



# NOTICE OF DECISION

**TAX LOT:** 2S129D000150

**LOCATION:** Southeast corner of the intersection of SW Tualatin-Sherwood Road and SW Century Drive

**CASE NO:** LU 2022-024 SP / CUP

**DATE OF NOTICE:** March 6, 2023

**Applicant / Owner**

ORWA Sherwood LLC  
8320 NE Highway 99  
Vancouver, WA 98665

**Applicant's Representative**

Brian Varricchione, Mackenzie  
1515 SE Water Ave, Suite 100  
Portland, OR 97214

## NOTICE

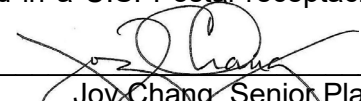
Because you are the applicant or because you testified on the subject application, you are receiving notice that on February 28, 2023, the Sherwood Planning Commission approved land use application 2022-024 SP / CUP Sherwood Industrial Park Phase III. The approval is for two buildings totaling approximately 18,497 square feet (SF) with associated parking and site improvements on an approximately 4.08-acre portion of a Light Industrial zoned site in the City of Sherwood, Oregon (Washington County Tax Lot 2S129D000150). The applicant is proposing a mix of permitted and conditional uses in the Light Industrial Zone and is seeking conditional use permit approval.

**INFORMATION:** The full Planning Commission findings report, conditions of approval, and land use exhibits can be viewed at: <https://www.sherwoodoregon.gov/planning/project/lu-2022-024-spcup-sherwood-industrial-park-iii-0> or can be obtained by contacting Joy Chang, Senior Planner, at 503-625-4214 or [changj@sherwoodoregon.gov](mailto:changj@sherwoodoregon.gov)

## APPEAL

Pursuant to Sherwood Zoning and Community Development Code Section 16.72.010.B.3.d, the Sherwood City Council is the Appeal Authority for Type IV land use decisions. Any person who testified before the Planning Commission at the public hearing or who submitted written comments prior to the close of the record may appeal the Planning Commission's decision, no later than 14 days from the date of this notice. Details on appeal procedures are located in SZCDC § 16.76. **An appeal of this decision must be filed no later than 5:00 PM on March 20, 2023.**

I, Joy Chang, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2022-024 SP / CUP was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on March 6, 2023 before 5pm.

  
\_\_\_\_\_  
Joy Chang, Senior Planner  
City of Sherwood Planning Department

**CITY OF SHERWOOD  
PLANNING COMMISSION FINDINGS  
March 2, 2023**



*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD INDUSTRIAL PARK PHASE III  
SITE PLAN REVIEW and CONDITIONAL USE PERMIT  
LU 2022-024 SP/CUP**

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Pre-App Meeting:	November 25, 2020
App. Submitted:	October 20, 2022
App. Complete:	January 11, 2023
Hearing Date:	February 28, 2023
120-Day Deadline:	May 11, 2023

**HEARING SUMMARY:**

The City of Sherwood Planning Commission (Commission) held the first evidentiary hearing on the subject application on February 28, 2023. The Commission heard presentations by City staff and the applicant. No testimony from the public was received. The Commission had concerns on the Conditional Use Permit request. The Commission was concerned that all outlets may be developed as commercial and retail thus eliminating light industrial uses. Clarifying questions were asked specifically, how Note 3 of the Uses Table in Section 16.31.020 applies to the application.

<sup>3</sup> 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.

Staff and the applicant informed the Commission that the proposed development will meet the standards of Note 3 since both buildings (Buildings 5 and 6) will have commercial uses of 18,497 square feet. The applicant also clarified that all the other buildings on the entire site (Buildings 1 through 4 of Tax Lot 150) are developed with industrial uses with approximately 1,500 square feet of commercial uses. Ultimately, all commercial uses on the site are less than the allowed 20,000 square feet.

The Commission requested that Condition A1 be modified as follows:

**A1** The Conditional Uses **a**Approved for the site are as follows **and are subject to the size limitation as described in the LI zone for the entirety of Tax Lot 150 (Phase 1 through 3, Buildings 1 through 6 of Sherwood Industrial Park):**

- Restaurants, taverns, and lounges without drive-thru,

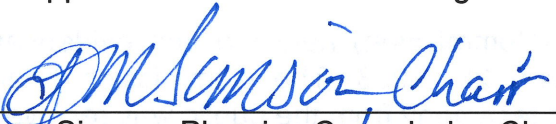
- Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar service,
- Veterinarian offices and animal hospitals, and
- Animal boarding/kennels and pet daycare facilities with outdoor recreation areas.

Furthermore, the applicant requested that Conditions B2 and G3 be amended by replacing the word “all” with “adjacent” as reflected below:

**G3** Prior to Receiving Occupancy, all outdoor storage, loading, and service areas shall be screened from ~~all~~ adjacent public streets. In addition, roof and ground mounted mechanical equipment shall be screened from view from ~~all~~ adjacent public streets.

**B2** Prior to Final Site Plan Approval, the applicant shall demonstrate that all outdoor storage, loading, and service areas are screened from ~~all~~ adjacent public streets. In addition, roof and ground mounted mechanical equipment are screened from view from ~~all~~ adjacent public streets.

After considering all the information in the record, the Commission unanimously approved the application based on the findings in the staff report with the amendments noted above.

*ba*   
 Jean Simson, Planning Commission Chair

*03/02/2023*  
 Date

**PROPOSAL:** The applicant proposes two buildings totaling approximately 18,856 square feet (SF) with associated parking and site improvements on an approximately 4.08-acre portion of a Light Industrial zoned site in the City of Sherwood, Oregon (Washington County Tax Lot 2S129D000150). The applicant is proposing a mix of permitted and conditional uses in the Light Industrial Zone and is seeking conditional use permit approval. This proposal is Phase III of the Sherwood Industrial Park.

**I. BACKGROUND**

A. Applicant/Owner: ORWA Sherwood LLC  
 8320 NE Highway 99  
 Vancouver, WA 98665

Applicant’s Representative: Brian Varricchione, Mackenzie  
 1515 SE Water Ave, Suite 100  
 Portland, OR 97214  
 bvarricchione@mcknze.com 971-346-3742

- B. Location: Located on the SE corner of the intersection of SW Tualatin-Sherwood Road and SW Century Drive. The Subject Site is the northern portion of Tax Lot 150. (Tax Lot 2S129D000150)
- C. Zoning: Light Industrial (LI)
- D. Review Type: Type IV Site Plan Review (greater than 40,000 square feet of floor area, parking, or seating capacity) and a Type III Conditional Use Permit. The reviews will be concurrent and will be processed at the higher-level review (Type IV Review). The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
- E. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before February 8, 2023. Notice of the application was also published in a local newspaper (The Times) on February 9 and 23, 2023.
- F. Review Criteria: SZCDC Chapter 16.31 Industrial Land Use Districts; Chapter 16.58 Vision Clearance and Fence Standard; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.82 Conditional Uses; Chapter 16.90 Site Planning; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.98 On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, Natural Areas; Chapter 16.146 Noise; Chapter 16.148 Vibrations; Chapter 16.150 Air Quality; Chapter 16.152 Odors; Chapter 16.154 Heat and Glare; Chapter 16.156 Energy Conservation.
- G. History and Background: The Sherwood Industrial Park received initial approval in 2000 (SP 00-01). The property owner received a separate approval in 2002 from the City and Division of State Lands (DSL) to fill approximately 5.65 acres of the wetland. The next submittal included site grading for four building pads and the future continuation of Century Drive south of SW Tualatin-Sherwood Road (SP 05-07). In 2008, the owner received site plan approval for two light industrial buildings and associated parking (SP 08-09). Phase II of the Sherwood Industrial Park received site plan approval in 2014 on the 9.45-acre portion of the site that

consisted of two tilt-up concrete shell-only buildings approximately 35,000 square feet and 72,000 square feet with 172 parking spaces.

H. Existing Conditions: The proposed development is the northern segment of Tax Lot 150 that totals 4.08-acres. This segment of the site is currently vacant, relatively flat with no trees or significant vegetation. The site has direct access to SW Century Drive. The southern segment of the TL 150 is developed with multiple buildings, parking, loading, trailer storage and related facilities. Rock Creek flows northward through the eastern portion of the property and has associated flood plain and riparian areas. There is a 50-foot wide Bonneville Power Administration and a PGE easement that traverse the site from east to west of the property.

I. Surrounding Land Uses:

- West: An industrial building and Sherwood DMV site
- South: Railroad right-of-way and auto repair building
- East: Rock Creek and an industrial building
- North: SW Tualatin-Sherwood Road and industrial buildings

## II. **AFFECTED AGENCY AND PUBLIC COMMENTS**

A. Notice of the application was sent to affected agencies via email on January 19, 2023. The following responses were received:

1. **City of Sherwood Engineering Department** – the City of Sherwood Engineering Department provided comments dated February 2, 2023 (Exhibit B1). The engineering comments address requirements for water, storm sewer, sanitary sewer, and transportation design standards, and specific Conditions of Approval and comments are included throughout the report under each applicable code section.
2. **Clean Water Services (CWS)** - A CWS Service Provider Letter (CWS File No. 22-00943) dated April 25, 2022, states that enhancement of the remaining vegetated corridor is required and conditioned (applicant's Exhibit P). Jackie Humphries, CWS, also provided comments on February 9, 2023, that indicated a Storm Water Connection Permit Authorization would be required. This will be discussed and conditioned further within this report. Her comments are attached as Exhibit B2.
3. **Washington County, Land Use & Transportation**, provided comments dated February 3, 2023 (Exhibit B3). The County comments address transportation impacts to Tualatin-Sherwood Road,

a County Arterial roadway. Specific Conditions of Approval and comments are included in Chapter 16.106 Transportation Facilities.

4. **Pride Waste Disposal** provided comments dated January 19, 2023, and indicated that the proposal cannot be approved as proposed (Exhibit B4a). The applicant worked directly with Pride Waste Disposal and slightly modified one of the trash enclosures to meet Pride Waste Disposal standards as reflected in Exhibit B4b and applicant's Exhibit N.
5. **Tualatin Valley Fire & Rescue (TVF&R)**: An approved Service Provider Permit was submitted as part of the application (TVF&R Permit #2022-0115). Applicant's Exhibit S.

ODOT Rail indicated that they have no comments (Exhibit B5). The City of Sherwood Building Department, City of Sherwood Public Works, City of Sherwood Police Department, ODOT Outdoor Advertising Sign Program, Trimet, Sherwood School District, Metro, Kinder Morgan, and Northwest Natural Gas were provided notice but did not submit comments.

#### **B. Public Comments**

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

### **III. APPLICABLE CODE PROVISIONS**

#### **Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS**

##### **16.72.010 – Generally**

###### **A. Classifications**

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

###### **3. Type III**

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

###### **a. Conditional Uses**

###### **4. Type IV**

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

###### **c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.**

**ANALYSIS:** The application is proposing greater than 40,000 SF of new industrial building space and parking area. Site Plans greater than 40,000 SF are subject to the Type IV land use review process. All subsequent land use reviews (Conditional Use Permit) will be completed concurrently.

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

**Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS**

**16.31.010 - Purpose**

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.**

**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.**

<b>Uses</b>	<b>LI</b>
<b>COMMERCIAL</b>	
• Commercial Trade Schools, commercial educational services and training facilities	P
<b>Motor vehicle related</b>	
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P
<b>Office and professional support services</b>	
• Business and professional offices <sup>3</sup>	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities <sup>3</sup>	P



• 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	P
<b>Childcare</b>	
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P
<b>General retail - sales oriented</b>	
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business <sup>3</sup>	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	P <sup>6</sup>
• Tool and equipment repair, rental and sales, including truck rental <sup>7</sup>	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P
<b>Personal services</b>	
• Health clubs and studios less than 5,000 square feet in size	P
• <b>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 services<sup>8</sup></b>	C
• <b>Veterinarian offices and animal hospitals</b>	C
• <b>Animal boarding/kennels and pet daycare facilities with outdoor recreation areas<sup>8</sup></b>	C
<b>Eating and drinking establishments:</b>	
• <b>Restaurants, taverns, and lounges without drive-thru<sup>3</sup></b>	C
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P
<b>INDUSTRIAL</b>	
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P
• Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building <sup>9</sup>	P
• Medical or dental laboratories, including biomedical compounding	P
• Laboratories (not medical or dental)	P
• Research and development and associated manufacturing	P
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses <sup>10</sup>	P
<b>WIRELESS COMMUNICATION FACILITIES</b>	
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P
<b>OTHER</b>	
Agricultural uses including but not limited to:	
• Farming and horticulture	P

<sup>1</sup> See special criteria for the EI zone, [16.31.050](#) and the Tonquin Employment Area (TEA), [16.31.060](#).

<sup>2</sup> If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

<sup>3</sup> 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.

<sup>4</sup> On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted.

<sup>5</sup> Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use - no public retail fuel sales.

<sup>6</sup> See Special Criteria for Medical Marijuana Dispensary under [Section 16.38.020](#).



<sup>7</sup> 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.

<sup>8</sup> Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

<sup>9</sup> For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations.

<sup>10</sup> These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

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

<sup>12</sup> See special standard criteria for hospitality and lodging uses within the Light Industrial Land Use District

[SZCDC 16.31.040](#).

**ANALYSIS:** The site is zoned Light Industrial (LI). Per the applicant's narrative, the proposed development is speculative in nature and is intended for both light industrial and commercial tenants, but has no specific users identified. As identified in the table above, there are several uses that are permitted outright (identified as "P" in the table above) in the LI zone. The applicant is seeking conditional use approval for future tenants (identified as "C" in the table above) of the proposed development to provide flexibility in case conditional uses seek to lease tenant space. Personal services and eating and drinking establishments are permitted conditionally in the LI zone.

**FINDING:** As discussed above, this standard is met.

### **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:**

<b>Development Standards by Zone</b>	<b>LI</b>	<b>PROPOSED SITE AREA</b>
<b>Lot area – Industrial Uses:</b>	<b>10,000 SF</b>	No Industrial Uses proposed per applicant's narrative
<b>Lot area – Commercial Uses (subject to Section 16.31.050):</b>	<b>10,000 SF</b>	± 175,000 SF
<b>Lot width at front property line:</b>	<b>100 feet</b>	± 600 feet
<b>Lot width at building line:</b>	<b>100 feet</b>	± 600 feet
<b>Front yard setback<sup>11</sup></b>	<b>20 feet</b>	± 27 feet
<b>Side yard setback<sup>10</sup></b>	<b>None</b>	20 feet
<b>Rear yard setback<sup>11</sup></b>	<b>None</b>	± 14 ft and ±200 ft
<b>Corner lot street side<sup>11</sup></b>	<b>20 feet</b>	20 feet
<b>Height<sup>11</sup></b>	<b>50 ft.</b>	± 25 feet

<sup>10</sup> 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.

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

**FINDING:** The site is not located adjacent to or within 100 feet of a park or residential zone. The proposed development standards are met as reflected in the table above.

**16.58.010 Clear Vision Areas**

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the**

third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

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

**ANALYSIS:** The Site Plan proposes two new driveway intersections with SW Century Dive (a public street). The applicant's Landscape Plan (Applicant's Exhibit F– Sheet L1.10) shows the required clear vision triangle at the intersections. A Condition of Approval is provided below to ensure the clear vision area is established on the property prior to occupancy.

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

**CONDITION OF APPROVAL (G2):** Prior to Occupancy, Clear Vision Areas shall be established at each private driveway intersection in accordance with SZCDC § 16.58.010 Clear Vision Areas.

**16.58.020 - Fences, Walls and Hedges.**

- A. **Purpose:** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. **Reserved**
- C. **Applicability:** The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply

to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.

**E. Location—Non-Residential Zone:**

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

**F. General Conditions—All Fences:**

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

**ANALYSIS:** The proposed development does not include any fencing. Two separate retaining walls are proposed as reflected in the applicant's plan (Sheet C1.13 of Exhibit F). No retaining walls are proposed to be constructed within the existing six-foot public utility easement. Sound walls are not proposed. Based on the planting plans (Sheets

L1.10-L1.11), hedges of shrubs are proposed. Per the applicant's statements, the shrubs are not anticipated to exceed four-feet in height when properly maintained. The site does not abut residential zones.

**FINDING:** Based on the analysis above, these standards are met.

## **CONDITIONAL USE**

### **Chapter 16.82 – CONDITIONAL USES**

#### **16.82.020 – Permit Approval**

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

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

**APPLICANT'S 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 four 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 a 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.

**ANALYSIS:** The site is zoned Light Industrial (LI) and the proposed commercial future tenants are speculative. A Conditional Use Permit is required for the items bulleted above in the Light Industrial zone.

**B. Final Site Plan**

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

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

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

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

**C. Use Criteria**

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

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

**ANALYSIS:** The City of Sherwood Engineering Comments (Exhibit B1) describe the public improvements required to serve the development site. The application complies or is conditioned to comply with all public facility standards.

Regarding public services, the property is served by the Sherwood Police Department, Tualatin Valley Fire and Rescue, and Pride Waste Disposal. The application has been routed to these agencies. As stated above, in the staff report, Pride Waste Disposal and TVF&R had no concerns, and the site can meet CWS stormwater standards. The site is in an industrial zone, and public parks and open spaces are not required.

**FINDING:** As described in this section and the SZCDC Division VI Public Infrastructure, this criterion is met.

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

**ANALYSIS:** The site is zoned Light Industrial. As proposed, the commercial uses for Buildings 5 and 6 conforms with applicable standards of the LI zone as reflected in Sections 16.31, 16.90, and other applicable sections of the SZCDC. The existing land uses in all directions of the site are industrial. No adverse impacts related to noise and public safety are anticipated to result from the proposed commercial uses.

**FINDING:** As discussed above, this criterion is met.

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

**Applicant's 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.

**ANALYSIS:** Staff concurs with the applicant's response above. Furthermore, the 2040 Sherwood Comprehensive plan identifies the need for Commercial uses. The following goals and policies apply to the proposed commercial uses.

**City of Sherwood 2040 Comprehensive Plan**

***Thriving and Diversified Economy - In 2040, the Sherwood economy has grown to include a variety of businesses big and small that offer stable employment opportunities, higher-wage jobs, and balance the tax base to protect and maintain Sherwood's quality of life. Sherwood provides great destinations and experiences for both residents and visitors.***

***Goal 1 - Accelerate the growth of local businesses and attract new businesses that balance the City's tax base, provide stable, high-wage jobs and capitalize on Sherwood's location and enhance the high-quality of life.***

***POLICY 1.1 Existing Business Retention, New Business Development, and Attraction of New Businesses: The City will support retention and expansion of existing businesses, growth and creation of entrepreneurial business, and***



***attraction of new businesses that align with Sherwood's Community Vision and provide a diverse mix of economic activity. The types of businesses the City wants to attract most are non-polluting businesses with wages at or above the Washington County average, such as the industries identified in the most recent Economic Opportunities Analysis.***

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***POLICY 1.4 Support business growth in Sherwood to diversify and expand commercial and industrial development in order to provide employment opportunities and expand the tax base.***

***POLICY 1.5 Retain and encourage growth of existing and new businesses in Sherwood. Allow and encourage development of commercial and industrial areas.***

***POLICY 1.6 Support the creation, development, and retention of small, entrepreneurial businesses in Sherwood.***

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The proposed development is phase three of the Sherwood Industrial Park and allows for the expansion and growth of the existing business park. The two new buildings (Buildings 5 and 6) will house new commercial tenants that will assist in accelerating the growth of local businesses.

**FINDING:** The granting of the proposal will provide for commercial use development 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. This criterion is met.

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

**Applicant's 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.

**ANALYSIS:** Staff concurs with the applicant's response above. Furthermore, the site is surrounded by Light Industrial zoned parcels, and the proposed commercial development will support and complement the surrounding uses.

**FINDING:** Based on the discussion above, this criterion is met.

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

**ANALYSIS:** The proposed commercial use and development is consistent with and compatible with the uses surrounding the site in the SW Tualatin-Sherwood Road industrial corridor. The size, shape, location, and topography will not change based on the proposed commercial use and development. A wetland delineation (applicant's Exhibit K) and a natural resource assessment (applicant's Exhibit L) were completed. Per the applicant's narrative and reflected on Sheet C1.10 (applicant's Exhibit F), the development of the site has been designed to avoid impacts to sensitive wildlife species or the natural environment. The impacts of the proposed commercial uses can be accommodated.

**FINDING:** Based on the discussion above, this criterion is met.

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

**APPLICANT'S 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.

**ANALYSIS:** Staff concurs with the applicant's response above.

**FINDING:** Based on the discussion above, this criterion is met.

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#### **D. Additional Conditions**

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

1. **Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.**
2. **Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants,**

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

**ANALYSIS:** As discussed in the findings for the conditional use approval criteria, the proposed commercial use of the site is appropriate for the property. No additional conditions are recommended related to the conditional use permit.

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

**E. Time Limits**

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

**F. Revocation**

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

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

**FINDING:** These standards are met.

**SITE PLAN**

**Chapter 16.90 – SITE PLANNING**

**16.90.020 – Site Plan Review**

**D. Required Findings**

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

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

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

**FINDING:** This standard is met.

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

**ANALYSIS:** A sanitary sewer trunk main exists east of the site in addition to a sewer line south of the proposed buildings. Water services can be obtained from a 12-inch public water main within SW Century Drive and SW Tualatin-Sherwood Road. A 12-inch public storm sewer exists within SW Century Drive and two storm sewers within SW Tualatin-Sherwood Road. There is an existing storm drainage facility located just south of the development along the southern boundary of the property. The property is located within the service districts of the Sherwood Police Department, Tualatin Valley Fire and Rescue, Clean Water Services, and Pride Waste Disposal. A TVF&R Service Provider Letter (SPL) has been obtained by the applicant. Correspondence was also received from Clean Water Services and Pride Waste Disposal. The application was also routed to affected agencies and no service issues were reported.

**FINDING:** This standard is met.

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

**ANALYSIS:** The site will be owned and maintained by a single owner. The owner is required to maintain the site and improvements in accordance with City code. Future violations would be addressed through City code compliance.

**FINDING:** 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.**

**APPLICANT'S 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). The 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.

**ANALYSIS:** Staff concurs with the applicant's response above. Impacts to significant natural features, wetlands, or trees are discussed and satisfied in Chapter 16.144 (Wetland, Habitat and Natural Areas).

**FINDING:** As discussed above, 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.**

**ANALYSIS:** The applicant has submitted a TIA that demonstrates the anticipated effect of the proposed development on the surrounding transportation system (applicant's 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. City Engineering and Washington County reviewed the TIA and address compliance in Chapter 16.106 Transportation Facilities (Exhibits B1 and B3).

**FINDING:** Based on the analysis above, 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.**

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- 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.**

**APPLICANT'S RESPONSE:** The proposed development consists of two commercial buildings with associated parking and landscaping. The applicant seeks an 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.

#### Point Breakdown

- Building Design: 19/21 possible points (exceeds the minimum of 12 points)
- Building Location and Orientation: 4/6 possible points (exceeds the minimum of 3 points)
- Parking and Loading Areas: 9/13 possible points (exceeds the minimum of 7 points)

- Landscaping: 14/24 possible points (meets the minimum of 14 points)
  - Miscellaneous: 5/10 possible points (meets the minimum of 5 points)
- TOTAL: 51/74 points (69%)

**ANALYSIS:** Staff concurs with the applicant’s response above except for “Entrance Articulation” in the Building Design. Staff identified weather protection provided via awning, porch, etc. but didn’t identify pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered – resulting in subtracting 2 points from Building Design. Based on the proposed architectural, construction, and landscape plans, the proposal has 49 points of the required 74 total points or 66%, exceeding the minimum requirement of 60%.

**FINDING:** Based on the discussion above and the Commercial Design Matrix below, these standards are met.

**COMMERCIAL DESIGN REVIEW MATRIX**

Design Criteria	Possible Points				
	0	1	2	3	4
Building Design (21 Total Points Possible; Minimum 12 Points Required)					<b>Total 17</b>
These standards may be applied to individual buildings or developments with multiple buildings.					
Materials <sup>1</sup>	Concrete, artificial materials (artificial or "spray" stucco, etc.)	Cultured stone, brick, stone, decorative patterned masonry, wood	A mixture of at least two (2) materials (i.e. to break up vertical facade)	A mixture of at least three (3) materials (i.e. to break up vertical facade)	<b>A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood</b>
Roof Form <sup>2</sup>	Flat (no cornice) or single-pitch (no variation)	Distinctive from existing adjacent structures (not	<b>Distinctive from existing adjacent structures (not</b>	—	—

<sup>1</sup>No aluminum or T-111 siding permitted.

<sup>2</sup>Pictures and/or artistic renderings must be submitted for review by the Planning Commission if metal roofs are proposed.



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

<sup>3</sup>Two (2) points if there is only one street-facing side and it is >20% glazing with inactive windows.

Structure Size <sup>4</sup> to discourage "big box" style development	Greater than 80,000 square feet	60,000—79,999 square feet	40,000—59,999 square feet	20,000—39,999 square feet	<b>Less than 20,000 square feet</b>
<b>Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required) Total of 4</b>					
Location <sup>5</sup>	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)	Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors)	<b>Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner")</b>	—	—
Orientation	Single-building site primary entrance oriented to parking lot	—	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)	—	—

<sup>4</sup>If multiple buildings are proposed, average the building sizes in the development.

<sup>5</sup>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.

	<b>Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot</b>	—	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian	—	—
Secondary Public Entrance <sup>6</sup>			<b>Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk</b>		
Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					<b>Total of 9</b>
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	<b>No parking is located between any building and a public street</b>	—
Loading Areas	Visible from public street and not screened	Visible from public street and screened	<b>Not visible from public street</b>	—	—
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	<b>At least one "landscaped" island every 6—7 parking spaces in a row</b>	—

Number of Parking Spaces <sup>6</sup>	>120%	<b>101—120%</b>	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	—
Parking Surface	<b>Impervious</b>	Some pervious paving (10—25%)	Partially pervious paving (26—50%)	Mostly pervious paving (>50%)	—
Landscaping (24 Total Point Possible, Minimum 14 Points Required)					<b>Total 14</b>
Tree Retention <sup>7</sup>	Less than 50% of existing trees on-site retained	51—60% of existing trees on-site retained	61—70% of existing trees on-site retained	71—80% of existing trees on-site retained	<b>81—100% of existing trees on-site retained</b>
Mitigation Trees <sup>8</sup>	<b>Trees mitigated off-site or fee-in-lieu</b>	25—50% of trees mitigated on-site	51—75% of trees mitigated on-site	76—100% of trees mitigated on-site	—
Landscaping Trees <sup>9</sup>	<b>Less than one tree for every 500 square feet of landscaping</b>	1 tree for every 500 square feet of landscaping	2 trees for every 500 square feet of landscaping	3 trees for every 500 square feet of landscaping	4 trees for every 500 square feet of landscaping
Landscaped Areas	Greater than 35% of landscaped areas are less than 100 square feet in size	<b>Less than 25% of landscaped areas are less than 100 square feet in size</b>	No landscaped areas are less than 100 square feet in size	—	—
Landscaping Trees greater than 3-inch Caliper	<b>&lt;25%</b>	25—50%	>50%	—	—

<sup>6</sup>Percent of minimum required.

<sup>7</sup>Based on tree inventory submitted with development application.

<sup>8</sup>When no mitigation is required, the project receives zero points.

<sup>9</sup>In addition to mitigated trees on-site, does not include Water Quality Facility Plantings.

Amount of Grass <sup>10</sup>	>75% of landscaped areas	50—75% of landscaped areas	25—49% of landscaped areas	<b>&lt;25% of landscaped areas</b>	—
Total Amount of Site Landscaping <sup>11</sup>	<10% of gross site	10—15% of gross site	16—20% of gross site	21—25% of gross site	<b>&gt;25% of gross site</b>
Automatic Irrigation	No	Partial	<b>Yes</b>	—	—
Miscellaneous (10 Total Points Possible; Minimum 5 Points Required)					<b>Total 5</b>
Equipment Screening (roof)	Equipment not screened	Equipment partially screened	Equipment fully screened	<b>Equipment fully screened by materials matching building architecture/finish</b>	—
Fences and Walls <sup>12</sup>	<b>Standard fencing and wall materials (i.e. wood fences, CMU walls etc.)</b>	—	Fencing and wall materials match building materials	—	—
On-Site Pedestrian Amenities Not Adjacent to Building Entrances	No	Yes; 1 per building	<b>Yes; more than 1 per building</b>	—	—
Open Space Provided for Public Use	<b>No</b>	Yes; <500 square feet	Yes; 500—1,000 square feet	Yes; >1,000 square feet	—
Green Building Certification				LEED, Earth Advantage, etc. (Bonus)	

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<sup>10</sup>Shrubs and drought resistant ground cover are better.

Schools automatically receive the full 3 points and are not penalized for amount of grass.

<sup>11</sup>Includes visual corridor.

<sup>12</sup>Including retaining walls.

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. and b.).**
- 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.**

**APPLICANT'S 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.

**ANALYSIS:** Staff concurs with the applicant's response above. Even though the proposed development is Commercial, the applicant has demonstrated that four of the six industrial design standards have been satisfied.

**FINDING:** Based on the discussion above, these criteria are met.

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- 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.**

**FINDINGS:** Two driveways that are more than 24-feet wide are proposed along SW Century Drive (a Collector status roadway). The Local Street Connectivity Map does not



identify future planned streets that connect to SW Century Drive at this location. Furthermore, there are no driveways or streets on the west side of SW Century Drive with which the driveways could align. This standard is met.

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#### **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.**

**FINDINGS:** This standard can be met as conditioned below.

**CONDITION OF APPROVAL (A5):** 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.

### **Chapter 16.92 – LANDSCAPING**

#### **16.92.010-Landscaping Plan Required**

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

**ANALYSIS:** The applicant submitted a landscape plan (Applicant's Exhibit F) that shows perimeter, parking lot, and site landscaping. Compliance with the specific landscaping standards is discussed below.

**FINDING:** This standard is met.

#### **16.92.020 Landscaping Materials**

##### **A. Type of Landscaping**

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

1. **Ground Cover Plants**
    - a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
    - b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.
  2. **Shrubs**
    - a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.
    - b. Shrubs must be at least the one-gallon container size at the time of planting.
  3. **Trees**
    - a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.
    - b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.
- B. Plant Material Selection and Preparation**
1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.
  2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

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

**FINDING:** These standards are met.

- C. Existing Vegetation**
1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and

vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142 (Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).

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

**ANALYSIS:** The applicant provided an Arborist Report from Teragan & Associates Inc. (Applicant's Exhibit O) that states that the disturbance area is bare and does not have any trees located within the disturbance area except for the street trees in the planter areas between the road (SW Century Drive) and sidewalk. Furthermore, the street trees will be protected with fencing during construction. Tree and landscaping standards will be met through new plantings.

**FINDING:** Based on the discussion above, these standards have been met.

**D. Non-Vegetative Features**

1. Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.
2. Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.
3. Artificial plants are prohibited in any required landscaped area.

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

**FINDING:** These standards are met.

**16.92.030 Site Area Landscaping and Perimeter Screening Standards**

**A. Perimeter Screening and Buffering**

**1. Perimeter Screening Separating Residential Zones:**

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

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

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

**2. Perimeter Landscaping Buffer**

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

**3. Perimeter Landscape Buffer Reduction**

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

**ANALYSIS:** A 15 ft. wide landscape buffer (Visual Corridor) is provided along the northern property line adjacent to SW Tualatin-Sherwood Road and a 10 ft. wide landscape buffer (Visual Corridor) adjacent to SW Century Drive (the western property line) is provided. The eastern and southern boundaries abut an open space and stormwater pond respectively. No buffer is required along the eastern and southern boundaries.

**FINDING:** As discussed above, this standard is met.

**B. Parking Area Landscaping**

**3. Required Landscaping**

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

**FINDING:** The proposed development contains 113 parking stalls that would require a minimum of 5,085 sq. ft. total of parking area landscaping. The project is providing 5,277 square feet of parking lot landscaping exceeding the minimum required. 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.**
  - b. Shrubs:**
    - (1) Two (2) shrubs are required per each space.**
    - (2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.**
  - c. Ground cover plants:**
    - (1) Any remainder in the parking area must be planted with ground cover plants.**
    - (2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.**
- 5. Individual Landscape Islands Requirements**
  - a. Individual landscaped areas (islands) shall be at least ninety (90) square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.**

- b. Each landscape island shall be planted with at least one (1) tree.
- c. Landscape islands shall be evenly spaced throughout the parking area.
- d. Landscape islands shall be distributed according to the following:
  - (3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.
- e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.

**FINDING:** The Landscape Plans (Sheets L0.01, L1.10 and L1.11 of applicant's Exhibit F) provide details on the parking lot landscaping for the development site. The plans demonstrate all parking lot landscaping requirements, including individual landscape island requirements, have been satisfied. These standards are met.

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

**ANALYSIS:** Clear vision areas are shown on the plans with a note regarding landscaping maintenance.

**FINDING:** This standard is met.

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

**be permitted when reviewed as part of a land use action application and do not require a separate variance permit.**

**FINDING:** The applicant is not requesting any additional reduction to the site landscaping requirements. This standard is not applicable.

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

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

**APPLICANT'S 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.

**ANALYSIS:** Staff concurs with the applicant's response above.

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

**CONDITION OF APPROVAL (G3):** Prior to Receiving Occupancy, all outdoor storage, loading, and service areas shall be screened from adjacent public streets. In addition, roof and ground mounted mechanical equipment shall be screened from view from adjacent public streets.

**D. Visual Corridors**

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



**ANALYSIS:** The site has frontages on SW Tualatin-Sherwood Road (Arterial status street) and SW Century Drive (Collector status street). The proposed landscaping plans show a minimum of 15-foot wide visual corridor along SW Tualatin-Sherwood Road and a 10-foot wide visual corridor along SW Century Drive. Additional visual corridor analysis can be found in Chapter 16.142.

**FINDING:** 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).

##### **C. Irrigation**

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

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

**ANALYSIS:** The applicant's landscape plans provide planting details to industry standards and indicate an automated drip irrigation system will be used.

**FINDING:** This standard is met.

## **Chapter 16.94 OFF-STREET PARKING AND LOADING**

### **16.94.010 General Requirements**

#### **A. Off-Street Parking Required**

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

**ANALYSIS:** The applicant has provided a Civil Site Plan (applicant's Exhibit F – Sheet C1.13) that includes details on the proposed parking. Parking requirements are being reviewed and approved as part of this decision.

**FINDING:** 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.

#### **C. Options for Reducing the Required Parking Spaces**

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

- a. **Within commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within five hundred (500) feet of the property line of the use to be served.**
  - b. **Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:**
    - (1) **There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or**
    - (2) **That the peak hours of operation of such establishments do not overlap, and**
    - (3) **That an exclusive permanent easement over a delineated area has been granted for parking space use.**
- 2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:**
- a. **Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.**
  - b. **Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.**
  - c. **Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.**

**ANALYSIS:** A reduction or deferral of the required parking improvements is not proposed.

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

**D. Prohibited Uses**

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

**ANALYSIS:** No long-term storage, sale of vehicles, or rented or leased parking spaces is proposed.

**FINDING:** This standard is met.

**E. Location**

- 1. Residential off-street parking spaces:**
  - a. Shall be located on the same lot or development as the residential use.**
  - b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).**
- 2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.**
- 3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.**
  - a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.**
  - b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.**

**ANALYSIS:** All required parking spaces are proposed on-site. No shared or on-street parking is proposed.

**FINDING:** These standards are met.

**F. Marking**

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

**ANALYSIS:** The Site Plan identifies clearly marked and painted parking spaces.

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

**CONDITION OF APPROVAL (G4):** Prior to issuance of occupancy, all parking, loading, and maneuvering areas shall be clearly marked and painted.

**G. Surface and Drainage**

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

**ANALYSIS:** The parking area will be paved using asphalt and a storm drainage system has been provided for the parking area, as shown in the applicant's plans.

**FINDING:** These standards are 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.**

**ANALYSIS:** The property owner will be responsible for proper maintenance of the parking and loading areas. Violations are subject to Code Compliance.

**FINDING:** This standard is met.

**I. Parking and Loading Plan**

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

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

**ANALYSIS:** The applicant has provided a Site Plan that includes details on the proposed parking. Parking requirements are being reviewed and approved as part of this decision.

**FINDING:** This standard is met.

**J. Parking Districts**

**The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.**

**ANALYSIS:** No parking districts or structured parking is proposed.

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

**16.94.020 Off-Street Parking Standards**

**A. Generally**

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

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

Use	Minimum Parking Standard	Maximum Permitted Parking Zone A <sup>1</sup>	Maximum Permitted Parking Zone B <sup>2</sup>
General retail or personal service	4.1 (244 sf)	5.1	6.2
Sports club/recreation facility	4.3 (233 sf)	5.4	6.5
General office	2.7 (370 sf)	3.4	4.1
Eating or drinking establishment	15.3 (65 sf)	19.1	23.0

<sup>1</sup> 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 (1/4) mile walking distance of bus transit stops, one-half (1/2) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

<sup>2</sup> 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 (1/4) mile walking distance of bus transit stops, one-half (1/2) mile walking distance of light rail station platforms, or both.

**APPLICANT’S 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
<b>Building 5 Total</b>		<b>8,673</b>	<b>60</b>	<b>90</b>
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
<b>Building 6 Total</b>		<b>9,824</b>	<b>79</b>	<b>119</b>
<i>Total prior to sensitive lands reduction</i>	-	<i>18,497</i>	<i>139</i>	<i>209</i>
<b>20% reduction per Section 16.94.020.B.6</b>	-	<b>18,497</b>	<b>111</b>	<b>209</b>

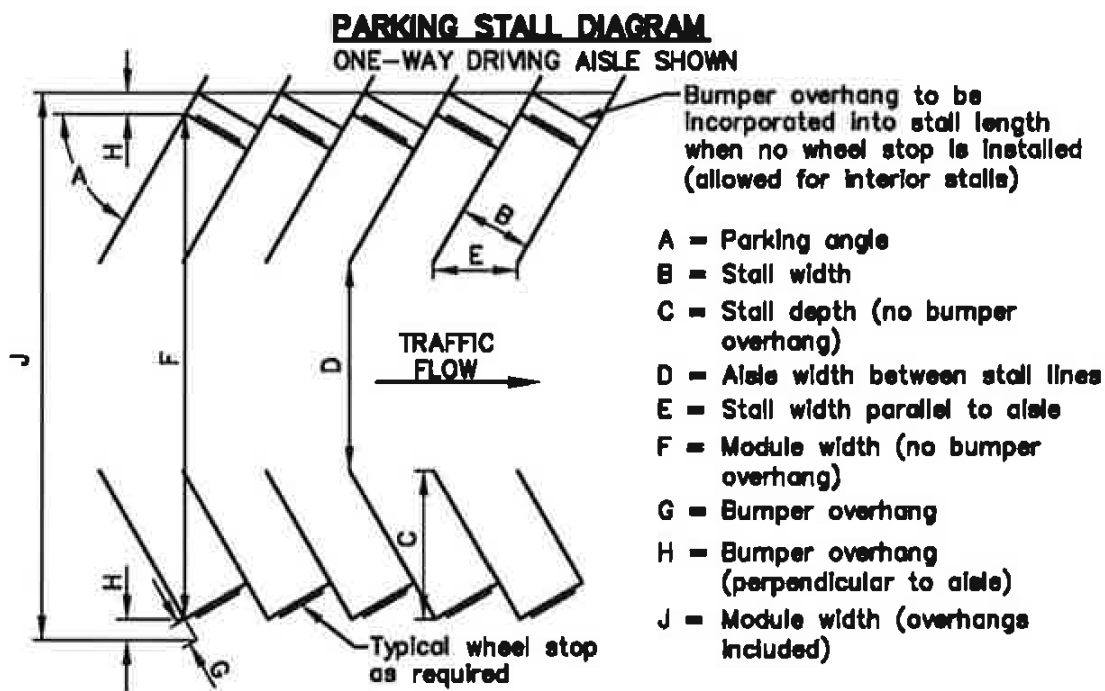
In addition to the calculations in Table 4, if all tenant spaces were to be classified as a General retail or personal service (parking rate of 4.1 spaces per 1,000 SF), the required minimum number of parking spaces would be 62 parking stalls (including 20% reduction per Section 16.94.020.B.6) and a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

**ANALYSIS:** Staff concurs with the applicant’s response above, since the proposed commercial development is speculative. A total of 113 parking spaces are proposed meeting the minimum requirement of 111 (calculated with the 20% reduction per Section 16.94.020.B.6).

**FINDING:** This standard is met.



**B. Dimensional and General Configuration Standards**

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

maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

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

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

**ANALYSIS:** The Site Plan shows the dimensions of proposed parking stalls and drive aisle meeting the dimensional standards. No compact stalls are proposed.

**FINDING:** These standards are 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.**

**APPLICANT’S 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.

**ANALYSIS:** Staff concurs with the applicant’s response above.

**FINDING:** Based on the discussion above, this criterion is met.

\*\*\*

## **6. Reduction in Required Parking Spaces**

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

**ANALYSIS:** The proposed development qualifies for a 20% reduction since the development is required to have more than 75 parking spaced and the eastern portion of the site is environmentally sensitive land. The environmentally sensitive land consists of a CWS vegetated corridor, Rock Creek and an identified wetland.

**FINDING:** Based on the discussion above, this criterion is met.

\*\*\*

## **C. Bicycle Parking Facilities**

### **1. General Provisions**

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

- d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
  - e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.
- 2. Location and Design.**
- a. **General Provisions**
    - (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
    - (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
    - (3) **Lighting.** Bicycle parking shall be at least as well lit as vehicle parking for security.
    - (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
    - (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
    - (6) **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.
  - b. **Short-term Bicycle Parking**
    - (1) Provide lockers or racks that meet the standards of this section.
    - (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.

**Table 4: Minimum Required Bicycle Parking Spaces**

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

**ANALYSIS:** The applicant is proposing commercial development for both buildings. Based on Table 4 above, retail sales/service office commercial use requires a minimum of 2 spaces or 1 per 20 auto spaces, whichever is greater. The applicant provided Table 5 below, based on each building square footage calculations. The site is required to have 5 bicycle spaces and the proposal exceeds the minimum by providing 8 bicycle spaces. The Site Plan indicates two sets of bike racks located near each building frontages.

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
<b>Total</b>	<b>79</b>	<b>5</b>	<b>0</b>	<b>8</b>

**FINDING:** Based on the analysis above, this standard is met.

**16.94.030 - Off-Street Loading Standards**

**A. Minimum Standards**

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.

3. **Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.**
4. **The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:**
  - a. **Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.**
  - b. **Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.**

**ANALYSIS:** The development will include one loading area at the east end of the site, adjacent to the northern trash enclosure. The loading area has dimensions of 10-ft. by 25-ft. and is 250 SF that meets the minimum loading area standard for non-residential uses.

**FINDING:** Based on the discussion above, this standard is met.

**B. Separation of Areas**

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

**ANALYSIS:** The loading area is located adjacent to a landscape area and along the east edge of the parking area. The loading area screened from the adjacent public streets by landscaping, retaining wall, grade, vehicle parking area and buildings.

**FINDING:** This standard is met.

**C. Exceptions and Adjustments.**

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

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

4. Does not obstruct a primary emergency response route; and
5. Is acceptable to the applicable roadway authority.

**ANALYSIS:** No exceptions are requested.

**FINDING:** This standard is met.

## **Chapter 16.96 - ONSITE CIRCULATION**

### **16.92.010 – On-Site Pedestrian and Bicycle Circulation**

#### **A. Purpose**

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached housing), shall provide a continuous system of private pathways/sidewalks.

#### **B. Maintenance**

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

#### **C. Joint Access**

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

#### **D. Connection to Streets**

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

**ANALYSIS:** The development will provide an on-site pedestrian pathway system that extends from the right-of-way to the building entrances and around the perimeter of the buildings.

**FINDING:** This standard is met.

- E. Maintenance of Required Improvements**  
**Required ingress, egress and circulation improvements shall be kept clean and in good repair.**

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

**FINDING:** This standard is met.

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

- G. Service Drives**  
**Service drives shall be provided pursuant to Section 16.94.030.**

**ANALYSIS:** Vehicle access is not proposed from Hwy 99 or an arterial (SW Tualatin-Sherwood Road). Service drives are not proposed.

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



**16.96.030 - Minimum Non-Residential Standards**

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

**A. Driveways**

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

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

**ANALYSIS:** The proposed development has greater than 50 parking spaces; therefore, requiring two driveways. As reflected on the plans, two existing two-way driveways provide access to the proposed development. All driveways exceed the 24 ft. minimum width standard.

**FINDING:** This standard is met.

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

**B. Sidewalks and Curbs**

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

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

3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front

entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.

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

**ANALYSIS:** The Site Plan indicates sidewalks and curbs will be constructed with concrete. The primary pathways are a minimum of 6 ft. wide while the secondary pathways are a minimum of 4 ft. wide.

**FINDING:** This standard is met.

## **Chapter 16.98 - ONSITE STORAGE**

### **16.98.020 Solid Waste and Recycling Storage**

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

**ANALYSIS:** The applicant is proposing two trash enclosures along the eastern edge of the site that measures 14 ft by 26 ft and allows for straight on access. The original application showed the southern trash enclosure not meeting the 75 ft straight on access required by Pride Waste Disposal (Exhibit B4.a). The applicant has slightly modified the southern trash enclosure to meet Pride Waste Disposal Standard. Pride Waste Disposal has provided updated comment on the application (Exhibit B4.b) stating their standards are satisfied as proposed. The waste and recycling service areas are located out of public view to the extent possible and will be screened by a 6 ft black vinyl-clad chain-link fence with operable gates.

**FINDING:** Based on the analysis above, this standard is met.

## **Chapter 16.106 - TRANSPORTATION FACILITIES**

### **Sections 16.106.010 Generally through 16.106.090 Rough Proportionality**

**ANALYSIS:** The subject property has street frontage along SW Tualatin-Sherwood Road (County Arterial) to the north and SW Century Drive (City Collector) to the west. Currently there are two existing driveways for site access on SW Century Drive that were constructed as part of the original development. The developer proposes to use both driveways for the subject development. No access to SW Tualatin-Sherwood Road will be allowed.

Currently SW Tualatin-Sherwood Road is under construction with widening improvements being installed along the subject property frontage. SW Century Drive was previously installed in conjunction with earlier Sherwood Industrial Park development. SW Century Drive was constructed to a 42-foot wide paved section with 5-foot wide landscape strips and 5-foot wide sidewalks on each side within a 62-foot wide right-of-way. Current city standards for a collector status street is for a 48-foot wide paved section with 5-foot wide landscape strips and 6-foot wide sidewalks on each side within a 72-foot right-of-way section. The existing roadway appears to have been

offset within the right-of-way causing the public sidewalk on the east side of SW Century Drive to be partially located on private property.

It appears that the original design for SW Century Drive adjacent to the subject property was not intended to have bike lanes along this section of roadway. Due to this, the existing street pavement width is 6 feet, narrower than what the current standards requires for a collector status street. Since SW Century Drive in the vicinity of the subject development was not intended to have bike lanes and since a multi-use sidewalk is available along the east side of SW Langer Farms Parkway between SW Tualatin- Sherwood Road and SW Century Drive, widening of the existing roadway to provide for a bike lane along the subject property frontage will not be required.

The current city standard for sidewalk width along SW Century Drive is 6 feet. The existing sidewalk is currently only 5 feet in width. Therefore, the developer will be required to remove the existing sidewalk and replace it with a new 6-foot wide sidewalk. The sidewalk shall be installed at a location to provide a 5-foot wide landscape strip from face of curb to front of sidewalk. A 1-foot wide buffer behind the sidewalk within the right-of-way will be required. Dedication of right-of-way as necessary to meet these conditions is required.

An 8-foot wide Public Utility Easement (PUE) is required along the frontage of SW Tualatin-Sherwood Road and SW Century Drive adjacent to the subject development and the existing/proposed regional storm water quality/hydromodification facilities.

A traffic impact analysis has been submitted by the developer and reviewed by the County. Washington County has noted that they will be monitoring the north entrance

to the site for traffic issues upon the finishing of the public improvements/widening of SW Tualatin-Sherwood Road and after the development of this site improvement. The concern is that the northern driveway's location in respect to the SW Tualatin-Sherwood Road/SW Century Drive intersection could create traffic issues with the SW Tualatin- Sherwood Road/SW Century Drive intersection.

Washington County, Land Use & Transportation comments (Exhibit B3)

Washington County Department of Land Use and Transportation has reviewed the above noted development application to construct two buildings totaling approximately 18,856 square feet (SF) with associated parking and site improvements on an approximately 4.08-acre portion of the subject parcel. Access to the site is proposed via two (2) driveways on SW Century Drive, a city-maintained road. The subject parcel has frontage on SW Tualatin-Sherwood Road, a county-maintained Arterial (5 lanes). The county's MSTIP Tualatin-Sherwood Road capital project will complete the 5 lane half-street design along the subject site's frontage. Rights-of-way, slope, and temporary construction easements have been obtained from the subject site to complete the capital project.

The applicant submitted a Traffic Impact Analysis (TIA) dated September 26, 2022, for the proposed development. County Traffic Engineering has reviewed the TIA for compliance with County R&O 86-95 "Determining Safety Improvements for Traffic" for developments that impact County-maintained roads. The County engineer would like to add once the County's project is completed to 5 lanes on SW Tualatin-Sherwood Road the first access driveway could potentially be located within the standing queue on Century Drive. The County will monitor for traffic and safety impacts to SW Tualatin-Sherwood Road.

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

**CONDITION OF APPROVAL (C1):** Prior to Approval of Engineering Public Improvement Plans, the developer shall design for installation of a 6-foot wide sidewalk along the subject development and the existing/proposed regional storm water quality/hydromodification facilities frontage of SW Century Drive meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (F2):** Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way as necessary to encompass a 5-foot wide landscape strip (including curb), 6-foot wide sidewalk and a 1-foot wide buffer along the subject development and the existing/proposed regional storm water quality/hydromodification facilities frontage of SW Century Drive meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (F3)** Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along the subject development and the existing/proposed regional storm water quality/hydromodification facilities frontage of SW Century Drive and SW Tualatin-Sherwood Road meeting the approval

of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

**CONDITION OF APPROVAL (D1):** Prior to Approval of a Grading/Erosion Control Permit, obtain a Washington County Right-of-Way Permit(s) for all work proposed within SW Tualatin-Sherwood Road right-of-way. No work within the County's slope easement on SW Tualatin-Sherwood Road is permitted unless approved by Capital Projects.

**CONDITION OF APPROVAL (B1):** Prior to Final Site Plan Approval, provision of a non-access reservation along the subject parcel's SW Tualatin-Sherwood Road frontage shall be recorded with Washington County per Exhibit B3.

**CONDITION OF APPROVAL(G7):** Prior to Issuance of Final Occupancy, Washington County Conditions of Approval per Exhibit B3 shall be met.

## **Chapter 16.108 – Improvement Plan Review**

### **16.108.010 – Preparation and Submission**

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

**A. Review Fee**

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

**B. Engineering Agreement**

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

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

**ANALYSIS:** Work will be conducted in the right-of-way as part of the proposed development and an Engineering Compliance Agreement is required.

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

**CONDITION OF APPROVAL (E2):** Prior to Issuance of Building Permits, an Engineering Compliance Agreement shall be executed with the City of Sherwood Engineering Department.

**Chapter 16.110 – SANITARY SEWERS**

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

**ANALYSIS:** City of Sherwood Engineering comments state that a sanitary sewer trunk main currently exist east of the proposed development and west of Rock Creek within the subject property. There is also a 10-inch diameter sanitary sewer line that goes between the sanitary sewer trunk main and SW Century Drive through the subject property, south of the proposed buildings. Furthermore, there is an 8-inch diameter sanitary sewer within SW Tualatin-Sherwood Road. There is no sanitary sewer within SW Century Drive along the frontage where the new buildings are to be constructed.

Since all surrounding properties have access to public sanitary sewer, extension of the public sanitary sewer is not required.

The layout design for the parking lot shall provide access to existing sanitary sewer manholes located within the subject property in the vicinity of the subject development.

**FINDING:** Based on the analysis above, the criteria can be satisfied as conditioned below.

**CONDITION OF APPROVAL (C2):** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to the proposed development meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (F4):** Prior to Acceptance of Public Improvements, the developer shall record a maintenance access easement to the City of Sherwood for access to sanitary sewer manholes located in the vicinity of the subject development meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (G8):** Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## **Chapter 16.112– WATER SUPPLY**

### **16.112.010 Required Improvements**

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

**ANALYSIS:** City of Sherwood Engineering comments state that there is currently an existing 12-inch diameter public water main within SW Century Drive and SW Tualatin-Sherwood Road along the entire length of the subject property frontage.

Since all surrounding properties have access to public water, an extension of the public water system is not required except as necessary to provide public water service (domestic and fire as necessary) to the proposed development.

Reduced pressure backflow assembly will be required on domestic water services.

**FINDING:** Based on the analysis above, this standard is met as conditioned below.

**CONDITION OF APPROVAL (C3):** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide domestic water service and fire protection (as needed) to the subject development meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (F5):** Prior to Acceptance of Public Improvements, any public water lines/facilities located within private property shall have a dedicated public water line easement encompassing the lines/facilities meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (G9):** Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## **Chapter 16.114 – STORM WATER**

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

**ANALYSIS:** The City of Sherwood Engineering comments state that there is currently a 12-inch diameter public storm sewer within SW Century Drive and two storm sewers

within SW Tualatin-Sherwood Road. Since all surrounding properties have access to public storm sewer, extension of the public storm sewer is not required.

Currently storm water runoff from previous phases of the development and from SW Century Drive flow to an existing storm water quality facility located just south of the subject development within the subject property. This facility was constructed prior to Clean Water Services (CWS) establishing hydro-modification requirements. The existing facility was never accepted into the city inventory as it has never made it through the 2-year maintenance period.

The City of Sherwood holds a permanent storm water quality facility easement over the above stated storm water quality facility. The existing facility is lacking fencing.

The developer has proposed to fix the facility of its deficiencies and bring it up to current CWS standards for storm water quality treatment (which will need to account for all existing/new/future impervious area within the basin flowing to the facility). Furthermore, the developer proposes to use/modify the existing facility to provide hydro-modification for the proposed development.

The subject development is required to provide storm water quality treatment and hydro-modification for all new/modified impervious area unless otherwise approved by the City of Sherwood and Clean Water Services (CWS). The storm water quality facility shall also treat storm water runoff from all existing impervious area flowing to the facility. The developer may desire to design the hydro-modification aspect of the facility to have the ability to provide hydro-modification for the property on the west side of SW Century Drive which is owned by the developer of the subject property.

A final storm report in compliance with CWS standards is required.

The layout design for the parking lot shall provide access to the flow control manhole for the existing storm water quality facility located within the subject property.

Storm runoff pre-treatment will be required prior to discharge to the regional storm water quality facility. A private stormwater facility access and maintenance covenant will be required over any storm water quality/hydro-modification facilities outside of the proposed regional storm water quality/hydro-modification facility.

Clean Water Services provided comments dated February 9, 2023, Exhibit B2, and states that a CWS Storm Water Connection Permit Authorization must be obtained.

**FINDING:** Based on the analysis above, this standard is met as conditioned below.

**CONDITION OF APPROVAL (C4):** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to the subject development meeting the approval of the Sherwood Engineering Department.



**CONDITION OF APPROVAL (C5):** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide corrective actions for the existing on-site storm water quality treatment facility to provide for treatment of all existing/future impervious area flowing to the facility as well as all new impervious area from the development of the subject property in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (C6):** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide for hydro-modification coverage for all new impervious area from the development of the subject property within the existing storm water quality facility in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (C7):** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide a final storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (C8):** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide fencing around the storm water quality/hydro- modification facility meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (F6):** Prior to Acceptance of Public Improvements, the developer shall record a private stormwater facility access and maintenance covenant for any storm water quality/hydro-modification facilities outside of the proposed regional storm water quality/hydro-modification facility meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (F7):** Prior to Acceptance of Public Improvements, the developer shall record a maintenance access easement to the City of Sherwood for access to the proposed regional stormwater facility meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (F8):** Prior to Acceptance of Public Improvements, the developer shall record a storm water quality facility easement increasing the size of the existing easement, if deemed necessary by the Sherwood Engineering Department. This new easement shall be laid out to meet the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL (G10):** Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**CONDITION OF APPROVAL (C9):** Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization must be obtained per Exhibit B2.

## **Chapter 16.116 - FIRE PROTECTION**

### **16.116.010 Required Improvements**

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

**A. Capacity**

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

**B. Fire Flow**

**Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.**

**C. Access to Facilities**

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

**D. Hydrants**

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

**ANALYSIS:** Fire protection and emergency services are provided by Tualatin Valley Fire and Rescue (TVFR). The applicant has obtained a Service Provider Letter from TVF&R included as Applicant's Exhibit S.

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

**CONDITION OF APPROVAL (G5):** Prior to receiving occupancy, obtain final approval from Tualatin Valley Fire & Rescue for occupancy of the site and building.

## **Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES**

### **16.118.010 Purpose**

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

### **16.118.020 Standard**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**

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

**16.118.030 - Underground Facilities**

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

**16.118.040 - Exceptions**

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

**ANALYSIS:** No overhead utilities currently exist along the subject property street frontage. As identified above, all new utilities are required to be placed underground. Sherwood Broadband does not exist along the subject property frontages of SW Tualatin-Sherwood Road and SW Century Drive. Therefore, Sherwood Broadband conduits and vaults will be required along these frontages.

**FINDING:** Based on the analysis above, these standards are met as conditioned below.

**CONDITION OF APPROVAL (A9):** Per City of Sherwood standards, all new utilities shall be placed underground.

**CONDITION OF APPROVAL (F9):** Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the frontage of SW Tualatin- Sherwood Road and SW Century Drive adjacent to the subject development and the existing/proposed regional storm water quality/hydromodification facilities per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

**Chapter 16.142 PARKS, TREES, AND OPEN SPACE**

\*\*\*

**16.142.060: STREET TREES**

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

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

1. **Location:** Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.
2. **Size:** Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.
3. **Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
4. **Required Street Trees and Spacing:**
  - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.
  - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
  - c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
    - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or

- (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
- (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
- (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
- (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

**ANALYSIS:** As reflected on Sheets L1.10 and L1.11 of the applicant's Exhibit F, street trees have already been planted along the site's frontages on SW Century Drive and SW Tualatin-Sherwood Road. No street trees are proposed for removal.

**FINDING:** Based on the analysis above, this standard is met.

#### **16.142.070 Trees on Property Subject to Certain Land Use Applications**

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

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

##### **B. Applicability**

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

**C. Inventory**

- 1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:**
  - a. Tree size (in DBH and canopy area)**
  - b. Tree species**
  - c. The condition of the tree with notes as applicable explaining the assessment**
  - d. The location of the tree on the site**
  - e. The location of the tree relative to the planned improvements**
  - f. Assessment of whether the tree must be removed to accommodate the development**
  - g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.**
- 2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.**
- 3. Definitions for the inventory purposes of this Section**
  - a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.**
  - b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.**
  - c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.**

**D. Retention requirements**

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

**FINDING:** Per the arborist report from Teragan & Associates, Inc. (applicant’s Exhibit O) and plan sheets (L1.10, L1.11, and C1.51 of applicant’s Exhibit F), the site is bare and does not have any trees located within the disturbance area except for the street trees in the planter areas between the road and sidewalk. There are no proposed removals for the project. These standards do not apply.

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  $\pi r^2$  to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
<b>Canopy Requirement</b>	40%	N/A	30%
<b>Counted Toward the Canopy Requirement</b>			
<b>Street trees included in canopy requirement</b>	Yes	N/A	No
<b>Landscaping requirements included in canopy requirement</b>	N/A	N/A	Yes
<b>Existing trees onsite</b>	Yes x2	N/A	Yes x2



	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Planting new trees onsite	Yes	N/A	Yes
<p><b>Mature Canopy in Square Feet Equation <math>\pi r^2</math> or <math>(3.14159 * \text{radius}^2)</math> (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.</b></p>			
<p><b>Canopy Calculation Example: Pin Oak</b>  <b>Mature canopy = 35'</b>  <b><math>(3.14159 * 17.52) = 962</math> square feet</b></p>			

**ANALYSIS:** The proposed site area is 175,001 SF which requires a minimum of 52,500 SF of tree canopy cover. The landscape plans (Sheet L0.01 of the applicant's Exhibit F) indicate a total of 68,688 SF (39%) of tree canopy cover will be provided exceeding the 30% requirement.

**FINDING:** Based on the analysis above, this standard is met.

**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.**

**APPLICANT'S 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 wetland<sup>2</sup> (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.

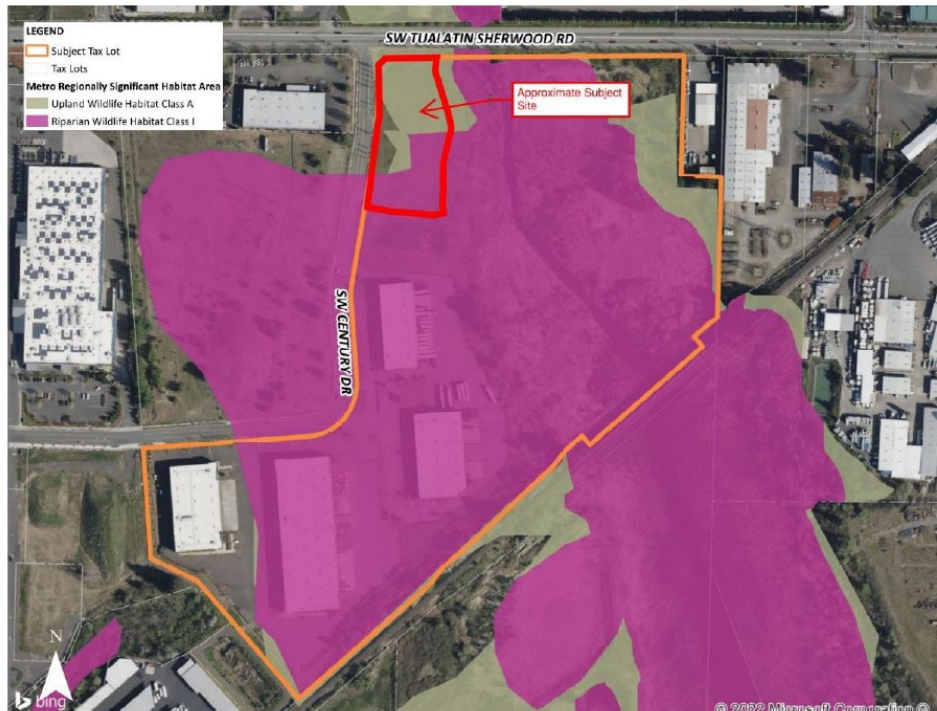


Figure 2: Metro Regionally Significant Fish and Wildlife Habitat Area

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.

<sup>2</sup> 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.

**ANALYSIS:** The applicant provided a Natural Resource Assessment prepared by Pacific Habitat Services (PHS), Exhibit L of applicant's materials, that identifies and describes those significant resources located within the boundaries and within 50-feet of the site as described below.

**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.**

**APPLICANT'S RESPONSE:** Three wetlands<sup>3</sup> 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 the 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.

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<sup>3</sup> See Footnote 2

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"> <li>▪ &gt; 0.5 acres and not isolated</li> <li>▪ Slopes majority &lt; 25%; areas &gt;25% to west</li> </ul>
Wetland Ditch	Regulated: 50' Actual: 43' to 50'*	<ul style="list-style-type: none"> <li>▪ &lt; 0.5 acres and isolated</li> <li>▪ Slopes &lt;25%</li> </ul>
Stormwater Pond	0'	<ul style="list-style-type: none"> <li>▪ Artificially created Stormwater Feature</li> </ul>
*In some areas, the regulated VC is truncated by existing development		

No impacts or alterations are proposed to the wetlands<sup>3</sup> 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.

**FINDING:** Staff concurs with the applicant's analysis. Based on the discussion above, this standard is met.

- 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.**

**ANALYSIS:** As described in the Clean Water Services Service Provider Letter (22-000943, applicant's Exhibit P), the planned on-site improvements are subject to enhancements/mitigation measures to protect water quality according to Clean Water Services standards.

- c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.**

**ANALYSIS:** As described in the Service Provider letter from Clean Water Services (applicant's Exhibit P) Condition 3, authorization from the appropriate state and federal agencies is 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.**

<sup>3</sup> See Footnote 2

**ANALYSIS:** The Service Provider Letter from Clean Water Services (applicant's Exhibit P) outlines the planned encroachment areas and required mitigation.

#### **16.144.020 - Standards**

**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:**

**ANALYSIS:** The City's 1992 Wetland Inventory depicted wetlands throughout much of the property at that time, and the Comprehensive Plan's Natural Resources and Recreation Map depicts Greenway/Visual Corridor/Open Space on the property along Rock Creek at the eastern boundary of the proposed site. The applicant included a detailed Natural Resource Assessment prepared by PHS describing and delineating the significance and functional value of natural features on the site.

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

**APPLICANT'S 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.

**ANALYSIS:** Staff concurs with the applicant's analysis above. Furthermore, city policy requires that prior to grading, a permit is obtained from the Building Department for grading on the private portion of the site. The Engineering Department requires a grading permit for all areas graded as part of the public improvements.

- The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.
- The proposed development will disturb less than 5 acres, therefore a DEQ NPDES 1200-CN is required unless a 1200-C permit is required by CWS or DEQ.

**FINDING:** Based on the discussion above, these standards are met as conditioned below.

**CONDITION OF APPROVAL (C10):** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-CN or 1200-C permit.

#### **16.144.020 - Standards**

**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.**

**APPLICANT'S 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).

**FINDING:** Staff concurs with the applicant's analysis. Based on the discussion above these criteria are met.

- 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.

**APPLICANT'S 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.

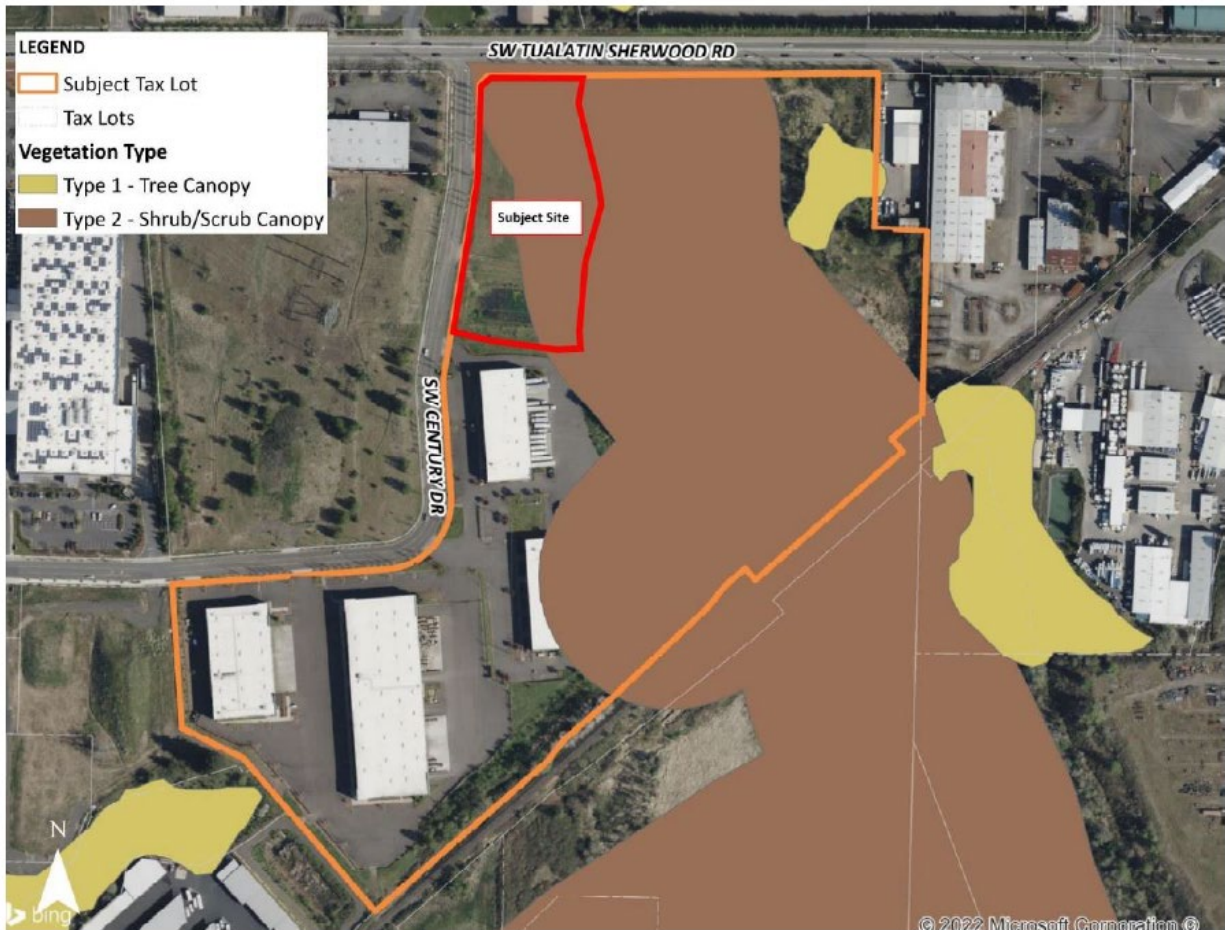


Figure 3: Metro Vegetative Cover



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.

**FINDING:** Staff concurs with the applicant’s analysis. Based on the discussion above these criteria are 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**

**APPLICANT’S 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.

**FINDING:** Staff concurs with the applicant’s analysis. Based on the discussion above this criterion is met.

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

Distance in feet from Water Feature	Development/Vegetation Status			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scatted forest canopy)	Forest Canopy (closed to open forest canopy)
<b>Surface Streams</b>				
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%
<b>Wetlands (Wetland feature itself is a Class I Riparian Area)</b>				
0-100			Class I	Class I
100-150				Class II
<b>Flood Areas (undeveloped portion of a flood area is a Class I Riparian area)</b>				
0-100			Class II	Class II

**APPLICANT'S 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.

**FINDING:** Staff concurs with the applicant's analysis. Based on the discussion above this criterion is met.

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.**

**APPLICANT'S 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.

**FINDING:** Staff concurs with the applicant's analysis. Based on the discussion above this criterion 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.**

**ANALYSIS:** 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.

**FINDING:** As discussed above, this standard is met.

##### **B. Standards modified**

- 1. Lot size — Not withstanding 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.**

**ANALYSIS:** The applicant is not proposing any lot size reduction. This criterion 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
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.**

**ANALYSIS:** The site is not located within a residential zone. These criteria do 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.**

**APPLICANT’S RESPONSE:** The applicant is seeking a 20% reduction to the 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.

**FINDING:** Staff concurs with the applicant’s analysis. Based on the discussion above this criterion 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.**

**ANALYSIS:** The applicant is not proposing the option of relief from the landscaping standards per the provisions of Section 16.92.030.B.6. Therefore, this criterion does not apply.

**GENERAL WETLAND ANALYSIS:** The proposed development has received a Wetland Delineation/Determination Concurrence Letter issued by the State of Oregon Department of State Lands (DSL), WD# 2022-0166 dated October 12, 2022, included as applicant’s Exhibit K.

A Clean Water Services Service Provider Letter (CWS File No. 22-000943) was provided dated April 25, 2022, stating that enhancement of remaining vegetated corridor is required and conditioned (applicant’s Exhibit P).

No permit or joint permits from United States Army Corps of Engineers (USACE), National Marine Fisheries Service (NMFS), DSL, etc. have been submitted with this application. If needed, all necessary permit(s) from outside jurisdictional agencies will need to be obtained and submitted before an Engineering Compliance Agreement is issued for this project.

**FINDINGS:** Based on the above discussion, the standards can be met as conditioned below.

**CONDITION OF APPROVAL (F10):** Prior to Acceptance of Public Improvements, the applicant shall have complied with all the requirements and conditions of permit(s) issued by City, CWS, DSL, USACE, and/or NMFS, as applicable.

**CONDITION OF APPROVAL (C11):** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide vegetative corridors planting plans complying with the conditions of the CWS Service Provider Letter (22-000943) and meeting the approval of the Sherwood Engineering Department.

## **Chapter 16.146 - Noise**

### **16.146.020 - Noise Sensitive Uses**

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

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

**ANALYSIS:** The development site is surrounded in all directions by industrial zoning, and a noise study is not required. The proposed commercial uses are not expected to generate noise levels exceeding state standards. Any future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

**FINDING:** Based on the analysis above, this standard is met.

## **Chapter 16.148 - Vibrations**

### **16.148.010 - Vibrations**

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

**ANALYSIS:** The development site is surrounded in all directions by industrial zoning. The proposed commercial uses are not expected to create vibrations in excess of 0.002 gravity at the property line. Any future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

**FINDING:** Based on the analysis above, this standard is met.

## **Chapter 16.150 - Air Quality**

### **16.150.010 – Air Quality**

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

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

**ANALYSIS:** The development site is surrounded in all directions by industrial zoning. The proposed commercial uses are not expected to produce dust and air quality emissions that negatively impact adjacent properties. Any future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

**FINDING:** Based on the analysis above, this standard is met.

## **Chapter 16.152 - Odors**

### **16.152.010 - Odors**

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

**ANALYSIS:** The development site is surrounded in all directions by industrial zoning. The proposed commercial uses are not expected to produce odors that negatively impact adjacent properties. Any future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

**FINDING:** Based on the analysis above, this standard is met.

#### **Chapter 16.154 - Heat and Glare**

##### **16.154.010 – Heat and Glare**

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

**ANALYSIS:** The development site is surrounded in all directions by industrial zoning. The proposed commercial uses are not expected to produce excessive heat or glare. Any future violations related to heat and glare can be addressed by the applicable State agency or City Code Compliance.

**FINDING:** Based on the analysis above, this standard is met.

#### **Chapter 16.156 - Energy Conservation**

##### **16.156.020 Standards**

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

**ANALYSIS:** Per the applicant's narrative, all buildings are of suitable size to accommodate solar energy systems, should the owner or tenant choose to implement such a system. Adequate clearance is provided among buildings so that buildings will not cast shade on adjoining structures. Trees and vegetation will be provided around the perimeter of the site and buildings for shade and cooling effects in the summer and

moderate winds in the winter. Furthermore, the site has protected wetlands that will further magnify the effects of shading on the site.

**FINDING:** Based on the above analysis, this standard is met.

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

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

**Therefore, staff recommends approval of LU 2022-024 SP CUP Sherwood Industrial Park Phase III subject to the following conditions of approval:**

##### **A. General Conditions**

1. The Conditional Uses approved for the site are as follows and are subject to the size limitation as described in the LI zone for the entirety of Tax Lot 150 (Phase 1 through 3, Buildings 1 through 6 of Sherwood Industrial Park):
  - 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.
2. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
3. The development shall substantially comply with the submitted preliminary plans and narrative except as indicated in the conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
4. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
5. 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.
6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.



7. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.
8. The developer shall adhere to the conditions of the Clean Water Services Service Provider Letter (CWS File Number 22-000943) and design and maintain the site in accordance with applicable CWS standards.
9. All new utilities to be installed for the development of the subject property shall be underground.
10. Retaining walls within public easements or the public right-of-way shall require engineering approval.
11. The applicant must submit a sign permit to install future signage on the site.

**B. Prior to Final Site Plan Approval**

1. Prior to Final Site Plan Approval, provision of a non-access reservation along the subject parcel's SW Tualatin- Sherwood Road frontage shall be recorded with Washington County per Exhibit B3.
2. Prior to Final Site Plan Approval, the applicant shall demonstrate that all outdoor storage, loading, and service areas are screened from adjacent public streets. In addition, roof and ground mounted mechanical equipment are screened from view from adjacent public streets.

**C. Prior to Engineering Approval of the Public Improvement Plans**

1. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for installation of a 6-foot wide sidewalk along the subject development and the existing/proposed regional storm water quality/hydromodification facilities frontage of SW Century Drive meeting the approval of the Sherwood Engineering Department.
2. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to the proposed development meeting the approval of the Sherwood Engineering Department.
3. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide domestic water service and fire protection (as needed) to the subject development meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to the subject development meeting the approval of the Sherwood Engineering Department.
5. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide corrective actions for the existing on-site storm water quality treatment facility to provide for treatment of all existing/future

impervious area flowing to the facility as well as all new impervious area from the development of the subject property in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

6. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide for hydro-modification coverage for all new impervious area from the development of the subject property within the existing storm water quality facility in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.
7. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide a final storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide fencing around the storm water quality/hydro- modification facility meeting the approval of the Sherwood Engineering Department.
9. Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization must be obtained per Exhibit B2.
10. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-CN or 1200-C permit.
11. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide vegetative corridors planting plans complying with the conditions of the CWS Service Provider Letter (22-000943) and meeting the approval of the Sherwood Engineering Department.
12. Prior to Approval of Engineering Public Improvement Plans, an engineering compliance agreement shall be executed between the developer and the City of Sherwood.

**D. Prior to Grading/Erosion Control Permit Approval**

1. Prior to Approval of a Grading/Erosion Control Permit, obtain a Washington County Right-of Way Permit(s) for all work proposed within SW Tualatin-Sherwood Road right-of-way.

**E. Prior to Issuance of Building Permits**

1. Prior to Issuance of any Building Permits, the applicant shall obtain Final Site Plan approval.
2. Prior to Issuance of Building Permits, an Engineering Compliance Agreement shall be executed with the Sherwood Engineering Department.

## **F. Prior to Acceptance of Public Improvements**

1. Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.
2. Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way as necessary to encompass a 5-foot wide landscape strip (including curb), 6-foot wide sidewalk and a 1-foot wide buffer along the subject development and the existing/proposed regional storm water quality/hydromodification facilities frontage of SW Century Drive meeting the approval of the Sherwood Engineering Department.
3. Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along the subject development and the existing/proposed regional storm water quality/hydromodification facilities frontage of SW Century Drive and SW Tualatin-Sherwood Road meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.
4. Prior to Acceptance of Public Improvements, the developer shall record a maintenance access easement to the City of Sherwood for access to sanitary sewer manholes located in the vicinity of the subject development meeting the approval of the Sherwood Engineering Department.
5. Prior to Acceptance of Public Improvements, any public water lines/facilities located within private property shall have a dedicated public water line easement encompassing the lines/facilities meeting the approval of the Sherwood Engineering Department.
6. Prior to Acceptance of Public Improvements, the developer shall record a private stormwater facility access and maintenance covenant for any storm water quality/hydro-modification facilities outside of the proposed regional storm water quality/hydro-modification facility meeting the approval of the Sherwood Engineering Department.
7. Prior to Acceptance of Public Improvements, the developer shall record a maintenance access easement to the City of Sherwood for access to the proposed regional stormwater facility meeting the approval of the Sherwood Engineering Department.
8. Prior to Acceptance of Public Improvements, the developer shall record a storm water quality facility easement increasing the size of the existing easement, if deemed necessary by the Sherwood Engineering Department. This new easement shall be laid out to meet the approval of the Sherwood Engineering Department.
9. Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the frontage of SW Tualatin-Sherwood Road and SW Century Drive adjacent to the subject development and the existing/proposed regional storm water quality/hydromodification facilities per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

10. Prior to Acceptance of Public Improvements, the applicant shall have complied with all the requirements and conditions of permit(s) issued by City, CWS, DSL, USACE, and/or NMFS, as applicable.

**G. Prior to Receiving Occupancy**

1. Prior to Receiving Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.
2. Prior to Receiving Occupancy, Clear Vision Areas shall be established at each private driveway intersection in accordance with SZCDC § 16.58.010 Clear Vision Areas.
3. Prior to Receiving Occupancy, all outdoor storage, loading, and service areas shall be screened from adjacent public streets. In addition, roof and ground mounted mechanical equipment shall be screened from view from adjacent public streets.
4. Prior to Receiving Occupancy, all parking, loading, and maneuvering areas shall be clearly marked and painted.
5. Prior to Receiving Occupancy, obtain final approval from Tualatin Valley Fire & Rescue for occupancy of the site and building.
6. Prior to Receiving Occupancy, obtain final approval from Pride Waste Disposal on the two (2) waste disposal structures.
7. Prior to Receiving Occupancy, Washington County Conditions of Approval per Exhibit B3 shall be met.
8. Prior to Receiving Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
9. Prior to Receiving Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
10. Prior to Receiving Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**V. EXHIBITS**

**A. Applicant Submittal (complete application materials available in the project file at City Hall)**

- A. Narrative and Application Form
- B-C. Title Report and Deed
- D-E. Tax and Aerial Maps
- F. Plans (Civil, Landscape, Lighting, and Architectural)
- G. Pre-Application Conference Notes
- H. Neighborhood Meeting Information
- I. Traffic Impact Analysis
- J. FEMA Flood Map

- K. Oregon State Lands Wetland Delineation
- L. Natural Resource Assessment Report
- M. Preliminary Stormwater Report
- N. Pride Disposal SPL
- O. Arborist Report
- P-Q Clean Water Services SPLs
- R. City of Sherwood TSP Functional Classification Map
- S. Tualatin Valley Fire & Rescue SPL
- T. Metro Regionally Significant Fish and Wildlife Habitat Map
- U. City of Sherwood Wetland Inventory Map
- V. Sherwood Natural Resources and Recreation Plan Map
- W-X Wetland Delineations
- Y. Notification Mailing Labels

**B. Agency Comments**

- 1. City of Sherwood Engineering
- 2. Clean Water Services
- 3. Washington County, Land Use & Transportation
- 4a. Pride Disposal, January 19, 2023
- 4b. Pride Disposal, January 30, 2023
- 5. ODOT Rail