



MEMORANDUM

TO: Eric Rutledge, Community Development Director
City of Sherwood

FROM: Mike Towle, Project Manager
Read Stapleton, AICP, Planning Group Manager

DATE: January 18, 2023

SUBJECT: Tonquin Grading Permit (LU 2021-014) Modification to Condition of Approval Memorandum

On behalf of Woodburn Industrial Capital Group LLC (Applicant), DOWL has prepared this memorandum to seek land use approval for a Type II Major Modification request to a condition of approval (Condition #7) that was issued and approved in an October 18, 2021, Staff Report and Decision LU 2021-014 (Attachment B). LU 2021-014 permitted site grading activities on two tax lots (2S133BB00100 and 2S1330000400) located on the east side of SW Tonquin Road in Sherwood, Oregon to prepare the site for future industrial uses consistent with those allowed in the Employment Industrial (EI) zone. This memorandum and attached documentation include the previously approved Land Use Decision (LU 2021-014; Attachment B), Application Form (Attachment A), Traffic Staging Plans (Attachment C), and Mailing Labels of all property owners within 1,000 feet of the subject properties (Attachment D) provided with this request for land use approval.

Per Sherwood Zoning and Community Development Code 16.90.030.A.1.a.(7), any “*change to a condition of approval that was specifically applied to this approval (i.e. not a “standard condition”), or a change similar to items identified in Section 16.90.030.A.1.a.(1)-(2) as determined by the Review Authority*” is a Major Modification to an Approved Site Plan(s) and a Type II land use action.

As noted on page 14 of the Staff Report and Decision LU 2021-014 (Attachment B), the previous site plan application is approved subject to the following condition of approval:

- 7. *The land use approval is for site grading activities only as shown in the Grading and Erosion Control Plan (Exhibit A5 C3.0). It is estimated that 900 CY of material will be imported to the site associated with grading activities. Material import and export from the site shall not exceed 5,000 CY. Additional material import and export can be approved through a separate land use application.***

The Applicant is proposing to modify the above Condition #7 to remove the cap of 5,000 CY of material import and export from the site to haul off additional rock material that is unsuitable for future industrial development, import suitable material and continue necessary site grading to balance the site and support future development in the Tonquin Industrial Employment Area.

The attached Traffic Staging Plans (Attachment C) are provided to summarize the anticipated trips, access points and traffic control measures. Continued site grading is to occur in three (3) stages for the export and import of material to/from two (2) adjacent sites that are undergoing earthwork. Site access is to primarily occur via the existing private roadway, limited to right-in/right-out movements only from SW Tonquin Road, or the existing access onto the site via SW

Tonquin Road for ingress, limited to left-turn movements onto the site heading south on SW Tonquin Road.

- Stage One (1) anticipates up to 100 trips per day to occur up until June of 2023 for mobilization efforts, and for on-site grading work until stage 2 and 3 routes can be established through other development activity under separate permits. Stage 1 trucks enter/exit the site at the right-turn only approach on SW Tonquin Road and through the site to exit at the TVSC driveway approach to the adjacent Tax Lot 2S1330000600.
- Stage Two (2) anticipate up to 100 trips per day to occur up until June of 2023. Stage Two (2) provides access for trucks from the local road off SW Tonquin Road on the north end of the site that is right-in/right-out only, through the site (and future proposed Laurelwood Road) to exit at the TVSC driveway approach to the adjacent Tax Lot 2S1330000600.
- Stage Three (3) anticipates up to 250 trips per day beginning after June 2023 and continuing until site work is complete in the summer of 2024. Trucks are to access the site at Oregon Street, route through the new Laurelwood Road, and exit at the TVSC driveway approach to the adjacent Tax Lot 2S1330000600.

This will result in approximately 100,000 CY of export and 100,000 CY of imported materials. A review of this request relative to site plan modification criteria is provided below.

16.90.030 – Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

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

- (1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.**

Response: The Applicant has prepared this memorandum to serve as the narrative for this modification request. Additionally, an executed application form (Attachment A), and trucking memorandum prepared by the Applicant (Attachment C) will supplement this application. The approved Site Plan is found within LU 2021-014 (Attachment B) on Page 106. Documents provided with the original approved application and requested on the Application Form for a Type II counter complete application have not changed from the original application and subsequent building permit plans. There are no proposed changes to the originally approved plans or documentation; therefore, no further documents are provided with this Major Modification application submittal. Per the City of Sherwood current Fee Schedule, the Publication/distribution of Notice for a Type II application is \$284. The Applicant has noted this on the attached application form.

- (2) The application is subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure.**

Response: The Applicant is subject to the same Type II review procedure and decision making as the previously approved Type II Fast-Track application. The Applicant has addressed and demonstrated compliance with the approval criteria for a Type II Major Modification within this memorandum.

(3) The scope of review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

Response: The Applicant acknowledges the scope of review is limited to the modification request to a condition of approval from the previously approved Staff Report and Decision LU 2021-014 (Attachment B) to allow for further rock export and import of suitable materials from adjacent sites undergoing earthwork and enable the site for future industrial development.

(4) Notice must be provided in accordance with Chapter 16.72.020.

Response: Pursuant to Chapter 16.72.020(C), the Applicant has provided Sherwood City Staff with mailing labels of all property owners within 1,000 feet of the subject properties (Attachment D) to enable City Staff to provide mailed notice to those properties and required agencies.

(5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

Response: The Applicant acknowledges this criterion.

Mike Towle, PE
DOWL

Exhibits:

- Attachment A: Application Form
- Attachment B: Staff Report and Decision (LU 2021-014)
 - Staff Report and Decision (LU 2021-014) contains the following materials required for a Type II Review:
 - Copy of Deeds
 - Approved Plans
 - Service Provider Letters (Clean Water Services; Tualatin Valley Fire & Rescue)
 - Neighborhood Meeting Verification
- Attachment C: Traffic Staging Plans
- Attachment D: Mailing Labels of all Property Owners within 1,000 feet of subject properties