

CITY OF SHERWOOD
March 8, 2024
STAFF REPORT



Rock Creek Industrial (Panattoni)
SITE PLAN REVIEW & CONDITIONAL USE PERMIT
LU 2023-017 SP / CUP

To: City of Sherwood Planning Commission

From: Hugo Agosto, Associate Planner

Pre-App Meeting:	May 25, 2023
App. Submitted:	October 26, 2023
App. Complete:	January 24, 2024
Hearing Date:	February 27, 2024
120-Day Deadline:	May 23, 2024

The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing on February 27, 2024. The Commission heard presentations from City staff and the applicant, followed by an opportunity for testimony from the public. No members of the public came forward for testimony. Planning Commissioners provided non-substantive edits to the staff report dated February 20, 2024.

At the hearing, discussion was centered on the need for evergreen landscaped screening along the parcel(s) perimeter as to reduce visual impact. Furthermore, downwards-facing exterior lighting, or oftentimes referred to as “dark sky compliance,” was discussed in order to minimizing impact to adjoining properties.

The Commission also inquired about the land use classification of the proposed trailer parking located on the western and southern portion of the properties. Staff indicated the proposed trailer parking would be necessary for the overall operation of the proposed Distribution and Warehousing, industrial, and other permitted uses located on the site; the proposed trailer parking will remain subordinate and overall incorporated into the operation of the property and is not considered as part of the Conditional Use Permit. At the request of both the applicant and the City staff, the hearing was continued to March 12, 2024, to address the above topics and infrastructure-related conditions of approval.

Proposed text alterations and revisions to the conditions of approval have been incorporated into this staff report, as displayed in subsequent sections.

Lighting

The applicant provided a lighting schematic, Attachment A, Appendix F.1, that shows the potential of shading that will minimize impact to adjoining properties and overall light pollution.

Evergreen Plantings

Prior to the March 12, 2024, second evidentiary hearing, the applicant provided an updated landscaping plan, Attachment A, Appendix J.1, indicating additional evergreen tree landscaping will be provided along western property line, abutting SW Tonquin Road. Approximately 34.06 percent of the proposed 91 required trees, pursuant to 16.92.030, will be evergreen, exceeding the standard; the overall percentage of evergreen trees located on the subject parcel(s) will be approximately 12.45 percent. A condition of approval was removed as a result of this resubmission, as the applicant displayed compliance with the applicable code criterion, pursuant to 16.92.030.B.5.a.1.iv; conversely the applicant did not provide evergreen planting at the southern property line, and a condition of approval was added to address Planning Commission concerns. These alterations are indicated as follows:

Condition B.13: Prior to Final Site Plan Approval, the applicant shall resubmit landscaping plans indicating the placement of proposed perimeter landscaping trees along the southern boundary of the property consisting of a ratio of 1:3 evergreen. These shall be evenly distributed along the parcel(s).

~~**Condition B.5:** Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans indicating that at least five (5) percent of the required trees are evergreen.~~

Trailer Parking:

As previously stated, staff indicated the proposed trailer parking would be necessary for the overall operation of the proposed Distribution and Warehousing, industrial, and other permitted uses on the site; the proposed trailer parking will remain subordinate and overall incorporated into the operation of the property and is not considered as part of the Conditional Use Permit. The entire application was reviewed by staff and agency partners as a singular cohesive site.

Any standalone trailer use would require an additional Conditional Use Permit and must be on constrained land where structures would not otherwise be permitted (provided that no natural resources such as wetland or floodplains are impacted), pursuant to 16.31.020 – Uses, footnote 4. The subject parcel(s) (Washington County Assessors Map and Tax Lot Number: 2S133BB00100/2S1330000400) would not be classified as constrained land and wouldn't support any standalone trailer storage. In the event that

the proposed Distribution and Warehousing (along with other permitted uses) ceased operations, then any trailer storage would not be permitted to occur on the subject site.

Transportation

The applicant identified concerns with the sanitary sewer, water, and broadband systems Fee-In-Lieu analysis related to the “to and through” requirements of the Sherwood municipal code and ORS 660-021-0040(6). Engineering staff as updated their analysis by estimating the cost to install the systems from the termination point within SW Commerce Court cul-de-sac to the southern property line of the site. Furthermore, Engineering staff has updated the cost to construct of wall to the height necessary at 38 feet from centerline of SW Tonquin Road, instead of 53-feet from centerline.

Conditions of approval's have been updated as reflected below:

Condition C.3: Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:

- Cost to excavate for street widening improvements including bank/rock excavation to install wall.
- Cost to construct of wall to the height necessary at ~~53~~ **38** feet from the centerline of SW Tonquin Road.
- Cost for placement of geotextile fabric.
- Cost to install base rock (10-inches total thickness).
- Cost to install of curb and gutter.
- Cost to install asphalt (4-inches total thickness)
- Cost to install concrete sidewalk (12-feet wide).
- Cost to install streetlights necessary to provide street lighting along SW Tonquin Street (photometric analysis required to establish number of streetlights).
- Cost to install storm sewer, manholes and catch basins as needed along the entire subject property frontage.
- Fee-in-lieu at \$1.50/square foot of new impervious area associated with the items above for costs of storm water quality treatment and storm hydro-modification.
- Cost to install street trees and root barriers.

Condition C.8: Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:

- **Cost to install an 8-inch diameter sanitary sewer and manholes from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property.**
- ~~Cost to install an 8-inch diameter sanitary sewer along the entire subject property frontage (including surface restoration).~~
- ~~Cost to install sanitary sewer manholes along the entire subject property frontage (including surface restoration).~~

The engineer's estimate will need to meet the approval of the Sherwood city engineer.

Condition C.10: Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:

1. **Cost to install an 8-inch diameter water line from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property (including fittings and restraining).**
~~Cost to install an 8-inch diameter water line along the entire subject property frontage (including surface restoration, fittings and restraining).~~
2. Cost to install ~~three~~ **two (2)** fire hydrants along the subject property frontage (including surface restoration, fittings and restraining).

The engineer's estimate will need to meet the approval of the Sherwood city engineer.

Condition C.16: Prior to Final Approval of Public Improvement Plans, a fee-in-lieu payment will be made for Sherwood Broadband utilities (vaults and conduit) from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property.

~~Prior to Final Approval of Public Improvement Plans, a fee-in-lieu payment will be made for Sherwood Broadband utilities (vaults and conduit) along the entire length of the subject properties' frontage of SW Tonquin Road.~~

Non-Substantive Changes

Non-Substantive changes were requested by the Commission. The non-substantive updates to Conditions of approval's have been updated as reflected below:

Condition A.11: The applicant shall protect and maintained existing vegetative areas as presented on the preliminary landscaping plans during the construction phase of the development. Destruction or removal of existing vegetative areas ~~will be required to~~ **shall be mitigated via the** replant **of** similar ground coverage to what was approved under this decision (LU 2023-017 SP/CUP).

Condition A.12: The property owner(s) shall be responsible for maintaining and installing ~~all~~ required screening of ~~all~~ Mechanical Equipment, Outdoor Storage, Service and Delivery Areas from public streets and any adjacent residential zone districts.

PROPOSAL: An application for a Type IV Site Plan Review and Type III Conditional Use Permit to develop a 413,250 square foot **distribution and** warehousing, ~~and~~ industrial, ~~structure with,~~ **and** secondary office uses. The subject parcel(s) are zoned Employment Industrial (EI), 20.00 acres (TL 400) and 8.16 acres (TL 100) in size, and located at 13700 SW Tonquin Road (Washington County Assessors Map and Tax Lot Number: 2S133BB00100/2S1330000400).

I. BACKGROUND

- A. Applicant:
AHBL
2215 N. 30th St.
Tacoma, WA 97071
- Owner:
Woodburn Industrial Capital Group, LLC
395 Shenandoah Lane
Woodburn, OR 97071
- B. Location: 13700 SW Tonquin Road (Washington County Assessors Map and Tax Lot Number: 2S133BB00100/2S1330000400).
- C. Review Type: Type IV – Site Plan Review & Type III – Conditional Use Permit
- D. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before

February 7, 2024. Notice of the application was also published in a local newspaper (The Times) on February 8, 2024, and February 22, 2024.

E. Review Criteria: Sherwood Zoning and Community Development Code: Chapter 16.70 – General Provisions; Chapter 16.72 – Procedures for Processing Development Permits; Chapter 16.31 – Industrial Land Use Districts; Chapter 16.58 – Vision Clearance and Fence Standards; Chapter 16.90 – Site Planning; Chapter 16.82 – Conditional Uses; Chapter 16.92 – Landscaping; Chapter 16.94 – Off-Street Parking and Loading; Chapter 16.96 – On-Site Circulation; Chapter 16.98 – On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review ; Chapter 16.110 Sanitary Sewers ; Chapter 16.112 Water Supply ; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.146 Noise; Chapter 16.148 Vibrations ; Chapter 16.150 Air Quality ; Chapter 16.152 Odors ; Chapter 15.154 Heat and Glare.

F. History and Background:

- LU-2020-012 AN: A request to annex 28.17 acres of land (Washington County Assessors Map and Tax Lot numbers: 2S133BB/100 & 2S133/400), including right-of-way into the City of Sherwood.
- LU2022-022 CUP/MM: A proposal to revise an application at 21600 SW Oregon St. regarding the access and public transportation plans to serve Phase 1. Under the revised proposal, the applicant is proposing to construct SW Tonquin Ct. (aka Laurelwood Way) and an unnamed east-west local street along the southern boundary of Phase 1. With the reconfigured site plan, approximately 10,000 SF of building area has been added to Phase 1.
- 2023-003 MM: A request for the city to amend a previous site plan approved by Planning Case File: LU 2021-015-SP to shift an approved driveway location to provide safe alignment with a future intersection between SW Laurelwood Way and an “east-west local road” approved as part of the Sherwood Commerce Center Planning Case File: LU 2022-022-CUP.
- 2023-004 PLA: A requested lot consolidation of five existing lots, Tax Lot 200, 201, 300, 401, and 403 into one larger lot (total of 19.76 acres), a property line adjustment to transfer 0.06 acres from Tax Lot 500 to Tax Lot 600 by adjusting Tax Lot 500’s northeastern property line westward for future right-of-way of SW Laurelwood Way and SW Oregon Street, and a second lot line adjustment to transfer 7.99 acres from Tax Lot 600 to the consolidated lot by adjusting Tax Lot 600’s southern boundary northward by 262.40 feet. The current seven lots will be reduced to three. The resulting lot consolidation and lot line adjustments will decrease Tax Lot 500 to 8.86 acres, Tax Lot 600 will decrease to 30.84 acres, and the consolidated tax lot will comprise 27.35 acres.

- LU 2023-020 PLA: A request for a Type I Property Line Adjustment to relocates a common property line between two abutting units of land, resulting in parcels ±18.77 acres (TL 400) and ±28.31 acres (TL 201) in size, for properties both zoned Employment Industrial (EI), located at 13700 SW Tonquin Road and 14260 SW Tonquin Road (Washington County Assessors and Tax Lot Numbers: 2S1330000400 / 2S1330000201)

G. Existing Conditions: The subject parcel(s) are currently undeveloped.

H. Surrounding Land Uses:

- West: Across Tonquin Road, Medium Density Residential High – MDRH
- South: Unincorporated Washington County, outside the UGB
- East Unincorporated Washington County, outside the UGB
- North Employment Industrial – EI

I. Current Zoning: Employment Industrial – EI

II. AFFECTED AGENCY AND PUBLIC COMMENTS

A. Notice of the application was sent to affected agencies via email on January 24, 2024. A full list of the agencies / staff receiving the routing email is included as **Attachment A, Appendix G**. The following responses were received:

1. City of Sherwood Engineering Department: The Sherwood Engineering Department provided comments dated February 9, 2024. Comments and Conditions of Approval are included in the Division IV- Public Improvements section of this report and are included as **Attachment B**. Comments are regarding Sanitary Sewer, Water, Storm Water, Transportation, Grading and Erosion Control, and Other Engineering Issues.
2. Clean Water Services (CWS): A CWS memorandum dated February 8, 2024, states that prior to any work on the site, the proposed project must obtain a Clean Water Services (CWS) Storm Water Connection Permit Authorization in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22, or prior standards as meeting the implementation policy of R&O 18-28. Comments and Conditions of Approval are included in the Division IV – Staff Recommendation and Conditions of Approval section of this report and are included as **Attachment C**.
3. Washington County: A memorandum dated February 15, 2024, was provided. Comments and Conditions of Approval are included in the Division IV- Public Improvements section of this report and are included as **Attachment E**.

4. Portland General Electric (PGE): Emailed correspondence, dated February 7, 2024, indicated that PGE has established facilities nearby that can serve the proposed development. Emailed correspondence is included as **Attachment D**.
5. Oregon Department of Geology and Mineral Industries (DOGAMI): Emailed correspondence, dated February 8, 2024, indicated that all material excavated onsite must be used onsite or an Operating Permit is required. The proposed excavation is located on a tax lot 100, which is not incorporated in DOGAMI ID 34-0011 that covers tax lot 400. As indicated in the comments, DOGAMI ID 34-0011 is out of compliance with their Operating Permit and remains under a Suspension Order until the permit has been amended to be consistent with land use approvals, which have changed the post-mining land use from forestry to employment industrial. No mining related activities are allowed, including but not limited to stripping of topsoil/overburden, excavation, stockpiling, processing, and/or material export. Emailed correspondence is included as **Attachment F**. To ensure compliance with these standards, the following condition of approval applies:

Condition B.1: Prior to Final Site Plan approval, the property owner(s) shall submit documentation indicating compliance, amendment, or release of their Operating Permit, DOGAMI ID 34-0011, as required by Oregon Department of Geology and Mineral Industries policies and standards.

6. PRIDE: Email correspondence, dated January 19, 2024, indicated the proposed Solid Waste and Recycling Storage area in the southwestern side of the development would have to be moved as to comply with applicable PRIDE disposal standards. Emailed correspondence is included as **Attachment G**. To ensure compliance with these standards, the following condition of approval applies:

Condition B.2: Prior to Final Site Plan approval, the applicant shall resubmit application materials indicating each proposed trash enclosure's location is compliant with Sherwood Zoning and Development Code and P.R.I.D.E disposal standards.

The following agencies provide correspondence indicating "no comment": Sherwood Police Department, Metro, Sherwood School District, and Bonneville Power Administration (BPA).

B. Public Comments

No public comments were received at the time of writing this staff report. However, comments from the community are welcome up to the close of the public hearing.

III. APPLICABLE CODE PROVISIONS

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

Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – Generally

A. Classifications

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

4. Type III

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

- a. Conditional Uses.
- 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.

5. 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.

B. Hearing and Appeal Authority

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

- 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.

- 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.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, ~~and industrial, and~~ ~~structure with~~ secondary office uses. The proposed **distribution and** warehousing use is greater than 150,000 square feet and allowed under a Conditional Use Permit, which is processed as a Type III review process. Site Plan's resulting in 40,000 square feet or greater of floor area, parking, or seating capacity are processed under a Type IV review process; the highest classification of review is utilized when multiple types are required for approval. An initial Planning Commission hearing is scheduled for February 27, 2024, following public notice in accordance with Sections 16.72.020 through 16.72.080. Any person who testifies before the Planning Commission at the public hearing or submits written comments prior to the close of the record may appeal the Planning Commission's decision; therefore, these criteria are met.

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

- I. 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.
- II. 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.
- III. 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 homeowner's associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
- IV. 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.
- V. 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.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, **and** industrial, **and** structure with secondary office uses and is reviewed under a Type IV Site Plan Review and Type III Conditional Use Permit procedure. Mailed notice of this application, in compliance with 16.72.030, was sent to property owners within 1,000 feet of the subject property on February 7, 2024. Posted notice was placed in five (5) conspicuous locations within the City and posted on the subject property in a manner consistent with the above criteria on February 1, 2024. Notice of the public hearing was published in *The Times*, general circulation, on February 8, 2024, and February 22, 2024, at least two weeks prior to the initial public hearing. A complete description of the proposal, including accompanying application materials and approval criteria, were provided on the City of Sherwood website for all interested parties to review; therefore, these criteria are met.

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.**

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and/or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

16.31.020 – Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.**

- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of the below table.

Uses: Industrial	EI
Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building	C
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code	P
Research and development and associated manufacturing	P
Any incidental business, service, processing, storage, or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	P

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehouse, and industrial, ~~and structure with~~ accessory office uses. The portion of the development dedicated to **distribution and** warehousing will be approximately 90 percent, equating to approximately 371,925 square feet, while 10 percent will be dedicated to undefined industrial uses permitted within the EI zone district, equating to approximately 41,325 square feet; an undetermined amount of accessory or incidental office area will be dedicated to supporting the primary **distribution and** warehousing and industrial function of the property. Due to the speculative nature of the development, future uses including separate Conditionally Permitted uses are subject to land use approval as required by the development code and zoning district and will be additionally reviewed through building permit submittals; Therefore, this criterion is satisfied.

16.31.030 - Development Standards

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

Development Standards by Zone	RG EI Zone
Lot area:	3 acres⁹
Lot width at front property line:	100 ft
Lot width at building line:	100 ft
Front yard setback¹¹	20 ft.
Side yard setback¹⁰	None
Rear yard setback¹¹	None
Corner lot Street Side¹¹	20 ft
Height¹¹	50 ft

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010, and smaller than the minimum lot size required in the table below above may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

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

FINDING: The proposed development is on two existing tax lots, each approximating to 20-acres (TL:2S133/400) and 8.16-acres (TL: 2S133BB/100). The combined tax lots will create an overall lot size of approximately 28.16-acres, both independently and collectively exceeding the minimum lot standard for industrial uses within the Employment Industrial – EI zone district. Primary access will be gained off SW Commerce Court, pending future road construction. Combined, these lots have a width at the front property line of 1,941-feet and a depth of 1,315-feet. The lot width at building line is approximately 1,204-feet. The proposed development is located approximately 117-feet from the developments nearest corner to the front property line along the SW Commerce Court. No additional rear or side yard setbacks are required for this zone district. The height of the proposed structure is 45-feet 4-inches at the highest point of the structure. No residential or public parks directly abuts the property, ~~nor is the~~ **The** structures **would not be** located within one hundred (100) feet of a residential zone; therefore, these criteria are satisfied.

16.31.050 - Employment Industrial (EI) Restrictions

A. Use Restrictions

- 1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.**
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and**
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five acres in size. A "development project" includes all improvements proposed through a site plan application.**
- 2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions," commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.**

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehouse, and industrial, **and** ~~structure with~~ accessory office uses. The subject properties are both zoned as Employment Industrial – EI. No commercial development is proposed at this time, while future commercial development, specifically

retail and professional services, will be reviewed for compliance at the time of building submittal; therefore, this criterion is not applicable.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a planned unit development approved by the city so long as the resulting division yields at least one lot or parcel of at least fifty (50) acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a planned unit development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehouse, ~~and industrial, and structure with~~ accessory office uses. No land division is proposed with this application; therefore, this criterion does not apply.

16.31.060 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five contiguous acres in size, may be permitted.
- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street and must be adjacent to the proposed east-west collector street.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehouse, ~~and industrial, and structure with~~ accessory office uses. No commercial development is proposed at this time. Future commercial development of the site will be required to comply with these code standards; therefore, this criterion does not apply.

16.31.070 - Community Design

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

FINDING: The proposal includes development criteria that is subject to the Community Design Standards of the development code. These standards are addressed throughout this report in compliance in this code section; therefore, this criterion is met.

16.31.080 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

FINDING: A small portion of floodplain, located directly adjacent to SW Tonquin Road, is identified on Tax Lot 2S133BB/100 but will remain undeveloped and not impacted by any proposed activity. No identified wetlands are located on or adjacent to the property; therefore, this standard is not applicable.

Chapter 16.90 - SITE PLANNING

16.90.010 - Purpose

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.**
- B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - 1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.**
 - 2. Vehicular and pedestrian ways and parking areas.**
 - 3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.****

16.90.020 - Site Plan Review

A. Site Plan Review Required

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

Site Plan Review is required for the following development:

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

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

- 1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.**

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

B. Exemption to Site Plan Requirement

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

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehouse, ~~and industrial, and structure with~~ accessory office uses. Pursuant to the above criteria, the proposal is subject to Site Plan Review; therefore, these code standards are applicable.

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.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehouse, ~~and industrial, and structure with~~ accessory office uses. The parcel is zoned EI (Employment Industrial), and subject to Chapter 16.31 – Industrial Land Use Districts, as well as all other applicable provisions of Divisions V, VI, VIII and IX. Compliance with all applicable code is outlined within this staff report; therefore, this criterion is satisfied.

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.

FINDING: The application was reviewed by the City of Sherwood Engineering and Building departments for compliance with the above criteria. An Engineering memorandum, dated February 9, 2024, indicated the proposed development would have adequate access to services, as further detailed in subsequent sections of this report. **An updated City of Sherwood Engineering Memorandum Dated March 6, 2024, was provided, and indicated that the subject parcel(s) would remain adequately served (Attachment B, Appendix B.1)**; therefore, this criterion is satisfied.

- 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.**

FINDING: The application was reviewed for compliance with the City of Sherwood Zoning and Community Development Code. No additional covenants, agreements, or other specific documents were needed beyond what is detailed in this staff report, and is existing prior to submittal; therefore, this criterion is satisfied.

- 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.**

FINDING: The subject properties are located on an overall undeveloped site(s). A small portion of the northwestern property, abutting SW Tonquin Road, is partly located within a designated flood way but is not proposed for development. Existing vegetation, trees, and other topographical features will be preserved to the maximum extent feasible. No wetlands or designated scenic views are located on the property. As presented, this criterion is met.

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

FINDING: The applicant provided a Traffic Impact Analysis, dated December 15, 2023, indicating the proposed development would generate approximately 705 net new daily trips, exceeding the above threshold. Future 2025 “No Action” (excluding the proposed development) calculated the weekday AM and PM peak hour traffic volumes with a 1.5 percent annual growth rate applied to the 2023 existing traffic volumes (as discussed as a part of the traffic scoping procedure). Additionally, future 2025 traffic volumes (including the proposed development), with respect to the intersection studies, were determined by adding the projected generated trips to the future 2025 “No Action” traffic volumes.

Both an Intersection Level of Service (LOS) and Intersection queuing analysis type were utilized to analyze roadways and intersections by categorizing traffic flow and assigning quality. Existing weekday AM and PM peak hour traffic volumes at the study intersections were based on counts collected by Quality Counts and IDAX in February 2019 and September 2023. Intersection LOS was calculated using the methodology and procedures outlined in the *Highway Capacity Manual (7th Edition)* using the *Synchro 12* software program. Overall volume-to-capacity (v/c) calculations at the signalized intersections were based on methodology documented in *ODOT’s Analysis Procedures Manual*.

The applicant’s consultant, Transportation Engineering NorthWest, evaluated the overall trip generation estimates based on methodology documented in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition for Land Use Code (LUC) 150 (Warehousing).

As detailed both in the Engineering memorandum (attachment B, **Appendix B.1**), dated ~~February 8, 2024~~ **March 6, 2024**, and the presented Traffic Impact Analysis, the construction of SW Commerce Court will service the subject parcels, and connect onto SW Oregon Street (eventually transferring into a right-in/right-out) and Ice Age Drive (pending future road construction), therefore adequately servicing both parcels posed for development; future road projects will distribute the overall traffic impact created by the development and won’t create non-mitigatable impacts.

As conditioned in subsequent sections, this criterion is satisfied.

- 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.
 - 2) **A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).**
 - 3) **Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).**
 - 4) **Parking is located to the side or rear of the building when viewed from the arterial or collector.**
 - 5) **Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation, or a screen made of materials matching the building materials.**
- b. **A minimum 15% window glazing shall be required for all frontages facing an arterial or collector.**
 - c. **All roof-mounted equipment shall be required to be screened with materials complimentary to the building design materials.**
 - 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):**
 - 1) **Provide high-value industrial projects that result in benefits to the community, consumers and developers.**
 - 2) **Provide diversified and innovative working environments that take into consideration community needs and activity patterns.**
 - 3) **Support the City's goals of economic development.**
 - 4) **Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.D.7.**
 - 5) **Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.**

- 6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.
- 7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, ~~and industrial, and structure with~~ secondary office uses. The location of the structure is approximately 194-feet from SW Tonquin Road, a designated arterial road, however, the proposed development is exempt from the industrial design criterion based on the existing topography and low visibility from the SW Tonquin Road. The applicant displayed in their narrative (Attachment A, Appendix P) and supporting documentation (Attachment A, Appendix O) that the proposed development site will be at least 75- feet above SW Tonquin Road and have enhanced landscaped screening, as to meet visual corridor standards, further limiting visibility oncoming traffic and pedestrians; existing vegetation and landscaping will be preserved to the maximum extent possible and will provide an additional visual barrier to the development. Any potential visibility will be from the west portion of the structure (Attachment A, Appendix E) from the upper 16-feet to the upper 22-feet of the proposed structure, based on the materials submitted by the applicant; therefore, this criterion is 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.

FINDING: The proposal includes three (3) new driveways with access onto SW Commerce Court, pending future construction. Each driveway width ranges from 26-feet to 42-feet in size. Each driveway will align with planned streets and be in compliance with the standards within Sherwood Transportation System Plan (TSP); no access will be granted onto SW Tonquin Road. This criterion is met.

E. Approvals

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

The action may be appealed to the Council in accordance with Chapter 16.76.

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.

FINDING: The proposed application was reviewed in compliance with Chapter 16.72 action was taken to approve, approve with conditions, or deny the application for site plan review, as further detailed in this report. The following condition applies:

Condition A.3: Approval of this decision is valid for a period of two (2) years from the date of Notice of Decision (LU 2023-017 SP/CUP) unless construction on the site has begun. A one (1) year extensions may be granted by the City upon written request from the applicant showing adequate cause for such extension.

These criteria are met.

Chapter 16.82 - CONDITIONAL USES

16.82.010 - Generally

A. Authorization

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

B. Changes in Conditional Uses

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

C. Application and Fee

An application for a Conditional Use Permit (CUP) shall be filed with the City and accompanied by the appropriate fee pursuant to Section 16.74.010. The applicant is responsible for submitting a complete

application which addresses all criteria of this Chapter and other applicable sections of this Code.

FINDING: The applicant submitted materials requesting the approval of a **C**onditional **U**se **P**ermit on two parcels zoned Employment Industrial (EI). The proposed use of the site is Distribution and warehousing, greater than 150,000 square feet (within an enclosed building) and associated undetermined industrial uses; future industrial uses to the site will be checked for compliance with permissible uses, pursuant to 16.31.020, after development occurs and tenants inhabit the site through the city of Sherwood building department. Based on the proposed use(s), this code chapter is applicable.

16.82.020 - Permit Approval

A. Hearing Authority Action

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

FINDING: The applicant is requesting, in conjunction with a Type IV – Site Plan Review, a Type III – Conditional Use Permit approval for a **distribution and** warehousing ~~and distribution~~ structure, greater than 150,000 square feet, as a part of their overall proposed development. All applicable criteria related to the Type III – Conditional Use Permit are addressed throughout this report. Pursuant to 16.82.020.A.2, other conditional uses can be approved at the hearing for larger developments (industrial parks and campuses) to cover future tenants of the development and will be at the discretion of the hearing authority as it may relate to specific concerns or site-specific nuances. Specific industrial uses, subject to a conditional use permit, have not been identified, as defined under chapter 16.31.020 use table. Findings cannot be written for uses that have not been identified. The approval criteria below only address the **distribution and** warehousing use and the development at-large. No approval is being granted for other conditional uses not specifically identified in the applicant’s narrative; therefore, this criterion is met.

B. Final Site Plan

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

conditions required by the Hearing Authority at the time of the approval of the conditional use.

FINDING: The Planning Commission will conduct a public hearing on February 27, 2024, pursuant to Chapter 16.72 and will take action to approve, approve with conditions, or deny the application. The Hearings Authority has the opportunity to review and condition the proposed development as necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan, or the Code. Prior to the issuance of building permits, the applicant will be required to complete a Type I Final Site Plan review process, as conditioned below:

Condition E.1: Prior to Issuance of Building Permits, the applicant shall obtain Final Site Plan approval, pursuant to 16.82.020.B

These standards are met.

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.**
- 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.**

FINDING: The proposed development will conform to all applicable standards, including noise generation and public safety, as further described throughout this staff report. Engineering staff review the proposed development, and determined all public facilities related to the proposed development can be adequately serviced (Attachment B); therefore, this criterion is met.

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

FINDING: The application is requesting to develop a 413,250 square foot distribution and warehousing, ~~and industrial, and structure with~~ secondary office uses. The subject parcel(s) are located within the Tonquin Employment Area (TEA), which was brought into the Urban Growth Boundary by Metro in 2004; the City of Sherwood completed a concept plan for the area in 2010, which established the goal to “expand and diversify the Sherwood industrial economic base by establishing employment areas that are

suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the city's economic development strategy as important to the state and local economy." Additionally, the Economic Opportunity Analysis (EOA), adopted in 2023, identified the TEA as key geographic area design to support both future industrial demand over the next 20 year. Pursuant to Oregon's Statewide Land Use Planning Goals, Goal 9: Economic Development (OAR 660-009-0020), all local governments should have a working inventory of areas suitable for economic growth that can be provided with public services. These inventories primarily focus on planning for major industrial and commercial developments and having a ready supply of land appropriately zoned and located for those opportunities and local investments. As with all areas of the comprehensive plan, the amount of land planned for economic development should be adequate for a 20-year supply.

Additionally, the Sherwood 2040 Comprehensive Plan identified a "Thriving and Diversified Economy" as a key vision: Goal 1 envisioned the acceleration of local business growth and attracting new businesses to balance the City's tax base, provide stable, high-wage jobs and capitalize on Sherwood's location and enhance the high-quality of life, while Goal 2 prioritizes and promotes future economic development by maintaining a supply of land to target growth industries and accelerate Sherwood's desired economic growth.

As established, this criterion is met.

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

FINDING: The application is requesting to develop a 413,250 square foot distribution and warehousing, ~~and industrial, and structure with~~ secondary office uses. Most of the properties abutting or adjacent to the subject parcel(s) are designated as Employment Industrial (EI) and have established similar uses. Directly across from SW Tonquin Road, a portion of land designated as Medium Density Residential High (MDRH) is adjacent to the subject parcel(s) but will not be developed in the future due to natural wetlands encapsulating the area. Parcels within Washington County, not within the Urban Growth Boundary, are designated as either AF-20 (Agriculture & Forest District) or EFC (Exclusive Forest and Conservation District). Division VIII – Environmental Resources, further outlined in this staff report, address the criteria and responsibility of the developer to ensure continuous protection from natural and environmental hazards. No agency has identified any issues with the compatibility of the proposed development.

As presented, this criterion is met.

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

FINDING: The application is requesting to develop a 413,250 square foot distribution and warehousing, ~~and industrial, and structure with~~ secondary office uses. This was reviewed by Sherwood Engineering, Building, and Planning staff for compliance with all applicable local and state criteria; therefore, this criterion is satisfied.

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

FINDING: As required by Division VIII – Environmental Resources, further outlined in this staff report, all applicable criteria associated with the protection and mitigation of environmental hazards are addressed. It shall be the responsibility of the developer to ensure continuous protection of natural resources and sensitive wildlife species, while preventing future environmental hazards; therefore, this criterion is met.

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.**

FINDING: The application is requesting to develop a 413,250 square foot distribution and warehousing, and industrial, and structure with secondary office uses. Sherwood Engineering, Building, and Planning staff reviewed the application for compliance with all applicable criteria. At the time of this staff report, no additional conditions, or modifications, beyond what's listed in other applicable code sections, as it relates to the CUP, are required. The Planning Commission has the authority to request additional conditions of approval for the proposed distribution and warehousing, as to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. The Planning Commission requested the following conditions of approval to be included with this proposal:

Condition B.13: Prior to Final Site Plan Approval, the applicant shall resubmit landscaping plans indicating the placement of proposed perimeter landscaping trees along the southern boundary of the property consisting of a ratio of 1:3 evergreen. These shall be evenly distributed along the parcel(s).

As conditioned, this criterion is satisfied.

E. Time Limits

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

F. Revocation

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

FINDING: The proposed Conditional Use is subject to the time limits and revocation standards, as conditioned below:

Condition A.4: Approval and authorization of the conditional use shall be valid for only two (2) years from the date of Notice of Decision (LU 2023-017 SP/CUP), unless substantial construction has taken place. A one (1) year extensions may be granted by the City upon written request from the applicant showing adequate cause for such extension.

These criteria are met.

Chapter 16.92 - LANDSCAPING

16.92.010 - Landscaping Plan Required

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

FINDING: The proposal includes a Type IV – Site Plan Review and Type III – Conditional Use Permit to development a 413,250 square foot warehouse and industrial structure with accessory office uses. The applicant submitted preliminary landscaping plan, in compliance with this chapter, as further detailed in this staff report. As proposed, these criteria are applicable.

16.92.020 - Landscaping Materials

A. Type of Landscaping

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

1. Ground Cover Plants

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

FINDING: Portions of the proposed ground coverage landscaping do not appear to be consistent other submitted materials or in compliance with this code section as detailed under sheet L.1 – Landscaping Plan. Conversations with the applicant indicated that this portion of the site will consist of existing vegetation. Additionally specific ground coverage was not defined within their landscaping details. No mulch or landscaping substitute is proposed. The following conditions apply to satisfy the above criteria:

Condition B.3: Prior to Final Site Plan Approval, the applicant shall submit a revised landscaping plan indicating that all areas not planted with trees and shrubs will be planted in ground cover plants, excluding mulch or other similar materials. Existing landscaping posed for preservation shall be clearly delineated on the plans.

Condition B.4: Prior to Final Site Plan Approval, the applicant shall submit a revised landscaping plan, detailing the species and type of all ground coverage utilized on the subject parcel(s); the proposed ground coverage shall be least four-inch pot size and reach a density that will cover the entire area within three (3) years from the time of planting, pursuant to 16.92.020.A.1.

As conditioned, these criteria are satisfied.

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.**

FINDING: The applicant indicated on the preliminary landscaping plans that all proposed shrubs, at a minimum, be will at least one-gallon containers at the time of planting. Analysis of the provided plant schedule indicates the proposed shrubs will reach full growth within three (3) years of initial planting; therefore, this standard is met.

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.**

FINDING: The applicant submitted a preliminary landscaping plan, which included a proposed plant schedule. This information detailed each proposed tree species and type to be installed onto the property. Each proposed tree will be at least two (2) caliper inches and at least six (6) feet in height; therefore, this standard is met.

B. Plant Material Selection and Preparation

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

FINDING: The applicant submitted preliminary landscaping plans. Research into the plant type and species indicated that the landscaping materials were at least moderately

resistant to drought conditions. Additional landscaping details provided indicated adequate preparation of the topsoil and subsoil will occur during the establishment of landscaped vegetation. Future maintenance of the proposed landscaping will be at responsibility of the owner(s), as conditioned below:

Condition A.10: The property owner(s) shall be responsible for ensuring the overall maintenance and health of the approved landscaping materials. Only hardy and drought-resistant landscaping shall be permitted on the parcel, pursuant to 16.92.020.B.

This criterion is met.

C. Existing Vegetation

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

FINDINGS: Review the sites existing conditions indicates some existing trees and vegetation located on the subject parcel(s). Existing trees and vegetation shall be preserved to the maximum extent feasible and will be utilized to meeting the minimum landscaping standards. The following condition applies:

Condition A.11: The applicant shall protect and maintained existing vegetative areas as presented on the preliminary landscaping plans during the construction phase of the development. Destruction or removal of existing vegetative areas ~~will be required to~~ **shall be mitigated via the** replant **of** similar ground coverage to what was approved under this decision (LU 2023-017 SP/CUP).

As conditioned, this criterion is satisfied.

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.

FINDING: The proposal does not include any architectural features or artificial plants being incorporated into the overall landscaping plans. No impervious paving is being counted towards the minimum landscaping requirements; therefore, this criterion is not applicable.

16.92.030 - Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

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

- a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.
- b. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.
- c. Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.

FINDING: The subject parcel(s) do not directly abut a residential zone, with the nearest residential area across from SW Tonquin Road; the adjacent residentially zoned parcel is designated as a wetland and will not be developed in the future; therefore, this criterion does not apply.

2. Perimeter Landscaping Buffer

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

FINDING: The applicant provided preliminary landscaping plans indicating a minimum ten (10) foot wide landscaping strip comprised of trees, shrubs, and ground coverage will be provided between dedicated off-street parking, loading, and other vehicular use areas. This buffer area will range from approximately 11-feet 5-inches to 33-feet 2-inches. No access drives leading unto a rear portion of a residential zone property abuts the site. As presented, the applicable criterion is met.

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.

FINDING: The applicant is not seeking a reduction in required landscape buffering and is proposing sufficient landscaping to the site, either meeting or exceeding the general standard; therefore, this criterion is not applicable.

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:

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

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

FINDING: The applicant is proposing two-hundred and fifty-three (253) off-street parking stalls, and therefore, subject to the applicability of this code section; this criterion applies.

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.

FINDING: The applicant provided landscaping details indicating that there will be sufficient parking area landscaping. The amount of off-street parking provided on the site is 253 dedicated stalls, which equates to approximately 11,385 square feet of required landscaped area ($253 \times 45 = 11,385$ square feet). The applicant submitted plans indicating that sufficient landscaping is provided, equating to approximately 12,475 square feet of parking area landscaping; therefore, this standard is met.

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.

FINDING: The applicant is proposing 253 dedicated off-street parking stalls. The proposed parking area landscaping, in relation to the minimum number of Trees based on Canopy Factor, will equate to approximately 29 small trees, 53 medium trees, and 9 large trees, thus satisfying the minimum criteria. Approximately 34.06 percent of the 91 required trees, pursuant to 16.92.030, will be evergreen, exceeding the standard; the overall percentage of evergreen trees located on the subject parcel(s) will be approximately 12.45 percent. As presented, this criterion is met.

~~The applicant is proposing 253 dedicated off-street parking stalls. The proposed parking area landscaping, in relation to the minimum number of Trees based on Canopy Factor, will equate to approximately 58 small trees, 159 medium trees, and 36 large trees, thus satisfying the minimum criteria. Conversely, approximately 3.8 percent of the proposed trees are evergreen, which is below the standard. To comply with this criterion, the following conditions apply:~~

~~**Condition B.5:** Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans indicating that at least five (5) percent of the required trees are evergreen.~~

~~As conditioned, this criterion is met.~~

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.

FINDING: The proposal includes 253 dedicated off-street parking stalls. The minimum number of shrubs required is 506 shrubs ($253 \times 2 = 506$). The applicant submitted preliminary landscaping details indicating that 480 shrubs will be provided, which is below the standard. The proposed shrubs, as defined by the prospective plant schedule, are classified as evergreens, and evenly spaced throughout. The following condition applies:

Condition B.6: Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans indicating at least 506 shrubs will be planted and evenly spaced throughout the site.

As conditioned, this criterion is met.

c. Ground cover plants:

- 1) Any remainder in the parking area must be planted with ground cover plants.**
- 2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.**

FINDING: The submitted preliminary landscaping plans indicating all internal or abutting parking area (not dedicated to off-street parking and maneuvering) will consist of ground coverage planting, if not already occupied by either trees or shrubs. As previously conditioned in 16.92.020.A.1, *ground* coverage will be required to be evenly spaced throughout and cover the area within three (3) years of planting. No mulch or similar type of ground coverage is proposed; therefore, as previously conditioned, this criterion is met.

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:**
 - 1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.**
 - 2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.**
 - 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.

FINDING: The applicant submitted plans indicating that each proposed landscape island will be curbed, and evenly spaced throughout the site. Each island is at least 5-feet in width and comprised of at least 90 square feet. The proposed use designation of the site is industrial, and has at least one (1) island for, at minimum, every twelve (12) contiguous parking spaces. Each island has at least one tree planted, excluding island three (3) island that are infeasible due to utility constraints; three (3) additional trees are provided adjacent to each island, as to meet the intent of the standard. No other exceptions or alternatives in lieu, as described above, are sought for this proposal; therefore, this criterion is met.

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.

8. Exceptions

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

FINDING: The applicant submitted materials indicating compliance with clear vision standards, including a note regarding landscaping maintenance, pursuant to Chapter 16.58. The subject parcel is not within or directly abutting an environmentally sensitive

area and/or woodland. No reduction or exceptions are sought by the applicant; therefore, the criteria are satisfied.

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.

FINDINGS: Based on submitted materials, the applicant has provided the necessary screening of mechanical equipment, outdoor storage, service, and delivery areas to the maximum extent feasible; existing site grade along Tonquin Road, including visual corridor requirements, produce minimal visibility from the public road, while the proposed developments off-set position off SW Commerce Court would also limit structural visibility. Future infrastructure equipment, storage, and expansion of delivery areas shall be screened from all public streets, as conditioned below:

Condition A.12: The property owner(s) shall be responsible for maintaining and installing all required screening of all Mechanical Equipment, Outdoor Storage, Service and Delivery Areas from public streets and any adjacent residential zone districts.

This standard is met.

D. Visual Corridors

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

FINDING: The subject parcel abuts Tonquin Road (designated as an arterial road under the Sherwood Transportation System Plan) and is subject to the Visual Corridor provisions of Chapter 16.142 (Parks, Trees, and Open Space); this requirement is addressed in other corresponding sections of this staff report; therefore, this criterion is satisfied.

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.

FINDING: The applicant did not submit details related to the proposed irrigation of the site. Future Installation, maintenance, and mitigation of all landscaped areas is the responsibility of the property owner(s). No deferral of landscaping improvements is requested. The applicant is conditioned, prior to building occupancy, to have all required landscaping in-ground with an approved irrigation system, pursuant to 16.92.040.C., as defined below:

Condition G.1: Prior to building occupancy, the applicant shall place all required landscaping in-ground, including installation of an approved irrigation system, pursuant to the 16.92.040 standards.

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.**

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.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, ~~and industrial, and~~ structure with secondary office uses. This application is subject to the criteria of Chapter 16.94, as further detailed in subsequent sections of this staff report. No deferrals or reduction to the required off-street parking is requested. Proposed standard off-street parking and semi-trailer parking stalls are proposed. The property owner(s) will be responsible for ensuring that no prohibited use will occur within the off-street parking area, as conditioned below:

Condition A.13: The property owner(s) shall be responsible for ensuring all required parking, loading, and maneuvering areas are not used for long-term storage or sale of vehicles or other materials, or rented, leased, or assigned to any person or organization not using or occupying the building or use served, pursuant to 16.94.010.D. All future violations are subject to Code Compliance.

As conditioned, these criteria are met.

E. Location

- 1. **Residential off-street parking spaces:**
 - a. **Shall be located on the same lot or development as the residential use.**

- b. Shall not include garages or enclosed buildings with the exception of a parking structure in multi-family dwelling developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).
- 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.
- 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.

FINDING: The applicant submitted materials indicating the proposed off-street parking will be located entirely within the subject parcel(s) and will meet applicable city standards, as further detailed in subsequent portions of this code. The parcel is currently undeveloped and does not include multi-modal facilities in a manner that would affect the proposed off-street parking area. The applicant provided thirteen (13) carpool/vanpool designated stalls, as the proposal results in forty (40) or more employees and will be located towards the front property and adjacent to several main entrances; therefore, this criterion is met.

F. Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and

signed to show the direction of flow and maintain vehicular and pedestrian safety.

FINDING: The applicant submitted materials indicating each parking, loading, and maneuvering area will be clearly marked, painted, and delineated. Interior drives and access aisles will be marked and signed to show the directional flow of traffic, as to maintain vehicular and pedestrian safety. Proposed loading areas, located in the property rear, are shown to be distinctly separated from the proposed interior drive aisles. Off-street parking and other vehicular parking areas will be striped in accordance with the applicable dimensional standards, as further detailed in subsequent sections of this report; therefore, this criterion is met.

G. Surface and Drainage

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

FINDING: The applicant submitted application materials indicating that all off-street parking, loading, and vehicle use areas will be improved with permanent hard surfaces. This includes dedicated storm water drainage facilities per City Engineer requirements; therefore, this standard is met.

H. Repairs

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

FINDING: The property owner(s) shall be responsible for properly maintaining the parking and loading areas. Future violations are subject to Code Compliance. This standard is met as conditioned below:

Condition A.14: The property owner(s) shall be responsible for the maintenance and repair of the parking and loading areas, including associated infrastructure, pursuant to Chapter 16.94.010.G.

I. Parking and Loading Plan

- 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.

FINDING: The applicant provided materials that included sufficient detail of the proposed off-street parking and loading area. Compliance with all applicable standards and criteria, pursuant to SRZC 16.94, were reviewed against these materials and approved as part of this decision; therefore, this standard is met.

16.94.020 - Off-Street Parking Standards

A. Generally

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

**Table 1: Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area; ADU standards are per OAR Division 46)**

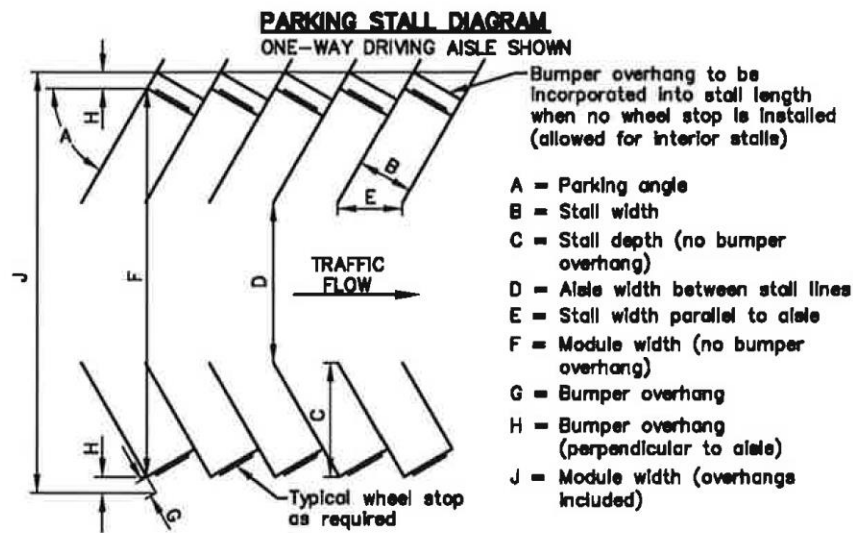
Use	Minimum Parking Standard	Maximum Permitted Parking Zone A¹
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3 (371,925 x 0.3/1,000 = 111.57) 112 minimum off-street parking stalls.	0.5 (371,925 x 0.5/1,000 = 185.96) 186 maximum off-street parking stalls.
Industrial	1.6 (41,325 x 1.6/1,000 = 66.12) 67 minimum off-street parking stalls.	None
Total	179 required off-street parking stalls (112 + 67 = 179 minimum off-street parking stalls)	

FINDING: The proposal includes the development of a 413,250 square foot **distribution and warehousing, and industrial, and** ~~structure with~~ secondary office uses.

These uses are categorized under SDZC Chapter 16.94.020.A, Table 1: Minimum and Maximum Parking Standards, as both **“Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)”** and **“Industrial.”** Based on the scope of the proposal, the applicant is required to provide a minimum of 179 off-street parking stalls. The maximum off-street parking for **distribution and** warehousing is 186 dedicated stalls, while the maximum off-street parking for industrial is none. As indicated on the site plan, the applicant is proposing 253 parking stalls, which exceeds the minimum standard. No maximum off-street parking is applicable in combination of the proposed uses. The subject parcel is not within a ¼ mile of an existing transportation line. This criterion is met.

B. Dimensional and General Configuration Standards

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



Parking Dimension Requirements and below diagram.

FINDING: The applicant is proposed 253 dedicated off-street parking stalls positioned at a 90° degree angle. Measurements of the proposed stalls, annotated on the site plan, display the proposed dimensional length of each stall is approximately 20-feet with a width of at least 9-feet. Stall depth (no bumper overhang) is approximately 22-feet,

exceeding the minimum standard. These stalls will be serviced by several driveways equating to approximately 26-feet in width, meeting the minimum requirement for two-driving aisles. The modular width of the off-street parking area (no bumper overhang) is approximately 60-feet, while inclusion of the bumper overhang results in a modular width of 65-feet, both exceeding the minimum standard. Bumper overhang (including perpendicular to each aisle) will be approximately 3-feet; therefore, these criteria are met.

3. Wheel Stops

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

FINDING: The applicant is proposed 253 dedicated off-street parking stalls. Each proposed stall will have a dedicated wheel stops along the boundaries of the proposed parking lot and adjacent to interior landscaped areas or sidewalks; these shall be at least four (4) inches high and located approximately three (3) feet back from the front of the parking stall; therefore, these criteria are met.

4. Service Drives

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

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.

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.

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.

FINDING: The applicant is not seeking a reduction or credit for off-street parking. No service drives are proposed. The applicant did not indicate if a sign will be posted on the premises indicating the site is only available for customers and/or employees but will retain the right to pursue this option in the future; therefore, these criteria are not applicable.

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.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, ~~and industrial, and~~ structure with secondary office uses. As presented, this constitutes as new development; therefore, bicycle parking standards are applicable.

- 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.

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Industrial Categories	
Industrial	2 or 1 per 40 spaces, whichever is greater

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, ~~and industrial, and~~ structure with secondary office uses. This use is categorized under SDZC Chapter 16.94.020.A, Table 4: Minimum Required Bicycle Parking Spaces, as an “**Industrial**” use. Based on the scope of the proposal, the applicant is required to dedicate seven (7) bicycle parking spaces ($253/40=6.325$). As indicated on the site plan, the applicant is proposing eight (8) short-term bicycle parking spaces, located adjacent to the proposed development. No minimum long-term bicycle spaces are required. These criteria are satisfied.

- 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.

FINDING: The proposed uses on the parcel are designated under “Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)” and “Industrial,” pursuant to 16.31.020. Both uses are classified, pursuant 16.94.020.C. –

Table 4: Minimum Required Bicycle Parking Spaces, under a singular industrial use category. The square footage of these uses were paired together with the required bicycle parking calculations; therefore, this standard is met.

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.**

FINDING: The applicant submitted materials indicating the dedicated bicycle parking stalls would encapsulate an area at least two (2) feet by six (6) feet, with enough space between the rack and any obstructions to use the area properly; there is at least five (5) feet of width behind all required bicycle parking, as to allow room for bicycle maneuvering. Additionally, the applicant submitted a preliminary lighting plan indicating that sufficient illumination. As presented, these criteria are met.

b. Short-term Bicycle Parking

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

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.

FINDING: The applicant submitted plans indicating the proposed racks will consist of short-term bicycle parking. The proposed stalls were located throughout the proposed development, directly adjacent to proposed accessory offices, and was within thirty (30) feet on a designated main entrance as defined under 16.10.020. No long-term or covered parking is proposed; therefore, this criterion is met.

16.94.030 - Off-Street Loading Standards

A. Minimum Standards

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

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.

FINDING: The applicant submitted elevations indicating that approximately thirty-six (36) dedicated loading areas will be onsite. These will be located at the property rear, with access obtained from two (2) of the proposed driveways off SW Commerce Court. The minimum loading area will be 28-feet 6-inches by 50-foot length, equating to approximately 1,450 square feet of dedicated area for each loading space, exceeding the minimum dimensional and area standards. The proposed development constitutes multiple uses and tenants on the same parcel and will utilize the same loading area, separate from proposed maneuvering areas, to support overall operation of the site; it will be the discretion of the property owner to ensure that adequate operational functionality of the site. The following condition applies:

Condition A.15: The property owner(s) shall be responsible for ensuring an adequate number of loading areas can serve existing uses located onsite, pursuant to 16.94.030.B

As conditioned, this criterion is met.

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.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, ~~and industrial, and~~ structure with secondary office uses. The applicant submitted materials indicating that a continuous on-site circulation system of pathways/sidewalks will be provided. No adjacent or neighborhood activity centers are within one-half mile of the parcel, so proposed pedestrian pathways connect directly into nearby public right away off SW Commerce Court; therefore, these standards satisfied.

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.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, and industrial, **and** ~~structure with~~ secondary office uses. Maintenance of this pathway system will be the responsibility of the property owner(s). Violation of the above criteria will result in Code Enforcement action. No multiple uses, structures, or parcels of land are proposing joint pedestrian access with this application. This criterion is satisfied as conditioned below:

Condition A.16: The property owner(s) shall be responsible for the maintenance and repair of the on-site pedestrian circulation area, including associated infrastructure, pursuant Chapter 16.96.010.B.

As conditioned, the criteria is met.

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.

FINDING: The applicant submitted materials indicating the pedestrian pathway network will connect each proposed entrance directly with adjacent public streets, with frontage along SW Commerce Court; therefore, these standards are met.

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 six (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.

FINDING: The applicant submitted materials indicating a proposed pedestrian pathway network, which connects each proposed entrance to adjacent public right of way, with frontage along SW Commerce Court. No existing transit facilities are located within five hundred (500) feet of the site, nor does the parcel abut any parks or open spaces. Pathway surfaces are proposed to be constructed with impervious materials and other durable surfaces. Measurements of the primary pedestrian pathway segments indicate a majority will be at least 6'-feet in width and conform to ADA standards. Conversely, a portion of the primary pedestrian pathway, along the western portion of the proposed structure, will only be approximately 5-feet, which is below standard. Secondary pathways segments will be at least 4-feet or greater, therefore meeting this standard. A portion of the pedestrian pathway is positioned along the driveway, with entry from SW Commerce Court, and will be separated by a 6-inch curb. No exceptions to the standards are sought. The following conditions apply:

Condition B.7: Prior to Final Site Plan approval, the applicant shall resubmit plans indicating that all proposed primary pathways will be at least 6-feet in width, pursuant to 16.96.030.A.3.

As conditioned, this criterion is met.

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.

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, ~~and industrial, and~~ structure with secondary office uses. Vehicle access will be gained from SW Commerce Court, pending future road construction. City Engineering and Planning reviewed on-site vehicle circulation for compliance with all ingress, egress, and other circulation requirements as it related to the project scope and is further addressed in subsequent sections of this staff report. Maintenance of this on-site vehicle circulation systems will be the responsibility of the property owner(s). Violation of the above criteria will result in Code Enforcement action; therefore, these criterions are satisfied.

- 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.

FINDING: The applicant submitted a site plan indicating the proposed on-site vehicle circulation will connect with abutting public right of way, with access off SW Commerce Court, pending future road construction. The property owner(s) shall be responsible for the proper maintenance of the on-site vehicle circulation areas. Future violations are subject to Code Compliance. These criterions are met as conditioned below:

Condition A.17: The property owner(s) shall be responsible for the maintenance and repair of all on-site vehicle circulation areas located on the subject parcel, pursuant to Chapter 16.96.040.D.

16.96.060 - Minimum Non-Residential Vehicle Circulation Standards

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

A. Driveways

2. Industrial: Improved hard surfaced driveways are required as follows:

Required Parking Spaces	Number of Driveways	Minimum Width One-Way (Pair)	Minimum Width Two-Way
1—249	1	15 feet	24 feet
250 or more	2	15 feet	24 feet

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

FINDING: The proposal includes the development of a 413,250 square foot **distribution and** warehousing, ~~and industrial, and~~ structure with secondary office uses. The applicant submitted materials indicating three (3) driveways will be utilized to access both parcels. The proposed width of these two-way driveways ranges from 32-feet 5-inches to 41-feet 8-inches, exceeding the minimum standard; therefore, this criterion is met.

Chapter 16.98 - ON-SITE STORAGE

16.98.010 - Recreational Vehicles and Equipment

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

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.

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 alongside 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.

FINDING: The applicant submitted application materials displaying a trash/recycling enclosure will be provided towards the southern portion of the property. This will be enclosed by a concrete wall that's approximately 6-feet in height. The proposed dimensions of the enclosure will be 19-feet in width and 9-feet 6-inches in length, which is below the standard. Access to the enclosure will be managed by a metal chain-linked fence, but will need to be conditioned for sight obscuring, and encapsulated by concrete block wall. Truck(s) accessing the site can safely navigate the trash enclosure area, with approximately 77-feet' to 108-feet of unobstructed access, exceeding the minimum standard. No overhead structure is proposed. Access gates are hinged in front of the walls, not inside the walls, and are able to fully swing as required. No center post is proposed at the access point; therefore, the On-Site Pedestrian and standards of both the Sherwood Zoning and Development Code and P.R.I.D.E disposal standards are met, as conditioned below:

Condition B.8: Prior to Final Site Plan approval, the applicant shall resubmit a site plan indicating that the proposed Solid Waste and Recycling Storage area(s) will meet the minimal dimensional standards, as required by Sherwood Zoning and Development Code and P.R.I.D.E disposal standards.

Condition B.9: Prior to Final Site Plan approval, the applicant shall resubmit a site plan indicating the proposed Solid Waste and Recycling Storage area(s) chain-linked gate will be site obscuring and non-visible from the public, as required by Sherwood Zoning and Development Code and P.R.I.D.E disposal standards.

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.

16.58.020 - Fences, Walls and Hedges.

A. Purpose:

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of the property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Applicability:

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

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.

E. General Conditions—All Fences:

1. Retaining, masonry, concrete, and modular retaining walls may not be constructed within the eight-foot public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.
2. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
3. Chain link fencing is not allowed in any required residential front yard setback.
4. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
5. Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.
6. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.
7. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.
8. Call before you dig (811) if placing a fence within the public utility easement (PUE) to have your utility lines located. This easement area is usually located eight (8) feet across the front yard and the side yard setback on a corner lot. Utility lines can be buried just beneath the surface.

FINDING: The subject parcel has three points of vehicular entry on SW Commerce Court, pending future road construction. Preliminary landscaping plans indicate driveways will be landscaped with lawn or other low-lying plant materials as to meet this standard. Conversely, the applicant indicated proposed trees at the end of SW Commerce Court, within the minimum twenty-five (25) feet distance from the corner curb. In general, required maintenance of this area will be bestowed upon the property owner(s), and future noncompliance will be subject to code compliance. No man-made structure is proposed within this area as to interfere with clear vision standards. Additionally, the applicant is proposing a retaining wall along the southwestern portion

of the development, up to 34 **feet** ft. tall, and will be located outside any established Public Utility Easement (PUE). To ensure the clear vision area and fence standards are established and maintained on the property, the following conditions applies:

Condition B.10: Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans indicating at least twenty-five (25) feet of Clear Vision area is established and defined at each private driveway intersection at the end of SW Commerce Court, pursuant to 16.58.010.

Condition A.18: Clear Vision Areas shall be established and maintained at each private driveway intersection, pursuant to 16.58.010.

Condition A.19: The property owner(s) shall be responsible for ensuring the overall maintenance and repair of each retaining walls located on the subject parcel(s), pursuant to 16.58.020.

As conditioned, these criteria are met.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.020 - Required Improvements

A. Generally

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

B. Existing Streets

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

C. Proposed Streets

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

D. Extent of Improvements

- 1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.**
- 2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:**
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;**
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.**
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;**
 - d. The improvement would be in conflict with an adopted capital improvement plan;**
 - e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or**
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.**

E. Transportation Facilities Modifications

- 1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.**
- 2. A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:**
 - a. Reduced sight distances.**
 - b. Vertical alignment.**
 - c. Horizontal alignment.**

- d. Geometric design (length, width, bulb radius, etc.).
 - e. Design speed.
 - f. Crossroads.
 - g. Access policy.
 - h. A proposed alternative design which provides a plan superior to these standards.
 - i. Low impact development.
 - j. Access Management Plans.
3. **Modification Procedure**
- a. A modification shall be proposed with the application for land use approval.
 - b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.
 - c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.
4. **Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:**
- a. Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.
 - b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
 - c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
 - d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
 - e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

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.

C. Underground Utilities

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

16.106.040 - Design

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

A. Reserve Strips

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

B. Alignment

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

C. Future Extension

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

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

D. Intersection Angles

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

F. Grades and Curves

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

H. Buffering of Major Streets

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

K. Traffic Controls

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

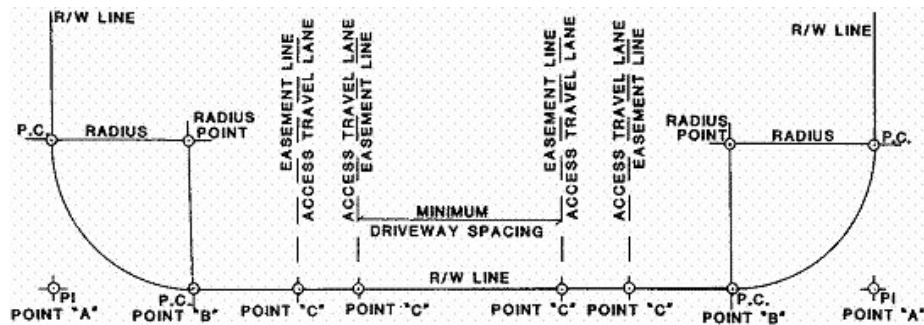
L. Traffic Calming

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

M. Vehicular Access Management

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

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



2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

- d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:
 - 1) Single family detached dwellings, middle housing dwellings, and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

- 2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:
- a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').
 - b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.
 - c) All site plans or Residential Design Checklists for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

16.106.060 – Sidewalks

A. Required Improvements

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

B. Design Standards

1. Arterial and Collector Streets

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

16.106.070 - Bike Lanes

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

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

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

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

B. Applicability

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

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

where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.

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

C. Requirements

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

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

D. Study Area

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

1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
2. Roads and streets through and adjacent to the site.
3. All intersections needed for signal progression analysis.
4. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

E. Analysis Periods

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

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

F. Approval Criteria

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

1. The analysis complies with the requirements of 16.106.080.C;
2. The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;
3. For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and
4. Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.
5. Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.

G. Conditions of Approval

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

16.106.090 - Rough Proportionality

A. Purpose

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

B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.

C. The following shall be considered when determining proportional improvements:

- 1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**
- 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**
- 3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.**
- 4. Applicable TSP goals, policies, and plans.**
- 5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school**

trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.

6. Accident history within the impact area.
7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
8. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.

FINDINGS: The application was reviewed by City of Sherwood Engineering for compliance with applicable criteria and provided the following findings:

Currently the subject parcel has public street access to SW Tonquin Road via a driveway at the southern end of the subject properties and No Name Road at the northern end of the subject properties. Currently a new street is under construction (SW Commerce Court) which will provide public street access for the subject development. Upon completion, SW Commerce Court will connect to SW Oregon Street. Currently Ice Age Drive is under design and once constructed with SW Industry Way will provide alternate routes of transportation at which time the intersection of SW Commerce Court and SW Oregon Street will become a right-in/right-out intersection in compliance with the Washington County Access Management Plan. No access to SW Tonquin Road is being proposed for the subject development nor will be granted by Washington County.

The proposed building will be located southeast of the SW Commerce Court cul-de-sac. There are 2 driveways proposed at the cul-de-sac to provide access to the proposed building and surrounding parking area. There is also a separate parking lot proposed to the west of SW Commerce Court. This western parking lot will have driveway access to the SW Commerce Court cul-de-sac with a second driveway having access to SW Commerce Court at the north end of the subject property and within No Name Road. A vacation process has begun for No Name Road which would revert No Name Road back to the property from which it was originally obtained which appears to be the subject property of this development in the area of the proposed northern driveway.

The proposed plan for No Name Road is to provide driveway access to the subject property and the property to the north of the subject property for a combined access to SW Commerce Court. In order for this to occur, filling of the grade over No Name Road will need to occur with the fill slopes extending into the property north of the subject property. A written approval from the neighbor to the north will need to be provided to the city prior to issuing any grading permit that shows grading into the property north of the subject property.

The vacation of No Name Road will need to be complete prior to acceptance of public improvements. Prior to the vacation being completed, a sanitary sewer and storm

sewer easement shall be dedicated to the city of Sherwood over the entirety of No Name Road.

SW Tonquin Road along the subject property frontage consists of two 12-foot-wide travel lanes with no bike lane, curb or sidewalk. SW Tonquin Road is a Washington County Arterial. Washington County and City of Sherwood arterial half street sections for a 2-lane roadway require a 12-foot wide driving lane with a 6-foot-wide bike lane. City of Sherwood requires a 5-foot-wide landscape strip and a 6-foot-wide sidewalk. Washington County minimum half street right-of-way width for an arterial is 45 feet. Right-of-way will be required to be dedicated to create a 45-foot wide half street right-of-way along the subject property frontage of SW Tonquin Road.

A regional trail has been designated in this area and after discussions between the city and county it has been determined that it would be best to keep the regional trail near SW Tonquin Road rather than traversing through developable industrial property. Terrain was also taken into consideration when making this decision.

Due to the wetlands on the west side of SW Tonquin Road it is likely that expansion of SW Tonquin Road westward of where it currently lies will be limited. Therefore, the city and county are in discussions to use a non-standard street section along SW Tonquin Road. This non-standard street section will likely push the back of sidewalk/regional trail to 45 feet from center line. This will significantly increase the cut into the rock slopes and wall height (up to 17' height) to construct.

SW Tonquin Road fee-in-lieu analysis

The following are factors that need to be considered when deciding to condition the widening improvements onto the developer.

1. Although the property has frontage along SW Tonquin Road, the subject property will not have direct access to SW Tonquin Road.
2. Construction of SW Tonquin Road will need a road closure of significant duration to construct (estimating about 3 months). With SW Tualatin-Sherwood Road under construction and Ice Age Drive still over 2 years out from completion, closing of SW Tonquin Road at this time could create significant traffic issues for SW Tualatin-Sherwood Road and for SW Morgan Road which would likely be used by locals regardless of designated detour route.
3. The SW Tonquin Road/SW Oregon Street intersection has traffic flow issues during peak daytime hours. Due to this, the intersection of SW Tonquin Road/SW Oregon Street is due to be reconstructed/replaced with a new round-about. The taper lengths of this new round-about will likely extend southward beyond the northern end of the subject property, thus requiring some of the new widening improvements to be removed and reinstalled.
4. Construction of frontage improvements along SW Tonquin Road along the frontage of the subject property is not a high priority since the subject property is on the edge of the city limits with the area to the south and east being within the

urban reserves. Currently SW Tonquin Road provides adequate transportation connectivity between Sherwood and Wilsonville in its current state. Construction of street widening at this time would only provide for bicycle and pedestrian traffic along this section of SW Tonquin Road which would then end in the side of a cut bank with no place for the bicyclers and pedestrians to go since there are no further bike lanes or sidewalks southeast of the subject property making the improvements a path to nowhere.

A higher priority is construction of a new round-about at the SW Tonquin Road/SW Oregon Street intersection which is currently needed due to traffic capacity issues at the intersection. Increasing traffic at this intersection is to be expected with the development of the Tonquin Employment Area and other projects that are under construction or approved for construction in the downtown area. By not conditioning the widening improvements along the subject property street frontage of SW Tonquin Road, building TDTs and transportation SDCs will not need to be credited for a pathway to nowhere and instead could be used for higher priority projects.

Due to analysis above the subject development is not conditioned to install street widening improvements along the subject property frontage of SW Tonquin Road and instead will be required to make a fee-in-lieu payment for 125% of the estimated amount to widen SW Tonquin Road to a local street section standard with combined regional trail as provided by an Oregon registered professional engineer and as approved by the City of Sherwood city engineer and Washington County engineer. This engineer's estimate shall consist of the following costs involved with a half-street widening of the subject property's frontage of SW Tonquin Road to an 18-foot-wide half street width, 5-foot-wide planter strip, 12-foot-wide regional trail, 1-foot wide buffer and an 8-foot wide PUE prior to wall placement:

1. Excavation for street widening improvements including bank/rock excavation to install wall.
2. Construction of wall to the height necessary at ~~38~~ 53 feet from the centerline of SW Tonquin Road.
3. Placement of geotextile fabric.
4. Installation of base rock (10-inches total thickness).
5. Installation of curb and gutter.
6. Installation of asphalt (4-inches total thickness)
7. Installation of concrete sidewalk (12-feet wide).
8. Installation of streetlights necessary to provide street lighting along SW Tonquin Street (photometric analysis required to establish number of streetlights).
9. Storm sewer, manholes and catch basins as needed along the entire subject property frontage.
10. Fee-in-lieu at \$1.50/square foot of new impervious area associated with the items above for costs of storm water quality treatment and storm hydro-modification.
11. Installation of street trees and root barriers.

Since the construction of SW Tonquin Road Street widening improvements will be completed in the future by others (likely via a capital improvement project), a 33-foot-wide slope and wall easement will be necessary at the back of the dedicated right-of-way line along the frontage of the subject property to provide for this future construction work. This easement shall be dedicated to Washington County.

Since the widening of SW Tonquin Road will be occurring in the future and since the subject development will likely have constructed its site improvements (wall, parking lot, building, etc.) prior to this widening of SW Tonquin Road, it will be required that the developer record an agreement absolving the city, county or any agents thereof of liability for any damages that may occur within the subject property due to the beforementioned construction work.

All street construction, right-of-way dedications and PUE dedications for SW Commerce Court will need to have obtained Final Engineering Acceptance from the City of Sherwood engineering department prior to Final Engineering Acceptance of public improvements associated with the subject development. Since construction of SW Commerce Court is to current standards, no street improvements to SW Commerce Court will be required except as necessary to provide driveway access to the subject property. The following conditions apply:

Condition D.1: Prior to Grading Permit, any grading work to be performed in neighboring properties shall have written approval by the neighbor. This shall be submitted to the Sherwood engineering department for approval.

Condition E.2: Prior to issuance of any Permits from the Building Department, Site Plan Approval or Approval of the Engineering Public Improvement Plans, the developer shall record an agreement absolving the city, county or any agents thereof of liability for any damages that may occur within the subject property due to the construction of street widening and utility improvements within SW Tonquin Road meeting the approval of the Washington County and Sherwood engineering departments.

Condition C.1: Prior to Approval of the Engineering Public Improvement Plans, the developer shall design all driveway accesses onto SW Commerce Court to meet the approval of the Sherwood engineering department.

Condition C.2: Prior to Approval of the Engineering Public Improvement Plans, the developer shall design to close off access to No Name Road meeting the approval of the Sherwood and Washington County engineering departments.

Condition C.3: Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:

- Cost to excavate for street widening improvements including bank/rock excavation to install wall.

- Cost to construct of wall to the height necessary at 38 53 feet from the centerline of SW Tonquin Road.
- Cost for placement of geotextile fabric.
- Cost to install base rock (10-inches total thickness).
- Cost to install of curb and gutter.
- Cost to install asphalt (4-inches total thickness)
- Cost to install concrete sidewalk (12-feet wide).
- Cost to install streetlights necessary to provide street lighting along SW Tonquin Street (photometric analysis required to establish number of street lights).
- Cost to install storm sewer, manholes and catch basins as needed along the entire subject property frontage.
- Fee-in-lieu at \$1.50/square foot of new impervious area associated with the items above for costs of storm water quality treatment and storm hydro-modification.
- Cost to install street trees and root barriers.

The engineer's estimate will need to meet the approval of the Sherwood city engineer and the Washington County engineer.

Condition F.1: Prior to Acceptance of Public Improvements, SW Commerce Court shall have received acceptance of public improvements by the Sherwood engineering department.

Condition F.2: Prior to Acceptance of Public Improvements, No Name Road shall be vacated with public easements in place as required (public storm sewer, public sanitary sewer, etc.) meeting the approval of the Sherwood engineering department.

Condition F.3: Prior to Acceptance of Public Improvements, the developer is required to dedicate right-of-way along the subject property frontage of SW Tonquin Road to create a 45-foot-wide half street right-of-way section meeting the approval of the Washington County engineering department.

Condition F.4: Prior to Acceptance of Public Improvements, the developer is required to dedicate a 33-foot-wide slope and wall easement to Washington County adjacent to the back side of the newly dedicated right-of-way along the subject property frontage of SW Tonquin Road meeting the approval of the Washington County and Sherwood engineering departments.

Washington County, Land Use & Transportation, has reviewed the proposal and provided the following transportation comments (Attachment E):

Washington County Department of Land Use and Transportation has reviewed the above noted development application to develop a 413,250 square foot **distribution and** warehousing, **and** industrial, **and** structure with secondary office uses. Access to the development will be via Commerce Court, a city-maintained street. The site has frontage on SW Tonquin Road, a county-maintained Arterial (3 lanes).

The applicant submitted a Traffic Impact Analysis dated December 15, 2023 (Transportation Northwest) for the proposed development. County Traffic Engineering has reviewed the TIA for compliance with County R&O 86-95 "Determining Safety Improvements for Traffic" and the Oregon Street Access Management Plan (AMP). County staff concurs compliance with the Oregon Street Access Management Plan (AMP) has been met and additional traffic mitigation is not required.

To meet Washington County standards, the following conditions apply:

CONDITION C.4: Prior to Issuance of the Public Improvement Plans by the City of Sherwood:

- A. Obtain a Washington County Right-of-Way Permit for any work proposed within Tonquin Road ROW.
 - 1. Closure of all existing access on SW Tonquin Road.
 - 2. Convert "No Name" Road on SW Tonquin Road per City/County requirements for public utility maintenance access.
 - 3. Construction access and traffic circulation/control plan for all construction traffic utilizing Oregon Street.

Note: construction access cannot use Tonquin Road, including "No Name" Road.

CONDITION F.5: Prior to Acceptance of City Public Improvements, the following shall be recorded with Washington County Survey Division (John Kidd - Survey Division 503.846.8723):

- 4. Provision of a non-access restriction along the site's frontage of SW Tonquin Road.
- 5. Dedication of an 8-foot PUE along the site's frontage of SW Tonquin Road.
- 6. Dedication of right-of-way from the centerline of SW Tonquin Road to meet 45 feet.
- 7. Dedication of a 33-foot wall/slope easement along the site's frontage of SW Tonquin Road in addition to the right-of-way dedication.

- B. The ROW permit shall be completed and approved by Washington County.

As conditioned, the criteria are met.

Chapter 16.108 - IMPROVEMENT PLAN REVIEW

16.108.010 - Preparation and Submission

An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan

shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.

A. Review Fee

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

B. Engineering Agreement

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

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

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.

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.

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.

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

Condition C.5: Prior to Approval of the Engineering Public Improvement Plans or Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department. Performance and payment bonds and insurance riders must be submitted to the City.

Condition C.6: Prior to Final Approval of Public Improvement Plans, the applicant shall obtain any necessary permits required from Washington County for construction access to county streets.

Condition F.6: Prior to Final Acceptance of Public Improvements, all public improvements shown within the approved engineering plans shall be in place and approved by the Sherwood Engineering Department.

Condition G.2: Prior to building occupancy, final acceptance of the constructed public improvements shall be obtained from the Sherwood Engineering Department.

As conditioned, in both this chapter and other chapter sections, these criteria are met.

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.

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.

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.

FINDING: The application was reviewed by City of Sherwood Engineering for compliance with applicable criteria and provided the following findings:

Currently the subject properties don't have direct access to public sanitary sewer. As part of the development north of the subject properties, a new public sanitary sewer is being constructed within No Name Road and SW Commerce Court that will serve the subject properties. The public sanitary sewer under construction will need to be accepted by the Sherwood engineering department prior final acceptance of public improvements for the subject development. No water meter will be issued to the subject property until this public sanitary sewer has received city acceptance.

Currently SW Tonquin Road has no sanitary sewer within adjacent to the subject property frontage. Eventually the urban reserves area southeast of the subject property will have the need for the public sanitary sewer to be extended along the subject property frontage, however, construction of this public sanitary sewer extension at this time has its difficulties. SW Tonquin Road will likely need to be closed for the construction work for access (12 feet of roadway width for trenching and 12-feet of roadway width for truck loading) and worker safety. The proposed sanitary sewer will need to be open trenched due to boulders encountered with previous sanitary sewer work within SW Tonquin Road. Also, the new sanitary sewer will be below the flood plain elevation making work slower. The estimated road closure time for this work is approximately one month.

The urban reserves area to the southeast currently has not received long range planning necessary to get the property brought into the urban growth boundary. So it is likely that the improvements would lose lifespan while waiting for these items to happen (potentially 10-20 years). Any adjustment in grade elevations within this section of SW Tonquin Road will result in having to make adjustments to the manholes due to the future street improvements within SW Tonquin Road.

The developer has proposed extending the public sanitary sewer from its existing location in the SW Commerce Court cul-de-sac to the southern property line of

the subject property to provide service to the urban reserves area to the south. This extension would not be able to serve the entirety of the urban reserve area as the current sanitary sewer is 8 inches in diameter and is at an elevation that is too high in elevation to serve the lower areas of the urban reserves to the south. Also, city policy is to have public sanitary sewer within public streets for access to and maintenance thereof.

Due to analysis above the subject development is not conditioned to install public sanitary sewer improvements along the subject property frontage of SW Tonquin Road and instead will be required to make a fee-in-lieu payment for 125% of the estimated amount to install said public sanitary sewer extension noted above as provided by an Oregon registered professional engineer and as approved by the City of Sherwood city engineer. This engineer's estimate shall consist of the following:

1. **Cost to install an 8-inch diameter sanitary sewer and manholes from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property.** ~~to install an 8-inch diameter sanitary sewer along the entire subject property frontage (including surface restoration).~~
2. ~~Cost to install sanitary sewer manholes along the entire subject property frontage (including surface restoration).~~

As presented, this meets the intent of the "to and through" requirements of the Sherwood municipal code.

The following conditions apply:

Condition C.7: Prior to Final Approval of Engineering Plans, the subject development shall design to provide public sanitary sewer service to the subject property meeting the approval of the Sherwood Engineering Department.

Condition C.8: Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:

- **Cost to install an 8-inch diameter sanitary sewer and manholes from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property.**
- ~~Cost to install an 8-inch diameter sanitary sewer along the entire subject property frontage (including surface restoration).~~
- ~~Cost to install sanitary sewer manholes along the entire subject property frontage (including surface restoration).~~

The engineer's estimate will need to meet the approval of the Sherwood city engineer.

Condition F.7: Prior to Acceptance of Public Improvements, sanitary sewer under construction within No Name Street and SW Commerce Court shall have received acceptance of public improvements by the Sherwood engineering department.

Condition F.8: Prior to Acceptance of Public Improvements, the developer shall dedicate maintenance access easements to the city of Sherwood at the northern end of the subject property along the south side of No Name Road meeting the approval of the Sherwood engineering department.

Condition A.20: All private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Chapter 16.112 - WATER SUPPLY

16.112.010 - Required Improvements

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

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.

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.

FINDING: The application was reviewed by City of Sherwood Engineering for compliance with applicable criteria and provided the following findings:

Currently the subject properties don't have direct access to public water. As part of the development north of the subject properties, a new public water line is being constructed within SW Commerce Court that will serve the subject properties. The public water under construction will need to be accepted by the Sherwood engineering department prior **to** final acceptance of public improvements for the subject development. No water meter will be issued to the subject property until this public water system has received city acceptance.

Currently SW Tonquin Road has no water line within adjacent to the subject property frontage. Eventually the urban reserves area southeast of the subject property will have the need for the public water to be extended along the subject property frontage, however, construction of this public water extension at this time has its difficulties. SW Tonquin Road will likely need to be closed for the construction work for access (12 feet of roadway width for trenching and 12-feet of roadway width for truck loading) and worker safety. Since the water extension in question is not currently in the Sherwood water master plan, credits for oversizing of the water line would not be available. A water line within SW Tonquin Road would likely need to have a diameter of 12 inches to adequately supply water to the urban reserve area to the southeast. Since oversizing credits are not available, installation of a water line at this time would have a diameter of 8 inches which would then need to be upsized in the future thus wasting most of the original investment into the water line.

The estimated road closure time for this work is approximately three weeks.

The urban reserves area to the southeast currently has not received long range planning necessary to get the property brought into the urban growth boundary. So it is likely that the improvements would lose lifespan while waiting for these items to happen (potentially 10-20 years). Any adjustment in grade elevations within this section of SW

Tonquin Road will result in having to make adjustments to the fire hydrants and valve risers.

The developer has proposed extending the public water line from its existing location in the SW Commerce Court cul-de-sac to the southern property line of the subject property to provide service to the urban reserves area to the south. This extension would not be able to serve the entirety of the urban reserve area as the current water line is 8 inches in diameter which would not be adequate for servicing the urban reserve area to the south. Also, city policy is to have public water lines within public streets for access to and maintenance thereof.

Due to analysis above the subject development is not conditioned to install public water improvements along the subject property frontage of SW Tonquin Road and instead will be required to make a fee-in-lieu payment for 125% of the estimated amount to install said public water line extension noted above as provided by an Oregon registered professional engineer and as approved by the City of Sherwood city engineer. This engineer's estimate shall consist of the following:

1. **Cost to install an 8-inch diameter water line from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property (including fittings and restraining).** ~~Cost to install an 8-inch diameter water line along the entire subject property frontage (including surface restoration, fittings and restraining).~~
2. **Cost to install 2 fire hydrants along the subject property frontage (including fittings and restraining).** ~~Cost to install three (3) fire hydrants along the subject property frontage (including surface restoration, fittings and restraining).~~

This meets the intent of the "to and through" requirements of the Sherwood municipal code.

The following conditions apply:

Condition C.9: Prior to Final Approval of Engineering Plans, the subject development shall design to provide public water service to the subject property meeting the approval of the Sherwood Engineering Department.

Condition C.10: Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:

1. **Cost to install an 8-inch diameter water line from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property (including fittings and restraining).** ~~Cost to install an 8-inch diameter water line along the entire~~

~~subject property frontage (including surface restoration, fittings and restraining).~~

2. **Cost to install 2 fire hydrants along the subject property frontage (including fittings and restraining).** ~~Cost to install three (3) fire hydrants along the subject property frontage (including surface restoration, fittings and restraining).~~

The engineer's estimate will need to meet the approval of the Sherwood city engineer.

Condition F.9: Prior to Acceptance of Public Improvements, the water system under construction within SW Commerce Court shall have received acceptance of public improvements by the Sherwood engineering department.

Condition A.21: All private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

As conditioned, these criteria are satisfied.

Chapter 16.114 - STORM WATER

16.114.010 - Required Improvements

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

16.114.020 - Design Standards

A. Capacity

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

B. On-Site Source Control

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

C. Conveyance System

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to receive storm water discharge from the upstream area. If downstream drainage systems are not

sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

16.114.030 - Service Availability

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

FINDING: The application was reviewed by City of Sherwood Engineering for compliance with applicable criteria and provided the following findings:

Currently the subject properties don't have direct access to public storm sewer system but does have access to existing culvert pipes beneath SW Tonquin Road adjacent to the subject property. As part of the development north of the subject properties, a new public storm sewer is being constructed within No Name Road and SW Commerce Court that will serve the subject properties. The subject properties will need to discharge site storm runoff to the new storm sewer system. The public storm sewer under construction will need to be accepted by the Sherwood engineering department prior final acceptance of public improvements for the subject development. On-site storm water runoff water quality treatment and hydro-modification is required conforming with Clean Water Service standards.

Please reference the findings for chapter 16.106 – transportation facilities for comments concerning fee-in-lieu of installing storm sewer improvements and storm water runoff water quality treatment and hydro-modification within SW Tonquin Road.

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

The subject development will result in ground disturbance of greater than 5 acres of area. Therefore, a DEQ NPDES 1200C permit is required. Currently there is an active DEQ NPDES1200C for the subject properties for mass grading. Updated plans will need to be submitted to accommodate revisions due to the subject development.

There is an active City of Sherwood grading and erosion control permit for the subject properties for mass grading. A new City of Sherwood grading and erosion control permit will be required to accommodate the site changes from the original permit.

The following conditions apply:

Condition C.11: Prior to Approval of the Engineering Public Improvement Plans, the developer shall design to connect to the existing public storm sewer at a location meeting the approval of the Sherwood engineering department.

Condition C.12: Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for a private on-site water quality treatment/hydro-modification facilities meeting the approval of the Sherwood engineering department.

Condition C.13: Prior to Approval of the Engineering Public Improvement Plans, a Final Stormwater Drainage Report in compliance with Clean Water Services standards shall be provided meeting the approval of the Sherwood engineering department.

Condition F.10: Prior to Acceptance of Public Improvements, the developer shall record a Private Stormwater Facility Access and Maintenance Covenant meeting the approval of the Sherwood engineering department.

Condition F.11: Prior to Acceptance of Public Improvements, the developer shall submit an Operations & Maintenance plan for private on-site water quality treatment/hydro-modification facilities meeting the approval of the Sherwood engineering department.

Condition F.12: Prior to Acceptance of Public Improvements, storm sewer under construction within No Name Road shall have received acceptance of public improvements by the Sherwood engineering department.

Condition A.22: All private stormwater piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Condition C.14: Prior to Final Approval of the Public Improvement Plans, a Stormwater Connection Permit shall be obtained from Clean Water Services.

Condition C.15: Prior to issuance of any Permits from the Building Department, Site Plan Approval or Approval of the Engineering Public Improvement Plans, applicant shall obtain approval on the revisions to the DEQ NPDES 1200C permit or obtain a new DEQ NPDES 1200C permit.

Condition E.3: Prior to issuance of Building Permits, Site Plan Approval or Approval of the Engineering Public Improvement Plans, the applicant shall obtain a City of Sherwood grading and erosion control permit.

Condition F.13: Prior to Final Acceptance of Public Improvements, the 2 subject parcels shall be consolidated into 1 parcel.

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.

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.

16.116.030 - Miscellaneous Requirements

A. Timing of Installation

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction

begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.

B. Maintenance of Facilities

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

C. Modification of Facilities

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

FINDING: Fire protection and emergency services are provided by Tualatin Valley Fire and Rescue (TVFR). The applicant has obtained a Service Provider Permit from TVF&R (TVFR Permit #2023-0192), dated December 7, 2023 (Appendix L), and was approved with the following notes:

- The building will be required to test for Emergency Responder Radio Coverage or opt into TVF&R Mobile Emergency Radio program (MERRC). If the MERRC option is chosen, fees will need to be paid to TVF&R prior to the issuance of a Building permit per OFC 510.
- Fire Lane marking to be determined per OFC 503.3.
- Fire department final inspection required per OFC 108.1.

This criterion is met as conditioned below:

CONDITION G.3: Prior to building occupancy, obtain final approval from Tualatin Valley Fire & Rescue for occupancy of the site and building.

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES

16.118.010 – Purpose

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

16.118.020 - Standard

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located, and installed consistent with this Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot-wide public utility easement (PUE) shall be provided on private**

property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

16.118.030 - Underground Facilities

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

16.118.040 - Exceptions

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

16.118.050 - Private Streets

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

FINDING: The applicant is requesting to develop a 413,250 square foot distribution and warehousing, and industrial, and structure with secondary office uses. No public telecommunication conduits or new parcels created with this application. As detailed in

the engineering memorandum (Attachment B), there are overhead franchise utilities along the northeast side of SW Tonquin Road along the subject properties' frontage. The power lines on these poles exceeds 50,000 volts and therefore per the Sherwood Municipal Code the power lines may remain overhead. Currently there are no Sherwood Broadband facilities along the subject properties' frontage of SW Tonquin Road. Since street widening improvements are not being constructed at this time, a fee-in-lieu of constructing Sherwood Broadband improvements will be required. Additionally, correspondence with Portland General Electric (PGE) indicated existing facilities can serve this development. The following conditions apply:

Condition B.11: Prior to Final Site Plan approval, the applicant will need to display coordination with Portland General Electric (PGE) as to the design and construction of public utilities.

Condition C.16: Prior to Final Approval of Public Improvement Plans, a fee-in-lieu payment will be made for Sherwood Broadband utilities (vaults and conduit) from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property.

~~Prior to Final Approval of Public Improvement Plans, a fee-in-lieu payment will be made for Sherwood Broadband utilities (vaults and conduit) along the entire length of the subject properties' frontage of SW Tonquin Road.~~

As conditioned, these criteria are met.

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:

	Category	Width
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

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

FINDING: The proposal includes the development of a 413,250 square foot warehouse and industrial structure with accessory office uses. The subject parcels share a combined 1,413-feet of frontage along SW Tonquin Road (arterial) and are subject to the 15-foot visual corridor requirements; therefore, these criteria are applicable.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.140.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

FINDING: The applicant submitted preliminary landscaping plans that display a 15'-feet visual corridor with continuous and uniformly planted landscaping, including drought resistant street trees and ground coverage. Visual corridor improvements and maintenance shall be included in a compliance agreement, as conditioned below:

Condition C.17: Prior to Approval of the Engineering Public Improvement Plans/Final Site Plan approval, the applicant shall complete a visual corridor compliance agreement with the City of Sherwood, pursuant to 16.140.040. B.

Therefore, this criterion is satisfied.

C. Establishment and Maintenance

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

FINDING: The establishment and maintenance of the visual corridor shall be the responsibility of the property owner(s). The applicant will be responsible for completing a compliance agreement with our Engineering department, as conditioned in other sections of this report.

Therefore, this criterion is satisfied.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor.

FINDING: The subject visual corridor is 15'-feet in width and does not seep into any required yards. Additionally, the proposed structure is located approximately 148'-feet away from the proposed visual corridor; therefore, this criterion is satisfied.

16.140.060 - Street Trees

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

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

- 1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.**
- 2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.**
- 3. Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.140.080 of this Code.**
- 4. Required Street Trees and Spacing:**
 - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.140.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.**
 - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing**

standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.

- c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
- 1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
 - 2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
 - 3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
 - 4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
 - 5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

FINDING: The applicant submitted preliminary landscaping plans indicating sufficient tree coverage will be provided along portions of the property that abut SW Tonquin Road. As no planter strip is available at the time of this decision, the prospective trees shall be planted on private property between the public street right-of-way subject property lines. The prospective trees for the visual corridor will have a minimum trunk diameter of two (2) caliper inches and a minimum height of six (6) feet when planted, as indicated on the landscaping sheet L1.1. Adequate spacing between each proposed tree did not exceed the allocated amount; therefore, these criteria are met.

16.140.070 - Trees on Property Subject to Certain Land Use Applications

A. Generally

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

attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

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

D. Retention requirements

3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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

Commercial, Industrial, Institutional, Public and, Multi-Family dwelling.	
Canopy Requirement	30%
Counted Toward the Canopy Requirement	
Street trees included in canopy requirement	No
Landscaping requirements included in canopy requirement	Yes
Existing trees onsite	Yes x2
Planting new trees onsite	Yes
Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * \text{radius}^2)$ (This is the calculation to measure the square footage of a circle.)	
The Mature Canopy is given in diameter. In gardening and	

horticulture reference books, therefore, to get the radius you must divide the diameter in half.

Canopy Calculation Example: Pin Oak
Mature canopy = 35'

$(3.14159 * 17.5^2) = 962$ square feet

FINDING: The applicant submitted preliminary landscaping plans that attempted to display prospective tree canopy calculations. These calculations did not fully display incorporation of the required equation, and therefore do not appear to meet this standard. To satisfy this criterion, the following condition applies:

Condition B.12: Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans, delineating the proposed Mature Canopy, utilizing the Square Feet Equation πr^2 .

As conditioned, this criterion is met.

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.

16.144.020 - Noise Sensitive Uses

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

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

16.144.030 – Exceptions

This Chapter does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-

of-way, travel ways, flight paths or other routes. This Chapter also does not apply to noise produced by humans or animals. Nothing in this Chapter shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

FINDING: The proposed industrial development abuts land zoned Employment Industrial (EI) and Medium Density Residential High – MDRH; future development within the MDRH zone, adjacent to the subject parcel(s), is not feasible due to environmental and topographical constraints. Other abutting parcels are within Washington County jurisdiction outside of the UGB. The scope of the project is not anticipated to exceed the noise standards detailed under OAR 340-35-035. No exception is sought by the applicant. Any future violations related to noise can be addressed by the applicable State agency or City Code Compliance; therefore, this standard is met.

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.

16.146.020 - Exceptions

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

FINDING: : An application for a Type IV Site Plan Review and Type III Conditional Use Permit to develop a 413,250 square foot distribution and warehousing, ~~and~~ industrial, ~~structure with~~, and secondary office uses. The subject parcel is located within the Tonquin Employment Area (TEA). The proposal was reviewed by both city engineers and an external traffic consultant, hired by the City of Sherwood, and is not anticipated to create vibrations in excess, as defined by this code section. No exception is sought by the applicant. Any future violations related to air quality can be addressed by the applicable State agency or City Code Compliance; therefore, this standard is met.

Chapter 16.148 - AIR QUALITY

16.148.010 - Generally

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

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.**

- B. Incinerators, if otherwise permitted by Section 16.138.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.**
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.**

16.148.020 - Proof of Compliance

Proof of compliance with air quality standards as per Section 16.148.010 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.

16.148.030 - Exceptions

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

FINDING: : An application for a Type IV Site Plan Review and Type III Conditional Use Permit to develop a 413,250 square foot distribution and warehousing, ~~and~~ industrial, ~~structure with~~, and secondary office uses. The subject parcel is located within the Tonquin Employment Area (TEA). The scope of the project is not anticipated to create substantial degradation of the surrounding air quality. Any future violations related to air quality can be addressed by the applicable State agency or City Code Compliance; therefore, this standard is met.

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.

16.150.020 – Standards

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

16.150.030 – Exceptions

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

FINDING: : An application for a Type IV Site Plan Review and Type III Conditional Use Permit to develop a 413,250 square foot distribution and warehousing, ~~and~~ industrial, ~~structure with,~~ and secondary office uses. The subject parcel is located within the Tonquin Employment Area (TEA). While specific users are not known at this time, it is not anticipated that the proposed employment industrial operations will produce noxious odors discernable at the property line since all operations would occur indoors and any odor-producing activities would be mitigated by appropriate air quality measures. The site has trash enclosures to contain any orders from waste. No exception is sought by the applicant; therefore, this criterion is satisfied.

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.

16.152.020 – Exceptions

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

FINDING: : An application for a Type IV Site Plan Review and Type III Conditional Use Permit to develop a 413,250 square foot distribution and warehousing, ~~and~~ industrial, ~~structure with,~~ and secondary office uses. The subject parcel is located within the Tonquin Employment Area (TEA). The proposed project does not produce heat or glare outside of otherwise permitted uses. No exception is sought by the applicant. Proposed lighting will be directed away from neighboring properties, as conditioned below:

Condition A.23: The property owner(s) shall install and maintain lighting in a manner that prevents exterior lighting from shining or creating glare on abutting properties, pursuant to 16.154.010.

This criterion is satisfied.

Chapter 16.154 - ENERGY CONSERVATION

16.154.010 – Purpose

This Chapter and applicable portions of the Comprehensive Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

16.154.020 - Applicability

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.

16.154.040 - Variance to Permit Solar Access

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

FINDING: An application for a Type IV Site Plan Review and Type III Conditional Use Permit to develop a 413,250 square foot distribution and warehousing, and industrial, structure with, and secondary office uses. The subject parcel is located within the Tonquin Employment Area (TEA). The proposed development would not exceed the allowable densities or lot coverage, and preliminary landscaping plans display a greater number of trees than presently on the parcel(s). The building orientation and cooling effects of the structure meets energy conservation standards. No variances are sought; therefore, these criteria are met.

IV. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

Based upon review of the applicant’s submittal information, review of the code, agency comments and consideration of the applicant’s submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. **Therefore, staff recommends approval of the application LU 2023-017 SP/CUP “Rock Creek Industrial (Panattoni) – Site Plan Review & Conditional Use Permit” subject to the following conditions of approval:**

A. General Conditions

- 1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
- 2. The development shall substantially comply with the submitted preliminary plans and narrative except as indicated in the conditions of the Notice of Decision (LU

2023-017 SP/CUP). Additional development or change of use may require a new development application and approval.

3. Approval of this decision is valid for a period of two (2) years from the date of Notice of Decision (LU 2023-017 SP/CUP) unless construction on the site has begun. A one (1) year extensions may be granted by the City upon written request from the applicant showing adequate cause for such extension.
4. Approval and authorization of the conditional use shall be valid for only two (2) years from the date of Notice of Decision (LU 2023-017 SP/CUP), unless substantial construction has taken place. A one (1) year extensions may be granted by the City upon written request from the applicant showing adequate cause for such extension.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies even if not specifically required by this decision.
7. All new utilities to be installed for the development of the subject property shall be underground.
8. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.
9. The site shall conform to all local building and fire code regulations, in addition to any applicable state and federal regulations, for hazardous materials storage on the site.
10. The property owner(s) shall be responsible for ensuring the overall maintenance and health of the approved landscaping materials. Only hardy and drought-resistant landscaping shall be permitted on the parcel, pursuant to 16.92.020.B.
11. The applicant shall protect and maintained existing vegetative areas as presented on the preliminary landscaping plans during the construction phase of the development. Destruction or removal of existing vegetative will be required to **shall be mitigated via the replant of** similar ground coverage to what was approved under this decision (LU 2023-017 SP/CUP).
12. The property owner(s) shall be responsible for maintaining and installing all required screening of all Mechanical Equipment, Outdoor Storage, Service and Delivery Areas from public streets and any adjacent residential zone districts.
13. The property owner(s) shall be responsible for ensuring all required parking, loading, and maneuvering areas are not used for long-term storage or sale of vehicles or other materials, or rented, leased, or assigned to any person or organization not using or occupying the building or use served, pursuant to 16.94.010.D. All future violations are subject to Code Compliance.
14. The property owner(s) shall be responsible for the maintenance and repair of the parking and loading areas, including associated infrastructure, pursuant to Chapter 16.94.010.G.
15. The property owner(s) shall be responsible for ensuring an adequate number of loading areas can serve existing uses located onsite, pursuant to 16.94.030.B.

16. The property owner(s) shall be responsible for the maintenance and repair of the on-site pedestrian circulation area, including associated infrastructure, pursuant Chapter 16.96.010.B.
17. The property owner(s) shall be responsible for the maintenance and repair of all on-site vehicle circulation areas located on the subject parcel, pursuant to Chapter 16.96.040.D.
18. Clear Vision Areas shall be established and maintained at each private driveway intersection, pursuant to 16.58.010.
19. The property owner(s) shall be responsible for ensuring the overall maintenance and repair of each retaining walls located on the subject parcel(s), pursuant to 16.58.020.
20. All private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
21. All private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
22. All private stormwater piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
23. The property owner(s) shall install and maintain lighting in a manner that prevents exterior lighting from shining or creating glare on abutting properties, pursuant to 16.154.010.
24. The applicant shall comply with conditions described in the CWS Memorandum dated February 8, 2024, the CWS Service Provider Letter in the applicant's submittal and all applicable CWS Design and Construction Standards.

B. Prior to Final Site Plan Approval

1. Prior to Final Site Plan approval, the property owner(s) shall submit documentation indicating compliance, amendment, or release of their Operating Permit, DOGAMI ID 34-0011, as required by Oregon Department of Geology and Mineral Industries policies and standards.
2. Prior to Final Site Plan approval, the applicant shall resubmit application materials indicating each proposed trash enclosure's location is compliant with Sherwood Zoning and Development Code and P.R.I.D.E disposal standards.
3. Prior to Final Site Plan Approval, the applicant shall submit a revised landscaping plan indicating that all areas not planted with trees and shrubs will be planted in ground cover plants, excluding mulch or other similar materials. Existing landscaping posed for preservation shall be clearly delineated on the plans.
4. Prior to Final Site Plan Approval, the applicant shall submit a revised landscaping plan, detailing the species and type of all ground coverage utilized on the subject parcel(s); the proposed ground coverage shall be least four-inch pot size and reach a density that will cover the entire area within three (3) years from the time of planting, pursuant to 16.92.020.A.1.
- ~~5. Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans indicating that at least five (5) percent of the required trees are evergreen.~~
6. Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans indicating at least 506 shrubs will be planted and evenly spaced throughout the site.

7. Prior to Final Site Plan approval, the applicant shall resubmit plans indicating that all proposed primary pathways will be at least 6-feet in width, pursuant to 16.96.030.A.3.
8. Prior to Final Site Plan approval, the applicant shall resubmit a site plan indicating that the proposed Solid Waste and Recycling Storage area(s) will meet the minimal dimensional standards, as required by Sherwood Zoning and Development Code and P.R.I.D.E disposal standards.
9. Prior to Final Site Plan approval, the applicant shall resubmit a site plan indicating the proposed Solid Waste and Recycling Storage area(s) chain-linked gate will be site obscuring and non-visible from the public, as required by Sherwood Zoning and Development Code and P.R.I.D.E disposal standards.
10. Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans indicating at least twenty-five (25) feet of Clear Vision area is established and defined at each private driveway intersection at the end of SW Commerce Court, pursuant to 16.58.010.
11. Prior to Final Site Plan approval, the applicant will need to display coordination with Portland General Electric (PGE) as to the design and construction of public utilities.
12. Prior to Final Site Plan approval, the applicant shall resubmit landscaping plans, delineating the proposed Mature Canopy, utilizing the Square Feet Equation πr^2 .
13. **Prior to Final Site Plan Approval, the applicant shall resubmit landscaping plans indicating the placement of proposed perimeter landscaping trees along the southern boundary of the property consisting of a ratio of 1:3 evergreen. These shall be evenly distributed along the parcel(s).**

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

1. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design all driveway accesses onto SW Commerce Court to meet the approval of the Sherwood engineering department.
2. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design to close off access to No Name Road meeting the approval of the Sherwood and Washington County engineering departments.
3. Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:
 - Cost to excavate for street widening improvements including bank/rock excavation to install wall.
 - Cost to construct of wall to the height necessary at ~~38~~ 53 feet from the centerline of SW Tonquin Road.
 - Cost for placement of geotextile fabric.
 - Cost to install base rock (10-inches total thickness).
 - Cost to install of curb and gutter.
 - Cost to install asphalt (4-inches total thickness)
 - Cost to install concrete sidewalk (12-feet wide).

- Cost to install streetlights necessary to provide street lighting along SW Tonquin Street (photometric analysis required to establish number of streetlights).
- Cost to install storm sewer, manholes and catch basins as needed along the entire subject property frontage.
- Fee-in-lieu at \$1.50/square foot of new impervious area associated with the items above for costs of storm water quality treatment and storm hydro-modification.
- Cost to install street trees and root barriers.

The engineer's estimate will need to meet the approval of the Sherwood city engineer and the Washington County engineer.

4. Prior to Approval/Issuance of the Public Improvement Plans, the applicant shall obtain a Washington County Right-of-Way Permit for any work proposed within the Tonquin Road right-of-way, including but not limited to:
 - Closure of all existing access on SW Tonquin Road.
 - Convert No Name Road on SW Tonquin Road per City/County requirements for public utility maintenance access.
 - Construction access and traffic circulation/control plan for all construction traffic utilizing Oregon Street.

Note: construction access cannot use Tonquin Road, including "No Name Road.
5. Prior to Approval of the Engineering Public Improvement Plans or Issuance of Building Permits, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department. Performance and payment bonds and insurance riders must be submitted to the City.
6. Prior to Final Approval of Public Improvement Plans, the applicant shall obtain any necessary permits required from Washington County for construction access to county streets.
7. Prior to Final Approval of Engineering Plans, the subject development shall design to provide public sanitary sewer service to the subject property meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:
 - **Cost to install an 8-inch diameter sanitary sewer and manholes from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property.**
 - ~~Cost to install an 8-inch diameter sanitary sewer along the entire subject property frontage (including surface restoration).~~

- ~~Cost to install sanitary sewer manholes along the entire subject property frontage (including surface restoration).~~

The engineer's estimate will need to meet the approval of the Sherwood city engineer.

9. Prior to Final Approval of Engineering Plans, the subject development shall design to provide public water service to the subject property meeting the approval of the Sherwood Engineering Department.
10. Prior to Approval of the Engineering Public Improvement Plans, the developer shall make a fee-in-lieu payment at 125% of an Oregon state professional engineer's estimate to cover the following:
 - **Cost to install an 8-inch diameter water line from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property (including fittings and restraining).** ~~Cost to install an 8-inch diameter water line along the entire subject property frontage (including surface restoration, fittings and restraining).~~
 - **Cost to install 2 fire hydrants along the subject property frontage (including fittings and restraining).** ~~Cost to install three (3) fire hydrants along the subject property frontage (including surface restoration, fittings and restraining).~~

The engineer's estimate will need to meet the approval of the Sherwood city engineer.

11. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design to connect to the existing public storm sewer at a location meeting the approval of the Sherwood engineering department.
12. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for a private on-site water quality treatment/hydro-modification facilities meeting the approval of the Sherwood engineering department.
13. Prior to Approval of the Engineering Public Improvement Plans, a Final Stormwater Drainage Report in compliance with Clean Water Services standards shall be provided meeting the approval of the Sherwood engineering department.
14. Prior to Final Approval of the Public Improvement Plans, a Stormwater Connection Permit shall be obtained from Clean Water Services.
15. Prior to issuance of any Permits from the Building Department, Site Plan Approval or Approval of the Engineering Public Improvement Plans, applicant shall obtain approval on the revisions to the DEQ NPDES 1200C permit or obtain a new DEQ NPDES 1200C permit.
16. **Prior to Final Approval of Public Improvement Plans, a fee-in-lieu payment will be made for Sherwood Broadband utilities (vaults and conduit) from its current termination point within the SW Commerce Court cul-de-sac to the southern property line of the subject property.**

~~Prior to Final Approval of Public Improvement Plans, a fee-in-lieu payment will be made for Sherwood Broadband utilities (vaults and conduit) along the entire length of the subject properties' frontage of SW Tonquin Road.~~

17. Prior to Approval of the Engineering Public Improvement Plans/Final Site Plan approval, the applicant shall complete a visual corridor compliance agreement with the City of Sherwood, pursuant to 16.140.040. B.
18. Prior to Approval/Issuance of the Public Improvement Plans, pay a fee in-lieu (FIL) of constructing the half-street improvement including the Ice Age Trail, street lighting, stormwater on SW Tonquin Road to Washington County. The FIL shall be based on an engineer's estimate, subject to the approval of the County Engineer.

D. Prior to Grading Permit

1. Prior to Grading Permit, any grading work to be performed in neighboring properties shall have written approval by the neighbor. This shall be submitted to the Sherwood engineering department for approval.

E. Prior to Issuance of Building Permits

1. Prior to Issuance of Building Permits, the applicant shall obtain Final Site Plan approval, pursuant to 16.82.020.B
2. Prior to issuance of any Permits from the Building Department, Site Plan Approval or Approval of the Engineering Public Improvement Plans, the developer shall record an agreement absolving the city, county, or any agents thereof of liability for any damages that may occur within the subject property due to the construction of street widening and utility improvements within SW Tonquin Road meeting the approval of the Washington County and Sherwood engineering departments.
3. Prior to issuance of Building Permits, Site Plan Approval or Approval of the Engineering Public Improvement Plans, the applicant shall obtain a City of Sherwood grading and erosion control permit.

F. Prior to Acceptance of Public Improvements

1. Prior to Acceptance of Public Improvements, SW Commerce Court shall have received acceptance of public improvements by the Sherwood engineering department.
2. Prior to Acceptance of Public Improvements, No Name Road shall be vacated with public easements in place as required (public storm sewer, public sanitary sewer, etc.) meeting the approval of the Sherwood engineering department.
3. Prior to Acceptance of Public Improvements, the developer is required to dedicate right-of-way along the subject property frontage of SW Tonquin Road to create a 45-foot-wide half street right-of-way section meeting the approval of the Washington County engineering department.
4. Prior to Acceptance of Public Improvements, the developer is required to dedicate a 33-foot-wide slope and wall easement to Washington County adjacent to the

back side of the newly dedicated right-of-way along the subject property frontage of SW Tonquin Road meeting the approval of the Washington County and Sherwood engineering departments.

5. Prior to acceptance of Public Improvements, the following shall be recorded with Washington County Survey Division (John Kidd – Survey Division 503.846.8723):
 - Provisions of a non-access restriction along the sites frontage of SW Tonquin Road
 - Dedication of an 8-foot PUE along the site’s frontage of SW Tonquin Road.
 - Dedication of right-of-way from the centerline of SW Tonquin Road to meet 45’-feet.
 - Dedication of a 33-foot wall/slope easement along the site’s frontage of SW Tonquin Road in addition to the right-of-way-dedication.
6. Prior to Final Acceptance of Public Improvements, all public improvements shown within the approved engineering plans shall be in place and approved by the Sherwood Engineering Department.
7. Prior to Acceptance of Public Improvements, sanitary sewer under construction within No Name Street and SW Commerce Court shall have received acceptance of public improvements by the Sherwood engineering department.
8. Prior to Acceptance of Public Improvements, the developer shall dedicate maintenance access easements to the city of Sherwood at the northern end of the subject property along the south side of No Name Road meeting the approval of the Sherwood engineering department.
9. Prior to Acceptance of Public Improvements, the water system under construction within SW Commerce Court shall have received acceptance of public improvements by the Sherwood engineering department.
10. Prior to Acceptance of Public Improvements, the developer shall record a Private Stormwater Facility Access and Maintenance Covenant meeting the approval of the Sherwood engineering department.
11. Prior to Acceptance of Public Improvements, the developer shall submit an Operations & Maintenance plan for private on-site water quality treatment/hydro-modification facilities meeting the approval of the Sherwood engineering department.
12. Prior to Acceptance of Public Improvements, storm sewer under construction within No Name Road shall have received acceptance of public improvements by the Sherwood engineering department.
13. Prior to Final Acceptance of Public Improvements, the 2 subject parcels shall be consolidated into 1 parcel.
14. Prior to acceptance of Public Improvements, the Washington County Right-of-Way permit shall be completed and approved by Washington County.

G. Prior to Receiving Occupancy

1. Prior to building occupancy, the applicant shall place all required landscaping in-ground, including installation of an approved irrigation system, pursuant to the 16.92.040 standards.

2. Prior to building occupancy, final acceptance of the constructed public improvements shall be obtained from the Sherwood Engineering Department.
3. Prior to building occupancy, obtain final approval from Tualatin Valley Fire & Rescue for occupancy of the site and building.

V. ATTACHMENTS

- A. Applicant Submittal and Narrative***
- Appendix A – Vicinity Map
 - Appendix B – Neighborhood Meeting Documentation
 - Appendix C – Tax Map
 - Appendix D – Preliminary Civil Plans
 - Appendix E – Preliminary Architectural Plans
 - Appendix F – Preliminary Landscaping Plans
 - **Appendix F.1 – Revised Landscaping Plans 03/06/2024**
 - Appendix G – Public Notice & Agency Routing List
 - Appendix H – Prelim Storm Drainage Report
 - Appendix I– Geotech Report
 - Appendix J– Preliminary Lighting Plan
 - **Appendix J.1 – Preliminary Lighting Schematics**
 - Appendix K – Title Reports
 - Appendix L – TVF&R SPL
 - Appendix M – Clean Water Services Assessment
 - Appendix N – Traffic Impact Analysis (TIA)
 - Appendix O – Tonquin Road Driver View Exhibit
 - Appendix P – Project Narrative
 - Appendix Q – Land Use Application
- B. City of Sherwood Engineering Memorandum dated February 9, 2024**
Appendix B.1: Updated City of Sherwood Engineering Memorandum Dated March 6, 2024
- C. Clean Water Services (CWS) Memorandum dated February 8, 2024**
- D. Portland General Electric (PGE) correspondence dated February 7, 2024**
- E. Washington County Memorandum dated February 15, 2024**
- F. Oregon Department of Geology and Mineral Industries (DOGAMI) correspondence dated February 8, 2024**
- G. P.R.I.D.E Disposal correspondence dated January 19, 2024**
- H. Oregon Department of State Lands Response dated February 20, 2024**
- I. Sherwood School District Correspondence dated February 7, 2024**
- J. Metro Correspondence dated February 8, 2024**
- K. Sherwood Police Department Correspondence February 7, 2024**
- L. Bonneville Power Administration (BPA) Correspondence January 25, 2024**