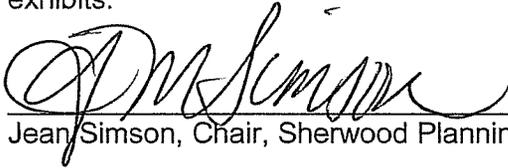


The Sherwood Planning Commission held a public hearing on September 27, 2016 for the Sentinel Self-Storage Annex II minor land partition and site plan review. The Commission opened the hearing and received a staff report and applicant presentation. The Commission then requested public testimony for, against, or neutral to the subject application. No public comments were received at the hearing. After consideration of the application, the one citizen comment received during the notice period, and the applicant's presentation, the Planning Commission voted to approve the application with revised findings and added a condition. The Planning Commission decision is based on the findings of fact and conditions contained in this notice, the applicant's materials and testimony, citizen testimony, and the staff report including exhibits.



Jean Simson, Chair, Sherwood Planning Commission

Proposal: The applicant proposes to partition a 21.82 acre lot into two parcels, and build a 436 unit storage facility on one of the parcels. The storage units will include open, covered, partially enclosed and fully enclosed units. The site is a part of the Langer PUD (PUD 95-01). This site is located on SW Langer Farms Parkway, and is zoned PUD- LI.

I. BACKGROUND

- A. Applicant/Owner:
Langer Family, LLC
15555 SW Tualatin-Sherwood Road
Sherwood, OR 97140
- B. Location: The property is located on the south side of SW Langer Farms Parkway. The property is identified as tax lot 100 on Washington County Assessor Map 2S129DC.
- C. Parcel Size: The subject property is approximately 21.82 acres in size.
- D. Existing Development and Site Characteristics:
The site is currently vacant and has been actively farmed for hay. The site slopes from west to east as well as north to an existing drainage way. The drainage way surrounds this site along the western and northern site boundaries. The site will take access from a private access that connects to SW Langer Farms Parkway via a forty foot access easement which was previously approved through the Langer subdivision (SUB 12-02) approval. The overall site is bound on the northeast by SW Century Blvd., to the north by SW Langer Farms Parkway, to the south and southeast by a natural resource area and regional stormwater facility, and to the west by a pallet manufacturer and distributor. The property is surrounded by other properties located to the south and west by other light industrially zoned and used properties, to the east by an industrially zoned parcel that was developed with the Parkway Village Shopping Center, and to the north by properties that are zoned residential and public/institutional.
- E. Site History: The site has been owned and farmed by the Langer family since the late 1800's. This particular piece of property is within phase 8 of the Sherwood Village PUD

that was approved by the Sherwood City Council in 1995. All future development is subject to the conditions of the approved Planned Unit Development and SUB 12-02. Because of the approval of the subdivision in 2012, the use of the property is vested for a period of 10 years (ORS 92.040). In this instance, the PUD approval for all of phases 6, 7, and 8 of PUD 95-1 allowed for uses that were permitted within the General Commercial Zone 1995. This was memorialized by the Council approval of Resolution 2007-081 in 2007.

- F. Zoning Classification and Comprehensive Plan Designation: The property is zoned PUD-LI. Mini storage is not currently permitted in this zone, and Automotive, Boat, Trailer, and Recreational Vehicle Storage is permitted conditionally, but as stated above, both uses were permitted when the original PUD was approved, and the uses were vested for a period of 10 years once the subdivision was approved in 2012.
- G. Adjacent Zoning and Land Use: The subject site is currently being farmed for hay. Properties to the south and east of the site include lands that are zoned Light Industrial. Billet manufacturing, a pallet manufacturer, is zoned Light Industrial, and located directly south of the site. The site is also adjacent to a regional storm water quality facility to the southeast which was committed to serving this tax lot. The Parkway Village Shopping Center is located directly east of the site, and properties zoned Public/Institutional and Residential are located directly north of the site. Those properties are developed with single-family residences, and a private school (St. Francis).
- H. Review Type: According to section 16.72.010.4.c, site plans for developments over 40,000 square feet require a Type IV review with a decision made by the Planning Commission after consideration of public comments. An appeal would be heard by the City of Sherwood City Council so long as the person appealing had provided comments prior to the close of public testimony at the public hearing and has filed an appeal within fourteen 14 days after the decision has been mailed.
- I. Neighborhood Meeting: The applicant held a neighborhood meeting on March 31, 2016 at the Fire Station located at 15440 SW Oregon Street. The applicant discussed the proposed development of the site to a single individual who attended from the neighborhood located north of the site. The applicant provided notes, the sign in sheet, and an affidavit of mailing with the application materials.
- J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1000 feet, posted on the property and in five locations throughout the City on September 7, 2016. Notice of the hearing was also provided in the September 1st edition of the Sherwood Gazette, and again in the Tigard Times on September 22, 2016 in accordance with the notice provisions of Section 16.72.020 of the SZCDC.
- K. Review Criteria: *Code Criteria: Sherwood Zoning and Community Development Code, 16.31 (Light Industrial – LI); 16.40 (Planned Unit Development); 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking and Loading), 16.96 (On-Site Circulation); 16.98 (On-site Storage), All of Division VI - 16.104-16.118 (Public Improvements), 16.122 Land Partitions, 16.128 Land Division Design Standards, 16.142 (Parks and Open Space), 16.144 (Wetland, habitat and Natural Areas), 16.146 (Noise), 16.48 (Vibrations), 16.150 (Air Quality), 16.52 (Odors), 16.154 (Heat and Glare); and 16.156 (Energy Conservation).*

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on September 7, 2016. Staff has not received any public comments as of the date of this report on the proposal.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on September 6, 2016. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Craig Christensen, PE, from the Engineering department submitted comments on September 19, 2016. His comments are incorporated throughout the report, and where appropriate conditions have been imposed to ensure that the proposal meets the standards which the engineering department is responsible to enforce. Mr. Christensen's comments are attached to this report as Exhibit B.

Clean Water Services: Jackie Sue Humphrey's submitted comments dated September 15, 2016. Within her comments, Ms. Humphrey's indicates that the applicant will be required to obtain a storm connection permit from Clean Water Services (CWS), and approval of final construction plans and drainage calculations. The CWS comments are attached to this report as Exhibit C.

Tualatin Valley Fire and Rescue: Tom Mooney, Deputy Fire Marshal II with Tualatin Valley Fire and Rescue (TVFR), submitted comments for this proposal on September 7, 2016. Mr. Mooney indicated that the district endorses the application provided their fire, life, and safety requirements, listed in the comments, were satisfied including showing the driveway to the secondary emergency access, clearance requirements for the secondary access, documentation of flow requirements to the site, and locations of the fire department connection. Mr. Mooney's comments have been incorporated into this report where applicable, and are attached to this report as Exhibit D.

Washington County: Naomi Vogel of Washington County TLS initially contacted the City about whether or not there was a need for a traffic study, but did not send any additional comments.

Pride Disposal, PGE, ODOT, Metro, Tri-Met, Kinder Morgan Energy, and NW Natural Gas were also notified of this proposal and did not respond or provided no comments to the request for agency comments by the date of this report.

IV. APPLICABLE CODE STANDARDS

Chapter 16.31 Light Industrial (LI)

A. 16.31.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of articles or products including recreational vehicles, equipment, etc.

FINDING: The applicant is proposing to develop a self-storage business with covered and uncovered units. The development would also provide for the storage of recreational vehicles. Storage and warehousing is not currently allowed in the light industrial zone; however it was permitted at the time of the original PUD approval. Both the code (16.32.020.H) and the development agreement acknowledge that the uses permitted at the time of original PUD approval are permitted. This standard is met.

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.

B. Lot Dimensions

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

1. Lot area: 10,000 sq ft
2. Lot width at front property line: 100 feet
3. Lot width at building line: 100 feet

STAFF ANALYSIS: The proposed development would divide a 21.82 acre lot that was created by SUB 12-02 into two separate parcels. Parcel 1, the proposed location of the self-storage annex is proposed to be 6.14 acres in size. Parcel 2 is not proposed to be developed with this application. It is 15.68 acres in size. Both parcels will exceed the minimum lot area of 10,000 square feet. The remainder of this analysis will be focused on the proposed development on parcel 1. As proposed, the lot width at the front property line is 507.82 feet, because of the shape of the lot, the lot width at the building line is the same.

FINDING: The proposed lot area, width and width at the building line exceed the minimum requirement prescribed above; therefore, this criterion is satisfied by the proposed development.

4. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard:	Twenty (20) feet, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.
2. Side yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
3. Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
4. Corner lots:	Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

STAFF ANALYSIS: The lot is not adjacent to residentially zoned lots therefore there is not a setback requirement for the side or rear property lines. A yard is defined as the area extending across the full width of the lot between the front lot line and the nearest line or point of the building. There is no proposed development on parcel 2. The proposed development on parcel 1 will maintain a front yard setback of 20 feet, a rear yard setback of at least 5.35 feet, and two side yards of 90.28 and 43 feet respectively.

FINDING: As proposed, The setbacks are satisfied by the proposed development.

C. 16.31.060 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, see Divisions V, VIII and IX.

STAFF ANALYSIS: The applicable standards that are listed in the Community Design section are addressed elsewhere in this narrative. As proposed, the development will meet these standards: off – street parking, energy conservation, landscaping, access and egress, on-site storage, and site design. There are not any historic resources on site therefore that standard is not applicable.

Chapter 16.40 Planned Unit Development

STAFF ANALYSIS: Chapter 16.40 only applies to the processing of proposals for preliminary and final PUD's, and modifications to approved PUD's. In this instance, the applicant has previously applied for and received approval for the entire PUD. A preliminary and final development plan for PUD 95-01 was approved in 1995. In 2007, the PUD was modified to clarify the allowed uses and to negotiate public improvements as they related to the applicant's vision for future development on the site. In 2010, the development agreement for the PUD was amended and approved by the City Council, and subsequent to that approval, there have been significant public improvements provided to the site to help facilitate the development of the property consistent with the approved PUD. Finally, the approval of the subdivision vested the allowed uses at the time of approval under the provisions of ORS 92.40. While the final development plan is broad in its vision, the developer has satisfied the applicable conditions of approval with each phase of the development.

FINDING: The proposed development is not subject to the PUD chapter beyond the necessity to satisfy the conditions of approval for the PUD. The only applicable condition of approval for this phase was the dedication of the vegetated corridor. The applicant dedicated the vegetated corridor with the approval of SUB 12-02. The Sherwood Village PUD 95-1 Retail/Commercial Design Guidelines are not applicable to this use because it is industrial as opposed to a commercial/retail use. Future developments that propose commercial/retail uses within the boundaries of the PUD are subject to the guidelines as stipulated in PUD 95-1.

Chapter 16.58 Clear Vision and Fence Standards

16.58.010 Clear Vision Areas

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

- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.**
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) 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.**

FINDING: The site is located in the light industrial zone which requires a minimum distance of 15 feet. The site has access to SW Langer Farms Parkway from an easement. There is not any site obstructing objects proposed within the clear vision area. This standard is met.

Chapter 16.90 Site Planning

16.90.030.D Required Findings

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

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

FINDING: The applicable standards listed above are addressed in detail throughout this report. The provisions of 16.31 Industrial Land Uses Districts, 16.58 Clear Vision, 16.90 Site Planning, 16.92 Landscaping, 16.94 Parking, 16.96 Onsite Circulation, Division VI. Public Infrastructure, 16.142 Parks, Trees and Open Space, and 16.154 Heat and Glare. As conditioned throughout this report, it is feasible for the proposed development to satisfy these requirements.

- 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: Water, sanitary and streets are all available. The site will be served via a private access drive in Parcel 1 from SW Langer Farms Parkway. Sewer and water services are also

located in SW Langer Farms Parkway. Stormwater quality and quantity are provided via a regional stormwater facility constructed with the development of the Parkway Village shopping center, and the earlier annex that was constructed immediately southeast of proposed Parcel 1 in 2012. The nearest park is Langer Park, off of SW Century Blvd. in a residential neighborhood. Solid waste services, communication and public safety are all available to this development.

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: Any required covenants or restrictions imposed by the City will be required to be satisfied as an ongoing condition of the original land use decision and subsequent land use approvals on this parcel of land. The City does not monitor or enforce private covenants and restrictions. The Engineering Department reviewed the plans and indicated that a Private Storm Water Facility Access and maintenance Covenant across the property are already provided.

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 applicant is proposing to remove two trees. The trees were recently put in with the improvement of SW Langer Farms Parkway and the prior land use approval. Both trees are proposed for removal to accommodate access into the site. As mentioned previously in this report, the site has been traditionally farmed. A stream and vegetated corridor were set aside in a Tract with the recording of SUB 12-02. There are no significant natural features proposed to be removed through this proposal. This criterion is not applicable.

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.

STAFF ANALYSIS: The applicant provided a traffic impact memo from Greenlight Engineering, prepared by Rick Nys, PE a registered traffic engineer as exhibit G to the application (Exhibit A). According to the memo, the development could expect to generate 109 average daily trips. Impacts to nearby intersections are typically analyzed during the weekday AM and PM peak hours. The proposed development is expected to generate a total of 9 trips during both peak hours. The applicant will be required to pay transportation system development charges to assist in improving and maintaining the City and Washington County's collector and arterial system, and significant improvements to the system were made with the development of earlier phases of the PUD in 2012. The City Engineer has indicated that no additional mitigation is required of this development.

FINDING: Based on the above discussion, the applicant meets this criterion.

6. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
 - a. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - b. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
 - d. As an alternative to the above standards 7a—7c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards 7a—7c above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

FINDING: This proposal is not for a commercial, multi-family, institutional or mixed-use development. It is a light industrial use that is subject to the industrial design standards discussed below. This criterion is not applicable to the proposed development.

7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards include the following:
 - a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) must meet any four of the following six design criteria:
 - (1) A minimum 15% window glazing for all frontages facing an arterial or collector.
 - (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).
 - (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).
 - (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.
 - (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.

(6) All roof-mounted equipment is screened with materials complimentary to the building design materials.

STAFF ANALYSIS: Portions of the proposed development are located within 200 feet of SW Langer Farms Parkway, a designated collector within the City of Sherwood. Those portions are subject to at least four of the standards listed above. (1) The proposed development does provide glazing along the sites frontage with SW Langer Farms Parkway, but it does not represent at least 15% of that frontage. (2) The proposed development proposes to use metal, glass, and stone materials along the street frontage. (3) The proposed buildings are located 20-feet from the street frontage with SW Langer Farms Parkway. (4) There is no required parking associated with self-storage facilities. Parking is provided at the main office located at the intersection of SW Tualatin-Sherwood Road and SW Langer Farms Parkway. Parking is not inherent to this type of use given the nature of the business which is to load and unload items from the storage units. (5) Loading and unloading, including RV parking/storage is located behind the buildings that front SW Langer Farms Parkway, so vehicular movement, and storage will not be visible from that right of way. To the extent that the storage is visible at the location of the proposed emergency vehicle access, it is mitigated by landscaping that is proposed along the sites frontage with SW Langer Farms Parkway. (6) The applicant has indicated that to the extent that roof mounted equipment is utilized, that it will be screened with materials that are complementary to the building materials used in the design.

FINDING: As proposed, the applicant and the plans illustrate that at least four of the criteria can be satisfied by the development. These criteria are satisfied by the proposed development.

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

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

FINDING: The proposed development has satisfied at least four of the design criteria listed in section (a.) above, and has not requested an alternative design review hearing. Because of the size of the proposed development this application is already subject to a hearing before the Planning Commission. These criteria are not applicable to the proposed development.

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 proposed development is provided access via an existing and previously approved driveway onto SW Langer Farms Parkway. This criterion was evaluated and approved with an earlier development. Access into the annex will be via a private driveway off of the access. This criterion is not applicable to the proposed development.

16.92 Landscaping

16.92.010 Landscape Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which 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. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

FINDING: The proposed landscaping plans show planting areas on the site in areas which are not paved. With the exception of two landscape trees planted with more recent development there is not native vegetation on this parcel. The parcel has been previously farmed. The applicant's landscape and tree plan are provided as Sheets P09A and P09 respectively. This standard is met.

16.92.020 Landscaping Materials

A. Varieties - Required landscaped areas shall include an appropriate combination of 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.

STAFF ANALYSIS: The landscape plan illustrates a proposed a mix of ground cover, trees and shrubs which include Bearberry Cotoneaster, Chanticleer Pear trees, Variegated Dogwoods, Bigleaf Maples, Shore Pine, Spirea, Coastal Strawberry, Valley Fire Pieris, Goldfinger Potentilla, Compact Burning Bush, Western Red Cedar, Scarlet Oak, native grasses, and Rhodeodendron around the perimeter of the site as required. There are a mix of deciduous and conifer trees along the proposed access.

FINDING: As discussed above, this standard is met.

B. Establishment of Healthy Growth and Size - 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.

FINDING: The proposed landscaping includes contractor notes on how the landscape materials will be established and maintained in a healthy condition and sufficient size. The landscaping

plans also indicate how the topsoil or subsoil preparation is expected to occur. This standard is satisfied by the proposed development.

C. Non-Vegetative Features

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. Impervious paving shall not be counted as landscaping. Artificial plants are prohibited in any required landscaped area.

FINDING: The proposed plans show shrubs and low growing ground cover and includes the application of mulch and bark dust in addition to the proposed landscaping. The applicant is not proposing any hardscapes. This standard is met.

D. Existing Vegetation - All developments subject to site plan review as per Section 16.90.020 and required to submit landscaping plans as per Section 16.92.020 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 16.142.060.

FINDING: The proposed development is located on land that has been previously farmed. The applicant has provided a landscape plan (sheet P09A) and tree plan (sheet P09). The applicant is proposing to remove two landscape trees planted with recent approvals to accommodate regular and emergency access. There are no existing trees or woodlands on the parcel proposed to be developed. This criterion is satisfied.

16.92.030 Landscaping Standards

A. Perimeter Screening and Buffering - A minimum six (6) foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. In addition, plants and other landscaping features may be required by the Commission in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

FINDING: The site is located adjacent to other industrial properties and a vegetated corridor. The site is not adjacent to residentially zoned sites therefore this standard is not applicable.

B. Parking and Loading Areas

1. Total Landscaped Area

A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 16.92. In addition, all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with Section 16.92.020.

FINDING: The site is paved and it will be used as a storage facility. There are indoor and outdoor storage spaces. Due to the nature of the use, there are not any required or proposed parking spaces therefore this standard is not applicable.

2. Adjacent to Public Rights-of-Way

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, and change in grade, wall or fence, forming a permanent year-round screen, excepting clear vision areas as per Section 16.58.030.

FINDING: The site is located adjacent to SW Langer Farms Parkway, a designated collector street in the City of Sherwood. The applicant has proposed to landscape the front yard which is 20 feet in width. As proposed, the landscaping would include the existing street trees along SW Langer Farms Parkway, Chanticleer Pear trees, and Bearberry Cotton Easter. While the applicant has indicated that the accesses will be gated, they have not indicated that there would be any walls or fences included around the development. This criterion is satisfied.

3. Perimeter Landscaping

A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.

STAFF ANALYSIS: The proposed landscape plan (sheet P09A) shows that the proposed development will be provided with a minimum 10-foot landscaped strip along the western perimeter, northern perimeter, and eastern perimeter of the development. The northern perimeter includes a varying width landscape strip that is at its smallest 5-feet. However, it is adjacent to a vegetated corridor that will assist in satisfying this requirement. The site takes access from an easement which connects the site to SW Langer Farms Parkway. There are not off-street parking, loading, or vehicular use areas on separate abutting properties or developments that is not screened by this development.

FINDING: As discussed above, this standard is met.

4. Interior Landscaping

A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row. Storm water bio-swales may be used in lieu of the interior landscaping standard.

FINDING: The applicant has not proposed any parking since this is an expansion of the existing self-storage business located on SW Tualatin – Sherwood Road. The applicant maintains that customers will conduct business at the existing location on Tualatin-Sherwood Road, and will access the site through a secured gate where they will pull in front of their unit to load and unload. The Code does not prescribe a minimum parking requirement for a storage facility. Although it does prescribe minimum parking requirements for industrial uses at a ratio of 1.6 parking spaces per 1,000 SF that parking has been provided at the front office of the business on Tualatin-Sherwood Road. Since there is not required parking, there is not a need to provide minimum area parking lot landscaping. This standard is not applicable.

5. 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.

FINDING: The preliminary landscape plan shows ground cover and shrubs on the south side of the intersection of the access driveway and SW Langer Farms Parkway. It should be noted that some of this landscaping was installed at the time of the construction of SW Langer Farms Parkway. This standard is met.

16.94. Off-Street Parking and Loading (relevant sections)

16.94.010 Generally

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.

C. Joint Use

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.

D. Multiple/Mixed Uses

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately, with a reduction of up to 25% to account for cross-patronage of adjacent businesses or services. If the applicant can demonstrate that the peak parking demands for the combined uses are less than 25% (i.e., the uses operate on different days or at different times of the day), the total requirements may be reduced accordingly.

STAFF ANALYSIS: The applicant has not proposed any parking since this is an expansion of the existing self-storage business located on SW Tualatin – Sherwood Road. The office and business transactions for this site will take place at the Tualatin-Sherwood location and electronically. This site will only serve as a place to store materials and recreational vehicles. Since there is not a leasable business space or office on site, and the business by its very nature does not require additional parking, no parking is required at this time.

FINDING: This standard is not applicable at this time.

16.94.020 Off-street parking standards

16.94.020.02 provides the required minimum and maximum parking spaces for uses permitted by the SZCDC.

FINDING: As discussed above, this standard is not applicable.

Chapter 16.96 On-Site Circulation

16.96.010 – On-site pedestrian and bicycle circulation

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.

STAFF ANALYSIS: Operationally, the proposed development is not open to the general public, but rather to people who have rented storage space within the development. Pedestrian access to the site does not appear necessary and is not specifically called for within industrial developments. The storage facility is surrounded on two sides by barriers including a vegetated corridor and a pallet manufacturing complex. The use of this site is not for residential or commercial developments. The access driveway to the site does extend to SW Langer Farms Parkway which connects to residential and commercial developments however it is not likely or practical that the majority of users would walk to a storage unit in order to access their stored items.

FINDING: Because the proposed use is industrial, the above criteria is not applicable.

16.96.010.03 - Connection to Streets

- A. Except for joint access as per 16.96.010, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**
- B. 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 proposed development will have access to SW Langer Farms Parkway, a public street. This criterion is satisfied.

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.

STAFF ANALYSIS: Recreational vehicle and equipment storage was a permitted use in the Light Industrial zone at the time of the original PUD approval. The site will have multiple indoor storage units in addition to paved storage stalls. There was a staff level interpretation made in 2011 that this standard was intended for residential uses and not industrial uses as this is similar to other uses that would be in the zone. Additionally, this site is pushed back from the road and screened on all sides by a vegetated corridor and proposed screening and landscaping.

FINDING: This standard is not applicable as discussed above.

16.98.020 - Solid Waste Storage

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

STAFF ANALYSIS: The preliminary plans do not illustrate any trash enclosures. The earlier annex included a 200 square foot trash enclosure near the entrance of the storage facility. The applicant has indicated that refuse from the site could be disposed of at the main office or at the trash enclosure in the first annex immediately adjacent to the site. The applicant has indicated that tenants in the annex will have access to both. However, the Planning Commission is concerned that the lack of a trash enclosure along with the high likelihood that trash is generated by the tenants of the use is not adequately addressed.

FINDING: The applicant is not proposing to provide on-site solid waste and recycling facilities as required by the SZCDC section 16.98.020; therefore, the standard is not met, and following condition is warranted.

CONDITION: Prior to final site plan approval, the applicant shall provide the city with a plan to provide on-site solid waste and recycling storage that satisfies the requirements of 16.98.020.

Division VII. Public Infrastructure

16.104 General Provisions

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

FINDING: The proposed development is served by existing public services that were constructed and extended with the completion of SW Langer Farms Parkway, SUB 12-02, and the prior development of the 1st storage annex. Necessary easements and stormwater quality/quantity facilities were previously constructed, and are available to the site. There may be a need for right-of-way and plumbing permits and a stormwater connection permit from CWS. Those requirements have been conditioned elsewhere in this report.

16.104.020 Future Improvements

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in the Transportation System Plan (TSP) Chapters 4, 5, 6 and 7 of the Community Development Plan are intended as general locations only. The precise alignment and location of a public improvement shall be established during the land use process and shall be depicted on public improvement plans submitted and approved pursuant to § 16.108 and other applicable sections of this Code. (Ord. No. 2011-011, § 1, 10-4-2011)

16.104.030 Improvement Procedures

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

STAFF ANALYSIS: The City of Sherwood completed the extension of SW Langer Farms Parkway in 2012 funded primarily by Washington County Major Streets Transportation Improvement Program (MSTIP). As part of that construction, sewer, water, and access from SW Langer Farms Parkway were stubbed to the property. The applicant will need to extend utilities to the site to accommodate development on the site as described in the more detailed discussion below.

FINDING: The applicant has either proposed, or has been conditioned to provide needed public infrastructure with proposed development of the site. Adequate water, sewer and access are available to the property. Stormwater for all future development on site will be captured and treated in the recently completed regional stormwater facility that the applicant constructed with earlier development. This criterion is satisfied.

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.

FINDING: The site takes access from SW Langer Farms Parkway via a driveway easement. There are no physical improvements to the public street being proposed with this site plan application. The road was recently constructed therefore additional improvements or right-of-way is not needed at this time. This standard is met.

B. Existing Streets

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

FINDING: This development will take access from an access easement connecting to SW Langer Farms Parkway which is a newly constructed road. There are no public improvements needed at this time as the road was recently constructed. No additional improvements are required at this time. This standard is not applicable at this time.

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.

B. Street Connectivity and Future Street Systems

- 1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).**

STAFF ANALYSIS: As previously discussed in this report, the site will take access from an easement to SW Langer Farms Parkway. Any future development will occur to the east and south of the site. No further extensions of streets are necessary or feasible through this portion of the PUD.

FINDING: As discussed above, there will not be future street systems required in this location, therefore this standard is not applicable.

16.106.040 .J. Transit Facilities

Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

- 1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
- 2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
- 3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**
- 4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
- 5. Provide lighting at a transit stop (if not already existing to transit agency standards).**

FINDING: There are no existing or proposed transit routes adjacent to or near this site. It is not anticipated that pedestrians will be visiting the site since there is not an office associated with this development, and the site is not generally open to the general public unless they have rented a storage space. This criterion is not applicable.

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. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.

FINDING: Sanitary sewer service will be provided via an existing 8-inch stub from a public line located in SW Langer Farms Parkway. This criterion is satisfied.

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 in compliance with 16.112.

STAFF ANALYSIS: There is water service available within SW Langer Farms Parkway and the applicant proposes to serve the site from that location. The Engineering department has provided comments that indicate that the proposed development shall provide water service to supply domestic, irrigation and fire water to the development as needed unless otherwise approved by the City of Sherwood Engineering Department. Water flows calculations (domestic, irrigation and fire) shall be provided by the developer. The developer will be required to Install a Reduced Pressure Backflow Assembly meeting City of Sherwood Engineering Department standards if required by City of Sherwood Public Works.

If on-site fire protection is required, install backflow protection meeting City of Sherwood Engineering Department standards. Any public water facilities within the subject property will be located within a dedicated public easement.

Private water lines shall be installed in compliance with the current Oregon Plumbing Specialty Code.

FINDING: As discussed above, the applicant will need to meet several requirements to install services at this location, and for this reason, the following condition is recommended.

CONDITION: Prior to obtaining a building permit, the developer shall submit a plan showing a water line design meeting the approval of the City of Sherwood Engineering Department.

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 system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.

STAFF ANALYSIS: Currently public storm sewer mains exist within SW Langer Farms Parkway and within SW Century Drive along the subject property frontage and along the south side of the subject property. No public storm sewer main extension is required.

The proposed development is required to connect to the existing storm sewer at a location approved by the City of Sherwood Engineering Department.

Further, regional water quality facilities were previously constructed to provide treatment of water runoff for proposed impervious areas to be constructed within the subject property. Therefore no water quality facilities will need to be constructed for this development. Private storm water runoff within the subject property shall be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code. This requirement will be verified with building and site development permit review.

FINDING: As discussed above, stormwater services are already available to the site. This criterion is satisfied.

16.116 Fire Protection

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.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

STAFF ANALYSIS: As indicated on the proposed site plan, fire service protection main will be extended from an existing water main within SW Langer Farms Parkway. The applicant has noted that private fire hydrants will be located throughout the subject site and spaced as required by TVF&R and the City. The applicant has also noted that all of the gates will be equipped with a Knox Box for emergency access to the site.

The fire department provided general comments for this application.

FINDING: The fire district comments indicate the site would need to be constructed consistent with the standards of the fire district for the proposed use. This standard can be satisfied as conditioned below.

CONDITION: Prior to the issuance of building permits for the site, provide verification to the planning department that the fire department has reviewed and approved the plans for fire suppression and emergency services.

CONDITION: Prior to issuance of building permits, the developer shall submit a plan showing the emergency access meeting the approval of the City of Sherwood Engineering Department and Tualatin Valley Fire & Rescue.

16.118. – Public and Private Utilities

16.118.020 Standards

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**
- 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.**

STAFF ANALYSIS: The applicant is proposing to provide both public and private utilities as discussed previously. The applicant has indicated that all necessary utilities will be installed consistent with these standards, and provided with easements as required.

FINDING: Utilities are available to the property and, as demonstrated within the plans and narrative will be extended to the site, consistent with these provisions. To ensure that the criteria are fully satisfied, the following general conditions are recommended.

CONDITION: Prior to receiving any permits, a Clean Water Services Storm Water Connection Permit Authorization shall be obtained.

CONDITION: Prior to the issuing of a building, plumbing or grading permits, developer shall obtain a right-of-way permit from the City of Sherwood Engineering Department.

CONDITION: Prior to granting building occupancy, the developer shall record all required public easements and provide proof of the recording to the City of Sherwood Engineering Department.

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.

STAFF ANALYSIS: The applicant and plans indicate that all necessary utilities are proposed to be placed underground as required. The Engineering department comments have indicated that all utilities were placed underground with previous development.

FINDING: This criterion is satisfied by the proposed development.

16.122.020 – Land Partitions

Partitions shall not be approved unless:

A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX, and complies with Chapter 16.128 (Land Division Design Standards).

FINDING: The applicant meets the criterion as discussed throughout this report and can feasibly satisfy the applicable provisions mentioned above.

B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.

FINDING: As discussed earlier, any dedication expected of this development for the public was provided with prior development of earlier phases of this PUD. This criterion is not applicable to the proposed development.

C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:

- 1. Connection to the City water supply system shall be deemed to be adequate water service.**
- 2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.**
- 3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.**

FINDING: There is adequate water, sewer and other public services to support the addition of service to both proposed parcels as discussed throughout this report and in the engineering comments. This criterion is satisfied.

D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

FINDING: The lot configuration does not affect access for any future development on any adjoining parcels. This criterion is satisfied.

E. Future Development Ability

In addition to the findings required by Section 16.122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

FINDING: Because of the size of the parcels, their location adjacent to existing public streets, and the nature of the zoning, there is no reason that the lots couldn't be divided in the future to meet the standards of the zone. No additional conditions are warranted by the proposal. This standard is satisfied.

Chapter 16.128 Land Division Design Standards

16.128.010 Blocks

B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which

shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

FINDING: As indicated in the Engineering comments, no new easements are needed as a result of this submittal. Any new easements must be recorded with a copy of the recording provided to the Engineering department as conditioned earlier in this report. Utility easements were provided with the completion of SUB 12-02. This criterion is satisfied.

16.128.030 Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:

1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

FINDING: The proposed parcels within this partition have direct access to a public street. The proposal does not include “double frontage” or “reverse frontage” lots, and lot lines to the extent possible run at right angles to SW Langer Farms Parkway. Based on the above discussion, the applicant meets these criteria.

Chapter 16.142 – Parks and Open Space

STAFF ANALYSIS: The proposed subdivision is on land that is zoned Light Industrial (L-I) with a Planned Unit Development (PUD) overlay. The PUD required the provision of open space that has already occurred for those properties developed with residential uses. The vegetated corridor was set aside with SUB 12-02. The following criteria are the only provisions that are applicable in this Chapter to this request.

16.142.050. 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) inches DBH and minimum height of six (6) feet. Diameter at breast height (DBH) shall be measured as defined by the International Society of Arboriculture.
3. **Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
4. **Required Street Trees and Spacing:**
 - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.
 - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
 - c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
 - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
 - (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
 - (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
 - (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
 - (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

FINDING: No new street trees are required for this proposal. Street trees were provided along the sites frontage with SW Langer Farms Parkway with the construction of that street in 2011-2012. This criterion is not applicable to the proposed development since there are already street trees along the sites frontage with SW Langer Farms Parkway.

16.142.060 - Trees on Property Subject to Certain Land Use Applications

All site developments subject to Section 16.92.020 shall be required to preserve trees or woodlands to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Review and mitigation shall be consistent with 16.142.060 A, B, C and D.

FINDING: The applicant is proposing to remove two landscape trees to accommodate access to the development. There are no existing trees within the area to be developed as it was previously farmed. This section allows trees to be removed to accommodate the development provided the minimum tree canopy is met. As discussed below in this report, the proposed plan provides for 31% canopy cover which exceeds the minimum of 30% for industrial developments. The tree canopy is provided and calculated on sheet P09 of the applicant’s submittal. This requirement is satisfied.

Required Tree Canopy - Non-Residential and Multi-family Developments

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

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

	Commercial, Institutional and Multi-family	Industrial, Public and
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 x 2	
Planting new trees onsite	Yes	

FINDING: The applicant has provided a preliminary tree canopy plan, sheet P09 that illustrates 63,044 square feet of canopy. The plan includes trees that were previously planted for the earlier annex, and trees that are proposed to be planted with the proposed development. Street trees in non-residential projects are not allowed to be counted towards the required tree canopy and do not appear to be counted in this calculation. The proposed canopy is 31% of parcel 1. Tree canopy requirements will be evaluated for parcel 2 when development is proposed on that parcel. This criterion is satisfied by the proposed development.

Chapter 16.144 Wetland, habitat, and Natural Areas

FINDING: Chapter 16.144 was erroneously identified within the public notice. This chapter is not applicable, as the wetlands and associated vegetated corridor were set aside in a separate tract with the prior subdivision. According to the Clean Water Services Provider letter No. 16-001228,

the proposal is not likely to significantly impact the adjacent resource. There are no identified wetlands on this particular property.

Chapter 16.146 Noise

16.146.020 - Noise Sensitive Uses

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

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

FINDING: It is not anticipated that there will be high levels of noise beyond what is expected in an urban area. Storage uses do not typically generate any noise beyond the noise associated with traffic entering and leaving the site, and the loading and unloading of storable items. As proposed, there will be no adverse impacts therefore this standard is met

Chapter 16.148 Vibrations

16.148.010 - Vibrations

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

FINDING: It is not anticipated that there will be high levels of vibration beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

Chapter 16.150 Air Quality

16.150.010 – Air Quality

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

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.**
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.**

C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

FINDING: It is not anticipated that there will be high levels of air pollution beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

Chapter 16.152 Odors

16.152.010 - Odors

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

FINDING: It is not anticipated that there will be high levels of odor or unusual beyond what is expected in an urban area. There are not any expected adverse impacts therefore this standard is met.

Chapter 16.154 Heat and Glare

16.154.010 – Heat and Glare

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

STAFF ANALYSIS: The lighting plan, sheet P10 of the applicant's submittal indicates that the majority of site lighting will be wall mounted and directed to the interior of the site. The lighting plan does not indicate any areas along the perimeter of the site where light would be expected to trespass onto any adjacent parcel.

FINDING: The proposed lighting plan demonstrates that all lighting will be directed to the interior of the site and along the access drive. There is no fugitive lighting onto adjacent properties. This criterion is satisfied by the proposed development.

Chapter 16.156 Energy Conservation

16.156.020 - Standards

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

FINDING: The proposed development orients the building in several different directions, but are separated by large spaces within the interior. Generally, buildings would be oriented on an east-west axis to ensure adequate solar access. In this instance, the majority of buildings on site will be oriented along an east-west axis. Because the site was formerly farmed, there is not any existing vegetation to shade or insulate the site. That being said, proposed landscaping, at maturity, will perform this function to the extent feasible. This criterion is satisfied.

DECISION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, The Planning Commission finds that the proposed Minor Land Partition (MLP 16-02) and Site Plan (SP 16-06) does not fully comply with the standards but can be conditioned to comply, and **approves** the request subject to compliance with the following conditions of approval.

VI. CONDITIONS OF APPROVAL

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans dated July 7, 2016 prepared by AKS Engineering and Forestry except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **The preliminary partition plat approval is valid for a period of one year, and the approval of the proposed site plan on Parcel 1 is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.
6. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
7. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

Prior to issuance of grading or erosion control permits from the Building Department:

8. Prior to receiving any permits, a Clean Water Services Storm Water Connection Permit Authorization shall be obtained.
9. Obtain a 1200C Erosion Control Permit through the Building Department for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all CWS Design and Construction Standards.
10. Install tree protection fencing around trees to be retained on site. The tree protection fencing shall be inspected and deemed appropriate by the project arborist.

Prior to Final Site Plan Approval:

11. Submit the required final site plan review fee along with a brief narrative and supporting documents demonstrating how each of the final site plan conditions are met.
12. Prior to final site plan approval, the applicant shall provide the city with a plan to provide on-site solid waste and recycling storage that satisfies the requirements of 16.98.020.

Prior to Issuance of a Building Permit:

13. Prior to obtaining a building permit, the developer shall submit a plan showing a water line design meeting the approval of the City of Sherwood Engineering Department.
14. Prior to the issuance of building permits for the site, provide verification to the planning department that the fire department has reviewed and approved the plans for fire suppression and emergency services.
15. Prior to issuance of building permits, the developer shall submit a plan showing the emergency access meeting the approval of the City of Sherwood Engineering Department and Tualatin Valley Fire & Rescue.
16. Prior to the issuing of a building, plumbing or grading permits, developer shall obtain a right-of-way permit from the City of Sherwood Engineering Department.

Prior to Issuance of Certificate of Occupancy:

17. Prior to granting building occupancy, the developer shall record all required public easements and provide proof of the recording to the City of Sherwood Engineering Department.

VII. Exhibits

- A. Applicant's submittal with narrative and supporting documents
- B. City of Sherwood Engineering comments dated September 16, 2016
- C. Letter from CWS dated September 15, 2016
- D. Letter from TVF&R dated September 7, 2016
- E. E-mail from Marilyn Sykes dated September 8, 2016
- F. Sherwood Village PUD Retail/Commercial Design Guidelines

VIII. Appeal

Pursuant to SZCDC Section 16.72.01 O.B.3.d, an appeal of the Planning Commission to the City Council must be filed not later than 14 days after the date of mailing of this notice of decision. 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 on this matter. **An appeal of this decision must be filed no later than 5:00PM on October 13, 2016.** This Notice of Decision for Case No. MLP 16-02/SP 16-06 was placed in a U.S. Postal receptacle on September 29, 2016.



Brad Kilby, AICP
Planning Manager
City of Sherwood