



January 24, 2024

City of Sherwood, Oregon
Community Development Department
22560 SW Pine Street
Sherwood, Oregon 97140

REFERENCE: Project Narrative
Panattoni - Rock Creek Industrial
13700 SW Tonquin Road
Sherwood, Oregon
Job #23-136
Reference: PAC 2023-002

PROPOSED PROJECT DESCRIPTION

Tax Lot Numbers: 2S133BB/100, 2S133/400

Site Address: 13700 SW Tonquin Rd.

Existing conditions: Undeveloped lots

Existing Site Area: 1,215,773 SF (29.91 AC)

Final Site Area: 1,115,188 SF (25.60 AC) – After dedication for SW Tonquin RD., SW Commerce Court., and 32' Deeded from, 2S13300/400

Existing Zoning: Employment Industrial (EI)

Proposed Zoning: Employment Industrial (EI)

Proposed Use: Warehouse & Industrial Use

Proposed Building Area: 413,250 SF

Proposed F.A.R.: 0.37%

Required Setbacks: Front: 20 Ft.; Side: 0 Ft.; Rear: 0 Ft.

Max. Height: 50 Ft.

Construction Type: III-B

Occupancy Type: S-1 (warehouse/industrial) with accessory B (Office)

Required Approvals: Type IV Site Plan Review, Type III Conditional Use Permit

Brief Description:

Rock Creek Industrial is situated at the end of Commerce Court cul-de-sac and adjacent to other proposed industrial development sites. The new cul-de-sac will be installed under a separate development by others. The proposed development is located approximately 75' above SW Tonquin Road and sits approximately 194' to the east of SW Tonquin Road centerline. The project will consist of a 413,250 SF tilt-up concrete industrial building with an aesthetically pleasing design consisting of enhanced office entries with two-story glass, projected canopies with painted steel surround. The building massing will be broken up with 3 paint colors, vertical reveals in the concrete walls, vertical window fenestrations and clearstory windows on all 4 sides of the building. In addition, a concrete seat wall will be provided at the primary entrance that is adjacent to the main entry to the site and the most visible portion of the building for approaching traffic. The building is designed to accommodate multi-tenant or a single tenant configuration. The principal use shall be warehouse and industrial with any office use being accessory to the principal use.

Irvine Office
15615 Alton Pkwy, Ste. 125
Irvine, CA 92618
949.285.3199

Los Angeles Office
10000 Washington Blvd, 6th Floor
Culver City, CA 90232
949.285.3199

San Jose Office
111 N Market St., Ste. 910
San Jose, CA 95113
408.340.1990

Seattle Office
1201 3rd Ave, 22nd Floor
Seattle, WA 98101
206.567.7712

Due to the natural pad height of the property, the elevation change, and the distance from the arterial, the project does not meet the design guideline criteria for maximum setbacks of 35' to all parts of the building. We are considering Commercial Ct. as the primary access. In doing so, the project meets the industrial guidelines for maximum setbacks as the building corner is within 35 feet of the cul-de-sac right-of-way. However, due to this parcel being located at the corner of a cul-de-sac, the entire building face will not be at a maximum of 35 feet from the cul-de-sac right-of-way.

With the project not fronting an arterial road, we are considering Commercial Ct. as the primary access & view point as it relates to parking. The project meets the industrial guidelines with the parking being located along the building entry side of the building with access from Commercial Ct. Access to the arterial (SW Tonquin Rd.) is not provided due to the slope of the terrain between the developed site and the arterial. Ancillary parking is located at the rear of the building. The site currently has a SW Tonquin Road address, however there will not be any vehicular or pedestrian access to/from SW Tonquin Road as part of this proposed project.

Again, using Commercial Ct. as the primary access, the loading is located to the rear of the building away from Commercial Ct. Due to the slope, natural vegetation and added landscape screening, the loading area will not be visible from the SW Tonquin Rd (arterial). Therefore, the industrial guidelines for loading are met.

The criteria for 15% glazing on elevations facing an arterial street will not be met on the project. Considering the distance from SW Tonquin Rd., the portion of the west wall that will be visible from the arterial is the upper portion of the building and above the majority of the glass line. Refer to the west building elevations and the site sections for a graphic representation of the portion of the west elevation that will be visible. A steep 60' tall slope and 10 foot tall retaining wall will be constructed approximately 90' from SW Tonquin Road to support the boundary of the development. This along with the proposed landscaping will also limit visibility to the building from the arterial street. Portions of the building that will be visible from Commercial Ct. and not screened by adjacent development do have adequate glazing and design that meets the intent of the industrial guidelines. The portion of the building that fronts (corners) Commerce Ct. does meet the 15% glazing criteria, the entire elevation does not nor is it required by the guidelines.

The site will have pedestrian connection from the newly constructed Right-of-Way from Commerce Court to the identifiable building entrances, ample auto and bicycle parking situated near the building entrances, trailer parking that is located behind the building and screened from public view. Landscaping is planned for the parking areas, along the property lines, and along the top and bottom of the slope from SW Tonquin up to the project site. The goal is to reuse the existing vegetation along the mid-point of the slope.

A storm water pond that is dedicated to this development will be located on an adjacent parcel just Northwest of the building and along Commerce Court. The storm pond will be fenced. Both the building parcel and the pond parcel will receive code compliant landscaping along with Clear Vision Areas that meet the zoning code requirements. In addition to the pond, a paved area for up to 37 trailer parking stalls will be developed.

Site access and utility connections are all provided from Commerce Ct, which is constructed by others under separate permit. The project does not propose any additional improvements to Commerce Ct. On Tonquin Rd., the project will be dedicating a right-of-way for future road improvements, including a shared use pathway. The proposed right-of-way half width will be 45 feet. The project will pay a fee in lieu of making any improvements to the existing Tonquin Rd. The fee will be determined during final engineering. The existing overhead power lines and slope along the existing Tonquin Rd. will remain.

For roadway improvements on SW Tonquin Rd., the project will dedicate the required right-of-way for the future road and trail, but will pay a fee in lieu of making the actual road and trail improvements. See Sheet C1.0 for a plan and section view of the proposed future improvements to SW Tonquin Rd. The project will not make any improvements that

would encumber the future widening of Tonquin Road. No retaining walls, structures, utilities, or other site improvement will be provided in the vicinity of Tonquin road that would impact the future widening. The conceptual future roadway widening is shown on the conceptual civil plans to illustrate how the development will not preclude the future widening of the roadway. Retaining walls will likely be necessary for the future widening of the roadway. The project will provide a guarantee that it will not restrict or otherwise appose future roadway widening of Tonquin Rd. The guarantee can take the form of an agreement or covenant acceptable to both the owner, city, and county.

The proposed development is within the Tonquin Employment Area (TEA). The proposed uses are consistent with the EI and TEA, to provide industrial uses that create jobs and a tax base. Thus, encouraging other commercial development or uses that will support the industrial uses, and goals of the comprehensive plan and the TEA.

APPROVAL CRITERIA – SITE PLAN TYPE IV REVIEW

Division II Land Use and Development

Chapter 16.31 – Industrial Land Use Districts

16.31.020 Uses:

Business and professional offices

Response: The development is speculative at this time, however any office use will be incidental and accessory to the primary use.

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.

Response: The tenant use is speculative at the time but, any incidental business, service, processing, storage or display use will be incidental or accessory to the primary use of the building. Any of these uses will be conducted within the enclosed building.

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.

Response: The tenant use is speculative at this time and these uses are permitted in the zone.

Industrial – Distribution and warehousing greater than 150,000 square feet, provided product(s) are stored within an enclosed building.

Response: The proposed development exceeds the 150,000 SF. A Conditional Use is Required and is applied for.

Medical or dental laboratories, including biomedical compounding.

Response: *The tenant use is speculative at this time and this is an unlikely use. However, this use is allowed in the zone.*

Laboratories (not medical or dental)

Response: *The tenant use is speculative at this time and this is an unlikely use. However, this use is allowed in the zone.*

Research and development and associated manufacturing.

Response: *The tenant use is speculative at this time and this is an unlikely use. However, this use is allowed in the zone.*

Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses.

Response: *The tenant use is speculative at this time and this is an unlikely use. However, this use is allowed in the zone.*

16.31.030 – Development Standards for EI Zone

Lot Area – Industrial uses: 3 acres

Lot width at front property line: 100 feet

Lot width at building line: 100 feet

Front yard setback: 20 feet

Side yard setback: None

Rear yard setback: None

Height: 50 Feet

Response: *The proposed development meets all Development Standards listed above.*

16.31.050 – Employment Industrial (EI) Restrictions

A. Use Restrictions: *Not Applicable*

B. Land Division Restrictions: *Not Applicable*

Chapter 16.58 – Vision Clearance and Fence Standards

16.58.010 – Clear Vision Areas

A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

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

The following requirements shall govern clear vision areas:

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

Response: *These conditions shall apply to the corner of Tonquin Court and No Name Road and at the driveways located in the Commerce Ct. cul-de-sac. The development shall meet all requirements with the installation of low ground cover and low buffer planting that shall not exceed 2.5 feet in height and any trees will have branches at or above 7 feet above the road centerline. Refer to Planting Plan on Sheet L1.0 of the landscape plans.*

16.58.020 – Fences, Walls and Hedges

D. Location—Non-Residential Zone:

1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to [Section 16.58.010](#). (Clear Vision Areas) 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

Response: *The only proposed fence will be located around the storm water pond and at the top of the retaining wall along the west side of the westerly drive along the building, and shall meet these requirements. The fencing shall be black vinyl coated chain link and will not exceed 8 feet in height.*

Chapter 16.60 – Yard Requirements

16.60.010 – Through Lots:

Not applicable

16.60.020 – Through Lots:

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

- A. The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.
- B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.

Response: *The proposed development is not a corner lot or reverse corner lot. However, the proposed building exceeds the setback requirements.*

16.60.030 – Yards:

- A. Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with Chapter 16.50 (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.
- B. Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, a primary structure must be set back at least three (3) feet.

Response: *The proposed development has yards that exceed the minimum yard requirements and shall be open to the sky. Landscaping will occur within the required setbacks.*

16.60.040 – Lot Size and Dimensions:

Not applicable

Division III. - ADMINISTRATIVE PROCEDURES

Chapter 16.70 - GENERAL PROVISIONS

16.70.010 - Pre-Application Conference

Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

Response: *A pre-application meeting was applied for and was held on May 25, 2023.*

16.70.020 - Neighborhood Meeting

A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.

B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Notification of the neighborhood meeting shall be mailed 14 calendar days prior to the meeting date. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.

Response: *A neighborhood meeting was held on October 19, 2023. The Neighborhood Meeting notice and meeting minutes are a part of the submittal.*

1. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.

Response: *Not applicable*

16.70.030 - Application Requirements

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.

Response: *Proper forms provided by the city have been prepared and signed, and are a part of this submittal.*

B. Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced (8½ × 11) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.

Response: *An electronic copy of the full application packet, one reduced copy, and the required number of hard copies has been provided with this submittal.*

C. Content

1. In addition to the required application form, all applications for Residential Design Checklist approval must include the following:

- a. Residential Design Checklist.
- b. Building elevations including enough detail to confirm conformance with the design standards of Chapter 16.14.

Response: *Not applicable. This is a non-residential project.*

2. In addition to the required application form, all applications for Type I approval must include the following:

- a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.
- b. Tax Map showing property within at least 300 ft. with scale (1" = 100' or 1" = 200'), north arrow, date, and legend.
- c. Vicinity Map.

Response: *A Type I approval is not being applied for.*

3. In addition to the required application form, all applications for Type II-V land use approval must include the following:

- a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.
- b. Documentation of neighborhood meeting per 16.70.020.
- c. Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.

- d. Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.
- e. Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.
- f. A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.
- g. Two (2) copies of a current preliminary title report.
- h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.
- i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.
- j. A traffic study, if required by other sections of this Code.
- k. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:
 - 1) Wetland assessment and delineation;
 - 2) Geotechnical report;
 - 3) Traffic study;
 - 4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.
- l. Plan sets must have:
 - 1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.
 - 2) The name, address and phone of the owner, developer, applicant and plan producer.
 - 3) North arrow.
 - 4) Legend.
 - 5) Date plans were prepared and date of any revisions.
 - 6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.
 - 7) All dimensions clearly shown.

Response: A Type III – Conditional User Permit is being applied for, as well as a Type IV – Site Plan Review. The submittal package contains all of the required fees, exhibits, and plan requirements listed.

4. Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.

16.70.040 - Application Submittal

A. Acceptance

An application for land use will not be accepted by the City without the required forms, the required fee(s), the signature of the applicant and authorization from the property owner of record.

Response: Understood. The submittal package contains the required fees, forms, and signatures.

B. Completeness

Within thirty (30) calendar days of the date of initial submission, the City shall determine whether the application is complete and so notify the applicant in writing. The application will not be deemed complete unless the minimum application requirements are met as described on the application form provided by the City. Applicants will receive written notification of any application deficiencies. Information outlined in the letter of incompleteness must be submitted within 180 days of the date of the letter. Alternatively, within 14 days of the date of the letter, the applicant may submit a statement indicating refusal to submit the required items. If a refusal statement is provided, the application is considered complete on the 31st day from the date the application was submitted.

Response: Understood.

16.70.050 - Availability of Record for Review

A. Public Inspection

1. Except as provided herein, all application materials to be relied upon in public hearings on land use actions required by this Code shall be available for public inspection twenty (20) calendar days in advance of the initial hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, all application materials shall be available for public inspection at least ten (10) calendar days in advance of the initial hearing before the Hearing Authority. All application materials to be relied upon for Type II decisions as indicated in Section 16.72.010 shall be available for public inspection fourteen (14) calendar days in advance of the staff decision on the application.

Response: Understood. No exception taken to Public Inspection.

2. Application materials shall be available to the public for inspection at no cost. Copies of application materials will be provided to the public, upon request, at a cost defined by the City's fee schedule.

Response: Understood.

B. Continuance

If additional materials are provided in support of an application later than twenty (20) calendar days in advance of the initial hearing before the Hearing Authority, or later than ten (10) calendar days in advance of the initial hearing before the Commission or Council if two (2) or more hearings are required, or if the City or the applicant fails to meet any requirements of Chapter 16.72, any party to the application, or party notified of the hearing as per Section 16.72.020, may make request to the City, either verbally at the initial hearing or in writing at any time before the close of the hearing, for a hearing continuance. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations. If, in the City's determination, there is a valid basis for the continuance request, said request shall be granted.

Response: Understood.

16.70.060 - Application Resubmission

A land use application denied in accordance with this Code, shall not be accepted for resubmission for one-hundred eighty (180) calendar days following the date of the denial, unless the application has been sufficiently modified to abrogate the reason for denial, as determined by the City. All applications resubmitted after being denied in accordance with this Code shall be required to provide new application materials, pay new fees, and shall be subject to the review process required by this Code for the land use action being considered.

Response: Understood.

Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – Generally

A. Classifications

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

1. Type I

The following administrative actions shall be subject to a Type I review process:

- a. Signs;
- b. Property line adjustments;
- c. Interpretation of similar uses;
- d. Temporary uses;
- e. Final subdivision and partition plats;
- f. Final site plan review;
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010;
- h. Class A home occupation permits;
- i. Interpretive decisions by the city manager or his/her designee;
- j. Tree removal permit—Street trees over five inches DBH, per section 16.140.060.B.2 and 3;
- k. Adjustments;
- l. Re-platting, lot consolidations and vacations of plats;
- m. Minor modifications to approved site plans;
- n. Accessory dwelling units;
- o. Residential Design Checklist Review with Adjustment;
- p. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq.

Response: A Type I approval is not being applied for.

2. Type II

The following administrative actions shall be subject to a Type II review process:

- a. Land Partitions (creation of 3 or fewer lots within 1 calendar year)
- b. Expedited Land Divisions - The Community Development Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Community Development Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.
- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.

- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.
- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance.
- h. Street Design Modification.
- i. Subdivisions between 4—10 lots.
- j. Medical marijuana dispensary.
- k. Residential Design Checklist Review with Class B Variance.
- l. Recreational marijuana dispensary.

Response: The proposed development does not require a Type II review.

3. Type III

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

- a. Conditional Uses.
- b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.
- c. Subdivisions between 11—50 lots.

Response: In the Employment Industrial (EI) Zone, a Conditional Use permit is required for a distribution and warehouse building greater than 150,000 square feet provided product(s) are stored within an enclosed building, and for a manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products facility.

This proposed development consists of a 413,250 SF tilt-up concrete, aesthetically pleasing industrial building. The building is consistent in use, size and appearance as other industrial buildings within the EI and TEA zone.

A diverse industrial building portfolio, including larger buildings within the City of Sherwood, allows for key industries looking for a larger square footage to establish themselves as an employer in the City. In turn, increasing the city's employment and tax base.

The Tonquin Employment Area (TEA) does not have any limitations on industrial buildings. However, the proposed distribution, warehousing, manufacture use is consistent with the long-term vision of the TEA and the opportunity to develop commercial uses that support the proposed use.

A Type III Review is being applied for.

4. Type IV

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

- a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.
- b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.
- c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.

- d. Site Plans subject to Section 16.90.020.D.6.f.
- e. Industrial Site Plans subject to Section 16.90.020.D.7.b.
- f. Subdivisions — over 50 lots.
- g. Class A Variance.
- h. Residential Design Review.

Response: *The proposed development is for a building that is greater than 40,000 square feet of floor area, and it is an industrial site. Therefore, a Type IV Review is required and is being applied for.*

This proposed development consists of a 413,250 SF tilt-up concrete, aesthetically pleasing industrial building. The building is consistent in use, size and appearance as other industrial buildings within the EI and TEA zone.

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5. Type V

The following legislative actions shall be subject to a Type V review process:

- a. Plan Map Amendments.
- b. Plan Text Amendments.
- c. Planned Unit Development — Preliminary Development Plan and Overlay District.

Response: *This criteria does not apply as the proposed development does not contain any of the noted items.*

B. Hearing and Appeal Authority

1. The Hearing and Appeal Authorities shall be as follows:

- a. The Residential Design Checklist review authority is the Community Development Director or their designee. The decision is final on the date it is signed by the Community Development Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to local appeal or appeal to the state Land Use Board of Appeals (LUBA).

Response: *The proposed project is non-residential. Therefore, the residential design checklist review authority is not applicable.*

b. The Type I Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission.

(1) The Community Development Director 's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.

(2) The applicant may appeal the Community Development Director's decision.

Response: *A Type I approval is not being applied for.*

c. The Type II Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission.

(1) The Community Development Director 's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 1,000 feet of the proposal. Any person may submit written comments to the Community Development Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.

(2) Any person providing written comments may appeal the Community Development Director 's decision.

Response: *The proposed development does not require a Type II review.*

d. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.

(1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

(2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.

Response: *In the Employment Industrial (EI) Zone, a Conditional Use permit is required for a distribution and warehouse building greater than 150,000 square feet provided product(s) are stored within an enclosed building, and for a manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products facility.*

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The Tonquin Employment Area (TEA) does not have any limitations on industrial buildings. However, the proposed distribution, warehousing, manufacture use is consistent with the long-term vision of the TEA and the opportunity to develop commercial uses that support the proposed use.

A Type III Review is being applied for.

e. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.

(1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

(2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

Response: *Understood. The proposed development is for a building that is greater than 40,000 square feet of floor area, and it is an industrial site. Therefore, a Type IV Review is required and is being applied for.*

This proposed development consists of a 413,250 SF tilt-up concrete, aesthetically pleasing industrial building. The building is consistent in use, size and appearance as other industrial buildings within the EI zone. A diverse industrial building portfolio, including larger buildings within the City of Sherwood, allows for key industries looking for a larger square footage to establish themselves as an employer in the City. In turn, increasing the city's tax base.

The building will be developed as speculative without an end user. The end use will most likely be product distribution that would generate normal levels of noise that would be associated with a typical warehouse building. It is most likely that the product stored and distributed in the building would not cause any concerns to public safety.

f. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

g. Review by Council

(1) Review of a decision by a Hearing Authority may be initiated by the City Council when the Council determines that:

- a. The matter involves important issues of policy; and
- b. The original decision likely involves errors of law or was not supported by substantial evidence.

(2) Review by Council must be initiated by resolution of the City Council within fourteen (14) calendar days after the date of mailing of the final written decision of the Hearing Authority. Any City Council resolution calling a decision up for review shall specify whether the City Council will review the decision called up on the record or de novo and whether it intends to limit the issues on review to certain specified issues.

(3) Approval of such a resolution shall stay the original decision until the decision on review has become final. No right or benefit accorded by the original decision may be exercised until the decision on review has become final.

(4) Review shall include a public hearing conducted by the City Council. Except as otherwise provided in this Section, the public notice and hearing procedures shall be the same as the procedures used in initially taking the action which is being reviewed.

(5) The City Council may act to affirm, reverse, remand, or amend the action being reviewed. The action of the City Council shall be the final City of Sherwood action on the application, unless remanded to the Hearing Authority. Upon remand, the decision of the Hearing Authority shall be the final City of Sherwood action. The decision upon Council review shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision.

2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.

- Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

Response: *This criteria does not apply as the proposed development does not contain any of the noted items that require a Type V approval.*

C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

2. In addition to Section 1 above, all Type IV quasi-judicial applications except Residential Design Review shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020, except for residential and multi-family land use applications, including subdivisions.

Response: *Understood. The applicant presents this narrative and findings document, as well as the attached drawings, reports, and documentation as demonstration of compliance with the applicable sections within the Code and the approval criteria contained within. Additionally, a Conditional Use Permit will be requested in conjunction with this application under the provisions of section 18.82.020.*

16.72.020 - Public Notice and Hearing

A. Newspaper Notice

Notices of all public hearings for Type III, IV and V land use actions required by this Code shall be published in a newspaper of general circulation available within the City two (2) calendar weeks prior to the initial scheduled hearing before the Hearing Authority and shall be published one additional time in the Sherwood Archer, Sherwood Gazette or similarly local publication, no less than 5 days prior to the initial scheduled hearing before the hearing authority.

B. Posted Notice

1. Notices of all Type II, III, IV and V land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than fourteen (14) calendar days in advance of the staff decision on Type II applications or twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.

2. Signage must be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.

a. on-site posted notice shall provide a general description of the land use action proposed, the project number and where additional information can be obtained.

b. On-site posted notice shall be designed to be read by motorists passing by; the exact size and font style to be determined by the City.

c. On-site posted notice shall be located on the property in a manner to be visible from the public street. For large sites or sites with multiple street frontages, more than one sign may be required.

C. Mailed Notice

1. For Type II, III, IV and V actions specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one thousand (1,000) feet from the property subject to the land use action. Written notice shall also be sent to Oregon Department of Transportation (ODOT), Metro, the applicable transit service provider and other affected or potentially affected agencies. If the subject property is located adjacent to or split by a railroad crossing ODOT Rail Division shall also be sent public notice.
2. Written notice to property owners shall be mailed at least fourteen (14) calendar days prior to a decision being made on a Type II land use action and at least twenty (20) calendar days in advance of the initial public hearing before the Hearing Authority. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council.
3. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
4. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.
5. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.

D. Failure to Receive Notice

1. The failure of a property owner or other party to an application to receive notice of a public hearing as provided in Code of this Chapter or to receive notice of continuances and appeals as provided by this Code due to circumstances beyond the control of the City, including but not limited to recent changes in ownership not reflected in County Assessors records, loss of the notice by the postal service, or an inaccurate address provided by the County Assessor or the party to the application, shall not invalidate the applicable public hearing or land use action. The City shall prepare and maintain affidavits demonstrating that public notices were mailed, published, and posted pursuant to this Code.
2. Persons who should have received notice of a proposed land use action but can prove, to the City's satisfaction that notice was not received due to circumstances beyond their control, may be permitted, at the City's discretion, to exercise the right to appeal the action as per Chapter 16.76. All appeals filed under such conditions shall cite the circumstances resulting in the non-receipt of the notice.

Response: ***The applicant will work with the city to ensure all proper notices are released at the appropriate stages of the project, therefore satisfying the requirements of this section.***

16.72.030 - Content of Notice

Public notices shall include the following information:

- A. The nature of the application and proposed use(s).
- B. A list of the applicable Code or Comprehensive Plan criteria to be applied to the review of the proposed land use action.
- C. The location and street address of the property subject to the land use action (if any).
- D. The date, time, place, location of the public hearing.
- E. The name and telephone number of a local government representative to contact for additional information.
- F. The availability of all application materials for inspection at no cost, or copies at reasonable cost.

- G. The availability of the City planning staff report for inspection at no cost, or copies at a reasonable cost, at least seven (7) calendar days in advance of the hearing.
- H. The requirements for the submission of testimony and the procedures for conducting hearings, including notice that failure to raise an issue accompanied by statements or evidence sufficient to offer the City, applicant or other parties to the application the opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).

Response: *Understood. The Content of Notice will meet the criteria noted.*

16.72.040 - Planning Staff Reports

Recommended findings of fact and conditions of approval for each land use action shall be made in writing in a City planning staff report. Said staff report shall be published seven (7) calendar days in advance of the initial required public hearing before the Hearing Authority. Copies shall be provided to the applicant and the Hearing Authority no later than seven (7) calendar days in advance of the scheduled public hearing. Staff reports shall be available to the public for inspection at no cost. Copies of the staff report shall be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

Response: *Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.*

16.72.050 - Conduct of Public Hearings

A. Hearing Disclosure Statements

The following information or statements shall be verbally provided by the Hearing Authority at the beginning of any public hearing on a land use action:

1. The findings of fact and criteria specified by the Code that must be satisfied for approval of the land use action being considered by the Hearing Authority.
2. That public testimony should be limited to addressing said findings of fact and criteria, or to other City or State land use standards which the persons testifying believe apply to the proposed land use action.
3. That failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant, or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).
4. The rights of persons to request, as per this Code, that a hearing be continued or that the hearing record remain open.
5. That all persons testifying shall be deemed parties to the application, and must provide their name and full mailing address if they wish to be notified of continuances, appeals, or other procedural actions as required by this Code.

Response: *Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.*

B. Persons Testifying

Any person, whether the applicant, a person notified of the public hearing as per Section 16.72.020, the general public, or the authorized representative of any of the foregoing persons, may testify at a public hearing on a land use action. Testimony may be made verbally or in writing. The applicant, the applicant's representative, or any person so testifying, or that person's authorized representative, shall be deemed a party to the application, and shall be afforded all rights of appeal allowed by this Code and the laws of the State of Oregon.

Response: *Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.*

C. Hearing Record

1. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The local Hearing Authority shall grant such request by continuing the public hearing pursuant to paragraph 2 of this section or leaving the record open for additional written evidence or testimony pursuant to paragraph 3 of this section.
2. If the hearing authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
3. If the Hearing Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Hearing Authority shall reopen the record pursuant to subsection 6 of this Section.
4. A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 or 227.178, unless the continuance or extension is requested or agreed to by the applicant.
5. Unless waived by the applicant, the local government shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
6. When a Hearing Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

Response: Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.

D. Ex-parte Contacts

Ex-parte contacts with a member of the Hearing Authority shall not invalidate a final decision or action of the Hearing Authority, provided that the member receiving the contact indicates the substance of the content of the ex parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

Response: Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.

16.72.060 - Notice of Decision

Within seven (7) calendar days of a land use action by the Hearing Authority, the City shall notify the applicant in writing of said action. This notice of decision shall list the terms and conditions of approval or denial, and explain the applicant's rights of appeal.

Response: Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.

16.72.070 - Registry of Decisions

The City shall maintain a registry of all land use actions taken in the preceding twelve (12) months. This registry shall be kept on file in the City Recorder's office and shall be made available to the public for inspection at no cost. Copies of the registry shall be provided to the public, upon request, at a cost defined by the City's fee schedule.

Response: *Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.*

16.72.080 - Final Action on Permit or Zone Change

Except for plan and land use regulation amendments or adoption of new regulations that must be submitted to the Director of the State Department of Land Conservation and Development under ORS 197.610(1), final action on a permit, appeal, or zone change application shall be taken within one hundred and twenty (120) days of the application submittal. The one hundred and twenty (120) days may be extended for a reasonable period of time at the request of the applicant. An applicant whose application does not receive final consideration within one hundred and twenty (120) days after the application was accepted by the City may seek a writ of mandamus to compel issuance of the permit or zone change or a determination that approval would violate the City's Comprehensive Plan or land use regulations.

Response: *Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.*

Chapter 16.82 - CONDITIONAL USES

16.82.010 - Generally

A. Authorization

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

Response: *Per the table in section 16.31.020, in the Employment Industrial (EI) Zone, standalone distribution & warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building are permitted and building greater than 150,000 square feet require a Conditional Use Permit.*

This proposed development consists of a 413,250 SF tilt-up concrete, aesthetically pleasing industrial building. The building is consistent in use, size and appearance as other industrial buildings within the EI zone. A diverse industrial building portfolio, including larger buildings within the City of Sherwood, allows for key industries looking for a larger square footage to establish themselves as an employer in the City. In turn, increasing the city's tax base.

The building will be developed as speculative without an end user. The end use will most likely be product distribution that would generate normal levels of noise that would be associated with a typical warehouse building. It is most likely that the product stored and distributed in the building would not cause any concerns to public safety.

This project falls within the Tonquin Employment Area (TEA). Only commercial uses that directly support industrial uses are permitted as conditional uses within the TEA. Although, the project is being developed a

speculative, the proposed use shall be that of distribution, warehousing or manufacture that directly support the industrial use.

This application includes a new Conditional Use Permit for the consideration of the commission.

The Tonquin Employment Area (TEA) does not have any limitations on industrial buildings.

A Type III Review is being applied for.

B. Changes in Conditional Uses

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

Response: *This application is for a new development of vacant land and does not require a change in Conditional Use as a current use has not been established.*

C. Application and Fee

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

Response: *The application, fees and supporting documentation submittal addresses the criteria of this Chapter and other applicable sections of this Code.*

16.82.020 - Permit Approval

A. Hearing Authority Action

1. The Hearings Authority shall conduct a public hearing pursuant to Chapter 16.72 and take action to approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan, or the Code. The decision shall include appropriate findings of fact as required by this Section, and an effective date.

Response: *Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.*

2. Conditional uses may be approved at the hearing for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of uses allowed as conditional uses are considered, and specifically approved, at the time of original application.

Response: *This development would be proposing a potential conditional use for future tenant improvements, so this code section is applicable and noted. The range for*

potential uses under the future tenant improvements shall be consistent with the uses allowed in this 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.

Response: Understood. A final site plan will be prepared that incorporates any revisions or conditions required by the Hearing Authority.

C. Use Criteria

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

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

Response: Per the findings of Division VI and VII, the utilities that will serve the proposed development will be provided or made adequate to meet the requirements shall be guaranteed by binding agreement between the applicant and the City.

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

Response: The proposed development is intended for distribution, warehousing and/or manufacture uses that are consistent with the EI Zone and the TEA Zone. The development will meet all requirements of the code and zone as it relates to noise generation and public safety. The project will not have a greater noise generation or public safety concern than the abutting industrial land uses. The adjacent residential is in natural resources and would not be developed as to make the proposal incompatible or detrimental to other uses.

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

Response: As noted in section 2 above, the proposed Conditional Use will meet the overall needs of the community and achieve the goals of the Comprehensive Plan. The comprehensive plan designation is employment industrial, which is consistent with the zoning and proposed use. The employment industrial designation is intended to promote development that provides jobs in key industries as identified by the State of Oregon and the City's economic development strategy. The proposed uses will serve the existing nearby industrial developments, provide jobs, and develop vacant land in a manner that retains and protects natural features.

Economic Goal 1 of the comprehensive plan is to 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. The proposed project uses will help the city achieve this goal.

Economic Goal 2 of the comprehensive plan is to prioritize and promote economic development to balance the City's tax base by maintaining a supply of land to target growth industries and accelerate Sherwood's desired economic growth. The proposed project will utilize this vacant industrial land in a manner to target specific growth industrial and the city's economic growth.

The project's uses are consistent with the city's Tonquin Employment Area plans, specifically the 2015 Market Analysis, Business Recruitment Strategy, and Implementation Plan.

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

Response: The proposed development and its intended use is consistent with adjacent uses and will not adversely effect the surrounding uses, neighborhood, or the City as a whole.

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

Response: The proposed use of the site can be accommodated with little impact to the size, shape, location, topography or natural features. A lot of the existing slope, topography and vegetation facing the arterial will be kept intact or have minor disturbance.

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

Response: The majority of the site where the development is occurring had previously been cleared of vegetation. No impact to sensitive wildlife species or natural environment will be of any significance.

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

- a. The applicant demonstrates to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.
- b. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
- c. The applicant demonstrates a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.

- d. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.
- e. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.

Response: *No wireless communication facilities are included with the proposed development.*

8. The following additional criteria apply to transportation facilities and improvements subject to Conditional Use approval per Chapter 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved land use application.

- a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
- c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant is required to apply for and obtain a plan and/or zoning amendment prior to or in conjunction with Conditional Use Permit approval.
- d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) must provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Sections 16.82.020.C.1—6 and 8.a—8.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

Response: *No transportation facilities are proposed with the development or CUP application. Any improvements will be subject to a separate review.*

D. Additional Conditions

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

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

Response: *Understood. Given the proposed CUP site plan design and utility design will not change from what is proposed, we do not anticipate that significant different*

requirements will be applied. However, the applicant understands that additional requirements may be conditioned and will be addressed once they have been published.

E. Time Limits

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

Response: Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.

F. Revocation

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

Response: Understood. This provision provides information, but does not require evidence from the application at this time to establish compliance.

Division V - Community Design

Chapter 16.90 – Site Planning

16.90.020 – Site Plan Review:

D. Required Findings

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

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

Response: Understood. The proposed development shall meet the applicable zoning and design standards prior to site plan approval. A Site Plan Review is being requested.

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.

Response: The development can be served by the items listed. Street and utility services that will serve this development are being permitted and constructed by others and will be available to this development. Service provider letters from Clear Water Services and Tualatin Valley Fire and Rescue have/will been obtained.

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

Response: *Understood. Any required covenants, agreements or other specific documents that are required for the development shall be executed.*

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

Response: *No significant natural features are present on site. Refer to the service provider letter from Clear Water Services.*

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

Response: *A Traffic Impact Analysis is provided.*

6. The proposed commercial, Multi-Family dwelling, 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:

Response: *The project is not considered commercial, multi-family, institutional or mixed use. Therefore this code section does not apply.*

7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards include the following:

a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) must meet any three of the following five design criteria:

(1) Primary building entries - entries open to the general public.

Primary building entries should be readily identifiable and well-defined through the use of pedestrian scale improvements such as, but not limited to, projections, recesses, columns, roof structures, extra landscaping, hardscapes, seating, or other design elements.

Response: *The primary front entrance(s) is oriented to the street as is identified with a 2-story storefront and is accented with a painted steel surround and a projected canopy. The primary entry directly adjacent to the street will have a concrete seat wall that will enhance the visual appearance from the street. The secondary main entry(s) are easily identifiable for pedestrians with the same building*

enhancements and connecting sidewalks that also connect to the public right-of-way.

(2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).

Response: *The building elevations have storefront windows, vertical fenestrations, entry canopies with a painted steel surround accent, Three (3) paint colors, and reveal patterns to break up any massing. Two-story windows and entry enhancements occur on 2 corners of the building and at the center of the primary elevation for visiting traffic. In addition, all four elevations have “clearstory windows”.*

(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).

Response: *The building is 194 feet from the nearest arterial street (SW Tonquin Rd.) centerline and is located over 80 feet above SW Tonquin RD and access from Tonquin is not achievable. Due to the natural pad height of the property, the elevation change and the distance from the arterial, the project does not meet the design guideline criteria for maximum setbacks of 35’ to all parts of the building. We are considering Commercial Ct. as the primary access. In doing so, the project meets the industrial guidelines for maximum setbacks as the building corner is within 35 feet of the cul-de-sac right-of-way. However, due to this parcel being located at the corner of a cul-de-sac, the entire building will not be at a maximum of 35 feet from the cul-de-sac right-of-way.*

(4) Parking is located to the side or rear of the building when viewed from the arterial or collector.

Response: *The building is 194 feet from the nearest arterial street (SW Tonquin Rd.) centerline and is located over 80 feet above SW Tonquin RD. The proposed parking is not visible from the arterial. With the project not fronting an arterial road, we are considering Commercial Ct. as the view point. The project meets the industrial guidelines with the parking being located along the building entry side of the building with access from Commercial Ct. Access to the arterial (SW Tonquin Rd.) is not provided due to the slope of the terrain between the developed site and the arterial. Ancillary parking is located at the rear of the building. The site currently has a SW Tonquin Road address, however there will not be any vehicular or pedestrian access to/from SW Tonquin Road as part of this proposed project.*

(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.

Response: *The building is 194 feet from the nearest arterial street (SW Tonquin Rd.) centerline and is located over 80 feet above SW Tonquin RD. Again, using Commercial Ct. as the primary access, the loading is located to the rear of the building away from Commercial Ct. Due to the slope, natural vegetation and added landscape screening,*

the loading area will not be visible from the SW Tonquin Rd (arterial). Therefore, the industrial guidelines for loading are met.

b. A minimum 15% window glazing shall be required for all frontages facing an arterial or collector.

Response: *The building is 194 feet from the nearest arterial street (SW Tonquin Rd.) centerline and is located over 80 feet above SW Tonquin RD. Please see the site sections on Sheet EX-1 showing the line of sight to the building from Tonquin Rd. The visible portion of the building varies from the upper 16 feet to the upper 22 feet of the building. In addition, the site sections do not take into account the 40 foot canopy trees at the top of the slope or the 30 foot canopy trees located in the landscape planter adjacent to the west side of the building. Refer to the west building elevation on Sheet A202-S indicating the portion of the elevation that will be visible from Tonquin Rd. Only a small portion of the upper windows will be visible. Even if the elevations had 15% glazing, the glazing would not be visible from the arterial street. Considering the distance from and above SW Tonquin Road (arterial), the requirement for 15% glazing will not be met. A steep 60' tall slope and 10 foot tall retaining wall will be constructed approximately 90' from SW Tonquin Road to support the boundary of development. Portions of the building that will be visible from Commercial Ct. and not screened by adjacent development do have adequate glazing and design that meets the intent of the industrial guidelines.*

c. All roof-mounted equipment shall be required to be screened with materials complimentary to the building design materials.

Response: *The roof top equipment will be screened by the building parapet. If required, additional roof mounted screening of complimentary material to the building design will be provided.*

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

Response: *A design review hearing is not being requested as the proposed building meets the intent of this code.*

(1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.

Response: *Not applicable.*

(2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.

Response: *Not applicable.*

(3) Support the City's goals of economic development.

Response: *Not applicable.*

(4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.D.7.

Response: *Not applicable.*

(5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.

Response: *Not applicable.*

(6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.

Response: *Not applicable.*

(7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

Response: *Not applicable.*

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

Response: *The proposed driveways are in excess of 24 feet and they do align with existing/proposed Commerce Ct.*

E. Approvals

The application is reviewed pursuant to [Chapter 16.72](#) and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action must include appropriate findings of fact as required by [Section 16.90.020](#). The action may be appealed to the Council in accordance with [Chapter 16.76](#).

Response: *It is understood that Conditions may be imposed on the project and said Conditions, may be appealed.*

F. Time Limits

Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per [Section](#)

[16.74.010](#). A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

Response: *It is understood that the Site Plan approvals are void after two (2) years.*

Chapter 16.92 – Landscaping

16.92.020 – Landscape Materials:

A. Type of Landscaping

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

1. Ground Cover Plants

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

2. Shrubs

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

3. Trees

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

Response: *The landscape design shall meet the requirements of the zoning code. Wherever possible, existing vegetation shall be used to meet code requirements. New plantings shall be adapted or native species. All disturbed areas will be planted and mulched to limit erosion and establish healthy new landscapes.*

B. Plant Material Selection and Preparation

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

Response: *All planting material shall be the requirements of the zoning code. Planting shall be of sufficient size and growth habit to achieve desired sizes within the window. Soil shall be amended or imported as required to support plant health, and compacted subgrades tilled to promote infiltration. Species have been selected for a low-maintenance, drought-tolerant landscape.*

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.

Response: *Wherever possible, existing trees shall be preserved. The project strives to reduce disturbance, particularly in the steepest areas, and preserve existing natural systems and stability.*

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.

Response: *Non-vegetative landscape walls may be designed as part of the project. Impervious paving will not be counted towards the minimum landscape requirements, and no artificial plants will be used. Planting will work with the walls to incorporate them into the landscape by softening and breaking them up visually. These may be cascading plantings at the top in addition to screening shrubs at the base.*

16.92.030 – Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

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

Response: *Minimum landscape buffer areas are provided at the parking lot, a layered combination of larger canopy trees like Littleleaf Linden, and smaller dwarf Evergreen Magnolia. These will be supplemented with evergreen shrubs and groundcovers including Compact Oregon Grape and Snowberry to complete the screen.*

b. The access drives to a rear lots in the residential zone (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to an eight (8) feet high landscape hedge within a

four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, Review Authority may waive the fence/buffer in order to preserve the mature vegetation.

Response: *Not Applicable*

3. Perimeter Landscape Buffer Reduction

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

Response: *A landscape buffer reduction is applied along the north property line of the building parcel to match the reduced 5 foot buffer at the proposed adjacent industrial development to the north as allowed by this code section.*

B. Parking Area Landscaping

1. Purpose

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

2. Applicability. The provisions of this section apply to off-street parking areas of more than four (4) parking and/or loading spaces.

3. Definitions

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

b. Canopy Factor

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

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

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

4. Required Landscaping

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

Response: *Parking landscaping requirements have been met. Broad shade trees like Black Tupelo and Hackberry will arch over the parking areas, providing the required shade on the desired timeline.*

5. 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.

Response: *The amount of required parking area landscaping s has been met. Small feature shrubs like Kelsey Dogwood and the native Creeping Mahonia planted in the required quantities will provide multi-season interest and preserve driver sight lines. Sturdy groundcovers like the native Kinnikinnick shall provide a carpet of vegetation under the other plantings.*

6. 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.

f. Exception to Landscape Requirement

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

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

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

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

Response: *Landscape island requirements have been met through the standard rules above, providing vegetated islands spread across the site. Columnar trees may be used to reduce vehicular conflicts in parking islands adjacent to semi-trailer areas. Species are adjusted as required to assure plant health in different microclimates.*

7. Landscaping at Points of Access

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

Response: *Access point landscaping requirements have been met to accommodate minimum sight distances. Shrubs in these areas shall be under four feet in height, and trees shall be limited up to accommodate sight lines.*

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

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

Response: *Any mechanical equipment will be screened by the building parapets. Any outdoor storage and delivery areas will be screened from any public streets since it is at the rear of the building. The delivery area will be screened with 40' canopy trees per the landscape plan Sheet L1.0 and is also elevated 80' above Tonquin Road.*

D. Visual Corridors

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

Response: *The landscape visual corridor will be provided along Tonquin Rd. Please refer to the landscape plans. The Right-of-way will be widened to account for the future trail. Visual corridor design shall be balanced with city plans to adjust Tonquin Road. We will work with the review authority to develop the planting design according to city plans.*

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.

D. Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable

to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within one (1) year, the security may be used by the City to complete the installation.

Response: *All planting and irrigation installation & maintenance shall meet the requirements of the zoning code. Specifications and details for planting installation, irrigation, and establishment maintenance are according to nursery industry best practices, backed by design team review and a warranty. Irrigation will be automatic.*

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.

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.

Response: *Off-street parking meet the minimum requirements. Refer to Civil Plan Sheet C1.0 and Architectural Site Plan Sheet AS100-S. No reduction in parking is requested.*

D. Prohibited Uses

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

Response: *Required parking, loading and maneuvering areas are not intended to be used for long-term storage, and any short-term storage will be associated with the tenant(s) of the building.*

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 Multi-Family dwelling developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).

Response: *Not Applicable*

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

Response: *All required parking will be located on-site. No off-site parking provided.*

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

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

Response: *The proposed development is speculative. The number of employees is unknown at this time. Carpool/vanpool stalls are shown near the 4 main entries to the building for a total of 13 carpool/vanpool spaces. Refer to site plan for locations.*

F. Marking

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

Response: *Parking areas will be cleared marked and striped. Directional arrows will be provided. See Civil and Architectural site plan.*

G. Surface and Drainage

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

Response: *Parking and loading areas will be paved and will have proper storm drainage. See the Preliminary Drainage Plan on Sheet C1.2 for drainage catch basin locations.*

H. Repairs

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

Response: *Parking and loading areas will be maintained and repaired accordingly.*

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. A parking and loading plan is not required for all residential housing types, except for Multi-family, on residential lots in a recorded subdivision. The plan shall show but not be limited to:

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

Response: *Refer to Civil & Architectural Site Plans for parking & loading locations; bicycle parking locations and dimensions; parking landscaping; wheel stop locations.*

J. Parking Districts

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

Response: *Not Applicable*

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

Response: *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.

Response: *Refer to the Civil & Architectural site plans for parking tabulations.*

<u>Parking</u>	<u>Area</u>	<u>Min. Ratio</u>	<u>Min. Stalls</u>	<u>Max Ratio</u>	<u>Max. Count</u>
90% Warehouse	371,925 SF	0.3/1,000 SF	112	0.5/1,000 SF	186
10% Industrial	41,325 SF	1.6/1,000 SF	67	No max.	No max.
Accessory Office	T.B.D.	min. same as associated use			
Total Required:			179		
Total Provided:			253		

B. Dimensional and General Configuration Standards

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

Response: *Refer to the site plan for parking stall dimensions. All parking stalls are 9 feet x 20 feet. See key note 3204.1 in the Architectural Site Plan, Sheet AS100-S.*

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.

Response: *Refer to the site plan for parking configurations. All minimum maneuvering widths are met. Drive aisles with 90 degree parking are 26 feet in width.*

3. Wheel Stops

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

b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.

c. The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

Response: *Wheel stops have been provided at all parking stalls. Refer to the Architectural site plan AS100-S for locations.*

4. Service Drives

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

Response: *No service drives are proposed for the project.*

5. Credit for On-Street Parking

a. On-Street Parking Credit. Except for residential uses, the amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.

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

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

Response: *Not Applicable. No On-Street parking is proposed.*

6. Reduction in Required Parking Spaces

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

Response: *Not Applicable. No parking reduction is being requested.*

7. Parking Location and Shared Parking

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

Response: *Shared parking is not anticipated.*

C. Bicycle Parking Facilities

1. General Provisions

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

2. Location and Design.

a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
- (3) **Lighting.** Bicycle parking shall be at least as well lit as vehicle parking for security.
- (4) **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
- (6) **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

b. Short-term Bicycle Parking

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

c. Long-term Bicycle Parking

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

d. Covered Parking (Weather Protection)

- (1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

(2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.

(3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Response: *Refer to the Architectural Site Plan Sheet AS100-S for bicycle parking location. Refer to Sheet AS101-S for the enlarged plan of the bicycle parking area. A total of 7 bicycle stalls are required. Each pair of bicycles will share a 2-bike rack. A total of four (4) bicycle racks and 8 bicycle parking will be provided. A 2ft. x 6ft. space is allocated for each stall with a minimum of 5ft. behind the stalls.*

253 auto stalls/ 40 = 6.325 (7) bicycle stalls required. 8 Provided

16.94.030 – Off-Street Loading Standards

A. Minimum Standards

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

Response: *The proposed project will have 58 dock doors and 4 drive-in doors for a total of 62 loading spaces. Each loading space is 12 feet x 60 feet for a total loading area of 44,640 SF.*

B. Separation of Areas

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

Response: *Loading and unloading maneuvering areas and separated from off-street parking areas and the public street. Refer to the site plan.*

C. Exceptions and Adjustments.

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

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

3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;
4. Does not obstruct a primary emergency response route; and
5. Is acceptable to the applicable roadway authority.

Response: *Not Applicable. The project is not located in the Old Town Overlay District.*

Chapter 16.96 – On-Site Circulation

16.96.010 – General Requirements for On-Site Pedestrian and Bicycle Circulation

A. Purpose

All new development, (except single-family detached and middle housing types), shall provide a continuous system of private pathways/sidewalks. The on-site facilities shall connect 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.

B. Maintenance

No building permit or other City permit shall be issued until plans for pedestrian 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. Required ingress, egress and circulation improvements shall be kept clean and in good repair.

C. Joint Pedestrian 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.

Response: *On-site circulation is provided with continuous sidewalks connection the public right-of-way with all building entrances, bicycle parking and other site features.*

16.96.030 – Minimum Non-Residential Pedestrian Circulation Standards

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

A. 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.

Response: On-site pedestrian circulation is provided with continuous sidewalks connection the public right-of-way with all building entrances, bicycle parking and other site features. Refer to site plan.

16.96.040 – General Requirements for On-Site Vehicle Circulation

A. Maintenance

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

B. Joint Access

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

C. Connection to Streets

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.

D. Maintenance of Required Improvements

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

E. Service Drives

Service drives shall be provided pursuant to [Section 16.94.030](#).

Response: On-site vehicle circulation is provided with connection to streets. Refer to the civil & Architectural site plan.

Chapter 16.98 – On-Site Storage

16.98.010 – On-Site Storage

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

Response: No recreational vehicle or equipment storage is proposed.

16.98.020 - Solid Waste and Recycling Storage

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

Response: *Solid waste and recycling enclosures are provided and provide screening. Refer to the Architectural Details provided on sheet AS101-S.*

16.98.030 - Material Storage

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

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

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

Response: *The proposed development is speculative and no material storage is proposed at this time. Any future material storage shall meet the requirements of the zoning code.*

16.98.040 - Outdoor Sales and Merchandise Display

A. Sales Permitted

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

1. Permanent outdoor sales and merchandise display are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with [Chapter 16.82](#). Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.

2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of [Chapter 16.86](#) (temporary uses). When the temporary use is not occurring the site shall return to its original state.

3. Food vendors including food carts, ice cream trucks, hotdog stands or similar uses are only permitted as a permanent outdoor sale use as described in A.1 above.

B. Standards

1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.

2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.

3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be improved with asphalt surfacing, crushed rock, or other dust-free materials.

4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone.

Response: *The proposed development is speculative and no outdoor sales or merchandise display is proposed at this time. Any future outdoor sales or merchandise display shall meet the requirements of the zoning code.*

Chapter 16.100 – General Sign Provisions

Response: *No signage is planned at this time. Any future signage shall meet the requirements of the zoning code.*

Chapter 16.101 – Permanent Signs

Response: *No signage is planned at this time. Any future signage shall meet the requirements of the zoning code.*

Chapter 16.102 – Temporary, Portable, and Banner Signs

Response: *No signage is planned at this time. Any future signage shall meet the requirements of the zoning code.*

Division VI - Public Infrastructure

Chapter 16.104 – General Provisions

16.104.010 – Purpose

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require any buildings or other development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. Except as otherwise provided or authorized, private improvements serving substantially the same function as equivalent public facilities shall generally be provided and improved to the standards established by this Code and other City regulations.

Green Street elements such as bioswales and porous pavement are encouraged where appropriate and feasible. Where a specific design standard supporting a green street concept is not included in the Engineering Design and Standard Details Manual (Engineering Design Manual), the design will be considered by the Engineering Department, provided additional documentation is provided to the Engineering Department that documents the design is appropriate, has a design life equal to a traditional paved street, and the maintenance costs to the City are comparable to traditional streets.

Response: *Improvements for roadway and utilities along Commerce Ct. will be provided by others. For SW Tonquin RD., the project will dedicate the required right-f-way for the future road, but will pay a fee in lieu of making the actual road improvements.*

16.104.020 - Future Improvements

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

Response: *Improvements for roadway and utilities along Commerce Ct. will be provided by others. For SW Tonquin RD., the project will dedicate the required right-f-way for the future road, but will pay a fee in lieu of making the actual road improvements. The project will not make any improvements that would encumber the future widening of Tonquin Road. No retaining walls, structures, utilities, or other site improvement will be provided in the vicinity of Tonquin road that would impact the future widening. The conceptual future roadway widening is shown on the conceptual civil plans to illustrate how the development will not preclude the future widening of the roadway. Retaining walls will likely be necessary for the future widening of the roadway. The project will provide a guarantee that it will not restrict or otherwise appose future roadway widening of Tonquin Rd. The guarantee can take the form of a agreement or covenant acceptable to both the owner, city, and county.*

16.104.030 - Improvement Procedures

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

The City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a middle housing development application.

Response: *Improvements for roadway and utilities along Commerce Ct. will be provided by others. For SW Tonquin RD., the project will dedicate the required right-f-way for the future road, but will pay a fee in lieu of making the actual road improvements.*

Chapter 16.106 – Transportation Facilities

16.106.010 – Generally

A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the Transportation System Plan (TSP) Map (Figure 17) and other applicable City standards. The following table depicts the guidelines for the street characteristics.

Response: *Improvements for roadway and utilities along Commerce Ct. will be provided by others. For SW Tonquin RD., the project will dedicate the required right-f-way for the future road, but will pay a fee in lieu of making the actual road*

improvements. See Sheet C1.0 for a plan and section view of the proposed future improvements to SW Tonquin Rd.

16.106.020 - Required Improvements

A. Generally

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

Response: *Improvements for roadway and utilities along Commerce Ct. will be provided by others. For SW Tonquin Rd., the project will dedicate the required right-of-way for the future road and trail, but will pay a fee in lieu of making the actual road and trail improvements. See Sheet C1.0 for a plan and section view of the proposed future improvements to SW Tonquin Rd. The project will not make any improvements that would encumber the future widening of Tonquin Road. No retaining walls, structures, utilities, or other site improvement will be provided in the vicinity of Tonquin road that would impact the future widening. The conceptual future roadway widening is shown on the conceptual civil plans to illustrate how the development will not preclude the future widening of the roadway. Retaining walls will likely be necessary for the future widening of the roadway. The project will provide a guarantee that it will not restrict or otherwise oppose future roadway widening of Tonquin Rd. The guarantee can take the form of a agreement or covenant acceptable to both the owner, city, and county.*

16.106.030 – Location

A. Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

16.106.040 – Design

Response: *Improvements for roadway and utilities along Commerce Ct. will be provided by others. For SW Tonquin RD., the project will dedicate the required right-f-way for the future road, but will pay a fee in lieu of making the actual road improvements. See Sheet C1.0 for a plan of the roadways.*

16.106.060 – Sidewalks

Response: *Improvements for roadway and utilities along Commerce Ct. will be provided by others. For SW Tonquin RD., the project will dedicate the required right-f-way*

for the future road, but will pay a fee in lieu of making the actual road improvements. See Sheet C1.0 for a plan of the roadways. A sidewalk connection from the building is only provided to Commerce Ct., because the grades to SW Tonquin Rd. are too steep for a pedestrian route.

16.106.70 - Bike Lanes

Response: *Improvements for bike lanes along Commerce Ct. will be provided by others. For SW Tonquin Rd., the project will dedicate the required right-of-way for the future road, but will pay a fee in lieu of making the actual road improvements. See Sheet C1.0 for a plan of the roadways. The future SW Tonquin Rd. will include bike lanes in each direction.*

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

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

Response: *A Traffic Impact Analysis has been provided.*

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.

Response: *The project will follow city requirements for plan preparation and submittal to the city for Roadway improvements. Plans and permitting for Commerce Ct. will be provided by others. Plans for SW Tonquin Rd. will be provided in*

enough detail for the city to assess the fee un lieu of providing the actual improvements.

16.108.020 - Construction Permit

A. Approval

The City will return one (1) set of plans to the applicant marked "approved," "approved as noted" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development 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.

C. Easement Documents

Easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

1. Liability Insurance

Evidence of liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or irrevocable standby letter of credit.

Response: If required, all construction permits, easement documentation, liability insurance and performance bonds will be provided, applied for and obtained as required by the city.

16.108.030 - Construction

☐ A. Initiation of Construction

Actual construction of improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

C. As-Built Plans

A complete set of reproducible plans and an electronic copy of the base files in "AutoCad" or PDF format showing the public improvements as built shall be filed with the City upon completion of the improvements.

D. Suspension of Improvements Activity

The City may cause a suspension of construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

Response: If required, inspections will be called for and as-built plans will be provided.

16.108.040 - Acceptance of Improvements

A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

B. Notification of Acceptance

The City shall give written notice of acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

C. Maintenance Bond

Prior to City acceptance of public improvements, the applicant shall provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.

Response: If required, a Maintenance Bond will be provided.

Chapter 16.110 - SANITARY SEWERS*

16.110.010 - Required Improvements

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

Response: The proposed development will be connected to an existing sewer main located in Commerce Ct. This sewer main is provided by others prior to this project.

16.110.020 - Design Standards

A. Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.

B. Over-Sizing

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

Response: The proposed development will connect to the sanitary sewer that is being constructed by others. The sewer capacity is being designed to accommodate this proposed development. Requirements will be met.

16.110.030 - Service Availability

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

Response: *The design team shall work with the City and their certification of the sewer system and it's capacity.*

Chapter 16.112 - WATER SUPPLY*

6.112.010 - Required Improvements

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

16.112.020 - Design Standards

A. Capacity

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

B. Fire Protection

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

C. Over-Sizing

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

Response: *The project will connect to the water main located in Commerce Ct., and is being constructed by others. The project will loop the building with a new private water main with hydrants spaced as required. Services for domestic, irrigation, and fire services will be provided. Water service plans (including fire protection) will be provided and submitted to the City for review.*

16.112.030 - Service Availability

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

Response: *The design team shall work with the City to Certify the water service availability.*

Chapter 16.114 - STORM WATER*

16.114.010 - Required Improvements

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San Jose Office
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206.567.7712

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

Response: ***An extended dry basin pond is being proposed for the development and it shall meet the Clean Water Services regulations.***

16.114.020 - Design Standards

A. Capacity

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.

B. On-Site Source Control

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

C. Conveyance System

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

Response: ***The capacity, On-Site Source Control and Conveyance System of the storm water drainage system shall be designed in conformance with the design standards. Please refer to the preliminary drainage report.***

16.114.030 - Service Availability

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

Response: ***The design team will work with the City and Clean Water Services to obtain construction plan approval and certification for storm water drainage.***

Chapter 16.116 - FIRE PROTECTION*

16.116.010 - Required Improvements

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

Response: *The proposed project will be designed to provide fire protection facilities and adequate water supply no further than 250 feet from the structure. Hydrants will be provided around the building served by a private water loop on the site.*

16.116.020 – Standards

A. Capacity

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

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.

Response: *Hydrants will be provided around the building served by a private water loop on the site. Fire protection facilities will be designed per city standards including fire flow and access. Curbs shall be painted yellow 15 feet in either direction of the hydrant and marked “parking prohibited” where hydrants are located along a private drive.*

16.116.030 - Miscellaneous Requirements

A. Timing of Installation

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

Response: *Fire protection facilities will be installed prior to any combustible construction commences or as determined by the Fire District.*

B. Maintenance of Facilities

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

Response: *All on-site fire protection facilities will be maintained in good working order.*

C. Modification of Facilities

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

Response: *Modifications to the on-site fire protection facilities is not anticipated. However, any future modifications will confirm to the City Standards.*

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES

16.118.010 – Purpose

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

Response: *Public telecommunication and ant franchise utility conduits will be installed.*

16.118.020 – Standard

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

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.

Response: *A Public Utility Easement will be provided by the project along SW Tonquin Rd. and Commerce Ct. as required by the city.*

16.118.030 - Underground Facilities

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

Response: *All utilities serving this proposed development will be underground. Existing high voltage overhead transmission lines along SW Tonquin Rd. will remain.*

16.118.040 – Exceptions

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

Response: *Requirement noted. The electrical transformer will be located above ground. It shall be located as approved by the City.*

Division VIII - Environmental Resources

Chapter 16.140 – Parks, Trees and Open Spaces

16.140.010 - Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of the City's adopted Comprehensive Plan. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in [Chapter 16.40](#) - Planned Unit Development (PUD).

16.140.040 - Visual Corridors

A. Corridors Required

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

Response: *The visual corridor will be provided along Tonquin Rd. Please refer to the landscape plans.*

16.140.060 - Street Trees

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

Response: *Street trees along SW Tonquin Rd. will be part of the fee paid in lieu of improvements with this project. Trees within the Commerce CT. planter will be provided under a separate permit by others.*

Chapter 16.142 - Wetland, Habit and Natural Areas

16.142.010 – Generally

Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland

Inventory, the Comprehensive Plan Natural Resource Inventory, the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro, and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.

Response: *No wetlands, habitat or natural areas exist on the site. Please refer to the provided Service Provider Letter from Clean Water Services.*

Chapter 16.144 - Noise

16.144.010 – Generally

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

Response: *Although the development is speculative at this time, the intended warehouse use shall not exceed noise standards.*

Chapter 16.146 - Vibrations

16.146.010 – Generally

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

Response: *Although the development is speculative at this time, the intended warehouse use shall not cause vibrations that exceed the amount stated in the zoning code.*

Chapter 16.150 - Odors

16.150.010 – Generally

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

Response: *Although the development is speculative at this time, the intended warehouse use shall not produce odors as stated in the zoning code.*

Chapter 16.152 – Heat and Glare

16.152.010 – Generally

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

Response: *Although the development is speculative at this time, the intended warehouse and use will not produce any excessive heat or glare outside of the building. The exterior lighting is designed to direct light away from the adjoining properties. Refer to the site photometric plan.*

Chapter 16.154 – Energy Conservation

16.154.010 – Purpose

The standards in this Chapter shall apply to any new uses or changes to existing uses in multi-dwelling, commercial, industrial and institutional zones. The standards in this Chapter do not apply to accessory dwelling unit or single detached, or middle housing development in residential zones.

16.154.030 – 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.

Response: *The site design allows for maximum sunlight exposure along the longest side of the building facing south, and is situated at a top of a hill and away from natural vegetation to allow for cooling wind.*

Division IX - Historic Resources

Chapter 16.158 – General Provisions

16.158.010 – Purpose

This Division is intended to protect, preserve, and otherwise properly manage the City's historic and cultural resources for the benefit and education of the general public, to retain and strengthen the community's historic heritage and unique identity, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's historic and cultural resources.

Response: *The proposed project will not trigger any requirements for historic or cultural resources.*

END RESPONSES

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