: The line separating a lot from any street, provided that for corner lots, there shall be as many front lines as there are street frontages.

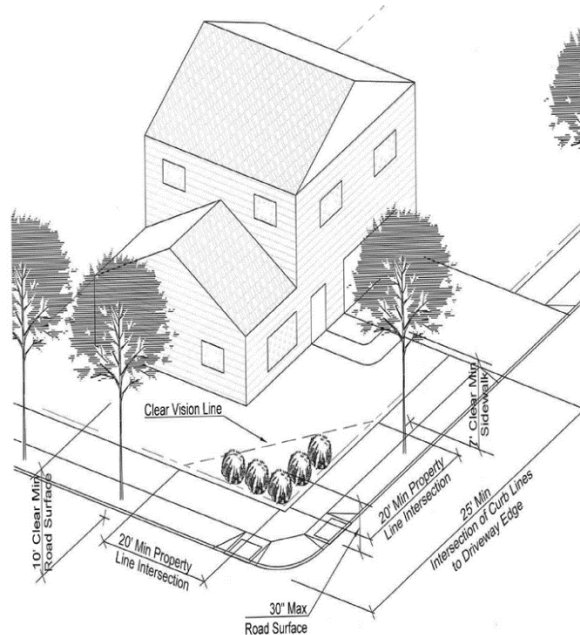
Chapter 16.58 - Clear Vision and Fence Standards

16.58.010 - Clear Vision Areas

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

The following requirements shall govern clear vision areas:

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



Response: Clear vision areas are illustrated on the plan sheets (Sheets C1.13, L1.10, and L1.11 of Exhibit F) at street intersections and driveway locations. No buildings and no sight-obscuring obstructions are proposed within the clear vision areas. This standard is met.

16.58.020 - Fences, Walls and Hedges.

- B. *Applicability:* The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.

Response: The proposed development includes retaining walls as shown on Sheet C1.13 of Exhibit F. The standards in this section are applicable unless otherwise noted.

D. Location—Non-Residential Zone:

1. *Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.*
2. *A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.*
3. *Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.*

Response: No fencing is proposed as part of this project. Two separate retaining walls are proposed as shown on Sheet C1.13 of Exhibit F. No sound wall is proposed. As indicated on Sheets L0.01, L1.10 and L1.11 of Exhibit F, shrubs constituting a hedge are proposed. The shrubs are not anticipated to exceed 4' in height when properly maintained. The site does not abut a residential zone. This standard is met.

E. General Conditions—All Fences:

1. *Retaining, masonry, concrete, and modular retaining walls may not be constructed within the eight-foot public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.*

Response: As shown on Sheet C1.13 of Exhibit F, no retaining wall is proposed to be constructed within the existing six-foot public utility easement (PUE). This standard is met.

2. *Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.*

Response: No fencing is proposed. This standard is not applicable.

3. *Chain link fencing is not allowed in any required residential front yard setback.*

Response: The Subject Site is in the Light Industrial zone. This standard does not apply.

4. *The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.*

Response: No fencing is proposed. This standard is not applicable.

5. *Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.*

Response: The proposed use is commercial use. There is an existing development at the southwest corner of the SW Century Drive/SW Tualatin-Sherwood Road that is used for commercial/industrial uses. South of the existing development is vacant property as can be seen on the map provided as Figure 1. The area to the south is an existing industrial development within the same tax lot (Sherwood Industrial Park Phases 1 and 2). The area to the east contains wetland and Rock Creek. The area to the north includes commercial uses and industrial uses. The adjacent commercial and industrial uses are not dissimilar; therefore, no buffering is required. This standard does not apply.

6. *In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.*

Response: This standard provides procedural guidance. No evidence is required from the applicant.

7. *The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.*

Response: The proposed retaining wall along the east side of the stormwater pond has a maximum height of 10' from the lowest grade. The retaining wall along the northwest corner of the subject site has a maximum height of 4' from the lowest grade.

8. *Call before you dig (811) if placing a fence within the public utility easement (PUE) to have your utility lines located. This easement area is usually located eight (8) feet across the front yard and the side yard setback on a corner lot. Utility lines can be buried just beneath the surface.*

Response: No fences are proposed within the public utility easement (PUE). This standard does not apply.

Chapter 16.60 - Yard Requirements

16.60.010 - Through Lots

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.

Response: The proposed development does not include any through lots. This standard does not apply.

16.60.020 - Corner Lots

On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:

- A. *The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.*

Response: As demonstrated in the Applicant's response to SDC 16.31.030 Development Standards above, the proposed development meets the 20' front yard requirement along both front lot lines. No exception under this provision is being sought. This standard is not applicable.

- B. *The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.*

Response: As demonstrated in the Applicant's response to SDC 16.31.030 Development Standards above, all side yard requirements are met.

16.60.030 - Yards

- A. *Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with Chapter 16.50 (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.*

- B. *Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, a primary structure must be set back at least three (3) feet.*

Response: Proposed Buildings 5 and 6 each have a front yard meeting the 20' minimum for the LI zone as demonstrated in Exhibit F and Table 1. As illustrated on Sheet C1.13 of Exhibit F, no buildings are proposed within minimum setbacks, and no buildings are proposed within 3' of a property line. This standard is met.

16.60.040 - Lot Sizes and Dimensions

- A. *If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded or platted prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located.*

Response: As demonstrated by the applicant in Table 3, the development site meets the requirements of this code. This standard does not apply.

- B. *Exceptions*

- 1. *Residential uses are limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except for townhomes, and as provided in Chapter 16.68.*
- 2. *Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).*

Response: No residential uses are proposed, and no setback/yard modifications are requested for infill development. This standard does not apply.

Division III. - Administrative Procedures

Chapter 16.70 - General Provisions

16.70.020 - Neighborhood Meeting

- A. *The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.*
- B. *Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.*

Response: A neighborhood meeting was conducted on March 30, 2021 to discuss the proposed development, as documented in Exhibit H. This standard has been met.

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 ministerial, administrative, and 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*
- 5. *Type IV*
The following quasi-judicial actions shall be subject to a Type IV review process:
 - c. *Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.*

Response: The proposed development consists of two speculative buildings which may include conditional uses and thus require Type III Conditional Use review; however, the proposal also includes buildings and associated parking totaling more than 40,000 SF. Therefore, the proposed development is subject to a Type IV Site Plan Review process. The City will process the requests concurrently through the Type IV process. This standard is met.

C. *Approval Criteria*

1. *The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.*
2. *In addition to Section 1 above, all Type IV quasi-judicial applications except Residential Design Review shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.*

Response: The applicant presents this narrative/findings document, drawings, and other exhibits as evidence of compliance with applicable standards and approval criteria. A Conditional Use permit is being requested in conjunction with this development, subject to the provisions of Section 16.82.020. This standard is met.

Division IV. - Planning Procedures

Chapter 16.82 - Conditional Uses

16.82.010 - Generally

A. *Authorization*

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

B. *Changes in Conditional Uses*

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

C. *Application and Fee*

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

Response: The proposed speculative mix of uses includes permitted and conditional uses. This application includes a CUP request to allow for the possibility of future tenants that are classified as conditional uses without further land use review, as authorized by criterion A. Criterion B is not applicable because the

proposal is a new CUP request rather than a change in an existing one. The applicant has submitted a complete application and fee payment consistent with criterion C. This standard is met.

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.*

Response: These provisions establish the authority of the Hearings Authority and provide procedural guidance; they require no evidence from the applicant.

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.*

Response: The proposed development (Phase 3) is part of the larger Sherwood Industrial Park development. Phases 1 and 2 of the Sherwood Industrial Park development consist of 4 industrial buildings totaling 166,687 SF. The proposed Phase 3 development is speculative, and it is reasonable to anticipate that conditional use tenants may find the buildings suitable. Under this section, the applicant seeks conditional use approval for future tenants of the development for the following conditional uses without a further land use procedure:

- Restaurants, taverns, and lounges without drive-thru,
- Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar service,
- Veterinarian offices and animal hospitals, and
- Animal boarding/kennels and pet daycare facilities with outdoor recreation areas.

This will enable the owner to compete effectively for such tenants against other prospective sites where no discretionary land use review would be required. This standard is met.

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.

Response: The applicant will provide construction plans following land use approval, including a final site plan consistent with these requirements. Compliance can be assured through a condition of approval.

C. Use Criteria

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

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

Response: As discussed in the Division VI and Division VII compliance findings, existing utility services and streets in the vicinity of the subject property have sufficient capacity to serve the site. This standard 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.*

Response: The subject property is located in the City's Light Industrial (LI) zone. Compliance with the standards of the LI zone is demonstrated by the applicant's response to Chapter 16.31. Buildings 5 and 6 are designed to accommodate commercial uses, as allowed by Sherwood Development Code Section 16.31.020. The proposed commercial use will be compliant with applicable standards regarding noise generation as noted in the applicant's response to Section 16.146.010. The proposed development is not anticipated to have any greater public safety concern than the abutting land uses. The proposed development is therefore consistent and compatible with nearby land uses. This standard 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.*

Response: Buildings 5 and 6 are designed to accommodate a range of commercial uses, as allowed by Sherwood Development Code Section 16.31.020 and supportive of the site's industrial comprehensive plan designation. The proposed commercial uses will serve the existing nearby industrial developments, provide jobs, and develop vacant land in a manner that retains and protects natural features (to the east of the Subject Site). The applicant has provided a traffic impact analysis (Exhibit I) for the development, demonstrating the capacity of the transportation system to accommodate resulting traffic, assuming full occupancy of all proposed buildings. This standard 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.*

Response: As noted above, the proposed commercial use and development is consistent with and compatible with the uses surrounding the subject property in the SW Tualatin-Sherwood Road industrial corridor. No impacts requiring mitigation actions are anticipated. 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.*

Response: As noted above, the proposed commercial use and development is consistent with and compatible with the uses surrounding the subject property in the SW Tualatin-Sherwood Road corridor. This criterion is met.

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

Response: The applicant has completed a wetland delineation (Exhibit K) and a natural resource assessment (Exhibit L) of the subject site. The development of the site has been designed to avoid impacts to sensitive wildlife species or the natural environment. As shown on Sheet C1.10 of Exhibit F, the Phase 3 works limits is wholly outside of the CWS vegetated corridor and thus is not anticipated to adversely affect sensitive wildlife species or significant wetland natural resource features. This criterion is met.

7. *For wireless communication facilities, no Conditional Use Permit will be granted unless the following additional criteria is found:*

Response: These provisions are not applicable because the proposal does not include wireless communication facilities.

8. *The following additional criteria apply to transportation facilities and improvements subject to Conditional Use approval per Chapter 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved land use application.*
- a. *The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.*
 - b. *The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.*
 - c. *Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant is required to apply for and obtain a plan and/or zoning amendment prior to or in conjunction with Conditional Use Permit approval.*
 - d. *State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) must provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Sections 16.82.020.C.1—6 and 8.a—8.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.*

Response: These provisions are not applicable because the proposal does not include transportation facilities and improvements subject to Conditional Use approval per Chapter 16.66.

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.*

Response: The approval of conditional uses for prospective future tenants is requested as part of this application to provide flexibility for future leasing opportunities. The proposed future uses and development are consistent with the subject property’s LI zoning and compatible with the industrial zoning and development surrounding it. For these reasons, no imposition of additional conditions is necessary or warranted to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. This criterion is met without additional conditions.

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.

Response: This provision provides procedural guidance for implementation following approval and requires no evidence from the applicant.

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.

Response: This provision provides procedural guidance for implementation following approval and requires no evidence from the applicant.

Division V - Community Design

Chapter 16.90 - Site Planning

16.90.020 - Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that is not subject to Residential Design Checklist or Residential Design Review, does not meet the criteria of a minor or major modification per 16.90.030, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. Exemptions noted below.

Site Plan Review is required for the following development:

1. *Multi-dwelling*
2. *Commercial*
3. *Industrial*
4. *Mixed-use*

For the purposes of Section 16.90.020, the terms “substantial change” and “substantial alteration” mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. *The activity alters the exterior appearance of a structure, building or property and is not considered a modification.*
2. *The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.*
3. *The activity involves non-conforming uses as defined in Chapter 16.48.*
4. *The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.*
5. *The activity is subject to site plan review by other requirements of this Code.*
6. *The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.*

Response: The proposed development is subject to Site Plan Review per Section 16.90.020.A.1 and .5 because new commercial structures are proposed (altering the exterior appearance of the property) and the site is subject to site plan review by Section 16.72.010.A.4.b. This standard is applicable.

B. Exemption to Site Plan Requirement

1. *Single Family detached developments are exempt from Site Plan Review but are required to complete either a Residential Design Checklist or Residential Design Review per Chapter 16.89, unless otherwise noted.*
2. *Manufactured homes located on individual residential lots per Section 16.46.010, and including manufactured home parks.*

Response: No single family uses or manufactured homes are proposed as part of this development. This standard does not apply.

C. Reserved

D. Required Findings

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

1. *The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.*
2. *The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.*
3. *Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.*

Response: Findings that demonstrate compliance with the applicable development standards from Divisions II, V, VI, and VIII are presented herein. Division IX does not apply as there are no known historic resources on site. As substantiated by relevant portions of those findings, the subject development has been designed in a manner that will ensure adequate service can be provided by existing public and private utilities (e.g., utility stubs are already present at the property). Following construction, ongoing maintenance of the site and related improvements will be provided by the property owner and building tenants. This standard is met.

4. *The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and*

topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

Response: The natural features that have been documented at the site are a natural drainage way (Rock Creek), existing trees, and wetlands as shown in the wetlands delineation (Exhibits K, W, and X), Natural Resource Assessment (Exhibit L), Habitat Conservation Area Map (Exhibit T), and City of Sherwood Wetland Inventory Map (Exhibit U). Findings below address tree preservation and wetland preservation. As illustrated in Exhibit F, no impacts are proposed to Rock Creek, the wetlands, or CWS Vegetated Corridor. The proposed development retains the street trees along both frontages and all trees along the CWS Vegetated Corridor. This standard is met.

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

Response: The applicant has submitted a Traffic Impact Analysis that demonstrates the anticipated effect of the proposed development on the surrounding transportation system (Exhibit I). The analysis has been prepared consistent with provisions contained in Section 16.106.080. The TIA concludes that all study area intersections currently operate and are projected to continue to operate within the City's and County's mobility standards with the proposed development. Intersection operations and queuing are projected to improve along SW Tualatin-Sherwood Road with the County's ongoing improvements to widen the roadway to five lanes. Additionally, the proposed driveways are not anticipated to adversely impact safety and operations for the SW Tualatin-Sherwood Road/SW Century Drive intersection. As noted in the TIA, no off-site improvements are recommended with the proposed development. This standard is met.

6. *The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:*
- a. *Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.*
 - b. *Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.*
 - c. *The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.*
 - d. *As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-*

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

- e. As an alternative to the standards in Sections 16.90.020.D.6.a—c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
- f. As an alternative to the standards in Sections 16.90.020.D.6.a—e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.

Response: The proposed development consists of two commercial buildings with associated parking and landscaping. The applicant seeks alternative review to the standards in Section 16.90.020.D.6.a-c, as authorized under 16.90.020.D.6.d. As shown in **bold text** in the Commercial Design Review Matrix below, the proposed development scores at 69%, exceeding the 60% of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. The Subject Site is not within Old Town, so criterion (e) does not apply. The applicant does not seek an alternative to the standards in Sections 16.90.020.D.6.a.—e. This standard is met.

<i>Commercial Design Review Matrix</i>					
<i>Design Criteria</i>	<i>Possible Points</i>				
	<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>Building Design (21 Total Points Possible; Minimum 12 Points Required)</i> <i>These standards may be applied to individual buildings or developments with multiple buildings.</i>					
<i>Materials²⁵</i>	<i>Concrete, artificial materials (artificial or "spray" stucco, etc.)</i>	<i>Cultured stone, brick, stone, decorative patterned masonry, wood</i>	<i>A mixture of at least two (2) materials (i.e. to break up vertical facade)</i>	<i>A mixture of at least three (3) materials (i.e. to break up vertical facade)</i>	<i>A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood</i>
<i>Roof Form²⁶</i>	<i>Flat (no cornice) or single-pitch (no variation)</i>	<i>Distinctive from existing adjacent structures (not</i>	<i>Distinctive from existing adjacent structures</i>	—	—

Commercial Design Review Matrix					
Design Criteria	Possible Points				
	0	1	2	3	4
		<i>applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment</i>	(not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment		
<i>Glazing²⁷</i>	<i>0—20% glazing on street-facing side(s)</i>	<i>>20% glazing on at least one street-facing side (inactive, display or façade windows)</i>	<i>>20% glazing on all street-facing sides (inactive, display or façade windows)</i>	<i>>20% glazing on at least one street-facing side (active glazing—actual windows)</i>	>20% glazing on all street-facing sides (active glazing—actual windows)
<i>Fenestration on street-facing elevation(s)</i>	<i>One distinct "bay" with no vertical building elements</i>	<i>Multiple "bays" with one or more "bay" exceeding 30 feet in width</i>	Vertical building elements with no "bay" exceeding 30 feet in width	<i>Vertical building elements with no "bay" exceeding 20 feet in width</i>	—
<i>Entrance Articulation</i>	<i>No weather protection provided</i>	<i>Weather protection provided via awning, porch, etc.</i>	—	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered	<i>Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered</i>

Commercial Design Review Matrix					
Design Criteria	Possible Points				
	0	1	2	3	4
<i>Structure Size²⁸ to discourage "big box" style development</i>	<i>Greater than 80,000 square feet</i>	<i>60,000—79,999 square feet</i>	<i>40,000—59,999 square feet</i>	<i>20,000—39,999 square feet</i>	<i>Less than 20,000 square feet</i>
Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required)					
<i>Location²⁹</i>	<i>Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening)</i>	<i>Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors)</i>	<i>Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner")</i>	—	—
<i>Orientation</i>	<i>Single-building site primary entrance oriented to parking lot</i>	—	<i>Single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area)</i>	—	—
	<i>Multiple building site primary entrance to anchor tenant or primary</i>	—	<i>Multiple building site primary entrance to anchor tenant or primary</i>	—	—

Commercial Design Review Matrix					
Design Criteria	Possible Points				
	0	1	2	3	4
	entrance to development oriented to parking lot		entrance to development oriented to the pedestrian		
Secondary Public Entrance³⁰			Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk		
Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					
Location of Parking	Greater than 50 percent of required parking is located between any building and a public street	25—50 percent of required parking is located between any building and a public street	Less than 25 percent of required parking is located between any building and a public street	No parking is located between any building and a public street	—
Loading Areas	Visible from public street and not screened	Visible from public street and screened	Not visible from public street	—	—
Vegetation	At least one "landscaped" island every 13—15 parking spaces in a row	At least one "landscaped" island every 10—12 parking spaces in a row	At least one "landscaped" island every 8—9 parking spaces in a row	At least one "landscaped" island every 6—7 parking spaces in a row	—
Number of Parking Spaces³¹	>120%	101—120%	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	—

Commercial Design Review Matrix					
Design Criteria	Possible Points				
	0	1	2	3	4
<i>Parking Surface</i>	Impervious	<i>Some pervious paving (10—25%)</i>	<i>Partially pervious paving (26—50%)</i>	<i>Mostly pervious paving (>50%)</i>	—
Landscaping (24 Total Point Possible, Minimum 14 Points Required)					
<i>Tree Retention³²</i>	<i>Less than 50% of existing trees on-site retained</i>	<i>51—60% of existing trees on-site retained</i>	<i>61—70% of existing trees on-site retained</i>	<i>71—80% of existing trees on-site retained</i>	81—100% of existing trees on-site retained
<i>Mitigation Trees³³</i>	Trees mitigated off-site or fee-in-lieu	<i>25—50% of trees mitigated on-site</i>	<i>51—75% of trees mitigated on-site</i>	<i>76—100% of trees mitigated on-site</i>	—
<i>Landscaping Trees³⁴</i>	Less than one tree for every 500 square feet of landscaping	<i>1 tree for every 500 square feet of landscaping</i>	<i>2 trees for every 500 square feet of landscaping</i>	<i>3 trees for every 500 square feet of landscaping</i>	<i>4 trees for every 500 square feet of landscaping</i>
<i>Landscaped Areas</i>	<i>Greater than 35% of landscaped areas are less than 100 square feet in size</i>	Less than 25% of landscaped areas are less than 100 square feet in size	<i>No landscaped areas are less than 100 square feet in size</i>	—	—
<i>Landscaping Trees greater than 3-inch Caliper</i>	<25%	<i>25—50%</i>	<i>>50%</i>	—	—
<i>Amount of Grass³⁵</i>	<i>>75% of landscaped areas</i>	<i>50—75% of landscaped areas</i>	<i>25—49% of landscaped areas</i>	<25% of landscaped areas	—
<i>Total Amount of Site Landscaping³⁶</i>	<i><10% of gross site</i>	<i>10—15% of gross site</i>	<i>16—20% of gross site</i>	<i>21—25% of gross site</i>	>25% of gross site
<i>Automatic Irrigation</i>	No	<i>Partial</i>	Yes	—	—
Miscellaneous (10 Total Points Possible; Minimum 5 Points Required)					
<i>Equipment Screening (roof)</i>	<i>Equipment not screened</i>	<i>Equipment partially screened</i>	<i>Equipment fully screened</i>	Equipment fully screened by materials matching building architecture/finish	—

Commercial Design Review Matrix					
Design Criteria	Possible Points				
	0	1	2	3	4
Fences and Walls ³⁷	Standard fencing and wall materials (i.e. wood fences, CMU walls etc.)	—	Fencing and wall materials match building materials	—	—
On-Site Pedestrian Amenities Not Adjacent to Building Entrances	No	Yes; 1 per building	Yes; more than 1 per building	—	—
Open Space Provided for Public Use	No	Yes; <500 square feet	Yes; 500—1,000 square feet	Yes; >1,000 square feet	—
Green Building Certification				LEED, Earth Advantage, etc. (Bonus)	

Table Notes

25 No aluminum or T-111 siding permitted.

26 Pictures and/or artistic renderings must be submitted for review by the Planning Commission if metal roofs are proposed.

27 Two (2) points if there is only one street-facing side and it is >20% glazing with inactive windows.

28 If multiple buildings are proposed, average the building sizes in the development.

29 If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.

30 If primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance.

31 Percent of minimum required.

32 Based on tree inventory submitted with development application.

33 When no mitigation is required, the project receives zero points.

34 In addition to mitigated trees on-site, does not include Water Quality Facility Plantings.

35 Shrubs and drought resistant ground cover are better. Schools automatically receive the full 3 points and are not penalized for amount of grass.

36 Includes visual corridor.

37 Including retaining walls.

Point Breakdown

- Building Design: 19/21 possible points (exceeds minimum of 12 points)
- Building Location and Orientation: 4/6 possible points (exceeds minimum of 3 points)
- Parking and Loading Areas: 9/13 possible points (exceeds minimum of 7 points)
- Landscaping: 14/24 possible points (meets minimum of 14 points)
- Miscellaneous: 5/10 possible points (meets minimum of 5 points)
- **TOTAL: 51/74 points (69%)**

Since the development exceeds the minimum 60% of the total possible points, this standard is met.

7. *Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas*

visible from arterial and collector streets by reducing the “bulk” appearance of large buildings. Industrial design standards include the following:

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

Response: Since the proposed buildings are designed for commercial use (even though in an industrial zone), the applicant has demonstrated compliance with the Commercial Design Review Matrix, above; however, if the City determines that the applicable standards are those of Section 16.90.020.D.7.a, the applicant provides the following findings demonstrating compliance. Both buildings are within 200' of an arterial or collector and visible to the arterial or collector. As described herein, the project meets design criteria 1, 2, 4, and 5.

- **Criterion 1:** The proposed buildings will utilize a minimum of 15% window glazing on all frontages facing an arterial (SW Tualatin-Sherwood Road) and Collector (SW Century Drive) as shown on Sheet 5A2.11 and 6A2.11 of Exhibit F. Glazing is provided as explained below:

Building 5

North Elevation: 45.7%
 East Elevation: 37%
 South Elevation: 42.3%
 West Elevation: 20%

Building 6:

North Elevation: 22.6%
 East Elevation: 40.8%
 South Elevation: 39.2%
 West Elevation: 46%

- **Criterion 2:** A minimum of two building materials (other than aluminum) will be used to break up the vertical façade street facing frontages as shown on Sheets 5A2.11 and 6A2.11 of Exhibit F. As noted on Sheets 5A2.11 and 6A2.11 of Exhibit F, the proposed materials include metal, brick veneer, clapboard, and wood.

- **Criterion 4:** Parking is located to the side or the rear of the building when viewed from an arterial (SW Tualatin-Sherwood Road) and Collector (SW Century Drive), as shown on Sheet C1.13 of Exhibit F.
- **Criterion 5:** As loading and unloading will be conducted in the rear (east) of the parking area, the loading and unloading areas will be located to the side or the rear of the building when viewed from an arterial (SW Tualatin-Sherwood Road) and Collector (SW Century Drive) as shown on Sheet C1.13 of Exhibit F.

This standard is met.

b. As an alternative to Section 16.90.020.D.7.a, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):

- (1) *Provide high-value industrial projects that result in benefits to the community, consumers and developers.*
- (2) *Provide diversified and innovative working environments that take into consideration community needs and activity patterns.*
- (3) *Support the City's goals of economic development.*
- (4) *Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.D.7.*
- (5) *Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.*
- (6) *Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.*
- (7) *Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).*

Response: The project meets the provisions of section 16.90.020.D.6 and 16.90.020.D.7.a, so the applicant is not seeking approval under the provisions of subsection b. This section does not apply.

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

Response: Access to the proposed development will be via two existing driveways as shown on Sheet C1.13 of Exhibit F. The driveways measure approximately 30' in width, but there are no driveways or streets on the west side of SW Century Drive with which the driveways could align. There is no planned street in the Local Street Connectivity Map near the area of the existing driveways. This standard is met.

E. Approvals

The application is reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan,

Transportation System Plan or the Zoning and Community Development Code. The action must include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

Response: This standard provides procedural guidance to the reviewing authority. No evidence is required from the applicant.

F. *Time Limits*

Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

Response: The submittal will meet the provisions of the section above. This standard is met.

Chapter 16.92 - Landscaping

16.92.010 - Landscaping Plan Required

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

Response: The proposed development has been designed to meet the provisions of Chapter 16.92 as demonstrated in the landscape sheets in Exhibit F. This standard is met.

16.92.020 - Landscaping Materials

A. *Type of Landscaping*

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

1. *Ground Cover Plants*

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

2. *Shrubs*

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

3. *Trees*

- a. *Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.*
- b. *Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.*

Response: Exhibit F presents the proposed landscaping plans for the Subject Site. As required by the standards cited above, trees will have a minimum caliper of two inches at time of installation, shrubs will have a minimum container size of one gallon, and groundcovers will have a minimum pot size of 4". Final landscaping plans will be submitted as part of materials provided to the City of Sherwood for review and approval of site and building permits. The review of these plans will confirm installation of trees, shrubs, and groundcovers at or above the minimum specifications notes above. This standard is met.

B. Plant Material Selection and Preparation

1. *Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.*
2. *Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.*

Response: The preliminary landscaping plans have been prepared by Mackenzie landscape architects consistent with criteria 1 and 2. Final landscaping plans will be submitted as part of materials provided to the City of Sherwood for review and approval of site and building permits. The review of these plans will confirm installation of trees, shrubs, and groundcovers at or above the minimum specifications notes above. This standard is met.

C. Existing Vegetation

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

Response: As noted above, the Subject Site is currently vegetated as shown in Exhibit O and Figure 1: Site Aerial Photo above. As shown on the tree inventory in Exhibit O, no trees are located on the Subject Site, although trees are located within the same tax lot in the vegetated corridor east of the Subject Site. Currently, there are 11 street trees along the SW Century Drive frontage and 9 street trees along the SW Tualatin-Sherwood Road frontage, and the applicant proposes to retain the existing street trees. This standard is met.

2. *Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.*
 - a. *If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.*
 - b. *Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.*
 - c. *Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.*

Response: As noted above, the Subject Site is currently vegetated as shown in Exhibit O and Figure 1: Site Aerial Photo above. As shown on the tree inventory in Exhibit O, no trees are located on the Subject Site, although trees are located within the same tax lot in the vegetated corridor east of the Subject Site. Currently, there are 11 street trees along the SW Century Drive frontage and

9 street trees along the SW Tualatin-Sherwood Road frontage, and the applicant proposes to retain the existing street trees. As the applicant is proposing new plantings and not relying on existing plants to meet landscaping requirements, this standard is not applicable.

D. Non-Vegetative Features

1. *Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.*

Response: Landscaping coverage calculations presented by the applicant are exclusive of any of the features listed above. The total landscaping coverage exceeds the minimum requirements despite not counting these areas. This standard does not apply.

2. *Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.*

Response: No impervious paving has been counted towards the landscape calculations. This standard is met.

3. *Artificial plants are prohibited in any required landscaped area.*

Response: Artificial plants are not proposed as part of required landscaping. This standard is met.

16.92.030 - Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. *Perimeter Screening Separating Residential Zones:*

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

a. *For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.*

b. *The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.*

c. *Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.*

Response: As detailed in the introduction, the Subject Site does not abut residential zoning or residential uses. This standard does not apply.

2. *Perimeter Landscaping Buffer*

a. *A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.*

Response: As shown in Exhibit F (Sheets L1.10 and L1.11), a perimeter landscape buffer (Visual Corridor) is provided along SW Tualatin-Sherwood Road and SW Century Drive. The subject site is a corner lot. The north and west site boundaries are rights-of-way, and

the east and south site boundaries abut an open space and stormwater pond, respectively, so no buffer is required along the east and south. This standard is met.

- b. *The access drives to a rear lots in the residential zone (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to an eight (8) feet high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, Review Authority may waive the fence/buffer in order to preserve the mature vegetation.*

Response: This Subject Site is zoned LI; thus, this standard is not applicable.

3. *Perimeter Landscape Buffer Reduction*

If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

Response: No reductions to the perimeter landscape buffer width of 10' are proposed through this application. This standard does not apply.

B. *Parking Area Landscaping*

1. *Purpose*

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

2. *Definitions*

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

b. *Canopy Factor*

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

$$\text{Canopy Factor} = \text{Mature Height (in feet)} \times \text{Canopy Spread (in feet)} \times \text{Growth Rate Factor} \times .01$$

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

Response: The submitted landscaping plans (Sheet L0.01 of Exhibit F) provide detailed information and calculations on the classification of proposed landscaping trees as either "small," "medium," or "large" canopy trees, which are based on the methods described above. This standard is met.

3. *Required Landscaping*

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

Response: For the 113 parking spaces that are proposed, a total of 5,085 SF of parking area landscaping is required. As shown on Sheet L0.01 of Exhibit F, 55,363 SF of parking lot landscaping is provided (based on the definition in Section 16.92.030.B.3.a.). This standard is met.

4. *Amount and Type of Required Parking Area Landscaping*

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

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

(1) *Any combination of the following is required:*

(i) *One (1) large tree is required per four (4) parking spaces;*

(ii) *One (1) medium tree is required per three (3) parking spaces; or*

(iii) *One (1) small tree is required per two (2) parking spaces.*

(iv) *At least five (5) percent of the required trees must be evergreen.*

(2) *Street trees may be included in the calculation for the number of required trees in the parking area.*

Response: As shown on Sheet L0.01 of Exhibit F, 22 “large” trees, 8 “medium” trees, and 2 “small” trees are proposed for installation. The ratios cited above would permit a maximum of 116 parking spaces based on the number of “large”, “medium”, and “small” trees proposed for installation. As only 113 parking spaces are provided on site, this standard is met. Six percent (6%) of required trees are evergreen, as shown on Sheet L0.01 of Exhibit F. Street trees are not included in the calculation for the number of required trees in the parking area. This standard is met.

b. *Shrubs:*

(1) *Two (2) shrubs are required per each space.*

Response: Given 113 proposed parking spaces, the landscaping plans are required to include at least 226 shrubs. As shown on Sheet L0.01 of Exhibit F, 242 shrubs are provided. The landscape plans of Exhibit F illustrate the areas where shrubs are proposed to satisfy this provision, as will be verified at the time of construction permits. This standard is met.

(2) *For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.*

Response: As shown on the landscaping plans, the 2' in front of many of the parking spaces are proposed to be concrete sidewalk. For the parking spaces where the front 2' are landscaped, one shrub per space is required. As shown on Sheets L1.10 and L1.11 of Exhibit F, an adequate number of shrubs have been provided to satisfy this standard. This standard is met.

c. *Ground cover plants:*

(1) *Any remainder in the parking area must be planted with ground cover plants.*

(2) *The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.*

Response: Groundcover plants and a native seed mix are proposed as the balance of landscaping not otherwise accounted for by shrubs and trees (Sheets L1.10 and L1.11 of Exhibit F). Mackenzie landscape architects have indicated that the proposed density and

spacing is anticipated to achieve full coverage within three years of installation. This standard is met.

5. *Individual Landscape Islands Requirements*

a. *Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.*

Response: As shown in the landscaping plans in Exhibit F, each landscape area is greater than 90 SF in area, has a minimum width of at least 5', and is curbed to protect the landscaping. This standard is met.

b. *Each landscape island shall be planted with at least one (1) tree.*

Response: As shown in the landscaping plans, Sheets L1.10 and L1.11 of Exhibit F, at least one tree is planted at each parking island. This standard is met.

c. *Landscape islands shall be evenly spaced throughout the parking area.*

Response: As shown on Sheet C1.13, L1.10, and L1.11 of Exhibit F, landscape islands are evenly spaced throughout the parking areas. This standard is met.

d. *Landscape islands shall be distributed according to the following:*

(1) *Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.*

Response: The Subject Site is zoned LI, which is not a residential zone. This standard is not applicable.

(2) *Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.*

Response: One island for at least every ten contiguous parking spaces has been provided as shown on Sheets C1.13, L1.10, and L1.11 of Exhibit F. This standard is met.

e. *Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.*

Response: No storm water bio-swales are proposed in lieu of parking landscape areas as sufficient parking area landscaping is provided without counting stormwater facilities. This standard does not apply.

f. *Exception to Landscape Requirement*

Linear raised or marked sidewalks and walkways within the parking areas connecting the parking spaces to the on-site buildings may be included in the calculation of required site landscaping provide that it:

(1) *Trees are spaced a maximum of thirty (30) feet on at least one (1) side of the sidewalk.*

(2) *The minimum unobstructed sidewalk width is at least six (6) feet wide.*

(3) *The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.*

Response: The landscaping exception described in the criterion cited above is not proposed as part of the subject project as sufficient parking area landscaping is provided without making use of this exception. This standard is not applicable.

6. *Landscaping at Points of Access*

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

Response: Landscaping at the existing driveways to SW Century Drive has been selected to maintain minimum sight distances, as required by *Section 16.58.010*. Landscaping at the SW Tualatin-Sherwood Road and Century Drive intersection has been selected to maintain minimum sight distances, as required by *Section 16.58.010*. This standard is met.

7. *Exceptions*

a. *For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.*

b. *The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.*

Response: The applicant is not seeking the option of relief from the landscaping standards cited above. This standard does not apply.

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

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

Response: All new service and delivery areas will be screened from view from all public streets, and there are no adjacent residential zones. Trash enclosures are proposed in two areas of the site to satisfy refuse disposal needs of the future tenant needs as shown on Sheet A1.02 of Exhibit F. These enclosures will be screened by 6' black vinyl-clad chain link fence and operable gates. Except for rooftop mechanical units, which will be screened by building parapets, no other mechanical equipment or outdoor storage is proposed at this time; however, the Subject Site use is speculative in nature and future tenants may require these features for their operations. The applicable approval process will be pursued if required to meet tenant needs. This standard is met.

D. *Visual Corridors*

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

Response: The proposed landscaping plans have been designed to provide the minimum 15-foot-wide Visual Corridor along SW Tualatin-Sherwood Road and a 10-foot-wide Visual Corridor along SW Century Drive. The responses to *Chapter 16.142* address the approval standards within that chapter. This standard is met.

16.92.040 - Installation and Maintenance Standards

A. Installation

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

B. Maintenance and Mitigation of Landscaped Areas

1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.
2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.
3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).

Response: The proposed landscaping plans have been designed to ensure compliance with the standards cited above. Ongoing maintenance of installed landscaping will be the responsibility of the property owner, as required by these standards.

C. Irrigation

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

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

Response: As noted on Sheets L0.01, L2.10, and L2.11 of Exhibit F, permanent irrigation is proposed for this project. This standard is met.

D. Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within one (1) year, the security may be used by the City to complete the installation.

Response: If landscaping is not installed prior to occupancy permits, the applicant will provide the appropriate guarantees as required by the City. This standard is met.

Chapter 16.94 - Off-Street Parking and Loading

16.94.010 - General Requirements

A. Off-Street Parking Required

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for

off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

Response: The Subject Site is undeveloped. As discussed in the findings below and shown in the Site Plan (Sheet C1.13 of Exhibit F), the proposed project will provide off-street parking as required to satisfy City of Sherwood requirements for each new building. This standard is met.

B. Deferral of Improvements

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

Response: No deferral of parking improvements is anticipated at this time. Off-street parking spaces are proposed for completion prior to issuance of occupancy permits. Should future circumstances necessitate a deferral, the required security will be provided. This standard is met.

C. Options for Reducing the Required Parking Spaces

1. *Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.*

a. *Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.*

b. *Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:*

(1) *There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or*

(2) *That the peak hours of operation of such establishments do not overlap, and*

(3) *That an exclusive permanent easement over a delineated area has been granted for parking space use.*

Response: Joint use of the same parking spaces is not proposed as the development has sufficient parking. This standard does not apply.

2. *Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:*

a. *Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.*

- b. *Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.*
- c. *Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.*

Response: The primary use of the proposed development is commercial; no secondary use is proposed. As demonstrated in the applicant’s response to Chapter 16.94.020, to be conservative 100% of the minimum vehicle parking spaces for the commercial uses are provided since specific users are not known. Parking ratios will be applied at the time tenant improvements are submitted for building permit review. This standard is met.

D. Prohibited Uses

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

Response: The proposed project does not include parking areas intended for long term storage or sale of vehicles or other materials. Parking shall be restricted to use by employees, visitors, deliveries, and others who are occupying or serving an allowed user. This standard is met.

E. Location

1. Residential off-street parking spaces:

- a. *Shall be located on the same lot or development as the residential use.*
- b. *Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).*

Response: Residential uses are not proposed with this application. This standard is not applicable.

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

Response: All proposed parking will be off-street, on the Subject Site. No on-street parking spaces, nearby public parking, or shared parking are proposed as part of this development. This standard does not apply.

3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.

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

Response: As demonstrated on Sheet C1.13 of Exhibit F, vehicle parking will occur in parking areas improved to City standards. Given the small tenant spaces, no individual tenant is anticipated to have greater than 40 employees; therefore, it is not practicable to provide carpool/vanpool designation. This standard is met.

F. Marking

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

Response: As demonstrated on Sheets C1.13 and C5.10 of Exhibit F, all on-site parking and maneuvering areas will be clearly marked, painted, and signed to City standards. This standard is met.

G. Surface and Drainage

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

Response: All new parking and loading areas will be improved with a permanent hard surface as shown on Sheet C1.13 of Exhibit F. Storm drainage in compliance with stormwater requirements is proposed as demonstrated in the enclosed stormwater report (Exhibit M). This standard is met.

H. Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.

Response: The proposed development will include new parking areas that will be constructed for durability and compliance with City standards and will be maintained over the course of future occupancy. Since the parking areas are new, repairs to the parking areas are not warranted. This standard is met.

I. Parking and Loading Plan

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

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

Response: Off-street parking is included on Sheet C1.13 of Exhibit F, with associated landscaping illustrated on Sheets L1.10 and L1.11 of Exhibit F. This standard is met.

J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment

or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.

Response: The Subject Site is not located in, adjacent, or near a residential area. This standard does not apply.

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

Response: The proposed project does not include structured parking or on-street parking. This standard does not apply.

16.94.020 - Off-Street Parking Standards

A. *Generally*

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

<i>Table 1: Minimum and Maximum Parking Standards (Excerpts) (Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)</i>			
<i>Land Use</i>	<i>Minimum Parking Standard</i>	<i>Maximum Permitted Parking Zone A¹</i>	<i>Maximum Permitted Parking Zone B²</i>
<i>General retail/personal service</i>	<i>4.1</i>	<i>5.1</i>	<i>6.2</i>
<i>Sports club/recreation facility</i>	<i>4.3</i>	<i>5.4</i>	<i>6.5</i>
<i>General office</i>	<i>2.7</i>	<i>3.4</i>	<i>4.1</i>
<i>Eating or drinking establishment</i>	<i>15.3</i>	<i>19.1</i>	<i>23</i>
Notes:			
¹ <i>Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.</i>			
² <i>Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.</i>			

Response: The Subject Site is in Parking Zone B because it is not located within 0.25 miles walking distance for bus transit where regular 20-minute peak hour transit service is available, or within 0.5 miles walking distance for high-capacity transit where 20-minute peak hour transit service is available (see Appendix C in Exhibit I). As the proposed commercial development is speculative, the specific tenant of each space is not known at this time. Table 4, below, demonstrates that the proposed development meets the City’s numerical parking standards with a potential mix of commercial types. As the buildings are located on the same site, they are served by a single parking lot. As shown in Table 4, the proposed speculative tenant mix would be required to have a minimum of 111 parking stalls (including 20% reduction per Section 16.94.020.B.6) and a maximum allowable parking stall count of 168. As 113 parking stalls are proposed, this standard is met.

TABLE 4: PARKING ANALYSIS FOR SPECULATIVE TENANT MIX				
Space	Potential Use	Building SF	Minimum Required Parking Stalls	Maximum Permitted Parking Stalls (Zone B)
Building 5, Tenant A	General retail/personal service	1,965	8	12
Building 5, Tenant B	General retail/personal service	1,500	6	9
Building 5, Tenant C	Sports club/recreation facility	1,460	6	9
Building 5, Tenant D	General office	1,428	4	6
Building 5, Tenant E	Eating and drinking establishment	2,320	35	53
Building 5 Total		8,673	60	90
Building 6, Tenant A	Eating and drinking establishment	2,340	36	54
Building 6, Tenant B	General retail/personal service	1,378	6	9
Building 6, Tenant C	General retail/personal service	1,378	6	9
Building 6, Tenant D	General retail/personal service	1,378	6	9
Building 6, Tenant E	Eating and drinking establishment	1,378	21	32
Building 6, Tenant F	General office	1,972	5	8
Building 6 Total		9,824	79	119
Total prior to sensitive lands reduction	-	18,497	139	209
20% reduction per Section 16.94.020.B.6	-	18,497	111	209

In addition to the calculations in Table 4, if all tenant spaces were to be classified as a General retail or personal service (parking rate of 4.1 spaces per 1,000 SF), the required minimum number of parking spaces would be 62 parking stalls (including 20% reduction per Section 16.94.020.B.6) and a maximum of

117 parking stalls. As 113 parking stalls are proposed, the minimum and maximum parking standard for General retail or personal service is satisfied.

The applicant acknowledges that select uses (e.g., eating and drinking establishments) listed in Table 4 are conditional uses in the LI zone, so the applicant is seeking conditional use approval for those prospective uses. This standard is met.

B. Dimensional and General Configuration Standards

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

Response: As demonstrated on Sheets C1.11 of Exhibit F, all proposed parking spaces meet minimum stall dimensions for standard parking; no compact parking is proposed. This standard is met.

2. *Layout*

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

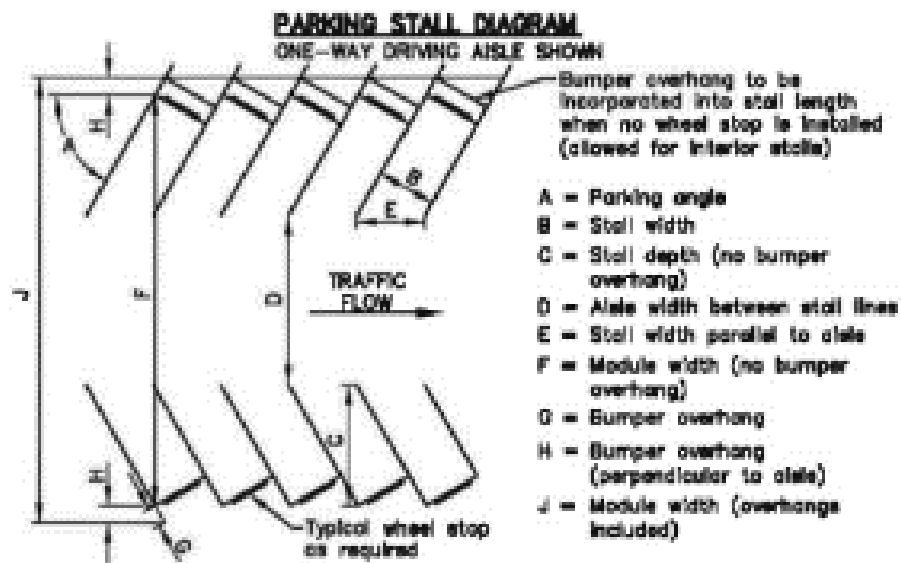


TABLE 3 – TWO-WAY DRIVING AISLE (Dimensions in Feet)								
A	B	C	D	E	F	G	H	I
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

Response: As demonstrated on Sheets C1.13 of Exhibit F, all stall and access aisles are of sufficient width for all vehicle turning and maneuvering in compliance with the standards for two-way drive aisles. No parking spaces will require backing or other maneuvering within a public street. This standard is met.

3. *Wheel Stops*

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

Response: The applicant proposes to provide vertical curb at each parking stall to prevent vehicles from traveling beyond the boundary of the parking areas as shown on Sheets C1.10 and C5.10 of Exhibit F. Select parking stalls (as shown on Sheet C1.13 of Exhibit F) have a reduction in the paved portion of the parking stall, replaced with up to 3' of low-lying landscape as shown on Sheet L1.10 and L1.11 of Exhibit F. Additionally, some parking stalls are adjacent to interior sidewalks as shown on Sheet L1.13 and L1.11 of Exhibit F. The parking stalls adjacent to the sidewalk have a reduction in the paved portion of the parking stall, replaced with up to 3' of hardscape as shown on Sheet L1.13 and L1.11 of Exhibit F. All parking spaces are fronted with a curb as noted on Sheet C5.10 of Exhibit F. This standard is met.

4. *Service Drives*

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

Response: No service drives are proposed for this project. This standard does not apply.

5. *Credit for On-Street Parking*

- a. *On-Street Parking Credit. The amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established*

configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.

b. *The following constitutes an on-street parking space:*

- (1) *Parallel parking, each twenty-four (24) feet of uninterrupted curb;*
- (2) *Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;*
- (3) *Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;*
- (4) *Curb space must be connected to the lot which contains the use;*
- (5) *Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;*
- (6) *On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.*

Response: No on-street parking is proposed and is not presently available along abutting streets. This standard does not apply.

6. *Reduction in Required Parking Spaces*

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

Response: On the eastern side of the Subject Site is environmentally sensitive land; therefore, the proposed development qualifies for a 20% reduction as the proposed development is required to have more than seventy-five (75) parking spaces. The environmentally sensitive land consists of a Clean Water Services (CWS) vegetated corridor, Rock Creek and an identified wetland as explained in Exhibits K and L. As shown in Table 4 above, the 20% reduction in minimum parking spaces has been applied to the parking calculations. This standard is met.

7. *Parking Location and Shared Parking*

Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

Response: This standard is optional, provides permissive direction, and is noted as a future option by the owner and/or tenants of the Subject Site.

C. *Bicycle Parking Facilities*

1. *General Provisions*

- a. *Applicability. Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.*
- b. *Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.*

- c. *Minimum Number of Spaces.* The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. *Minimum Number of Long-term Spaces.* If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
- e. *Multiple Uses.* When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

Response: Per Table 4 of Section 16.94.020(C), Retail sales and service office users are required to provide a minimum of two bicycle parking spaces, or one per 20 parking spaces, whichever is greater. Table 4 of Section 16.94.020(C) groups all proposed commercial uses into the Retail sales and service office category; therefore, the abovementioned bicycle parking ratio is applicable to all uses in the proposed development. The following tables summarize the required and provided bicycle parking. As fewer than eight bicycle parking spaces are required, long-term bicycle parking spaces are not required. As summarized in Table 5, below, the project will provide sufficient bicycle parking as required per 16.94.020(C). This standard is met.

TABLE 5: MINIMUM BICYCLE PARKING REQUIREMENTS (COMMERCIAL)				
Building	Required Vehicle Parking Stalls	Minimum Required Bicycle Spaces	Minimum Required Long-term Bicycle Spaces	Proposed Bicycle Parking Spaces
Building 5 (Retail sales/service office)	37	2	0	4
Building 6 (Retail sales/service office)	42	3	0	4
Total	79	5	0	8

- 2. *Location and Design.*
 - a. *General Provisions*
 - (1) *Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.*
 - (2) *There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.*
 - (3) *Lighting.* Bicycle parking shall be at least as well lit as vehicle parking for security.
 - (4) *Reserved Areas.* Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

- (5) *Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.*
- (6) *Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.*

Response: As illustrated on Sheets A1.01 and A1.02 of Exhibit F, all required bicycle parking spaces are provided near building entrances. As the bicycle racks are near building entrances, they are as well-illuminated as vehicle parking. Adequate bicycle maneuvering space is provided at all bicycle racks as shown on Sheets A1.01 and A1.02 of Exhibit F. This standard will be met.

b. Short-term Bicycle Parking

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

Response: As illustrated on Sheets A1.0 of Exhibit F, bicycle parking is provided through bicycle racks meeting the standards of this section. Required bicycle parking spaces are provided near the building entrances. This standard is met.

c. Long-term Bicycle Parking

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

Response: As summarized in the table responding to criterion 1 above, no long-term bicycle parking spaces are required as no more than eight bicycle spaces are required. This standard does not apply.

d. Covered Parking (Weather Protection)

- (1) *When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.*
- (2) *Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.*
- (3) *Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.*

Response: As summarized in the table responding to criterion 1 above, no long-term bicycle parking spaces are required as no building requires more than eight bicycle spaces. Since no long-term parking is required, no covered parking is required. This standard does not apply.

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

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

Response: As demonstrated on the site plan and building elevations contained in Exhibit F, the proposed project does not include a school or other public meeting place. As shown on Sheet C1.13, the proposed buildings total less than 20,000 SF; therefore, one loading space is required. As shown on Sheet C1.13 of Exhibit F, one loading space is proposed, measuring 10' wide and 25' in length, with an unobstructed vertical clearance of at least 14'. As allowed by Section 16.94.030.A.3., the provided loading space is intended to serve both proposed buildings as delivery times for the buildings will be staggered. This standard is met.

B. Separation of Areas

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

Response: As shown on Sheet C1.13 of Exhibit F, the loading space is located adjacent to a landscape area and along the east edge of the parking area. The loading space is screened from the adjacent public streets by intervening landscaping, retaining wall, grade, vehicle parking area, and buildings. The loading space will be striped to reserve the loading space exclusively for loading and unloading operations. This standard is met.

C. Exceptions and Adjustments.

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

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

Response: The project is not within the Old Town Overlay District. This adjustment does not apply.

Chapter 16.96 - On-Site Circulation

16.96.010 - On-Site Pedestrian and Bicycle Circulation

B. Maintenance

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

Response: The City of Sherwood will review, as part of issuance of site development and building permits, plans that must demonstrate compliance with standards addressing ingress, egress, and circulation. This standard is met.

C. Joint Access

Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.

Response: As the entire property is a single parcel under common ownership, no legal documents for joint access is needed. This standard does not apply.

D. Connection to Streets

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

Response: As shown on Sheet C1.13 of Exhibit F, a network of private sidewalks is proposed throughout the Subject Site to enable safe and convenient pedestrian travel to each building from public sidewalks along SW Century Drive. The entrance of each building is connected to a public sidewalk by an internal private sidewalk. This standard is met.

E. Maintenance of Required Improvements

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

Response: Ongoing maintenance of ingress, egress, and circulation will be the responsibility of the property owner, as required by these standards.

F. Access to Major Roadways

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

1. *Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.*
2. *Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.*

3. *All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.*

Response: No access is proposed to Highway 99W or arterials designated on the Transportation Plan Map. All proposed access is to SW Century Drive, a designated Collector per the City of Sherwood’s TSP Street Functional Classification Map (Exhibit R). The proposed site plan includes utilizing the two existing points of access from the east side of SW Century Drive. This standard does not apply.

G. *Service Drives*

Service drives shall be provided pursuant to Section 16.94.030.

Response: As noted in the response to Section 16.94.020.B.4, no service drives are proposed as part of this development. This standard does not apply.

16.96.030 - *Minimum Non-Residential Standards*

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

A. *Driveways*

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

<i>Improved Hard Surface Driveway Requirements</i>			
<i>Parking Spaces</i>	<i>Required # Driveways</i>	<i>Minimum Width</i>	
		<i>One-Way Pair</i>	<i>Two -Way</i>
<i>1-49</i>	<i>1</i>	<i>15 feet</i>	<i>24 feet</i>
<i>50 & above</i>	<i>2</i>	<i>15 feet</i>	<i>24 feet</i>

Response: As illustrated on Sheet C1.13 in Exhibit F, the proposed development has greater than 50 parking spaces; therefore, two driveways are required. As illustrated on Sheets C1.13, two existing two-way driveways provide access to the proposed development. All driveways exceed 24' as shown on Sheets C1.13 of Exhibit F. This standard is met.

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

Response: All proposed driveways will be hard-surfaced asphalt as shown on Sheet C1.13 of Exhibit F, but pervious paving is neither proposed nor required. This standard does not apply.

B. *Sidewalks and Curbs*

1. *A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.*

Response: As shown on Sheet C1.13 of Exhibit F, a network of internal walkways is proposed to connect each building with public sidewalks fronting the Subject Site, as well as to provide connectivity between buildings within the Subject Site. According to TriMet data, no transit stops are located within 500' of the Subject Site. This standard is met.

2. *Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.*

Response: As shown on Sheets C1.13 and C5.10 of Exhibit F, each of the proposed internal walkways will be vertically separated from abutting vehicular parking and circulation areas by a six-inch-tall curb, except where walkways cross through a parking area. This standard is met.

3. *Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.*

Response: Each of the proposed internal walkways will be constructed of concrete and is at least 4' wide. Where the walkway provides a connection to a public sidewalk, the walkway is at least 6' wide, as shown on Sheet C1.13 of Exhibit F. Where walkways cross a parking area, the walkway is clearly marked with different paving material. This standard is met.

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

Response: The applicant is not seeking this exception. This standard is not applicable.

16.96.040 - On-Site Vehicle Circulation

A. Maintenance

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

Response: The applicant will be required to include plans as part of materials submitted to the City of Sherwood for issuance of site development and building permits that demonstrate compliance with the standard cited above. This standard is met.

B. Joint Access [See also Chapter 16.108]

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

Response: As the entire property is a single parcel under common ownership, no legal documents for joint access is needed. This standard does not apply.

C. Connection to Streets

1. *Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.*

2. *Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.*

Response: The ingress and egress locations connect directly to SW Century Drive. The internal sidewalk network extends from the ground floor entrances of each building to the public sidewalk on SW Century Drive. This standard is met.

D. *Maintenance of Required Improvements*

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

Response: Ongoing maintenance of ingress, egress, and circulation will be the responsibility of the property owner, as required by these standards.

E. *Service Drives*

Service drives shall be provided pursuant to Section 16.94.030.

Response: No service drives are proposed for this project. This standard does not apply.

Chapter 16.98 - On-Site Storage

16.98.010 - Recreational Vehicles and Equipment

Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 16.92.030.

Response: No recreational vehicles or equipment is anticipated within the proposed development. This standard does not apply.

16.98.020 - Solid Waste and Recycling Storage

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

Response: As shown on Sheets A1.01 of Exhibit F, the proposed waste and recycling containers will be in separate enclosures for each building. The waste and recycling service areas are located out of public view to the extent possible and will be screened by a 6' black vinyl-clad chain-link fence with operable gates. No other service areas, such as outdoor storage or mechanical equipment are proposed. A trash hauler service provider letter is enclosed as Exhibit N. This standard is met.

16.98.030 - Material Storage

A. *Generally. Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Review Authority as part of a site plan or per Section 16.98.040.*

B. *Standards. Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot to eight (8) foot high, sight obscuring fence subject to chapter 16.58.020. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.*

- C. *Hazardous Materials. Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations.*

Response: While specific users are not known at this time, no material storage areas are proposed in conjunction with the Sherwood Industrial Park Phase 3. In the event future tenants or users require material storage, the necessary approval will be requested, and the provisions of this section will be met. Any hazardous materials storage will be permitted with the City and Fire District as required. This standard is met.

16.98.040 - Outdoor Sales and Merchandise Display

A. *Sales Permitted*

Outdoor sales and merchandise display activities, including sales and merchandise display that is located inside when the business is closed but otherwise located outside, shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.

1. *Permanent outdoor sales and merchandise display are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.*
2. *Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring the site shall return to its original state.*
3. *Food vendors including food carts, ice cream trucks, hotdog stands or similar uses are only permitted as a permanent outdoor sale use as described in A.1 above.*

Response: No outdoor sales areas or activities are proposed as part of this development. Any sales and display activities by future tenants would be subject to compliance with these requirements. This standard does not apply.

B. *Standards*

1. *Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.*
2. *Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.*
3. *Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be improved with asphalt surfacing, crushed rock, or other dust-free materials.*
4. *Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone.*

Response: No outdoor sales and merchandise display is proposed with this development. Any sales and display activities by future tenants would be subject to compliance with these requirements. This standard does not apply at this time.

Chapter 16.100 - Permanent Signs

16.100.010 - Common Regulations

A. Sign Permits

1. *Except as otherwise provided in this Section and in Chapter 16.102, a person may not construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72, including payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs are subject to the provisions of the State Electrical Code and any applicable permit fees.*

Response: No signage is proposed as part of this application; all signage will be reviewed under a separate permit. This standard is not applicable.

Division VI. - Public Infrastructure

Chapter 16.104 - General Provisions

16.104.020 - Future Improvements

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in the Transportation System Plan (TSP) Chapters 4, 5, 6 and 7 of the Community Development Plan are intended as general locations only. The precise alignment and location of a public improvement shall be established during the land use process and shall be depicted on public improvement plans submitted and approved pursuant to § 16.108 and other applicable sections of this Code.

Response: The utility plan submitted with this application (Sheets C1.33 and C1.43 of Exhibit F) depict the alignment and location of public utilities and streets. This standard is met.

16.104.030 - Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and installed in accordance with Chapter 16.108. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, a public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

Response: No new public utility improvements are proposed as part of this development. Public water exists within SW Century Drive and sanitary sewer exists in both SW Century Drive and in a sewer easement on the property just east of the Subject Site (see Topographic Survey in Exhibit F). The existing public utilities have been designed to be compliant with City standards. Subsequent review by the City's Engineering staff during the permit phase of the project will ensure compliance with applicable standards. This standard is met.

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.

City Street Characteristic Guidelines (Excerpts)								
Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (Exclusive of Curb)	Median Width
Arterial	60-120'	2-5	12'	Limited	6'	6-8'	5'	14' if required
Collector	58-90'	2 or 3	11'	8'	none	6'	5'	14' if required

Response: No new streets are required or being proposed as part of this development. The Subject Site has frontage on both SW Century Drive (a collector) and SW Tualatin-Sherwood Road (an arterial). Per City staff, SW Century Drive is fully improved to City standards (Exhibit G). Washington County is currently improving the abutting section of SW Tualatin-Sherwood Road and recently acquired additional ROW (Exception 26 of the Title Report in Exhibit B), so the applicant does not propose to improve the project frontage or dedicate ROW. The Traffic Impact Analysis (TIA) included as Exhibit I does not identify the need to improve area streets to accommodate traffic from the site. This standard is met.

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.

Response: The Subject Site has frontage on both SW Century Drive and SW Tualatin-Sherwood Road. Per City staff, SW Century Drive is fully improved to City standards (Exhibit G). Washington County is currently improving the abutting section of SW Tualatin-Sherwood Road (an arterial) and recently acquired additional ROW (Exception 26 of the Title Report in Exhibit B). No dedications are required for the proposed development as all roads meet, or are already being improved to meet applicable standards. This standard is met.

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.

Response: The Subject Site has frontage on both SW Century Drive and SW Tualatin-Sherwood Road. Per City staff, SW Century Drive is fully improved to City standards (Exhibit G). Washington County is currently improving the abutting section of SW Tualatin-Sherwood Road and recently acquired additional ROW (Exception 26 of the Title Report in Exhibit B). No dedications are required for the proposed development as all roads meet, or are already being improved to meet applicable standards. This standard is met.

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.*

Response: No new streets are required or being proposed as part of this development. This standard does not apply.

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.*

Response: The proposed development has frontage on SW Century Drive and SW Tualatin-Sherwood Road. Per City staff, SW Century Drive is fully improved to City standards (Exhibit G). Washington County is currently improving the abutting section of SW Tualatin-Sherwood Road and recently acquired additional ROW (Exception 26 of the Title Report in Exhibit B). Per City staff, no dedications are required for the proposed development as all roads meet or are already being improved to meet applicable standards (Exhibit G). This standard is met.

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.*

Response: Per City staff, SW Century Drive is fully improved (Exhibit G). Washington County is currently improving SW Tualatin-Sherwood Road to meet applicable standards. The Traffic Impact Analysis (TIA) included as Exhibit I does not identify the need to improve area streets to accommodate traffic from the site. This standard does not apply.

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.*

Response: The applicant has not requested a transportation facility modification. This standard does not apply.

16.106.030 - Location

- A. *Generally*
The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection

angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

Response: No new streets are proposed as part of this development. SW Century Drive is fully improved, and Washington County's design of the SW Tualatin-Sherwood Road improvements under construction will comply with the criterion cited above to the extent that the corresponding standards achieve the stated characteristics listed above. Therefore, all existing streets meet or will meet standards identified in the Sherwood TSP. This standard is met.

B. Street Connectivity and Future Street Systems

1. *Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).*

Response: No new streets are proposed as part of this development. All existing streets meet standards identified in the Sherwood TSP. The existing street network reflects the Local Street Connectivity Map in the TSP. The Local Street Connectivity Map (Figure 18 of the Transportation System Plan) does not show the extension of any new local streets through the site. This standard is met.

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.*

Response: The applicant is proposing two commercial buildings but does not propose construction of a new street. This standard does not apply.

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.*

Response: No new streets are proposed as part of this development. The block lengths in the area were previously established by the existing street network. This standard does not apply.

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.*

Response: Rock Creek is at the eastern boundary of the Subject Site. Rock Creek is identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP). No new street crossings of a water feature are proposed. This standard does not apply.

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

Response: No new street connections are proposed over water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP). This standard does not apply.

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

Response: The extension of a new street through the site is not required for consistency with the City of Sherwood Transportation System Plan (TSP) Figure 17 (Street Functional Classification) or Figure 18 (Local Street Connectivity). There are no planned pedestrian projects (Figure 12) within the vicinity of the Subject Site per the TSP. Figure 13 (Biking Projects) of the TSP identifies a Shared-Use Path (Project B10) along the east/south side of SW Century Drive from Langer Farms Road to SW Tualatin-Sherwood Road. Project B10 is categorized as a Preliminary Short-term priority (Conservatively Funded) project per *Prioritization of Potential Projects, Table 3* of the Sherwood TSP. Although identified in the TSP, Project B10 has not been identified in the FY2022/23-2027-28 Capital Improvement Plan, and staff has not requested construction of any pathway in conjunction with the proposed development. A multi-use path is not warranted at this time since the small scale of the proposed project does not create sufficient impact to authorize the City to impose a condition of approval for right-of-way (or easement) dedication or construction of a pathway. This standard does not apply.

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

Response: The extension of a new street through the site is not required for consistency with the City of Sherwood Transportation System Plan Figure 17 (Street Functional Classification) or Figure 18 (Local Street Connectivity). Figure 12 (Pedestrian Projects) does not identify any pedestrian connectivity project that affect the site. Figure 13 (Biking Projects) of the TSP identifies a Shared-Use Path (Project B10) along the east/south side of SW Century Drive from Langer Farms Road to

SW Tualatin-Sherwood Road. Project B10 is categorized as a Preliminary Short-term priority (Conservatively Funded) project per *Prioritization of Potential Projects, Table 3* of the Sherwood TSP. As discussed above, a multi-use path is not warranted at this time since the small scale of the proposed project does not create sufficient impact to authorize the City to impose a condition of approval for right-of-way (or easement) dedication or construction of a pathway. The proposed development provides two driveways accessing SW Century Drive and three pedestrian connection points to the public sidewalk along SW Century Drive. This exception is not sought.

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.

Response: The applicant understands the need to construct underground utilities in the proper sequence. City Engineering staff will verify this sequence during the permitting phase. Public utilities are already in SW Century Drive along the Subject Site's frontage. 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.

Response: No additional setback is required or requested by the City as SW Century Drive meets width standards identified in the TSP, and Washington County is currently improving SW Tualatin-Sherwood Road to meet applicable standards. Washington County recently acquired additional ROW (Exception 26 of the Title Report in Exhibit B), and the resulting property lines and setbacks are depicted on the site plans. This standard does not apply.

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.

Response: Reserve strips or street plugs controlling access or extensions to streets are not proposed as part of this development. This standard does not apply.

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.

Response: No new streets are proposed as part of this proposal. This standard does not apply.

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."

Response: No new streets are proposed as part of this proposal. This standard does not apply.

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.

Response: No new streets are proposed as part of this proposal. This standard does not apply.

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.*

Response: No cul-de-sacs exist or are proposed as part of this development. This standard does not apply.

F. Grades and Curves

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

Response: No new streets are proposed as part of this proposal. This standard does not apply.

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.

Response: Tax Lot 150 is bounded along the southeast and south by a railroad. The Subject Site on tax lot 150 does not abut the railroad, and is approximately 750' from the railroad. No street runs along the northern side of the railroad, as the area street alignments were previously established and approved by the City. 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.

Response: The Subject Site abuts an arterial (SW Tualatin-Sherwood Road) and a collector (SW Century Drive); however, the proposed development is commercial, not residential, so no residential protection measures are required within the Subject Site. Compliance with Section 16.142.040 and Chapter 16.96 is addressed elsewhere in this narrative. This standard does not apply.

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.

Response: A Traffic Impact Analysis (TIA) is included as Exhibit I of this application. The TIA did not identify a need for a median island. This standard is not applicable.

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).*

Response: Tri-Met provides transit service along SW Tualatin-Sherwood Road with the #94 and #97 bus routes (schedules enclosed as Appendix C of Exhibit I). There are transit stops located both west of the Subject Site's frontage on SW Tualatin-Sherwood Road (near the Wal-Mart) and east of the Subject Site's frontage on SW Tualatin-Sherwood Road (at the SW Tualatin-Sherwood Road and SW Gerda Lane intersection). A continuous sidewalk exists between the Subject Site's frontage and the existing transit facilities. The on-site pedestrian system provides direct connections to the public sidewalk connecting to the transit facilities. No transit facilities are located along or proposed along SW Century Drive. This standard is met.

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.*

Response: The required traffic impact analysis is included as Exhibit I. The TIA recommends the installation of delineators (meeting MUCTD specifications) along the striped centerline of SW Century Drive near the north driveway to discourage southbound left turns occurring within the northbound lane of SW Century Drive. This standard is met.

L. Traffic Calming

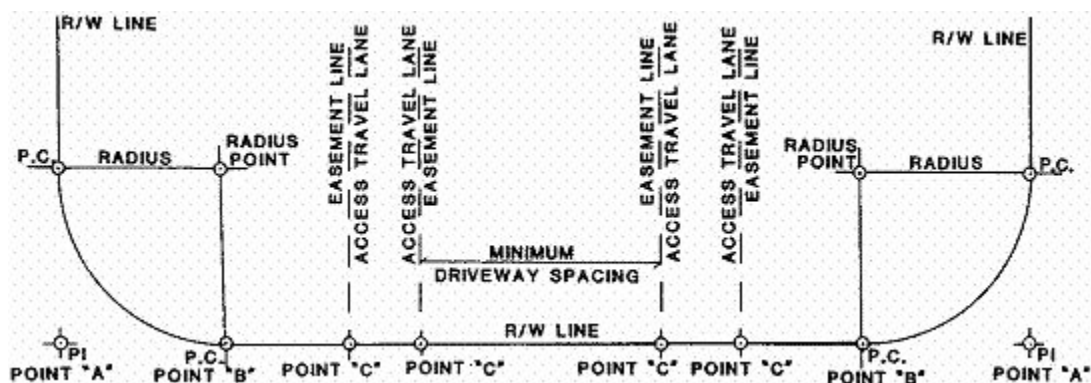
1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
 - a. Curb extensions (bulb-outs).
 - b. Traffic diverters/circles.
 - c. Alternative paving and painting patterns.
 - 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.

Response: No traffic calming measures are proposed. This standard does not apply.

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:



Response: The proposed development will have legal access via two driveways to SW Century Drive. Measurements have been performed as illustrated in the diagram. All proposed access points meet adopted City street standards. Further compliance with provisions of the adopted street standards will be demonstrated in the permitting process. This standard is met.

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.

Response: No access is proposed to a local street. This standard does not apply.

b. *Neighborhood Routes:*

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, 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 fifty (50) feet.

Response: No access is proposed to a neighborhood route. This standard does not apply.

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.

Response: All access from the proposed development will be to a Collector (SW Century Drive). As demonstrated in the applicant's response to Chapter 16.31, the Subject Site's frontage is greater than 150' on SW Century Drive. This standard is met.

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.*

Response: No access is proposed to an Arterial or Highway 99, consistent with item (2). This standard is met.

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

Response: The applicant is not proposing an access management plan and the Subject Site is not in the Old Town Overlay Zone. This standard 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".*

Response: No private streets are proposed as part of the proposed development. This standard does 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.*

Response: The Subject Site has frontage along both SW Century Drive and SW Tualatin-Sherwood Road; both are public streets. As shown on the survey in Exhibit F, there are existing sidewalks on both sides of SW Century Drive along the Subject Site's frontage. The private internal walkways connect to the public sidewalks along SW Century Drive as shown on Sheet C1.13 of Exhibit F. The Subject Site's frontage along SW Tualatin-Sherwood Road has sidewalks on both sides of the public street. Washington County is currently improving this segment of SW Tualatin-Sherwood Road. No cul-de-sac is proposed. This standard is met.

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.

Response: The Subject Site has frontage on SW Century Drive (a Collector) and SW Tualatin-Sherwood Road (an Arterial). Sidewalks along the development's frontage on the Collector and Arterial are a minimum of 6' as shown on Sheet C1.13. No residential areas are proposed as part of this development. Washington County is currently improving SW Tualatin-Sherwood Road and sidewalks with handicapped ramps are included in the proposed improvements. This standard is met.

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.

Response: No new streets are proposed as part of this development. The proposed development utilizes an already existing, connected street network. Connections to the east and south are not practicable due to the presence of Rock Creek, wetlands, and the railroad. This standard is not applicable.

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.

Response: As noted in the pre-application conference (Exhibit G), SW Century Drive is fully improved, and no street frontage improvements are required. Figure 13 (Biking Projects) of the TSP illustrates the existing bike lane on SW Tualatin-Sherwood Road, including along the Subject Site's frontage. This standard is met.

16.106.080 - Traffic Impact Analysis (TIA)

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.*

Response: The project is anticipated to generate on the order of 1,027 vehicle trips per day. A Traffic Impact Analysis (TIA) has been provided as Exhibit I. This standard is met.

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.*

Response: The applicant's transportation engineer has coordinated with both City Engineering staff and Washington County staff to identify the applicable requirements for the TIA and has provided the appropriate data and analysis. The TIA scoping memo is attached as Appendix B of Exhibit I. This standard is met.

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.*

Response: The applicant's transportation engineer has coordinated with both City Engineering staff and Washington County staff to identify the appropriate study area and has evaluated the operations of the affected intersections in the TIA (Exhibit I). This standard is met.

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.*

Response: The TIA analyzes existing traffic operations and forecasts operations in 2022 (prior to the County's improvements to SW Tualatin-Sherwood Road) and in 2024 (following the County's improvements to SW Tualatin-Sherwood Road). No phasing is proposed as part of the development, and

no planned unit development, comprehensive plan amendment, or zoning map amendment is proposed. This standard is met.

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.*

Response: Mackenzie transportation engineers projected site trip generation (Attachment I) based on Land Use Code 822 – Strip Retail Plaza within the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual, 11th edition*. The report analyzed traffic operations in the vicinity in the years 2022 and 2024, both with and without the proposed development:

- In 2022, the SW Tualatin-Sherwood Road/ SW Century Drive intersection operates at a Level of Service (LOS) C in the AM Peak Hour and LOS B in the PM Peak Hour.
- In 2022, the SW Tualatin-Sherwood Road/SW Langer Farms Parkway intersection operates at a LOS B in the AM Peak Hour and LOS B in the PM Peak Hour.
- In 2024 (following Washington County’s improvements to SW Tualatin-Sherwood Road) and post-development, the SW Tualatin-Sherwood Road/ SW Century Drive intersection will operate at LOS B in the AM Peak Hour and LOS B in the PM Peak Hour.
- In 2024 (following Washington County’s improvements to SW Tualatin-Sherwood Road) and post-development, the SW Tualatin-Sherwood Road/SW Langer Farms Parkway will operate at a LOS B in the AM Peak Hour and LOS B in the PM Peak Hour.
- As presented in the TIA, the mobility standards of the City and County are met subsequent to the proposed development becoming operational.
- The TIA recommends the installation of delineators (meeting MUCTD specifications) along the striped centerline of SW Century Drive near the north driveway to discourage southbound left turns within the northbound lane of SW Century Drive.

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.

Response: The TIA finds that all study area intersections currently operate and are projected to continue to operate within the City’s and County’s mobility standards with the improvements to SW Tualatin-

Sherwood Drive and the proposed development. The TIA recommends the installation of delineators (meeting MUCTD specifications) along the striped centerline of SW Century Drive near the north driveway to discourage southbound left turns occurring within the northbound lane of SW Century Drive. A condition of approval to that effect would be appropriate to mitigate for the traffic impacts of the proposed development.

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.*

Response: As part of the TIA, the existing traffic conditions, crash history, estimated trip generation, and an analysis of intersection operations, sight distance, and queuing were reviewed. As explained in the Applicant's response to Section 16.106.080.F, both City and County mobility standards are met with the proposed development; therefore, no other public improvements are required. Additionally, a multi-use path is not warranted at this time since the small scale of the proposed project does not create sufficient impact to authorize the City to impose a condition of approval for right-of-way (or easement) dedication or construction of a pathway. This standard does not apply.

Chapter 16.108 – Improvement Plan Review

Response: Chapter 16.108 outlines review procedures, permitting, performance guarantees, and inspection for public works construction. Compliance with this chapter will occur through review and approval of plans for public improvements, which will be submitted to the City for issuance of the required permits subsequent to receiving necessary land use approvals.

Chapter 16.110 - Sanitary Sewers*16.110.010 - Required Improvements*

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.

Response: As depicted in Exhibit F, a 10" public sanitary sewer main exists to the east of the Subject Site. The proposed development proposes a 6" lateral connection to the 10" public sanitary sewer main as shown on Sheet C1.43 of Exhibit F. The City has indicated that no public sewer extensions are anticipated to be required except as need for the development. This standard is met.

*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.

Response: Compliance with the standards of this code is demonstrated in this narrative and on Sheet C1.43 of Exhibit F. No public sanitary sewer lines are proposed. Demonstration of compliance with applicable standards will take place during the permitting phase of the project. This standard is met.

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.*

Response: No new public sanitary sewer lines will be built as part of this development. This standard is not applicable.

16.110.030 - Service Availability

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

Response: Issuance of a service availability certification by the City will occur through review and approval of plans for public improvements, which will be submitted to the City for issuance of the required permits subsequent to receiving necessary land use approvals. This standard is met.

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.

Response: As shown on Sheet C1.43 of Exhibit F, a 12" water main exists in SW Century Drive. Two connections are proposed to the public water main, one for each building. The City indicated that no public water extensions are anticipated to be required for the development. Each building will be provided with separate water meters and private service lines. Fire hydrants and water lines were designed in conformance with City and Fire District standards. The applicant also proposes private water lines through the site for firefighting. This standard is met.

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.

Response: The sanitary and water utilities plans (Sheet C1.43 of Exhibit F) were designed to be consistent with the City of Sherwood Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards. Further demonstration of compliance with applicable standards will take place during the permitting phase of the project. No new public water lines are proposed. This standard is met.

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.

Response: The proposed development has been designed to comply with requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and Fire District standards. New fire hydrants are proposed internal to the Subject Site and spaced to provide necessary coverage for fire apparatus response. A service provider letter and approved site plan from Tualatin Valley Fire & Rescue (TVF&R) is included as Exhibit S. All new buildings constructed at the site will include automatic fire suppression systems. This standard is met.

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.*

Response: No new public water lines will be built as part of this development. This standard is not applicable.

16.112.030 - Service Availability

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

Response: Issuance of a service availability certification by the City will occur through review and approval of plans for public improvements, which will be submitted to the City for issuance of the required permits subsequent to receiving necessary land use approvals. This standard is met.

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.

Response: As shown on the stormwater plan (Sheets C1.33 and C5.13 of Exhibit F) and explained in the stormwater report (Exhibit M), connection to the existing onsite stormwater treatment and detention system is proposed. The existing stormwater facility will be reconstructed as shown on Sheet C5.13 of Exhibit F. Reconstruction of the existing stormwater facility is due to City Engineering staff concern regarding potential groundwater seepage into the pond; modifications to existing design will include raising the pond bottom by 18", installing a 6" clay liner, installing a retaining wall in the western portion of the pond, and replacing the existing control manhole orifices consistent with the approved stormwater model. All stormwater improvements are designed to meet City and Clean Water Services standards as explained in the stormwater report (Exhibit M). This standard is met.

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.

Response: The proposed storm water system is sized, located, and proposed to be renovated according to standards set forth by the City and Clean Water Services. No upstream discharges flow through the site, and no off-site downstream facilities are proposed to be used to manage runoff from the site. The preliminary storm report (Exhibit M) demonstrates feasibility for the proposed stormwater management system. This standard is met.

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.

Response: Issuance of a service availability certification by the City will occur through review and approval of plans for public improvements, which will be submitted to the City for issuance of the required permits subsequent to receiving necessary land use approvals. This standard is met.

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.

Response: As shown in the water utilities plan (Sheet C1.43 of Exhibit F), a 12" water main exists within SW Century Drive along the Subject Site's frontage. An 8" looped waterline through the Subject Site will provide adequate supply for the proposed fire protection hydrants and Fire Department Connections (FDCs). Each water line is within 250' of the proposed buildings as shown in Exhibit F. This standard is met.

16.116.020 - Standards

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.

Response: Multiple new fire hydrants are proposed to serve the development. All fire protection facilities were designed in compliance with the City of Sherwood Development Code, Chapter 7 of the Community Development Plan, and other applicable City standards. Compliance with these standards is demonstrated on Sheet C1.43 of Exhibit F. A service provider letter and approved site plan from TVF&R is included as Exhibit S. Further demonstration of compliance with applicable standards will take place during the permitting phase of the project. This standard is met.

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.

Response: Fire flow tests and hydraulic modeling will be performed during the permitting phase of the project to demonstrate compliance with this standard. Based on the experience of the design engineer, the on-site water lines illustrated on Sheet C1.43 of Exhibit F are anticipated to provide more than adequate fire flow. This standard is met.

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.

Response: All new fire hydrants within the Subject Site will be easily accessible by District firefighting equipment. The sanitary and water utilities plans (Sheet C1.43 of Exhibit F) shows the location of and access routes for all new fire hydrants. As shown in the plans, all hydrants will be located adjacent to paved roads or drive aisles, which will remain unobstructed to provide adequate width, height clearance, and ingress and egress to allow for the maneuvering of District firefighting equipment. Vehicle parking areas on Subject Site will not obstruct the movement of firefighting equipment. A service provider letter and approved site plan from TVF&R is included as Exhibit S. This standard is met.

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.

Response: There are multiple proposed hydrants internal to the Subject Site in and around buildings and parking areas. Curbs will be marked as required. Curb marking will be performed during the permitting phase of the project to demonstrate compliance with this standard. This standard is met.

16.116.030 - *Miscellaneous Requirements*

A. *Timing of Installation*

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

B. *Maintenance of Facilities*

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.

C. *Modification of Facilities*

On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.

Response: These standards are understood and will be the responsibility of the applicant to uphold. These standards are met.

Chapter 16.118 - Public and Private Utilities

16.118.020 - Standard

A. *Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, and applicable utility company and City standards.*

Response: Connection to City water will be completed on the east side of SW Century Drive as shown on Sheet C1.43 of Exhibit F. Further demonstration of compliance with applicable standards will take place during the permitting phase of the project. Connection to City Sanitary Sewer will be completed in the 15' wide sanitary sewer easement as shown of Sheet C1.43 of Exhibit F. This standard is met.

B. *Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.*

Response: The existing Public Utility Easement (PUE) along SW Century Drive is 6' as previously approved by the City. Since no new public utilities are needed to serve the development, there is no need to widen the existing PUE.

C. *Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).*

Response: The only undeveloped adjacent property is the site located across SW Century Drive from the Subject Site. Public utilities are readily available to the vacant site and the proposed development will not preclude orderly development of the adjacent vacant site. No public or franchise utility lines through the Subject Site are needed to serve nearby undeveloped property. This standard does not apply.

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

Response: Any franchise utilities needed to serve the project will be installed in conduit, as will be further verified during the permitting phase of the project. This standard is met.

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

Response: Any franchise utilities needed to serve the project will be installed in conduit, as will be further verified during the permitting phase of the project. This standard is met.

F. *Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.*

Response: Street improvements are not required to accommodate the proposed development, and SW Century Drive is fully improved with public and franchise utilities (gas, power, and telecommunications). Therefore, there is no need to pay a fee in lieu. This standard does not apply.

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.

Response: All proposed utility connections will be constructed underground as required. The applicant requests exemption from undergrounding the Bonneville Power Administration (BPA) and Portland

General Electric (PGE) transmission lines that transverse the property from east to west as shown on the survey enclosed in Exhibit F. Further demonstration of compliance with applicable standards will take place during the permitting phase of the project. This standard is met.

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.

Response: It is anticipated that the development will require some or all of these above-ground utility facilities, as will be further coordinated with Engineering staff during the permitting phase of the project. This standard is met.

16.118.050 - Private Streets

The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. 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. 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. A private street shall also be signed differently from public streets and include the words "Private Street".

Response: No private streets are proposed. This standard does not apply.

Division VIII. - Environmental Resources

Chapter 16.134 Floodplain (FP) Overlay

16.134.030 - Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek floodplains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two floodplains shall be governed by the policies in Division V, Chapter 16.142 of this Code, in addition to the requirements of this Section and the Clean Water Services Design and Construction Standards R&O 07-20, or its replacement.

Response: As shown on Sheet C1.13 of Exhibit F and in Exhibit J, no development is proposed in the Rock Creek Floodplain. Therefore, this standard does not apply.

16.134.040 - Development Review and Floodplain Administrator Duties

A. *The City Engineer is the designated local Floodplain Administrator and is responsible for maintaining local floodplain management records for the City.*

Response: This provision provides procedural guidance to City staff. No action is required by the applicant.

B. *Provided land is not required to be dedicated as per Section 16.134.030, a conditional use permit (CUP) is required before any use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 16.134.050.*

Response: No use, construction, fill or alteration of a floodplain, floodway, or watercourse, or any other development in the FP Overlay is proposed as part of this application, as shown on Sheet C1.10 of Exhibit F. This standard does not apply.

- C. *Application for a CUP for development in a floodplain shall conform to the requirements of Chapter 16.82 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.*

Response: Although there is floodplain present on Tax Lot 150, no development or alterations are proposed within the floodplain as shown on Sheet C1.10 of Exhibit F. This standard does not apply.

- D. *The following specific information is required in a floodplain CUP application and shall be certified and verified by a registered civil engineer or architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built elevations of lowest building floors.*

1. *Elevations in relation to the current FIRM and FIS of the lowest floor (including basement) of all structures;*
2. *Elevations in relation to the current FIRM and FIS to which any structure has been flood proofed.*
3. *That the flood proofing methods for any structure meet the requirements of this section, Floodplain Structures.*
4. *Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.*
5. *A base flood survey and impact study made by a registered civil engineer.*
6. *Proof all necessary notifications have been sent to, and permits have been obtained from, those federal, state, or other local government agencies for which prior approval of the proposed development is required.*
7. *Any other information required by this section, by any applicable federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.*

Response: No use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development in the FP Overlay is proposed as part of this as shown on Sheet C1.10 of Exhibit F. Therefore, no CUP is required. This standard does not apply.

- E. *The floodplain administrator shall review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 16.134.070.F are met.*

Response: This provision provides procedural guidance to City staff. Additionally, as shown on Sheet C1.13 of Exhibit F, no development activities or alterations are proposed in the floodplain or floodway. This standard is met.

- F. *Where base flood elevation data is provided through the Flood Insurance Study, FIRM or required under Section 16.134.020.C the local Floodplain Administrator shall:*

1. *Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and*
2. *If the structure has been floodproofed in accordance with Sections 16.134.090.A.3 and D.1.a, then obtain the elevation (in relation to mean sea level) to which the structure was floodproofed, and*
3. *Maintain all elevation and floodproofing certificates required under Section 16.134.040.D, and*

4. *Maintain for public inspection all records pertaining to the provisions of this ordinance.*

Response: This provision provides procedural guidance to City staff. No action is required by the applicant as no development activities or alterations are proposed in the floodplain or floodway.

G. *Where elevation data is not available as per subsection D of this section, or from other sources as per Section 16.134.020.C, a floodplain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.*

Response: Elevation data is available on FEMA Flood Insurance Rate Map #41067C0602F (Exhibit J). This standard does not apply.

H. *The floodplain administrator shall:*

1. *Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration as required in Section 16.134.100.C.*
2. *Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.*

Response: No alterations or relocations of watercourses are proposed. This standard does not apply.

I. *The floodplain administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).*

Response: The applicant is not contesting the location of the floodplain boundary illustrated on FEMA Flood Insurance Rate Map #41067C0602F (Exhibit J). No development activity is proposed within the regulated floodplain. This standard does not apply.

J. *Variances to any standard within the floodplain overlay shall comply with the provisions of the Code of Federal Regulations (CFR) section 44 CFR 60.6(a)(1)— (7).*

Response: No variance to any standard within the floodplain overlay is requested. This standard does not apply.

16.134.050 - Permitted Uses

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

- A. *Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.*
- B. *Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district that do not impede the movement of floodwaters and flood-carried materials.*
- C. *Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 16.134.080 and 16.134.090.*

- D. *Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the floodplain.*

Response: No development activity is proposed within the Floodplain (FP) Overlay. This standard does not apply.

16.134.060 Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of this Section and Chapter 16.82, when greenway dedication is not required as per this Section.

Greenways:

- A. *Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.*

Response: No development is proposed within the floodplain, which includes the flood fringe area. This standard does not apply.

16.134.070 - Prohibited Uses

In the FP zone the following uses are expressly prohibited:

- A. *The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.*
- B. *Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.*
- C. *Any use or activity not permitted in the underlying zoning district.*
- D. *Any use or activity that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the floodplain.*
- E. *Any use or activity that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the floodplain.*
- F. *Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by Section 16.134.050 and unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the use, activity, or encroachment will not result in any increase to flood levels during the occurrence of the base flood discharge.*
 - a. *If paragraph F of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard provisions of Sections 16.134.080 and .090, or ASCE 24, whichever is more stringent.*
- G. *The storage of recreational vehicles. This is the most restrictive provision wherein.*

Response: No development is proposed within the Floodplain (FP) zone. This standard does not apply.

16.134.080 Floodplain Development

- A. *Floodplain Alterations*

[detailed provisions omitted for brevity]

Response: No floodplain alterations are proposed. This standard does not apply.

16.134.090 - Floodplain Structures

Structures in the FP zone permitted in accordance with this section, shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing dwellings, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.
2. The lowest floor elevation of a structure designed for human occupancy must be at least one and one-half feet above the base flood elevation and the building site must comply with the provisions of Section 16.134.080.A.
3. The lower portions of all structures shall be flood proofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half feet above the base flood elevation.
4. The finished ground elevation of any under floor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.
5. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

Response: No structures are proposed in the Floodplain (FP) zone as part of this proposal. This standard does not apply.

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.
3. Water supply and sanitary sewer systems (not prohibited under section 16.134.070.B shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.
 - a. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with Washington County Health Authority and Oregon Department of Environmental Quality.

Response: No utilities are proposed in the Floodplain (FP) zone as part of this proposal. This standard does not apply.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half feet above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are not permitted unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered engineer or architect, or must meet or exceed the following minimum criteria:

- a. *A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
 - b. *The bottom of all openings shall be no higher than one foot above grade.*
 - c. *Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.*
3. *Shall be constructed with materials resistant to flood damage.*

Response: No residential structures are proposed, or currently are present on the site. This standard does not apply.

D. Non-Residential Construction

1. *All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:*
 - a. *Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.*
 - b. *Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.*
 - c. *Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of this Section. A record of such certificates shall be maintained by the Floodplain Administrator in accordance with Section 16.134.040.A.*
 - d. *Nonresidential structures that are elevated and not flood proofed must meet the same standards for space below the lowest floor as per Section 16.134.090.C.2.*

Response: All proposed buildings are located outside the Floodplain (FP) zone as shown on Sheet C1.13 of Exhibit F, so they are not subject to these provisions. This standard does not apply.

E. Manufactured Dwellings

1. *Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with paragraph C.2 of this section;*
2. *The bottom of the longitudinal chassis frame beam in A zones (excluding coastal A zones), shall be at or above BFE;*
3. *The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;*
4. *Electrical crossover connections shall be a minimum of 12 inches above BFE.*

Response: No manufactured dwellings are proposed, or currently are present on the site. This standard does not apply.

F. Recreational Vehicles

Except where prohibited under Section 16.134.070.G Recreational vehicles placed on sites are required to:

1. *Be on the site for fewer than 180 consecutive days, and*
2. *Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or*
3. *Meet the requirements of paragraph E of this section and the elevation and anchoring requirements for manufactured dwellings.*

Response: No recreation vehicles proposed, or currently are present on the site. This standard does not apply.

16.134.100 - Additional Requirements

A. *Dimensional standards or developments in the FP zone are the same as in the underlying zoning district, except as provided in Section 16.134.100.*

Response: This provision provides procedural guidance. This application has been prepared in consideration of this standard.

B. *Approval of a site plan pursuant to Chapter 16.90 that includes portions of the FP overlay may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:*

1. *Increasing the required lot sizes, yard dimensions, modifying street widths, or off-street parking spaces.*
2. *Limiting the height, size, or location of buildings.*
3. *Controlling the location and number of vehicle access points.*
4. *Limiting the number, size, location, or lighting of signs.*
5. *Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.*
6. *Designating sites for open space or water retention purposes.*
7. *Construction, implementation, and maintenance of special drainage facilities and activities.*

Response: This provision provides procedural guidance to City staff. Additionally, no development activities are proposed in the floodplain or floodway. This standard is met.

C. *FEMA Notification.*

1. *Notify FEMA within six months of project completion when a conditional letter of map revision (CLOMR) has been obtained from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified base flood elevations. This notification shall be provided as a letter of map revision (LOMR).*
2. *The applicant is responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.*
3. *The floodplain administrator is under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Code and all applicable state and federal laws.*

Response: No conditional letter of map revision is required for this development since no alterations are proposed in the floodplain, and no element of this development alters a watercourse, modifies floodplain boundaries or base flood elevations. This standard does not apply.

Chapter 16.136 - Procedures

16.136.010 - Applicability

The standards of this Chapter, and applicable portions of Chapter 5 of the Community Development Plan, shall apply to any new uses or changes to existing uses in commercial, industrial and institutional zones, except as per Section 16.136.050.

Response: The applicant requests that the City Manager waive the standards of this chapter per the Exceptions in Section 16.136.050. As the buildings are speculative, determination of compliance would be more appropriately deferred to the time of tenant improvements when specific users are known.

16.136.020 - Conformance

Conformance with the standards of this Chapter shall, at a minimum, be certified in writing by a professional engineer and submitted with the application for site plan review required by Chapter 16.90, except as per Section 16.136.050. The written certification shall include:

- A. *Statement certifying that the proposed commercial, industrial or institutional use, if properly managed and operated, will comply with City environmental performance standards, and citing evidence supporting the certification.*
- B. *Copies of any applicable State permits or recent test results, if available, which would indicate compliance with City environmental performance standards.*

Response: The applicant requests that the City Manager waive the standards of this chapter per the Exceptions in Section 16.136.050. As the buildings are speculative, determination of compliance would be more appropriately deferred to the time of tenant improvements when specific users are known.

16.136.030 - Additional Information

- A. *Prior to accepting any land use application to which this Chapter applies, the City Manager or his or her designee, may determine that additional expertise in evaluating the application, due to the complexity of its impact on environmental resources, is warranted. Under such circumstances, the City may contract with a professional engineer or other qualified consultant to evaluate and make recommendations on specific application elements relative to City environmental resource standards.*
- B. *Upon the City's determination that additional expertise is needed, the applicant shall deposit a sum equal to the estimated cost, as determined by the City, of such professional services. If the actual cost of such services is more than estimated, the applicant shall be responsible for the difference, provided however, that the applicant's financial responsibilities will not exceed ten percent (10%) of the estimate without prior written authorization. If the cost of such services is less than the estimate, the balance of the deposit shall be returned to the applicant upon final action on their land use application.*

Response: The applicant requests that the City Manager waive the standards of this chapter per the Exceptions in Section 16.136.050. As the buildings are speculative, determination of compliance would be more appropriately deferred to the time of tenant improvements when specific users are known.

16.136.040 - Referenced Statutes and Rules

The Federal, State or regional statutes and rules cited in this Chapter are made part of this Code by reference. The statutes and rules cited are as current at the time of adoption of this Code. If a referenced statute or rule is amended by Federal, State or regional agencies, this Code must be amended for the new statute or rule to take precedence.

Response: The applicant acknowledges the requirement to comply with applicable environmental standards promulgated by agencies other than the City. The applicant requests that the City Manager waive the standards of this chapter per the Exceptions in Section 16.136.050. As the buildings are speculative, determination of compliance would be more appropriately deferred to the time of tenant improvements when specific users are known.

16.136.050 - Exceptions

The City shall make an initial determination whether a proposed development is subject to any of the standards of this Chapter, or whether the development is exempt. The City Manager or his or her designee is authorized to waive all or some of these standards when a proposed development clearly does not represent a substantial impact on the City's environmental resource standards as per this Chapter. The findings of the City Manager or his or her designee shall be made in writing, and copies shall be forwarded to the applicant and the Commission. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76.

Response: The applicant requests that the City Manager waive the standards of this chapter per the Exceptions in this section. As the buildings are speculative, determination of compliance would be more appropriately deferred to the time of tenant improvements when specific users are known.

Chapter 16.142 - Parks, Trees and Open Spaces

16.142.040 - Visual Corridors

A. Corridors Required

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

<i>Landscape Visual Corridor Standards</i>		
	<i>Category</i>	<i>Width</i>
1.	<i>Highway 99W</i>	<i>25 Feet</i>
2.	<i>Arterial</i>	<i>15 Feet</i>
3.	<i>Collector</i>	<i>10 Feet</i>

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

Response: The proposed landscape design will provide a minimum 10-foot-wide landscaped Visual Corridor along SW Century Drive (a collector) and a minimum 15-foot-wide landscaped Visual Corridor along SW Tualatin-Sherwood Road (an arterial) as shown on Sheets L1.10 and L1.11 of Exhibit F. Both corridors are entirely located within the boundaries of the Subject Site. No residential development is proposed. This standard is met.

B. Landscape Materials

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

Response: Tree, shrub, and groundcover species proposed within the Visual Corridor buffers have been selected and placed to comply with the standard cited above, as shown on Sheets L1.10 and L1.11 of Exhibit F. No fences are proposed within the visual corridors, and the only proposed walls are retaining walls stemming from the site topography. This standard is met.

C. Establishment and Maintenance

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

Response: As of the date of this application, the City has not requested dedication of the Visual Corridors as public property. Ongoing maintenance of the Visual Corridors will be the responsibility of the property owners and building tenants. This standard is met.

D. Required Yard

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

Response: The required Visual Corridor widths along SW Tualatin-Sherwood Road (15') and SW Century Drive (10') are less than the corresponding minimum setbacks of the LI zone (20'). No proposed buildings are located within either Visual Corridor. This standard is met.

E. Pacific Highway 99W Visual Corridor

1. *Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.*
2. *Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.*

Response: The proposed development is not located along Pacific Highway 99W. This standard does not apply.

16.142.050 - Park Reservation

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

Response: The Comprehensive Plan's Natural Resources and Recreation Plan Map identifies a Greenway/Visual Corridor/Open Space for Rock Creek through Tax Lot 150. This area has not been dedicated pursuant to Section 16.142.030 or 16.134.020; however, as this site has previously been identified for employment uses, it would be inconsistent with the Comprehensive Plan for the City to purchase that portion of the site for park or recreation purposes. This standard is met.

16.142.060 - Street Trees

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

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

1. *Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.*

Response: As shown on Sheets L1.10 and L1.11 of Exhibit F, street trees have already been planted along the Subject Site’s frontage on SW Century Drive and SW Tualatin-Sherwood Road. No street trees are proposed for removal. This standard is met.

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.*

Response: As described in the Arborist Report (Exhibit O), all street trees have a minimum trunk diameter of 2", when measured 6" above the soil line. This standard is met.

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.*

Response: As described in the Arborist Report (Exhibit O), a variety of street trees have already been planted in accordance with those listed in SMC 16.142.080. This standard is met.

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.*

Response: Selected street tree species were previously spaced and planted consistent with the specifications contained in Section 16.142.090, as shown in Exhibit O. No new street trees are proposed. This standard is met.

B. *Removal and Replacement of Street Trees.*

1. *Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:*
 - a. *Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or*
 - b. *Obstructing public ways or sight distance so as to cause a safety hazard, or*
 - c. *Interfering with or damaging public or private utilities, or*
 - d. *Defined as a nuisance per City nuisance abatement ordinances.*

Response: As noted in the arborist report, no street trees will be removed as part of the proposed development. This standard is not applicable.

C. *Homeowner's Association Authorization.*

[detailed provisions omitted for brevity]

Response: The applicant is not seeking to implement a Homeowners Association for the proposed development. This standard does not apply.

D. *Exemption from Replacing Street Trees.*

A street tree that was planted in compliance with the Code in effect on the date planted and no longer required by spacing standards of section A.4. above may be removed without replacement provided:

1. *Exemption is granted at the time of street tree removal permit or authorized homeowner's association removal per Section 16.142.060.C. above.*
2. *The property owner provides a letter from a certified arborist stating that the tree must be removed due to a reason identified in the tree removal criteria listed in Section 16.142.060.B.1. above, and*
3. *The letter describes why the tree cannot be replaced without causing continued or additional damage to public or private utilities that could not be prevented through reasonable maintenance.*

Response: As noted in the landscape plans (Exhibit F) and arborist report (Exhibit O), no street trees will be removed as part of the proposed development. This standard is not applicable.

E. *Notwithstanding any other provision in this section, the city manager or the manager's designee may authorize the removal of a street tree in an emergency situation without a tree removal permit when the tree poses an immediate threat to life, property or utilities. A decision to remove a street tree under this section is subject to review only as provided in ORS 34.100.*

Response: No street trees have been identified to be removed for emergency purposes. The applicant understands and acknowledges the authority of the city manager (or manager's designee) if such a situation were to arise. This standard is met.

F. *Trees on Private Property Causing Damage.*

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and reviewed under the applicable City nuisance abatement ordinances.

Response: The proposed development is not seeking authorization for tree removal under this provision. This standard does not apply.

G. *Penalties.*

The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.

Response: Per the arborist report, no street trees will be removed. As the applicant is seeking City authorization prior to removal, no penalties are appropriate. This standard does not apply.

16.142.070 - Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

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

Response: The Site Plan Review and Conditional Use Permit request presented through this application is subject to the standards addressed below.

C. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:

- a. Tree size (in DBH and canopy area)*
- b. Tree species*
- c. The condition of the tree with notes as applicable explaining the assessment*
- d. The location of the tree on the site*
- e. The location of the tree relative to the planned improvements*
- f. Assessment of whether the tree must be removed to accommodate the development*
- g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.*

Response: An arborist report, including tree inventory, has been prepared by a licensed arborist and contains the information as requested in SDC Section 16.142.070.C.1. The complete arborist report is included with this Site Plan Review and Conditional Use Permit request as Exhibit O. This standard is met.

2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.

Response: The arborist report (Exhibit O) has been prepared to include the specific information outlined in the land use application materials packet, in addition to other requirements. This standard is met.

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

Response: The Subject Site has some tree coverage along the eastern portion near Rock Creek. The submitted tree inventory and arborist report (Exhibit O) provide information on the location, species, size, canopy, and condition of trees located along the site's SW Tualatin-Sherwood Road and SW Century Drive frontages. This standard is met.

D. *Retention requirements*

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

Response: Per the enclosed plans (Sheets L1.10, L1.11, and C1.51 of Exhibit F), no trees will be removed. This standard does not apply.

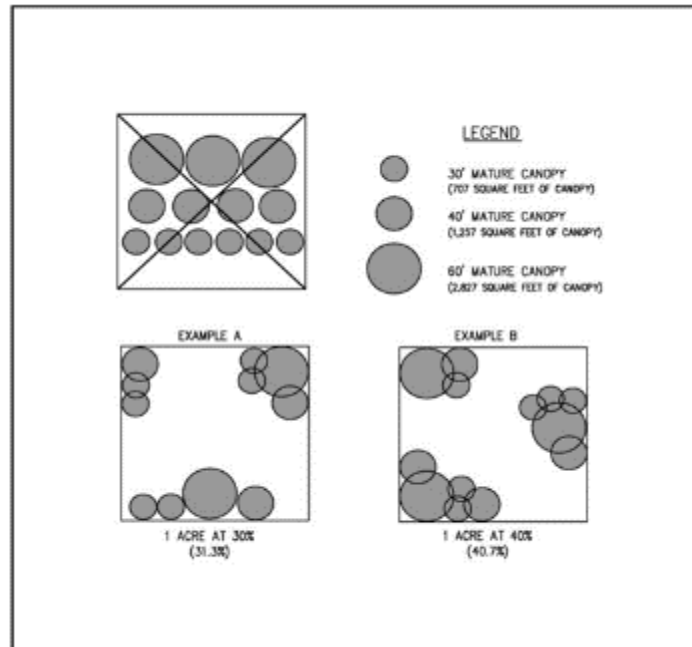
2. *Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family)*
Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.
The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

Response: The subject proposal does not include residential development. This standard is not applicable.

3. *Required Tree Canopy - Non-Residential and Multi-family Developments*
Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

16.142.070 - Required Tree Canopy			
	<i>Residential (single family & two-family developments)</i>	<i>Old Town & Infill developments</i>	<i>Commercial, Industrial, Institutional Public and Multi-family</i>
<i>Canopy Requirement</i>	40%	N/A	30%
Counted Toward the Canopy Requirement			
<i>Street trees included in canopy requirement</i>	Yes	N/A	No
<i>Landscaping requirements included in canopy requirement</i>	N/A	N/A	Yes
<i>Existing trees onsite</i>	Yes x2	N/A	Yes x2
<i>Planting new trees onsite</i>	Yes	N/A	Yes
<p><i>Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * radius^2)$ (This is the calculation to measure the square footage of a circle.) The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.</i></p>			
<p><i>Canopy Calculation Example: Pin Oak</i> <i>Mature canopy = 35'</i> <i>$(3.14159 * 17.5^2) = 962$ square feet</i></p>			



Response: As shown in the Landscape Plans (Sheet LO.01 of Exhibit F), the Subject Site canopy will be approximately 68,688 SF or 39% (the applicant has not counted existing on-site trees that will remain as they are not needed to meet the canopy coverage requirements). As the proposed tree canopy exceeds the 30% minimum tree canopy required, this standard is met.

4. *The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:*
 - a. *Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or*
 - b. *A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or*
 - c. *Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or*
 - d. *Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or*
 - e. *Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.*

Response: Additional tree preservation standards beyond D.1 through D.3 are not merited as the proposed development does not propose removal of trees. This standard is not applicable.

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

Response: The Subject Site is not located within the Old Town Overlay. This standard is not applicable.

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

Response: This provision provides procedural guidance for City staff and does not require evidence by the applicant.

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

Response: None of the applicant's property is proposed for dedication to the City. This standard does not apply.

E. Tree Preservation Incentive

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

Response: The proposed development meets the tree canopy requirement without including the existing trees which are to be preserved. The applicant does not seek this incentive. This standard does not apply.

F. Additional Preservation Incentives

1. *General Provisions. To assist in the preservation of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the applicant with justification provided within the tree preservation and protection report as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.*
2. *Flexible Development Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.*
 - a. *Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;*

- b. *Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below. The following reductions shall be limited to the minimum reduction necessary to protect the tree.*
 - (1) *Reductions allowed:*
 - (a.) *Front yard - up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.*
 - (b.) *Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone.*
 - (c.) *Perimeter side and rear yard setbacks shall not be reduced through this provision.*
- c. *Approval criteria:*
 - (1.) *A demonstration that the reduction requested is the least required to preserve trees; and*
 - (2.) *The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and*
 - (3.) *The reduction will not impede adequate emergency access to the site and structure.*

Response: The applicant is not requesting to rely on any of the incentives described above. These standards are not applicable.

- 3. *Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.142.060.*

Response: The applicant is not seeking flexibility from tree preservation and planting requirements to construct new sidewalks. This standard is not applicable.

- 4. *Adjustments to Commercial and Industrial development Standards. Adjustments to Commercial or Industrial Development standards of up to 20 feet additional building height are permitted provided;*
 - a. *At least 50% of a Significant Tree stand's of canopy within a development site (and not also within the sensitive lands or areas that areas dedicated to the City) is preserved;*
 - b. *The project arborist or qualified professional certifies the preservation is such that the connectivity and viability of the remaining significant tree stand is maximized;*
 - c. *Applicable buffering and screening requirements are met;*
 - d. *Any height adjustments comply with state building codes;*
 - e. *Significant tree stands are protected through an instrument or action subject to approval by the City Manager or the City manager's designee that demonstrates it will be permanently preserved and managed as such;*
 - (1.) *A conservation easement;*
 - (2.) *An open space tract;*

- (3.) A deed restriction; or
- (4.) Through dedication and acceptance by the City.

Response: The applicant is not requesting any adjustments to the LI zone development standards to preserve additional existing trees. These standards are not applicable.

G. Tree Protection During Development

The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

Response: The trees to be retained on-site are located within the wetland vegetated corridor area. This standard is met.

H. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

Response: The applicant is not proposing tree removal as part of the proposed development. This standard does not apply.

16.142.090 - Recommended Street Trees

A. Recommended Street Trees:

16.142.090 – Recommended Street Trees		
Common Name	Botanical Name	Canopy Spread (feet)
Acer - Maple		
Cavalier Norway Maple	<i>Acer platanoides cavalier</i>	
Cleveland Norway Maple	<i>p. Cleveland</i>	30
Cleveland II Norway Maple	<i>p. Cleveland</i>	25
Columnar Norway Maple	<i>p. columnare</i>	15
Fairway Sugar Maple (sugar maple)	<i>p. fairway</i>	40
Olmsted Norway Maple	<i>p. olmsted</i>	20-25
Roughbark Maple	<i>Acer triflorum</i>	20
Trident Maple	<i>Acer buergeranum</i>	20
Rocky Mountain Glow Maple	<i>Acer grandidentatum 'Schmidt'</i>	15
David's Maple	<i>Acer davidii</i>	20
Metro Gold Hedge Maple	<i>Acer campestre 'Panacek'</i>	25
Red Sunset Maple (Old Town)	<i>Acer rubrum red sunset - Red Sunset Maple (Old Town)</i>	25-40

16.142.090 – Recommended Street Trees		
Common Name	Botanical Name	Canopy Spread (feet)
	(Provided that a root barrier is installed)	
Royal Red Maple	<i>r. royal red</i>	20-25
Gerling Red Maple	<i>r. gerling</i>	25-35
Tilford Red Maple	<i>r. tilford</i>	30
Carpinus - Hornbeam		
Pyramidal European Hornbeam	<i>Carpinus betulus pyramidalis</i>	30-40
Pyramidal European Hornbeam	<i>b. columnaris</i>	15
Pyramidal European Hornbeam	<i>b. fastigiata</i>	15-20
Pyramidal European Hornbeam	<i>b. fastigiata</i>	15-20
Eastern Redbud	<i>Cercic, canadensis - Canadian Red Bud</i>	10-20
Fraxinus - Ash		
Dr. Pirone Ash	<i>augustifolia dr. pirone</i>	35-50
Raywood Ash	<i>raywoodi</i>	20
Oregon Ash	<i>latifolia</i>	25-40
Ginkgo		
Autumn Gold	<i>biloba</i>	25-35
Fairmount	<i>biloba</i>	15-25
Gleditsia		
Honey Locust	<i>triacanthos sunburst</i>	20-30
Liquidamber		
American Sweetgum	<i>styraciflua</i>	40
Liriodenrod		30-50
Magnolia		
Evergreen Magnolia	<i>grandiflora vars</i>	
Southern Magnolia	<i>grandiflora</i>	40
Dr. Merrill Magnolia	<i>kobus dr. merrill</i>	15-20
Edith Bogue Magnolia	<i>Magnolia grandiflora 'Edith Bogue'</i>	15
Purnus - Cherry - Plum		
Double Flowering Cherry	<i>avium plena</i>	30-40
Scanlon Globe Cherry	<i>avium scanlon</i>	30-40
Japanese Cherry	<i>serrulata vars (nonweeping)</i>	15-30
Okame Cherry	<i>okame</i>	20-30
Blireana Plum	<i>blireana</i>	20
Pissardi Plum	<i>pissardi</i>	10
Krauter's Vesuvius Plum	<i>Vesuvius</i>	15
Amur Chokecherry	<i>maacki</i>	25-30
Redbark Cherry	<i>serrula</i>	20-30
European Birdcherry	<i>padus</i>	35
Bigflowered Birdcherry	<i>grandiflora</i>	10-20
Rancho Birdcherry	<i>berg</i>	15-20

16.142.090 – Recommended Street Trees		
Common Name	Botanical Name	Canopy Spread (feet)
Purpleleaf Birdcherry	<i>purpurea</i>	10-20
Prairifire Crabapple	<i>Malus 'Prairifire'</i>	20
<i>Quercus</i>		
Crimson Spire Oak	<i>Quercus alba</i> x <i>Q. robur</i> 'Crimschmidt'	15
Pin Oak	<i>palustris</i>	35-40
<i>Tilia - Linden</i>		
American Linden	<i>americana</i>	35-40
Little Leaf Linden	<i>cordata</i>	40
Crimean Linden	<i>euchlora</i>	20-30
Silver Linden	<i>tomentosa</i>	40
Bicentennial Linden	<i>bicentennial</i>	30
Greenspire Linden	<i>greenspire</i>	20
Salem Linden	<i>salem</i>	20-30
Chancellor Linden	<i>Tiliacordata 'Chancole'</i>	20

B. Recommended Street Trees under Power Lines:

- Acer ginnala* — Amur Maple 20' spread
- Acer campestre* — Hedge Maple 30' spread
- Acer palmatum* — Japanese Maple 25' spread
- Acer griseum* — Paperbark Maple 20' spread
- Acer circinatum* — Vine Maple 25' spread
- Amelanchier x grandiflora* — Apple Serviceberry 20' spread
- Amelanchier Canadensis* — Shadblow Serviceberry 20' spread
- Cercis Canadensis* — Eastern Redbud 25-30' spread
- Clerodendrum trichotomum* — Glorybower Tree 20' spread
- Cornus florida* — Flowering Dogwood 20-25' spread
- Cornus kousa* — Japanese Dogwood 25' spread
- Crataegus phaenopyrum* — Washington Hawthorn 25' spread
- Crataegus x lavellei* — Lavelle Hawthorn 20' spread
- Fraxinus excelsior globosum* — Globe-Headed European Ash 12-15' spread
- Fraxinus ornus* — Flowering Ash 20-30' spread
- Fraxinus oxycarpa aureopolia* — Golden Desert Ash 18' spread
- Koelreuteria paniculata* — Goldenrain Tree 10-20' spread
- Laburnum x waterii* — Golden Chain Tree 15' spread
- Malus* — Flowering Crabapple 20-25' spread
- Prunus* — Flowering Cherry 20-25' spread
- Pyrus calleryana* — Flowering Pear "Cleveland Select" 20' spread
- Styrax japonica* — Japanese Snowbell 25' spread
- Syringa reticulata* — Japanese Tree Lilac 20-25' spread

C. Prohibited Street Trees:

- Acer*, Silver Maple
- Acer*, Boxelder
- Ailanthus, glandulosa* - Tree-of-heaven
- Betula*; common varieties of Birch
- Ulmus*; common varieties of Elm

Morus; common varieties of Mulberry
Salix; common varieties of willow
Coniferous Evergreen (Fir, Pine, Cedar, etc.)
Populus; common varieties of poplar, cottonwood and aspen
Female Ginkgo

- D. *Alternative Street Trees: Trees that are similar to those on the recommended street tree list can be proposed provided that they are non-fruit bearing, non-invasive and not listed on the prohibited street tree list. A letter from a certified arborist must be submitted, explaining why the tree is an equivalent or better street tree than the recommended street trees that are identified in this section.*

Response: No new street trees are proposed as part of this development as street trees are already provided. This standard is not applicable.

Chapter 16.144 - Wetland, Habitat and Natural Areas

16.144.010 - Generally

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

Response: The City's 1992 Wetland Inventory (Exhibit U) depicted wetlands throughout much of the property at that time, and the Comprehensive Plan's Natural Resources and Recreation Map (Exhibit V) depicts Greenway/Visual Corridor/Open Space on the property along Rock Creek at the eastern boundary of Phase 3 (see Figure 3 of Exhibit K). The site contains Riparian Corridor/Wildlife Habitat Class I and Upland Wildlife Habitat Class A as identified in the Metro Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro (Exhibit T) and shown below in Figure 2.

As conditions have changed since Metro published its map in 2005, the applicant retained Pacific Habitat Services (PHS) to perform a site-specific evaluation of natural resources based on current site conditions. As explained in the Wetland Delineation (Exhibit K) and Natural Resource Assessment (Exhibit L), one wetland² (Wetland A), Rock Creek, and a wetland ditch, totaling approximately 12.23 acres, have been identified on Tax Lot 150. The Subject Site (limits of proposed work) is located wholly outside of the delineated wetland areas and riparian corridor. All Vegetated Corridor plant communities within Tax Lot 150 will be enhanced to "good" corridor condition to comply with Clean Water Services (CWS) requirements outlined in CWS Section 3.08.

² As part of the City of Sherwood's Rock Creek Sanitary Trunk Upsizing Project, the Oregon Department of State Lands (DSL) concurred with a separate wetland delineation (WD# 2019-0535, provided as Exhibit X). In this wetland delineation, DSL concurred that the subject site's stormwater pond was a jurisdictional wetland because it was created, at least partially, from wetlands. Recent correspondence with the City's Engineering staff confirms that the subject site's stormwater pond is not hydraulically connected to waterways or floodplains, so it appears that the DSL concurred boundary was incorrectly mapped. The result of this boundary mapping error resulted in the stormwater pond being incorrectly classified as a DSL regulated wetland, when it should not be a DSL regulated wetland. As part of the City's Phase 2 Rock Creek Sanitary Trunkline project, the City's consultant is updating the wetland delineation to correct the boundary mapping error. The updated wetland delineation will be submitted to DSL for concurrence. At the time when DSL concurrence is provided, the stormwater pond designation will be corrected to a non-wetland. Therefore, the storm pond is not analyzed in this discussion.

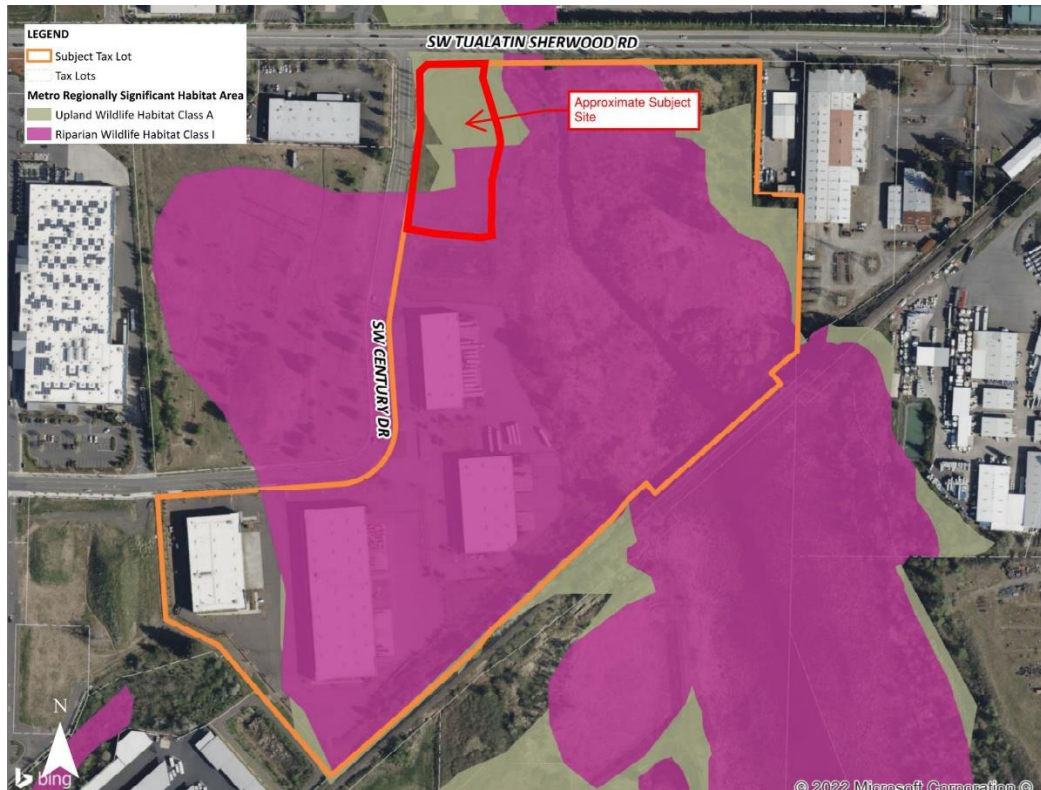


Figure 2: Metro Regionally Significant Fish and Wildlife Habitat Area

The proposed development has been designed to avoid impact on the delineated wetlands, preserving the ecological integrity of the area as illustrated in the code responses hereafter.

In addition to the applicant’s wetland delineation (Exhibit K), two recent prior wetland delineations encompassing the site have been conducted (Exhibits W and X). WD2020-0201 was conducted for the SW Tualatin-Sherwood Road Improvements and is included as Exhibit W. WD2019-0535 was conducted for the Rock Creek Sanitary Trunk Upsizing Project and is included as Exhibit X.

16.144.020 - Standards

- A. *The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:*
 - 1. *The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.*
 - a. *A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.*
 - b. *Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.*
 - c. *A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.*
 - 2. *If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the*

site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.

Response: Three wetlands³ have been identified within the boundaries of the subject tax lot. Per the Pacific Habitat Services Natural Resource Assessment Report (Exhibit L) and Wetland Delineation (Exhibit K), Wetland A, approximately 11.17 acres, receives hydrology from seasonal overflow from Rock Creek, overland flow, direct precipitation, and stormwater from adjacent developments. The Wetland Ditch (0.56 acres/ 24,194 square feet) exists in the southern portion of Tax Lot 150 and conveys seasonal runoff into Wetland A. Rock Creek (0.50 acres/21,944 SF) is a perennial tributary of the Tualatin River residing within Wetland A. The creek flows north and continues beyond the study area. The channel width varies between approximately 20-25 feet with steep, almost vertical banks aerially aligned with ordinary high water (OHW). A Storm Pond (13,272 acres/0.30 SF) exists directly north of existing development (south of the Subject Site) east of SW Century Drive. The pond is man-made (circa 2007) and designed to detain stormwater piped under SW Century Drive, as well as from development to the south. In compliance with Clean Water Services Design and Construction Standards R&O 00-7 provisions, Pacific Habitat Services identified vegetated corridors (VCs) based on wetland size and the slopes adjacent to the sensitive areas, as summarized in the following table.

Summary of Vegetated Corridor Widths		
Sensitive Area	VC Width	Justification
Wetland A	Regulated: 50' to 35' beyond break in slope Actual: 50' to 65'*	<ul style="list-style-type: none"> ▪ > 0.5 acres and not isolated ▪ Slopes majority < 25%; areas >25% to west
Wetland Ditch	Regulated: 50' Actual: 43' to 50'*	<ul style="list-style-type: none"> ▪ < 0.5 acres and isolated ▪ Slopes <25%
Stormwater Pond	0'	<ul style="list-style-type: none"> ▪ Artificially created Stormwater Feature
*In some areas, the regulated VC is truncated by existing development		

No impacts or alterations are proposed to the wetlands³ on site. No VC encroachment is proposed as part of this development. No mitigation is required; only enhancement as detailed in the applicant's response to Section 16.144.010 above. Clean Water Services (CWS) has issued a Service Provider Letter (SPL) which is included as Exhibit P; this standard is met.

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

³ See Footnote 2.

significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).

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

Response: The applicant is unaware of any endangered or threatened plant or animal species or critical habitat within the development site, and the site does not contain notable natural features as illustrated in the Community Development Plan, Part 2, Natural Resource and Recreation Plan (Exhibit V). Due to the existing conditions of the site, a Wetland Delineation Report (Attachment K) and Natural Resource Assessment (Attachment L) were prepared as part of this application. The proposed two-building development has been designed to comply with applicable zoning standards and erosion and sedimentation control measures promulgated by the City, Clean Water Services, and the Oregon Department of Environmental Quality. The applicant intends to replace the topsoil over disturbed areas of the site for landscaping, as approved by the landscape architect (Grading Note 6 on Sheet C0.01 of Exhibit F). The storage of topsoil separate from subsurface soil will be confirmed during the grading permit process. The proposed development has been designed to retain significant vegetation in areas that will not be covered by building or pavement or disturbed by excavation as indicated by the Phase 3 work limits shown on Sheet C1.10 of Exhibit F. As shown on Sheet L1.10 of Exhibit F, a native seed mix will be planted to the limits of the disturbance. Drawings depicting the methods used to comply with potential erosion and sediment control are included as Sheets C1.51-C1.55 of Exhibit F. The proposed development avoids all impact to wetlands (see Footnote 2 above), Rock Creek, and the adjacent VC and proposes VC enhancement as discussed in the Natural Resource Assessment Report (Exhibit L). Clean Water Services has found the development to be compliant with CWS standards as evidenced in their Service Provider Letter (Exhibit P). This standard is met.

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

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

1. *Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:*

- a. *Located the Water Feature that is the basis for identifying riparian habitat.*
1. *Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.*
 2. *Locate all flood areas within 100 feet of the property.*
 3. *Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.*

Response: Riparian Corridors/Wildlife Habitat Class I and Upland Wildlife Habitat Class A are identified on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map (Exhibit T). The applicant's wetland consultant has completed a Wetland Delineation (Exhibit K) and Natural Resource Assessment (Exhibit L).

The Wetland Delineation (Exhibit K) identified the top of bank of Rock Creek and located all flood areas within 100' of the property and all wetlands on tax lot 150. Identified wetlands were delineated in accordance with the methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers. The proposed development avoids all impact to the adjacent VC and proposes VC enhancement as discussed in the Natural Resource Assessment Report (Exhibit L). Clean Water Services has found the development to be compliant with CWS standards as evidenced in their Service Provider Letter (Exhibit P).

- b. *Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;*
1. *Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).*
 2. *Woody vegetation — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.*
 3. *Forest canopy — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.*

Response: Figure 3 below illustrates the documented vegetation types throughout the development area, per Metro's GIS Vegetation data. Per the Pacific Habitat Services

Natural Resource Assessment (Attachment L), a summary of plant communities adjacent to the associated delineated wetlands has been prepared.

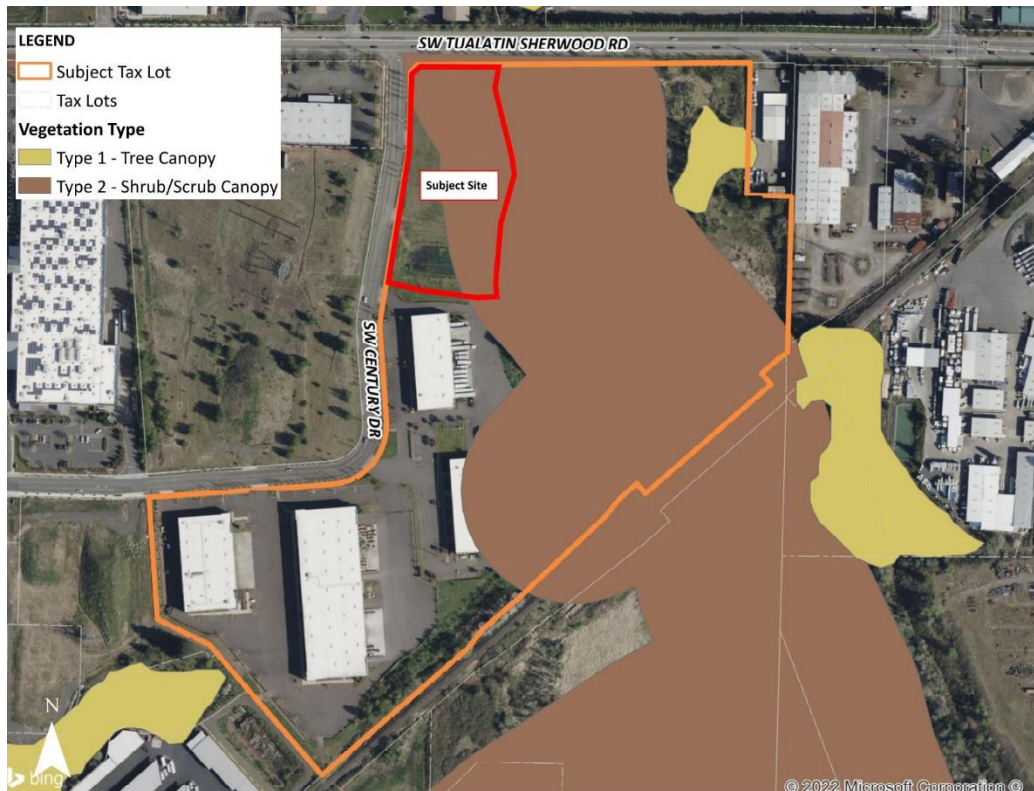


Figure 3: Metro Vegetative Cover

Summary of Plant Communities				
Corridor Conditions		Plant Communities		
		A	B	C
Good	>80% cover of native plants, and >50% tree canopy	57% canopy cover		
Marginal	50%-80% cover of native plants, and 26-50% tree canopy	50% native species		
Degraded	<50% cover of native plants, and ≤ 25% tree canopy		0% canopy, 12% native species	0% canopy, 0% native species

The condition of VC is defined by the percentages of native species and canopy cover. Based on Clean Water Services’ standards, Plant Community A is in good and marginal corridor condition. Plant Community B has a small portion (12%) of native species in degraded condition. The study area does not have Plant Community C. This standard has been met.

- c. Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and

Response: Per Table 1 of the Natural Resource Assessment Report (Attachment L) and the applicant’s response to Section 16.144.020, slopes upward from the delineated wetlands have been documented in accordance with Clean Water Services Vegetated Corridor methodology. Wetland A has slopes less than 25% throughout a majority of the site; an area southeast along Wetland A has slopes greater than 25% – these areas have an extended VC that ends at the edge of existing development parking lot. The width of the VC for Wetland A ranges from 50'-65'. The Wetland Ditch does not have slopes greater than 25%, which warrants a 50' buffer. This standard is met.

- d. Identify the riparian habitat classes applicable to all areas on the property using Table 8-1 below:

Table 8-1 – Riparian Habitat Classes				
Distance in Feet from Water Feature	Development/Vegetation Status			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
Surface Streams				
0-50	Class II	Class I	Class I	Class I
50-100		Class II	Class I	Class I
100-150		Class II if slope >25%	Class II if slope >25%	Class II
150-200		Class II if slope >25%	Class II if slope >25%	Class II if slope >25%
Wetlands (Wetland Feature itself is a Class I Riparian area)				
0-100			Class I	Class I
100-150				Class II
Flood Areas (Undeveloped portion of a flood area is a Class I Riparian area)				
0-100			Class II	Class II

Response: Based on Metro’s Regionally Significant Fish and Wildlife Habitat Area map (Figure 2 and Exhibit T), the site contains Class I Riparian Wildlife Habitat. The applicant’s wetland consultant has completed a Wetland Delineation (Exhibit K) and Natural Resource Assessment (Exhibit L), which provide a detailed description of the site vegetation.

2. Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map. The perimeter of an area delineated as "forest canopy"

on the Metro Vegetative Cover map may be adjusted to more precisely indicate the drip line of the trees within the canopied area.

Response: As identified on Metro’s Vegetative Cover map (Figure 3), shrub/scrub canopy exists on the Subject Site. The applicant’s wetland consultant has completed a Wetland Delineation (Exhibit K) and Natural Resource Assessment (Exhibit L), which provide a detailed description of the site vegetation, and the arborist report (Exhibit O) describes the trees within the portion of the tax lot west of Rock Creek. No trees are located within the Subject Site. This standard is met.

16.144.030 - Exceptions to Standards

In order to protect environmentally sensitive areas that are not also governed by floodplain, wetland and Clean Water Services vegetated corridor regulations, the City allows flexibility of the specific standards in exchange for the specified amount of protection inventoried environmentally sensitive areas as defined in this code.

A. Process

The flexibility of standards is only applicable when reviewed and approved as part of a land use application and shall require no additional fee or permit provided criteria is addressed. In the absence of a land use application, review may be processed as a Type 1 administrative interpretation.

Response: The on-site wetlands are regulated by the Oregon Department of State Lands and the U.S. Army Corps of Engineers, and the vegetated corridor is regulated by Clean Water Services. The applicant proposes to comply with applicable standards and is seeking flexibility on the parking standard per standard B.4 below. This standard is met.

B. Standards modified

1. Lot size — *Notwithstanding density transfers permitted through Chapter 16.40, when a development contains inventoried regionally significant fish and wildlife habitats as defined in Section 16.144.020 above, lot sizes may be reduced up to ten percent (10%) below the minimum lot size of the zone when an equal amount of inventoried resource above and beyond that already required to be protected is held in a public or private open space tract or otherwise protected from further development.*

Response: No lot size reduction is requested by the applicant. This standard does not apply.

2. Setbacks — *For residential zones, the setback may be reduced up to thirty percent (30%) for all setbacks except the garage setback provided the following criteria are satisfied:*

- a. The setback reduction must result in an equal or greater amount of significant fish and/or wildlife habitat protection. Protection shall be guaranteed with deed restrictions or public or private tracts.*
- b. In no case shall the setback reduction supersede building code and/or Tualatin Valley Fire and Rescue separation requirements.*
- c. In no case shall the setback be reduced to less than five feet unless otherwise provided for by the underlying zone.*

Response: The site is not located within a residential zone; therefore, this standard does not apply.

3. Density — *per Section 16.10.020 (Net Buildable Acre definition), properties with environmentally sensitive areas on site may opt to exclude the environmentally sensitive areas from the minimum density requirements provided the sensitive areas are protected via tract or restrictive easement. A proposal to remove said area from the density*

calculation must include: a delineation of the resource in accordance with Section 16.144.020C, the acreage being protected, and the net reduction below the normally required minimum for accurate reporting to Metro.

Response: The site is not located within a residential zone; this standard does not apply.

4. *Parking — Per Section 16.94.020.B.6, 10-25% of the required parking spaces may be reduced in order to protect inventoried regionally significant fish and wildlife habitat areas, provided these resources are protected via deed restrictions or held in public or private tracts.*

Response: The applicant is seeking a 20% reduction to required minimum parking due to the presence of wetlands (per Section 16.94.020.B.6), identified on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map (Exhibit T). Clean Water Services (CWS) holds a water quality easement over a portion of the vegetated corridor for water quality preservation. This standard is met.

5. *Landscaping — Per Section 16.92.030.B.6, exceptions may be granted to the landscaping standards in certain circumstances as outlined in that section.*

Response: The applicant is not seeking the option of relief from the landscaping standards per the provisions of Section 16.92.030.B.7. This standard does not apply.

Chapter 16.146 - Noise

16.146.010 - Generally

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

Response: The applicant is aware of the statewide noise standards in OAR 340-35-035 and fully intends to comply as required by law. While specific users are not known at this time, the proposed buildings are likely to emit sounds at similar levels to other commercial users in the area. The concrete construction type will assist in attenuation of indoor sounds, and no outdoor activities other than vehicle circulation are currently proposed. This standard is met.

16.146.020 - Noise Sensitive Uses

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

- A. *The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.*
- B. *The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.*
- C. *If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.*

Response: Adjoining zones are LI and GI to the north, LI to the south, GI to the east, and LI to the west. The Subject Site does not abut special care, institutional, parks and recreational facilities, or other sensitive users. Furthermore, while specific users are not known at this time, the proposed buildings are likely to emit sounds at similar levels to other light industrial and commercial users in the area. This standard does not apply.

16.146.030 - Exceptions

This Chapter does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travel ways, flight paths or other routes. This Chapter also does not apply to noise produced by humans or animals. Nothing in this Chapter shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

Response: The applicant is aware that the development is subject to the City's nuisance ordinance. This standard is met.

Chapter 16.148 - Vibrations**16.148.010 - Generally**

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

Response: While specific users are not known at this time, the proposed uses are not anticipated to generate detectable vibration at the property line based on commercial, light industrial, manufacturing, and warehouse/distribution uses typical of the Tualatin-Sherwood Road corridor. Conformance with this standard can be demonstrated at a later date when tenants have been identified. This standard is met.

16.148.020 - Exceptions

This Chapter does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flight paths or other routes. Nothing in this Chapter shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.

Response: Construction activities are anticipated to cause vibration due to grading and earth moving to create building commercial sites. The applicant's contractor will seek appropriate permits from the City and applicable agencies prior to commencing construction activities. As construction activities are exempt from this chapter, this standard does not apply.

Chapter 16.150 - Air Quality**16.150.010 - Generally**

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

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

Response: While specific users are not known at this time, the applicant intends to comply with applicable air quality standards as required by law. No incinerators are proposed. This standard is met.

16.150.020 - Proof of Compliance

Proof of compliance with air quality standards as per Section 16.150.010 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the

applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.

Response: Since specific users are not known at this time, it would be more appropriate for the City to request documentation at the time of reviewing and inspecting building permit applications for tenant improvements, rather than at the time of site plan review. This standard does not apply.

16.150.030 - Exceptions

Nothing in this Chapter shall preclude the City from abating any air quality problem as per applicable City nuisance and public safety ordinances.

Response: The applicant is aware that the development is subject to the City's nuisance and public safety ordinances. This standard is met.

Chapter 16.152 - Odors

16.152.010 - Generally

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

Response: While specific users are not known at this time, it is not anticipated that the proposed commercial uses will produce noxious odors discernible at the property line since all operations would occur indoors and any odor-producing activities would be mitigated by appropriate air quality measures. Each proposed building will have a trash enclosure to minimize any odors from waste. This standard is met.

16.152.020 - Standards

The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors.

Response: Since specific users are not known at this time, it would be more appropriate for the City to request documentation at the time of reviewing and inspecting building permit applications for tenant improvements, rather than at the time of site plan review. This standard does not apply.

16.152.030 - Exceptions

Nothing in this Chapter shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.

Response: The applicant is aware that the development is subject to the City's nuisance and public safety ordinances. This standard is met.

Chapter 16.154 - Heat and Glare

16.154.010 - Generally

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

Response: All operations will be completed indoors and thus will not create heat or visible glare from high temperature processes. No abutting properties are zoned for residential use. This standard is met.

16.154.020 - Exceptions

Nothing in this Chapter shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.

Response: The applicant is aware that the development is subject to the City's nuisance and public safety ordinances. This standard is met.

Chapter 16.156 - Energy Conservation*16.156.020 - Standards*

A. *Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.*

Response: All buildings are of suitable size to accommodate solar energy systems, should the owner or tenant choose to implement such as system. Adequate clearance is provided among buildings so that buildings will not cast shade on adjoining structures. Building 5 is oriented on a north-south axis which would allow for either south- or west-facing solar panels, while Building 6 is oriented on an east-west axis which would allow for south-facing solar panels. This standard is met.

B. *Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.*

Response: Passive cooling is possible from the placement of trees along the west side of Building 5, and the north and west of Building 6. Additionally, parking lot landscaping will provide ample shade at maturity. The site has a considerable amount of protected wetlands on site that will further magnify the effects of shading on site. This standard is met.

16.156.030 - Variance to Permit Solar Access

Variations from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

Response: The applicant is not seeking any variances to height, setbacks, or yards to accommodate solar energy. This standard does not apply.

IV. CONCLUSION

Based on the information presented and discussed in this narrative and the attached supporting plans and documentation, this application meets applicable standards necessary for land use approval. The proposed development complies with applicable standards of the Sherwood Zoning and Community Development Code. The applicant respectfully requests approval by the City.