

# LANGER FARMS PHASE 7

## NARRATIVE BINDER

SHERWOOD, OREGON  
JULY 24, 2012



### PROJECT TEAM:

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HARPER HOUF PETERSON RIGHELLIS, INC.  
AKS ENGINEERING & FORESTRY  
CHRIS FRESHLEY, LANDSCAPE ARCHITECTS  
KITTELSON AND ASSOCIATES, INC.  
MKE AND ASSOCIATES, INC.

## **Langer Farms Phase 7 New Shopping Center**

**Phase 7 of the 1995 Sherwood Village Planned Unit Development (Langer PUD)  
Type IV –Site Plan Review and Conditional Use Permit  
Land Use Application**

**Applicant:**

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**Site Location:** 15585 SW Tualatin Sherwood Road

**Tax Lot(s):** Tax Map 2S129D Tax Lot 300

**Site Size:** 19.82 Acres

**Parcel Size:** 55.09 Acres

**Zoning:** Planned Unit Development – Light Industrial (PUD-LI)

**Summary of Request:** Land use approval to construct a commercial shopping center on 19.82 acres of property in the southeastern corner of SW Tualatin-Sherwood Road and SW Langer Farms Parkway. Proposal includes a total of approximately 190,130 square feet of commercial space and associated parking and landscaping.

**Report Date:** July 24, 2012



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## ATTACHMENTS

1. 11X17 Plan Set 7-9-12
2. Architectural Perspectives and color Building Elevations
3. Paints, Stone and Wood - Tiland / Schmidt Architects PC 3-26-12
4. Brick and Roof Combinations – Tiland / Schmidt Architects PC 3-26-12
5. Site Plan Options – Parking Ratios
6. Preliminary Subdivision Plat – AKS Engineering dated 4-10-12
7. Copy of Application Form and Application Checklist
8. Neighborhood Meeting Documentation
9. Tax Map
10. Copy of 1,000-foot Notice Mailing Labels
11. Title Report – Stewart Title dated April 5, 2012
12. CWS Service Provider Letter dated April 5, 2012
13. Letter Amber Wierck CWS dated April 4, 2012
14. Preliminary Geotech Study April 16, 2012
15. Preapplication Notes 12-12-11
16. Resolution 2007-081 – Langer PUD Minor Modification
17. Sherwood Village Retail/Commercial Design Guidelines
18. Site Plan Review Notice of Decision dated mailed 11/14/02
19. Memo – WRG Design Inc. dated May 2, 2001.
20. Proposed Landscaping Code dated February 21, 2012
21. Notice of Decision – 1995 Sherwood Village PUD Preliminary Development Plan Ordinance #95-997
22. Notice of Decision – 1995 Sherwood Village PUD Final Development Plan

### Attached Under Separate Cover

- Traffic Impact Study dated July 2012
- Preliminary Stormwater Report dated February
- Sensitive Lands Report – Schott & Associates – January 2012
- Wetland Delineation – Schott & Associates dated June 2007
- DSL Wetland Concurrence Letter dated January 25, 2008

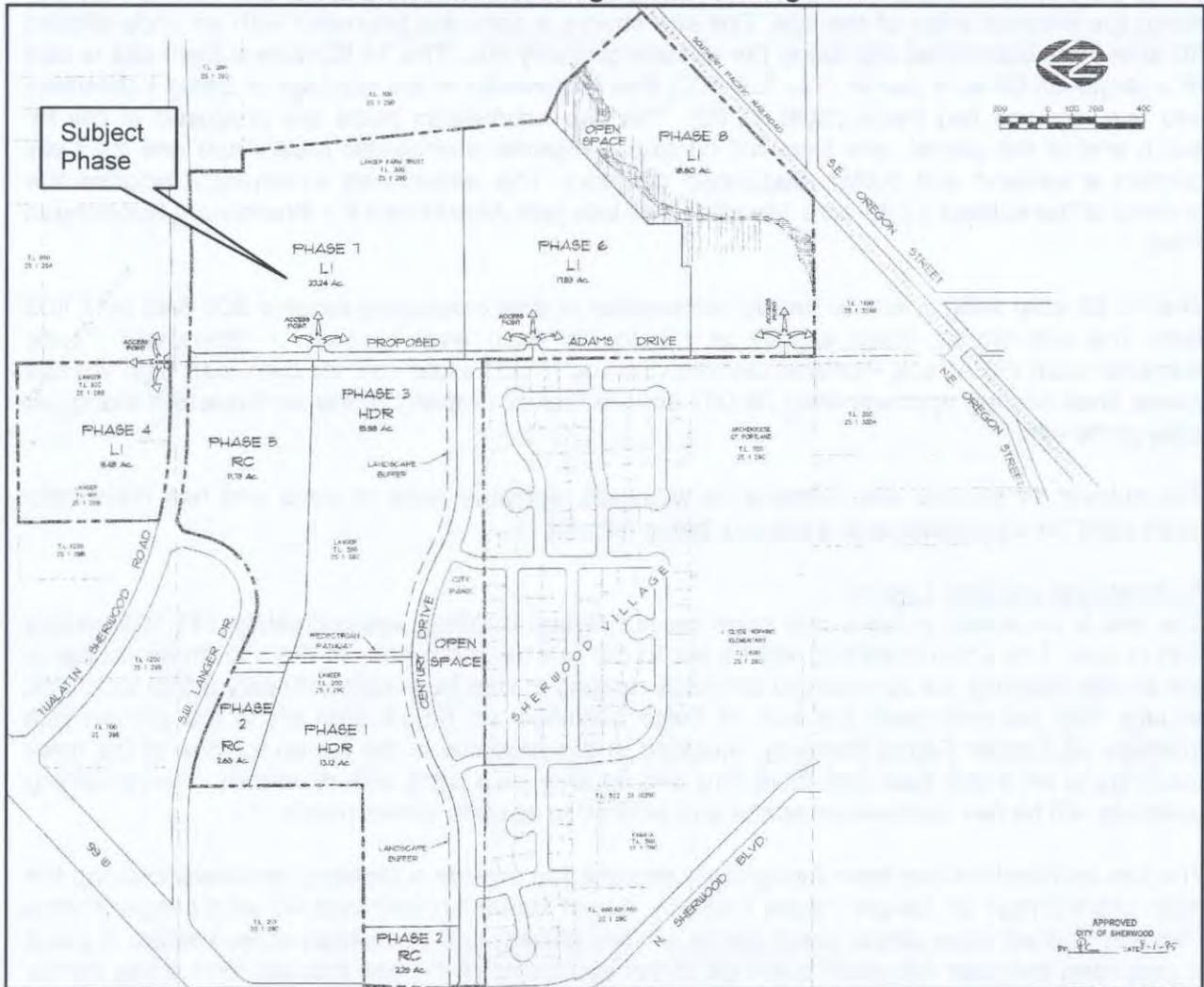


# I. DESCRIPTION OF PROPOSAL

## Background

The 19.82-acre development is proposed on Phase 7 of the Sherwood Village Planned Unit Development (PUD), approved as an eight-phase PUD in the mid-1990s. Over the 10 years following the 1995 PUD approval, Phases 1, 2, 3, 4 and 5 were completed as well as construction of Century Drive (between Sherwood Boulevard and Langer Farms Parkway) and Baler Way. Recently Langer Farms Parkway has been finished between Tualatin-Sherwood Road and Oregon Street. Phases 6 and 8 have not yet been developed and are both located south of the subject site. Phase 6 is proposed as future commercial use and Phase 8 as a storage facility.

1995 Sherwood Village PUD Phasing Plan



In 2007, the City Council adopted a Minor Modification (PUD 07-01) to the 1995 PUD that modified and clarified conditions of approval. The City also entered into a Development Agreement between the City and the owner (Langer Family LLC) adopted by City Council as Resolution 2010-033. The Development Agreement specifies responsibilities of the City and Langer Farms Phase 7



owner for completing public improvements associated with development of the remaining phases of the 1995 PUD (see Attachment 16).

### **Proposal**

The applicant (Langer Gramor LLC) proposes to construct a shopping center on 19.82 acres of vacant farmland at the southeastern corner of Tualatin-Sherwood Road and Langer Farms Parkway. This property is identified as Phase 7 of the 1995 Sherwood Village PUD (aka Langer PUD).

### Existing Site Conditions

The 19.82-acre site is located in the southeastern corner of Tualatin-Sherwood Road and Langer Farms Parkway. The site has frontage on three roads including Tualatin-Sherwood Road along the northern edge, Century Drive along the southern edge and Langer Farms Parkway along the western edge of the site. The site shares a common boundary with an undeveloped 50-acre industrial-zoned site along the eastern property line. The 19.82-acre subject site is part of a larger 55.09-acre parcel (Tax Lot 300) that is currently in the process of being subdivided into five lots and two tracts (SUB 12-02). The two subdivision tracts are proposed at the far south end of the parcel, one tract will contain a regional stormwater facility and one tract will contain a wetland and buffer (vegetated corridor). This associated subdivision includes the division of the subject 19.82-acre site into three lots (see Attachment 6 – Preliminary Subdivision Plat).

The 19.82-acre subject site is mostly rectangular in size measuring roughly 800 feet by 1,100 feet. The site slopes down slightly at 2% to 3% from west to east. A Bonneville Power Administration (BPA) and Portland General Electric (PGE) easement for overhead high voltage power lines occupy approximately 59,001 square feet of property in the northeastern triangular area of the site.

The subject 19.82-acre site contains no wetlands, sensitive area or trees and has historically been used for agriculture and is actively being farmed.

### Architectural and Site Design

The site is proposed to have one main anchor tenant building, approximately 145,000 square feet in size. The anchor building will be set to the rear (eastern end) of the site. In addition to the anchor building, six commercial buildings ranging in size from approximately 3,500 to 10,760 square feet<sup>1</sup> are proposed, the bulk of these buildings will be situated along the primary site frontage on Langer Farms Parkway. Included in the proposal is the option for one of the retail buildings to be a fast food with drive-thru and another as a bank with drive-thru. The remaining buildings will be flex commercial space and tailored to specific tenant needs.

The site architecture has been thoughtfully designed to provide a pleasing streetscape along the main site frontage on Langer Farms Parkway. Six of the seven buildings will abut Langer Farms Parkway and will have ample street-facing window glazing and pedestrian access walks. A plaza is proposed between two retail buildings at the south end of the site that will form a key corner for the development at the Langer Farms Parkway/Century Drive roundabout. The plaza will

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<sup>1</sup> The applicant is proposing site plan alternatives. The square foot range will vary depending on the option. See the site plans Sheets A-0.1 and A-0.2 contained in the plan set (Attachment 1) for more details.



include a water feature, sculpture and outdoor seating. Two additional pedestrian plazas are proposed to further orient the site towards Langer Farms Parkway and invite pedestrians into the development.

The 1995 PUD was approved with design guidelines that indicate the buildings should be designed with wood exteriors, storefronts, pitched roofs, white trimmed windows and light paint tones. The applicant believes the intent of these guidelines was to create a warm, residential or village feel to the project. Based on the direction given from the design guidelines, the applicant has designed in second story pitched roofs that contain board and batten siding, wood shingles, wood eaves and trimmed square windows with grids. These architectural design elements create a friendly and warm look meeting with the intent of the 1995 PUD guidelines.

(See Attachment 2, Architectural Perspectives and color Building Elevations for more details.)

#### Drive-Thru Design

The proposal includes a maximum of three drive-thrus. The anchor tenant is proposed with a drive-thru pharmacy at the south end of the building on the south facing (side) elevation. In addition, to provide for the flexibility to meet market demand, the applicant proposes an optional bank with drive-thru and an optional fast food with drive-thru.<sup>2</sup> All drive-thrus have been designed for safe and convenient automobile access while at the same time maintaining safe customer parking and pedestrian access to the buildings.

The optional bank with drive-thru is proposed north of the main site entrance from Langer Farms Parkway. The drive-thru lane is proposed between the building and Langer Farms Parkway. Langer Farms Parkway is an important pedestrian corridor and the site frontage abuts a wide multi-use path that travels the length of Langer Farms Parkway. To address the pedestrian corridor and encourage people to walk to the development, all of the buildings along Langer Farms Parkway have been placed next to the pathway and pedestrian amenities provided including storefront windows and walkways. To ensure that the optional bank drive-thru is consistent with this design intent, a roof extension that matches the architectural look of the neighboring buildings is proposed to extend over the drive-thru lane. In addition, a decorative low wall is proposed to conceal the lower portions of automobiles and the asphalt drive-thru lane. With the use of screening and the drive-thru roof cover, the mass of the building is pulled close to the road while the auto use is deemphasized. This design provides a consistent pedestrian-focused streetscape along Langer Farms Parkway consistent with City code and policies.

Placing the drive-thru on the other side of the building (east side) was considered. However, this option is not desirable as it creates conflicts between cars queuing at the drive-thru, those trying to park and pedestrians crossing the drive-thru lane to enter the building. It also results in an awkward parking lot layout and dead-end that is difficult for cars to maneuver in and out of.

The proposed drive-thru circulation pattern provides for unimpeded flow of vehicles through the parking area to the drive lanes while providing the driver a clear view of all pedestrian crosswalks. Pedestrian access to the main entrance of the bank is direct and also safe as

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<sup>2</sup> The drive-thru fast food is proposed as an option to Building A and the drive-thru bank as option to Building C. See Sheet A-0.2 of the Plan Set (Attachment 1).



vehicles stopped at the pick-up windows have an unimpeded view of the crosswalk and pedestrians prior to moving forward after their transaction.

The optional fast food with drive-thru is located near Tualatin-Sherwood Road at the north end of the site. The specific location on the site is the least pedestrian oriented location or pedestrian friendly area of the site and therefore was selected as the most appropriate location for this use. Tualatin-Sherwood Road is a three lane arterial (proposed to be widened to 5 lanes) and is often referred to as a highway due to the road width and 45 MPH posted speed limit. In addition, only about 50% of the Tualatin-Sherwood Road frontage is developable with buildings due to the existence of the BPA and PGE power line easement that occupies the northeastern corner of the site. Further, lands east of the site are zoned and used for industrial that are not of pedestrian scale. These existing conditions are not conducive to pushing buildings close to the road similar to the Langer Farms Parkway frontage and in this case the drive-thru lane does not have a negative impact on the streetscape. If the building were reoriented to eliminate the drive-thru lane from being between the building and Tualatin-Sherwood Road, it would shift to the east, south or west side of the structure. The impact would be an inefficient circulation system for vehicles that would cause internal conflicts with parking and customers trying to directly access the restaurant. In addition, as proposed, a direct sidewalk connection to the building is provided from Tualatin-Sherwood Road for those who choose to walk along this busy road toward or from the industrial area east of the development.

Lastly, the anchor building has a proposed pharmacy drive-thru at the south end of the building. The drive-thru location is situated for efficient movement of cars through the parking area. It was also selected so the drive lane does not interrupt pedestrian walkways and is placed so it does not impede with the main entrances to the building. The drive-thru lane is screened with a generous landscaping area and covered in two areas with metal canopies and is located away from Century Drive at a distance of 180 feet from the right-of-way.

#### Parking

The applicant is proposing site plan alternatives. These alternatives include standard commercial buildings, as well a drive-thru bank, sit down restaurant and fast food restaurant with drive-thru. Also included is the option of removing the existing stormwater facility that currently serves the Target development west of the project. The stormwater facility is located under the BPA power easement in the northeastern area of the subject site. These alternatives will result in a parking count that ranges from 829 spaces to 889 spaces and a parking ratio that ranges from 4.36 to 4.62 spaces per 1,000 square feet of gross floor area. The City code allows up to a 25% reduction in minimum required parking when multiple uses occupy one site. Under the alternatives presented, the applicant proposes a reduction of between 1.3% to 9.2%.<sup>3</sup> (See Section IV –Chapter 16.94 – Off-Street Parking and Loading of this report for further details).

#### Transportation and Access

The applicant proposes to construct substantial road improvements to support the development. These improvements include extension of Century Drive from the existing roundabout in Langer Farms Parkway east to Century Drive terminus at the eastern border of the site and extension of Langer Farmers Parkway (aka Adams Avenue North) from Tualatin-Sherwood Road north to Highway 99W. The applicant proposes to install a new traffic signal at the Tualatin-Sherwood

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<sup>3</sup> These parking counts do not include 30 parking spaces that will be devoted to outdoor sales north of the anchor building.



Road/Langer Farms Parkway intersection. Kittelson & Associates Inc. has prepared a Traffic Impact Analysis (TIA) dated July 2012 that indicates that all intersections will operate acceptably. (The Traffic Impact Analysis has been submitted with this application under separate cover).

The 1995 Land Use & Phasing Plan referenced in the 1995 PUD decision indicates three access points on Langer Farms Parkway including one access to each PUD Phase (Phase 6, 7 and 8). The subsequent Development Agreement and PUD amendment (City Council Resolution 2010-033) indicates that Langer Farms south must be constructed consistent with the engineering plans. The engineering plans show one driveway to the proposed phase (Phase 7) and one driveway to the undeveloped phase to the south (Phase 6). Both driveways were installed with construction of the road and are consistent with the engineering plans. No additional driveways to Langer Farms Parkway have been installed or are proposed with this phase of the PUD although an additional driveway to Phase 8 will likely be needed when it is developed. The Development Agreement further discusses the requirement to extend Century Drive to the east as proposed. The proposed accesses are consistent with the 2005 Transportation System Plan that recommends extension of Century Drive and recommends limiting access points to collector streets.

The site will be accessed via a full access driveway to Langer Farms Parkway. As stated previously, a commercial driveway was constructed with the Langer Farms Parkway south project consistent with the Development Agreement. This driveway was installed so it aligns with the Target shopping center driveway across the street. However, the applicant proposes to reconstruct the existing driveway and move it slightly so that the through lane from the proposed project will directly align with the existing through lane of the Target driveway. This will require removing the existing driveway apron and removing some asphalt from Langer Farms Parkway. The City has placed a 3-year moratorium that is set to expire in November of 2014 that prohibits any removal of asphalt in Langer Farms Parkway within this 3-year timeframe (Chapter 12.17 of the Sherwood Municipal Code). Section 12.17.025 of the City code allows staff to grant exceptions to the 3-year moratorium when circumstances are warranted. The applicant's traffic engineer finds that aligning the through lanes will improve safety and function of the intersection and therefore the applicant believes the asphalt removal is justified. To minimize the impact, the applicant can limit the removal of asphalt so that the disturbance is kept close to the existing driveway, within 6 feet of the existing curb line. Further, the applicant proposes to provide the water line connection at this new driveway location thereby only needing to cut and patch the asphalt in one location.

A right-out limited access on Century Drive near the Langer Farms Parkway/Century Drive roundabout, and a full access further east on Century Drive is proposed. No access is proposed to Tualatin-Sherwood Road. A truck and loading access is proposed to the rear (east end) of the anchor building and accessed from Century Drive.

#### Stormwater and Utilities

As part of the Development Agreement between the City and the property owner, the owner proposes to construct a regional stormwater facility. The regional facility is proposed at the south end of the parent 55.09-acre parcel near Phase 8 of the PUD and will serve the site and remaining phases of the PUD (Phase 6 and 8).



A stormwater facility exists in the northeast corner of the site that services the Target development (the Target development is located just west of the site on the other side of Langer Farms Parkway). The applicant would like to remove the Target stormwater facility and send the runoff to the proposed regional facility. However, Target has easement rights to this stormwater facility and therefore an alternative site plan showing the pond remaining has been provided.

The permitting for the new regional stormwater facility is currently underway and is not associated with this land use application, but will be constructed prior to occupancy of the site as required by the City/property owner Development Agreement.

Adequately sized sanitary sewer and water are available next to the site.

#### Landscaping

The site will have generous landscaping and trees. Along the Langer Farms Parkway site frontage, a mixture of decorative walls and low lying landscaping is proposed to screen the parking field and provide a pleasing street frontage. The Langer Farms Parkway frontage is important as it is a major pedestrian corridor and acts as the front door for the development.

The City recently adopted a new tree ordinance (effective May 31, 2012) and proposed landscaping regulations that will substantially increase the amount of required landscaping and trees. The applicant is proposing to meet the existing regulations as well as substantially comply with the proposed more stringent standards.

#### Public Involvement

The applicant held a neighborhood meeting on February 8, 2012 and presented the project and answered questions. Approximately 25 people attended the meeting (a summary of comments and response is provided in Attachment 8 of this report).

The primary concern expressed by those in attendance was regarding speeding on Langer Farms Parkway and pedestrian safety. The applicant believes many of the concerns are valid, however, much of this condition has to do with opening a new road to traffic. There is limited development along the roadway resulting in an open road and tendency for drivers to increase speeds. It is the applicant's belief that as the area develops and activity increases speeds will decrease and awareness of pedestrians will increase. Other concerns involved traffic turning from Langer Farms Parkway onto Whetstone Way and into the residential neighborhood at high speed. The applicant understands the concern, however, this project will have no impact on this condition. Trips in and out of Whetstone Way are from residences within the residential neighborhood and this development will not result in trips into the neighborhood as faster more direct routes to the subject site exist outside the boundary of the neighborhood. Therefore there will be no incentive for drivers to cut-through the neighborhood to go to and from the proposed shopping center.

Another concern was regarding obstruction of views to Mt. Hood. The applicant analyzed the view line from the residential area east of Langer Farms Parkway and has determined that a view of the mountain will be obstructed by buildings on Langer Farms Parkway. However, view corridors will be open between these buildings and the mountain visible above the 30-foot tall anchor store.



## Approval Request

The applicant requests approval of a Type IV Site Plan Review, Conditional Use Permit for outdoor sales and merchandize display, and a road modification to allow for curb-tight sidewalk along the site's Century Drive frontage.

## II. SUBMITTAL REQUIREMENTS

**Response:** The Site Plan Review and Conditional Use Permit and application forms dated October 2010 states that the following is required for a complete application (see Attachment 7 for a marked checklist, a response to items is provided below):

1. Fees

**Response:** The required fees have been paid with this application. Staff has calculated the fee as follows: \$4,145 for Conditional Use Permit; \$7,967 for Site Plan Review and \$265 for publication.

2. Application Form

**Response:** The applicant form has been signed by the applicant and owner and submitted with this application. A copy is attached, see Attachment 7.

3. Document of Neighborhood Meeting

**Response:** A neighborhood meeting was held at 7:00 PM on Wednesday, February 8, 2012 at the St. Francis School's library at 15643 SW Oregon Street, Sherwood, Oregon 97140. Mailing labels were obtained from Lawyer's Title in Portland, Oregon and residents within a 1,000-foot radius of the subject property were mailed notice of the neighborhood meeting in accordance with Sherwood Zoning and Community Development Code (SZCDC) Section 16.70.020. Approximately 25 citizens attended the meeting and 21 signed the attendance sheet. Documentation including, affidavit of mailing, neighborhood notice, presentation boards, sign-in sheet and meeting summary are attached (see Attachment 8 for neighborhood meeting documents).

4. Tax Map

**Response:** A tax map is attached (see Attachment 9).

5. Mailing Labels

**Response:** Two copies of mailing labels have been submitted with this application. A copy of the labels is provided in Attachment 10.

6. Vicinity Map

**Response:** Included with the plan set submitted with this application (see Attachment 1)

7. Narrative



**Response:** This report is the applicant's narrative.

8. Electronic Copy

**Response:** A CD with electronic Word and PDF copies is submitted with this application.

9. Required Plans

**Response:** Contained within the Plan Set, Attachment 1.

10. Reduced – Proposed Development Plans

**Response:** Contained within the Plan Set, Attachment 1.

11. Lighting Plan

**Response:** Contained within the Plan Set, Attachment 1.

12. Surrounding Land Uses

**Response:** Contained within the Plan Set, Attachment 1.

13. Architectural Exterior

**Response:** Contained within the Plan Set, Attachment 1 (see also Attachment 2, 3 and 4 for architectural perspectives, color elevations and building materials)

14. Title Report

**Response:** A preliminary title report was prepared by Stewart Title dated April 5, 2012 (see Attachment 11)

15. CWS Service Provider Letter

**Response:** A Service Provider Letter dated April 5, 2012 (see Attachment 12). A follow up letter from Amber Wierck dated April 4, 2012 is attached that discusses options allowed following land use approval due to intermittent status of the drainage (see Attachment 13).

16. Trip Analysis

**Response:** A Traffic Impact Study was prepared by Kittelson & Associates Inc. dated July 2012. The study is submitted with this application under separate cover.

17. Army Corps and DSL wetland applications and permits

**Response:** A concurrence letter was issued by the Oregon Division of State Lands (DSL) dated January 25, 2008. The concurrence letter is for the wetland delineation completed on the south end of the parent parcel. The proposed 19.82-acre site is located on the north end of the parent parcel and not near the wetland. A Joint Army Corps/DSL wetland fill permit was submitted by



Schott & Associates dated April 2012. The US Army Corps received the application on April 17, 2012 and will be processing the request through a Nationwide Permit. DSL deemed the application complete on May 2, 2012

All wetland permit documents have been submitted with this application under separate cover.

18. Traffic Study

**Response:** Kittelson & Associates, Inc. has prepared a Traffic Impact Analysis dated July 2012. The study indicates that all intersections will operate acceptably.

The study has been submitted with this application under separate cover.

19. Solis Analysis and/or Geotechnical Report

**Response:** A preliminary geotechnical information letter was provided by Terracon Consultants (see Attachment 14).

20. Tree Report

**Response:** Does not apply. No trees exist on the property.

21. Natural Resource Assessment

**Response:** A Sensitive Lands Report (Natural Resource Assessment) was prepared by Schott & Associates dated January 2012. The report is for the wetland located on the south end of the parent parcel. The proposed 19.82-acre site is located on the north end of the parent parcel and not near the wetland. All wetland permit documents have been submitted with this application under separate cover.

22. Wetland Delineation Study

**Response:** A Jurisdictional Wetland Determination and Delineation was prepared by Schott & Associates dated June 2007. The report is for the wetland located on the south end of the parent parcel. The 19.82-acre site is located on the north end of the parent parcel and not near the wetland.

All wetland permit documents have been submitted with this application under separate cover.

23. Other Special Studies and/or Reports

**Response:** Nothing additional was identified.

24. Verification of compliance with other agency standards

**Response:** None have been identified. A concurrence letter from DSL for a wetland area on the south end of the parent parcel was issued as stated previously. All wetland permit documents have been submitted with this application under separate cover.



### III. RESPONSE TO APPLICABLE APPROVAL CRITERIA

#### Chapter 16.40 – Planned Unit Development (PUD)

##### 16.40.030 – Final Development Plan

###### *A. Generally*

*Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.*

**Response:** The proposal is for Site Plan Review approval for Phase 7 of the Sherwood Village Planned PUD (aka Langer PUD) that obtained PUD Final Development Plan approval for the entire PUD in 1995.

The Sherwood City Council approved the Sherwood Village PUD, Preliminary Development Plan on April 25, 1995 (see Attachment 21 – Notice of Decision Ordinance #95-997). The Preliminary Development Plan was approved with eight phases on approximately 125 acres and at the time land was zoned Open Space, High Density Residential (HDR), Retail Commercial (RC), and Light Industrial (LI).

On August 1, 1995 the Planning Commission approved the Final Development Plan for the PUD (see Attachment 22). This Section of code requires that following Preliminary Development Plan approval, “the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission.” According to page 2 of the staff report dated as mailed July 25, 1995, “The request does not include a site plan because an individual site plan will be submitted for each phase of development.” Therefore the Final Development Plan was an approval for the entire PUD in 1995 with individual phases requiring respective Site Plan Review approvals. This application is for Site Plan Review approval for Phase 7 of the PUD.

Over the following 10 years after the 1995 Final Development Plan approval, Phases 1, 2, 3, 4 and 5 were completed as well as completion of Century Drive (between Sherwood Boulevard and Langer Farms Parkway) and Baler Way. Recently Langer Farms Parkway was completed between Tualatin-Sherwood Road and Oregon Street.

On December 4, 2007, the City Council adopted a Minor Modification and a Resolution to the PUD that modified and clarified conditions of approval (see Attachment 16 – Resolution 2007-081). The Council Resolution also entered into a Development Agreement between the City and the owner (Langer Family LLC). The Development Agreement specifies responsibilities of the City and owner for completing public improvements associated with the 1995 PUD and provides revised and clarified requirements for development of the remaining phases of the PUD including the subject phase (Phase 7). The proposed development of Phase 7 complies with the PUD conditions and Development Agreement as stated below:



## Development Agreement

### AGREEMENT

#### A. PUD USES

1. Applicable Code. ZCDC 16.32.020.H, provides that "Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text at the time of final approval of the PUD." The Langer PUD was approved and Phases 4, 6, 7 and 8 were assigned the Light Industrial ("LI") base zone designation on August 3, 1995.
2. Permitted and Conditional Uses. Accordingly, Langer elects to establish uses on the LI-designated phases of the PUD that were permitted or conditionally permitted under the LI base zone text applicable on August 3, 1995, including: "Uses permitted outright in the GC zone Section 2.109.02, except for adult entertainment businesses, which are prohibited." A copy of the uses permitted in the LI and GC zones on August 3, 1995 is set forth in Attachment A, attached hereto and incorporated herein by reference.
3. Election of Uses and Acceptance. The City acknowledges and accepts Langer's decision to elect to develop Phases 4, 6, 7 and 8 under ZCDC 16.32.020.H, including the ability to develop those phases for General Retail Trade under Section 2.109.02 of the 1995 ZCDC. Accordingly, the current provisions of ZCDC 16.32.030.K, which restrict retail uses in the LI zone to a maximum of 60,000 square feet, will not apply to site plan review of the PUD.

**Response:** The proposed shopping center will have commercial, retail and service uses allowed within this phase (Phase 7) of the PUD. The anchor building exceeds 60,000 square feet as allowed by the terms of the Development Agreement and 1995 PUD approval as well as the 2007 Minor PUD Modification approval.

#### B. ADAMS DRIVE SOUTH EXTENSION [...]

**Response:** Adams Drive south, now named Langer Farms Parkway, is completed and opened to traffic in compliance with the Development Agreement.

#### C. ADAMS DRIVE NORTH EXTENSION [...]

**Response:** Adams Drive north, now named Langer Farms Parkway, has been designed and permitted and is ready for construction. In compliance with the Development Agreement, the developer will construct the north end of Langer Farms Parkway to extend from Tualatin-Sherwood Road north to Highway 99W. This improvement also includes the installation of the traffic signal at Tualatin-Sherwood Road and Langer Farms Parkway. Completion of this improvement will be completed prior to occupancy of this development proposal (Phase 7) as specified in the agreement.

#### D. RAIL CROSSING [...]

**Response:** Rail crossing at Oregon Street at the south end of Langer Farms Parkway has been completed with the Langer Farms Parkway south project now open to traffic.



E. CENTURY DRIVE [...]

**Response:** The developer agrees to extend Century Drive from the roundabout at Langer Farms Parkway east to connect to existing Century Drive where it stubs to the eastern border of the subject property. This road improvement will be completed prior to occupancy of the subject development in compliance with the agreement.

F. STORMWATER FACILITY

1. *Langer Commitments.* Prior to issuance of final occupancy permits for all structures located in Phase 6 or Phase 7, Langer will design and substantially construct a stormwater facility ("Stormwater Facility") on Phase 8 (including any necessary portions of Phase 6), to accommodate existing stormwater detention and treatment for the PUD, any additional detention and treatment associated with development of Phases 6, 7 and 8, and any detention and treatment associated with the South Extension and the Century Drive Connection. In conjunction with this construction, Langer retains the right to terminate use of the existing stormwater facilities currently located on Phase 7 and Phase 8 ("Existing Facilities"), provided the stormwater detention and treatment functions of the Existing Facilities are incorporated into the Stormwater Facility. Langer retains the right to expand the Stormwater Facility to serve other public rights-of-way and uses outside the PUD in Langer's sole discretion, provided such expansion otherwise complies with City standards, including without limitation, awarding credits for SDC's.
2. *City Commitments.* The City agrees to work with Langer, to the extent allowed by law, to issue any land use approvals related to termination of the Existing Facilities through an administrative process and to facilitate any related process for the vacation of any prior public dedications associated with the Existing Facilities.

**Response:** The applicant will be constructing a regional stormwater treatment facility at the south end of the 1995 PUD property. The applicant is in the process of obtaining permits from Clean Water Services and the City for construction of this new facility. The permitting of this facility is not part of this land use approval request.

**1995 PUD Design Standards**

As stated above, the PUD modification and Development Agreement clarified the 1995 PUD decision and specified allowed uses and obligations for on-site and off-site improvements for the remaining phases of the PUD including the subject phase (Phase 7). As stated above, the applicant has demonstrated or will demonstrate compliance with these obligations and permitted land uses. The other component of the 1995 PUD was the establishment of design guidelines for the PUD. According to the City pre-application notes dated December 12, 2011, discussions with City staff and review of past decisions, the design standards entail a two-page undated document titled "Sherwood Village Retail/Commercial Design Guidelines." The guidelines have four headings, 1. Retail Building Construction, 2. Landscaping, 3. Signage, 4. Lighting. In review of these guidelines only, 1. Retail Building Construction and 2. Landscaping are relevant to this Site Plan Review approval request. A second component of the 1995 PUD guidelines is a visual reference titled "Front Porch Society" that has only header text and images. A response to these two applicable guidelines is provided below:

1. RETAIL BUILDING CONSTRUCTION



- A. *Exterior materials and treatment (trim, etc.)*
  - 1) *Predominantly wood exterior.*
  - 2) *Exterior windows and doors will have minimum 1 inch x 3 inch surrounds painted white.*
  - 3) *Paint: Light tone palettes (white, off-white, grey, beige, tan), or similar as per Design Review Committee's approval.*
- B. *Shapes of openings*
  - 1) *Arched openings and bays encouraged.*
- C. *Storefronts*
  - 1) *Storefronts should have trimmed openings similar to above A.2.).*
- D. *Roofs*
  - 1) *Pitched roof forms are encouraged.*
  - 2) *Large amounts of flat roof are discouraged.*

**Response:** First, these requirements are design "guidelines" and not design "standards" therefore the project design must show general conformance with these guidelines as opposed to strict adherence. Second, the City has set precedence in how these guidelines are applied to a shopping center when the Target shopping center (Langer Marketplace) was approved on Phase 5 of the PUD in the early 2000s. The Target approval included the 125,000 square foot Target store and 3,200 square foot Wendy's fast food restaurant with drive-thru. Page 28 of the Revised Staff Report dated July 10, 2001 made the following finding in regards to the guideline to provide a "predominantly wood exterior":

**Findings for Target:** *Does not comply in the strict sense. The applicant states that wood exteriors are not typically used for such large buildings due to difficulty of maintenance and concern for fire safety. Therefore, the exterior is proposed, instead, to consist primarily of smooth face block that is accented with trim of darker split face block. The only glass is on the entry doors and windows at the NW corner of the store. The door and window surrounds are an industry standard size and the applicant states that the trim will be natural aluminum, which will be light-toned similar to white to provide similar contrast. Exterior building colors are proposed as a light tone palette (white, off-white, gray, beige or tan) in accordance with the Design Guidelines.*

Prior to issuance of the 7-10-01 Target staff report, the applicant's consultant, WRG Design Inc., submitted a memorandum from Alisa Brodhay dated May 2, 2001 (see Attachment 19). This memo indicated the following in regard to this standard:

*The proposed building materials are primarily stone and masonry block with wood treatment. While the materials are not predominantly wood, they are natural materials which reflect vernacular materials and styles of the region and create a similar visual appeal. All windows will include trim of a color compatible with the external building materials. Most of the facade will not be painted as the wall face will consist of stone or masonry block. However, the natural color of these materials are consistent with the light tone palette detailed above.*

As evidenced by the staff finding that supported the City Council approval, the Target store was not required to comply in the strict sense with these guidelines. In fact, the existing Target store is far from compliance with the first two components of this guideline as it is constructed primarily of CMU concrete block and little wood is used and the windows are not trimmed with 1X3 white window surrounds.



Clearly enforcement of this guideline to its strictest sense is not practical, and a more practical application is supported by past City decisions including a similar project within the same PUD (Target). Therefore it becomes the applicant's burden not to show strict adherence, but to show that the intent of the guidelines is met. The applicant believes that the intent of the PUD guidelines in asking for predominately wood exteriors, storefronts, pitched roofs, white trimmed windows and light paint tones is to create a pleasant pedestrian environment and a warm, residential or village feel. This intent is reinforced by a second component of the 1995 PUD guidelines, a visual reference titled "Front Porch Society" that has only title text and images. The Target application as explained in the May 2, 2001 memo from WRG Design Inc. (Attachment 19), identified the following common elements within these images:

- Facade modulation
- Roof line variation
- Pedestrian environment enhancements, including windows and weather protection
- Focus on main entrances
- Architectural details including crowns, moldings, and archways
- Natural building materials

The applicant believes the project complies with the intent of the guidelines to create a residential or village design as further described below.

The applicant is proposing a shopping center with seven commercial buildings ranging in size from approximately 3,500 square feet to 145,000 square feet totaling 190,130 square feet<sup>4</sup>. The applicant has worked diligently to design the buildings to address each other and their surroundings to both insure a cohesive architectural design but also to show that each building is unique on its own. Smaller retail buildings were placed on Langer Farms Parkway and the multi-use path that runs the length of Langer Farms Parkway and the site. Significant window glazing, pathway connections and use of robust northwest-appropriate materials (lap siding, board and batten, tumbled brick, wooden beams, white trim around windows, pitched roofs, etc.) are proposed to create interest and a pleasing walking environment. These elements are appropriate to the smaller retail buildings that have a massing of pedestrian scale. However, simply transferring these design elements to the approximate 145,000 square foot anchor building is not practical or desirable, nor is it appropriate to situate this size of a building close to a pedestrian way. To address the large massing of the building and to associate the anchor building with the walking public, the anchor building was set to the rear (east end) of the property and designed with two vestibules at the two main (west facing) entrances. These vestibules take design cues, materials and elements from the retail buildings. The main entrances to the anchor building are connected to other retail buildings and to the public multi-use path on Langer Farms Parkway with generous and clearly marked pathways. This design clearly demarks the entrances to the building and thoughtfully ties the anchor building to the remaining building while breaking up the mass of the building.

Further, the smaller retail buildings are proposed to use a variety of materials including pitched roofs with wood eaves, board and batten, stained wood canopy supports, horizontal lap siding

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<sup>4</sup> The applicant proposes alternatives to specific buildings and therefore square footage numbers may vary depending on alternative. These numbers reflect the primary proposed plan (Sheet A-0.1 of the Plan Set Attachment 1).



and wood shingles that area encouraged by the design guidelines. The applicant's design intent was to create a solid and timeless look through the use of brick and legerstone, but also mix siding with horizontal lap to invoke a storefront look to the project as specified in the guidelines. The applicant has designed in second story pitched roofs that contain board and batten siding, wood shingles, wood eaves and trimmed square windows with grids. This architectural design provides for interest in the building while giving the development a friendlier warmer look meeting with the intent of guidelines to provide a village or residential look.

2. *LANDSCAPING*

- A. *Barkdust is not to be substituted as grass in front yards.*
- B. *All driveways and vehicular storage areas shall be paved with asphalt, gravel, or other dust minimizing material.*
- C. *Trash and service areas must be screened from public view.*

**Response:** The applicant proposes a mixture of shrubs, trees and groundcover designed to complement the site, buildings and hardscapes. In no cases is the applicant proposing bark dust devoid of plantings. The trash enclosures will be screened with walls and plantings.

**1995 Final PUD Development Plan Conditions**

As stated above, the PUD Minor Modification and Development Agreement clearly outline the requirements and applicant obligations for this project (1995 PUD Phase 7). However, although mostly no longer relevant due to the clarification provided in the more recent PUD Minor Modification, a response is also provided to the original 1995 PUD conditions as indicated below:

- 1. *The owner shall dedicate to the City the wetland and wetland buffer delineated in the applicant's wetland delineation report, prior to issuance of permits for Phase 8 of the development. Any wetland modifications shall be submitted by the developer for review and approval by the Division of State Lands and the Corps of Engineers.*

**Response:** Phase 8 is located at the south end of the parent parcel and is not yet developed. The applicant has submitted separately for a subdivision application to the City that would place the wetland and buffer (vegetated corridor) into a tract that will be conveyed to the City in compliance with this condition.

- 2. *Prior to Phase 1 approval revise the Design Guidelines for all residential and commercial development to increase the number of structures required to have porches and recessed garages.*

**Response:** Does not apply. This condition applied to Phase 1 and has been completed.

- 3. *Adams Avenue shall be constructed from Century Drive north to Tualatin-Sherwood Road prior to completion of Phase 3. Those improvements shall include curbs, gutters and sidewalks and 28 feet of paving on the west side of the street. Adams Avenue shall be constructed by the developers to connect to Oregon Street (not across the railroad tracks) upon completion of Phase 6. and where necessary the City will acquire road right-of-way to complete the connection. Sidewalks on all portions of Adams Avenue shall be constructed in the same meandering design as approved for Century Drive.*



**Response:** Adams Avenue, now Langer Farms Parkway, has been completed between Oregon Street and Tualatin-Sherwood in compliance with this condition.

4. *At the time of individual site plan review, consider the comments from Tri-Met recommended in their letter dated March 27, 1995.*

**Response:** Does not apply, bus service is currently not provided near the site.

5. *In Phase 1, water service shall be looped to Tualatin –Sherwood Road from Century Drive via a public easement in the Adams Avenue alignment.*

**Response:** Does not apply to this phase.

6. *As a part of the Phase 1 Site Plan submittal, provide a forty (40) foot wide pedestrian easement from Century Drive to Langer Drive that includes pavements width, landscaping and street furniture for City approval. Align the pathway so that it coincides with the adjoining phase lines. The pathway shall be constructed by the developer with the completion of Phase 1 development.*

**Response:** Does not apply to this phase.

7. *Provide and construct a twenty-four (24') foot wide public vehicle access easement from Phase 1 to Langer Drive, alignment and specifications to be determined at the time of Phase 1 Site Plan submittal. Upon a subsequent evaluation, this access may be abandoned when the connection to Tualatin-Sherwood Road via Adams Avenue is constructed.*

**Response:** Does not apply to this phase.

8. *At each phase of development, and with each site plan submitted to the City, the applicant shall provide a traffic impact analysis for City, County and ODOT review and approval. Recommended traffic safety and road improvements shall be considered by the City and may be required with each phase.*

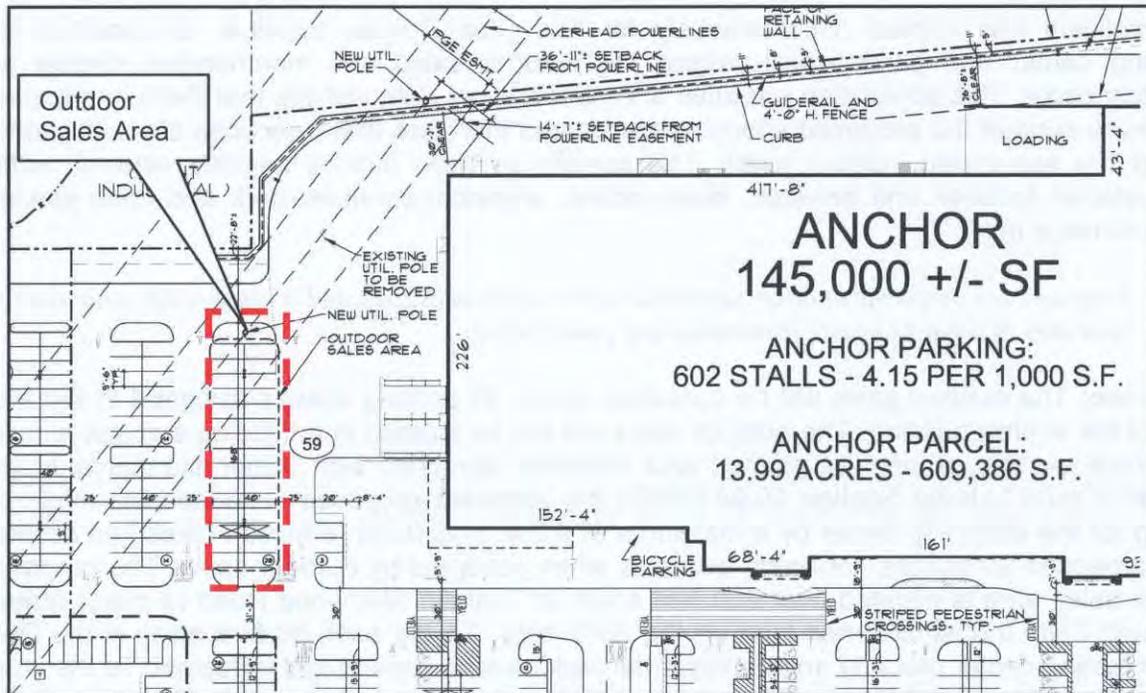
**Response:** A traffic impact analysis has been submitted with this application in compliance with this condition.

**Summary Response:** As stated above, the PUD Final Development was approved in 1995 for the entire PUD including the proposed phase (Phase 7). The applicant has demonstrated compliance with the 1995 PUD decision and design guidelines, the recently created Development Agreement and 2007 PUD modification. Therefore the proposal complies with the approval criterion and standards of this section.

### **Chapter 16.82 – Conditional Uses**

**Response:** The shopping center proposes to have commercial uses that are permitted outright in the PUD. Although all uses proposed are permitted outright by the PUD, the anchor tenant proposes to have an outdoor sales display area. This display area will take place in the parking lot north of the anchor building and will be limited to 30 parking spaces. This will be used for large and bulky items that are sold seasonally.





The applicant is required to obtain a conditional use permit for the outdoor display area per Section 16.98.040 of the code when the display is in place for more than four months out of the year stated as:

*Permanent outdoor sales and merchandise display are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82.*

The applicant proposes to designate a specific area of the parking lot for the outdoor sales on the site plan (See image above and Site Plan Sheet A-0.1 contained within the Plan Set Attachment 1). Further the applicant proposes to have the display longer than 4 months out of the year and therefore the applicant requests a conditional use approval for outdoor sales and merchandise display under 16.82 Conditional Uses as stated below:

**16.82.020(C) – Use Criteria**

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

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

**Response:** This criterion specifically relates to the proposal to provide outdoor sales and merchandise display which is a conditional use. The outdoor sales display will not require its own additional demand for public services beyond that of the anchor store it is associated with.



The applicant has applied simultaneously for Site Plan Review approval to construct the shopping center and parking area where the outdoor sales and merchandise display will ultimately occur. This application narrative and attachments demonstrate that there is adequate services to support the proposed shopping center and therefore these services are adequate to support the associated outdoor sales. The specific services include sanitary sewers, water, transportation facilities and services, storm drains, electrical services, park and open spaces. This criterion is met.

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

**Response:** The outdoor sales will be contained within 30 parking spaces assigned to the area north of the anchor building. The outdoor sales will not be located in a building setback and will take place on the parking lot asphalt and therefore complies with "other standards of the applicable zone." Under Section 16.94.010(D) the applicant proposes to reduce the minimum parking for the shopping center by a maximum of 9.2%. This 9.2% reduction takes into account these proposed 30 spaces not being available when occupied by outdoor sales. The proposed outdoor sales area is situated over 200 feet south of Tualatin Sherwood Road (a major arterial road) with Light Industrial-zoned land on the north side. To the east, 60 feet away is the DEQ vehicle testing center property and an industrial park on land zoned Light Industrial. To the west, lies the internal parking field and drive aisles of the proposed shopping center. To the south lies the anchor building. A small triangular portion of the proposed outdoor sales area lies under the PGE power line easement. This proposed location is deemed appropriate and compatible with the abutting land uses in regards to noise generation and public safety. This proposal conforms to all zoning standards, 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.*

**Response:** The outdoor sales area will be directly associated with the anchor tenant, a use that is permitted outright. The anchor store will provide for community needs by providing shopping options within the City. The small outdoor sales area is a common practice that is associated with the retailers of this size and will occupy a small area, 5,700 to 7,300 square feet or only 6% to 8% of the overall 863,235 square foot site.

The outdoor sales area will be located towards the side (northeastern) area of the site and will not be located near a driveway entrance or near or within a main or primary on-site circulation driveway. The City's Transportation System Plan was adopted March 2005 and is part of the City's Comprehensive Plan. This proposed outside sales area does not affect the goals and policies of the Comprehensive Plan as it does not impair the on-site or off-site traffic flow, pedestrians or bicycle ways, nor any public roads or right-of-ways.

The Comprehensive Plan, Part 2 was recently updated as of January 18, 2011. Responses to applicable polices are provided below:



## Chapter 4 Land Use

### *H. ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES*

*Policy 1: Support existing businesses and recruit additional businesses that provide local family-wage jobs. Replace any employment land rezoned for other uses with other employment land.*

*Strategy 1.1: Capture existing workers in Sherwood who now work elsewhere.*

*Strategy 1.2: Provide locations and support for local jobs for local residents.*

*Strategy 1.3: Support and build upon manufacturing and other industries likely to produce family-wage jobs.*

**Response:** The proposed outside sales area complies with this policy in that it would help to capture existing workers in Sherwood and provide locations and support for local jobs and residents.

### *I. COMMERCIAL LAND USE*

*Policy 1 Commercial activities will be located so as to most conveniently service customers.*

*Strategy:*

- *Community wide and neighborhood scale commercial centers will be established.*
- *Commercial centers will be located so that they are easily accessible on major roadways by pedestrians, auto and mass transit.*
- *Neighborhood commercial centers will be designated in or near residential areas upon application when need and compatibility to the neighborhood can be shown.*

**Response:** The proposed outside sales area is ideally situated at the rear northeastern corner not near major on-site or off-site pedestrian and vehicular traffic flow. Therefore the proposal will not impede customer traffic flows in any manner. The proposal is not near a residential area and is close to the east property line and industrially zoned lands and therefore has no adverse impact on residential compatibility.

*Policy 2 Commercial uses will be developed so as to complement rather than detract from adjoining uses.*

*Strategy:*

- *Commercial developments will be subject to special site and architectural design requirements.*
- *The number and locations of commercial use access will be limited along major streets in accordance with the City's Transportation Plan.*
- *Non-Retail and primarily wholesale commercial uses will be separated from retail uses where possible.*
- *The older downtown commercial area will be preserved as a business district and unique shopping area.*
- *A buffer between commercial uses and adjoining greenways, wetlands, and natural areas shall be established.*

**Response:** The proposed outdoor use is compatible with the surrounding land uses and will not detract from the adjoining uses. To the north is Tualatin-Sherwood Road, a major arterial and Light Industrial-zoned land further north. To the east is the existing DEQ vehicle testing center and a vacant industrial park. To the west is the proposed internal parking field and Langer Farms Parkway. To the south is the proposed Anchor building.



**Summary Criterion #3:** The outdoor sales use will be compatible with its surroundings as it will be contained in small area occupying only 6% to 8% of the site and will be at the rear portion of the site near industrially zoned land and power lines. As explained above, given the very limited scope of this proposal there will be no adverse impacts or conflicts with Comprehensive or Transportation Plan goals and policies, and will not violate a requirement of the Sherwood Zoning and Community Development Code (this Code). This criterion is met.

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

**Response:** The surrounding area is defined by industrial property, an arterial roadway (Tualatin-Sherwood Road) and a high voltage power line corridor. The proposed outdoor sales area is situated over 200 feet south of Tualatin-Sherwood Road with Light Industrial zoned land on the north side. To the east is the DEQ vehicle testing facility as well as undeveloped industrial park zoned Light Industrial. To the west lies the proposed internal parking field and drive aisles of the proposed shopping center. To the south lies the proposed Anchor building. A small portion of the proposed outdoor sales area lies under the PGE power line easement.

This proposed location for outdoor sales display is deemed appropriate and compatible with the abutting land uses in regards to noise generation, aesthetics and public safety. As stated above, the sales area will be located at the side (north end) of the anchor building at the rear of the lot (northeastern) end of the property. The rear (eastern) property line of the site abuts vacant industrial property. Industrial property commonly has some type of outdoor storage. The storage will be near the high voltage power lines and will not be located to be easily viewed from main entrances to the site. Further, the area will be limited to 30 parking spaces, a small area given the overall size of the site at 19.82 acres. Therefore the proposal will have no adverse effects on its surroundings. 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.*

**Response:** The proposed location for the outdoor sales and display will occur in a paved parking area that is flat and of size to accommodate the use. The display will be close to the Anchor building garden center where it can be easily assessed. No natural features exist that will be impacted by the proposal. This criterion is met.

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

**Response:** No sensitive lands have been identified on the site and will occur in a proposed paved parking area. Therefore this proposal will have no adverse impact on sensitive wildlife species or the natural environment. This criterion is met.

7. *For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.*



**Response:** The proposal meets the 99W CAP ordinance as stated under the Site Plan Review the response approval criteria Section 16.90 below.

8. *For wireless communication facilities [...]*

**Response:** Does not apply. No wireless communication facilities are proposed.

**Summary Response (Chapter 16.82 – Conditional Uses):** The outdoor sales area will occur within the proposed parking lot north of the Anchor building and limited to 30 parking spaces as shown on the Site Plan (see Sheets A-0.1 and A-0.2 of the Plan Set Attachment 1 and with the image shown above). These parking spaces are not needed to meet minimum parking standards as stated in Section 16.94 below. The outdoor sales are will not adversely impact traffic flow, will not be placed on landscaped areas or setbacks and will not violate any standard of the City Code. The outdoor sales area will occupy a very small portion of the site (6% to 8%) and creates no demand for services (sewer, water, etc.), and will have no impact on public services. The sales area is located generally to the side of the anchor building and is compatible with the site surroundings that is industrial in nature including the high voltage power lines and neighboring vacant industrial lands that typically are developed with outdoor storage. Therefore the proposal complies with the Conditional Use approval criterion.

### **Chapter 16.90 – Site Planning**

#### **16.90.020(D) – (Site Plan Review) 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.*

**Response:** The proposal meets these standards as stated in Section IV (Response to Applicable Code Standards) of this report. This criterion is met.

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

**Response:** As part of the Development Agreement between the property owner (Langer Family, LLC) and the City, Langer Farms Parkway south has been constructed and Langer Farms Parkway north (aka Adams Avenue north) from Tualatin-Sherwood Road to Highway 99W will be constructed with this project. A new four-way traffic signal will be constructed at the Tualatin-Sherwood Road/Langer Farms Parkway intersection. In addition, the applicant will extend Century Drive from its current terminus at the east end of the property along the subject site's southern frontage and connect to the eastern leg of the existing roundabout in Langer Farms Parkway. The applicant will either construct or pay a fee in-lieu of construction (likely to be fee in-lieu) for frontage improvements to the site's northern frontage along Tualatin-Sherwood Road.

As part of the Development Agreement, development of this of this phase of the 1995 PUD (Phase 7) triggers the requirement that a regional stormwater facility be constructed that will



serve this phase as well as Phases 6 and 8 of the PUD, both located on the parent 55.09-acre parcel south of this phase (Phase 7). In addition, the regional facility will handle all the upstream areas that currently drain to the site. The regional stormwater facility is proposed at the southeastern end of the PUD in Phase 8. The permitting for the facility is underway and is not associated with this land use approval request. Sanitary sewer, water and electrical service is available to the property and connections are shown on the preliminary plans. No deficiencies have been identified. This criterion is met.

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

**Response:** The applicant has submitted separately for a preliminary subdivision approval for the entire 55.09 parent parcel to subdivide it into five lots and two tracts. This pending subdivision will divide the subject 19.82-acre site into three lots. The anchor building will be contained on one lot (Lot 1 - 13.99 acres), and the retail buildings will be contained within the remaining two lots (Lot 2 - 3.65 acres and Lot 3 - 2.35 acres) (see Preliminary Plat, Attachment 6)<sup>5</sup>. The applicant will prepare covenants, conditions and restrictions (CC&Rs) for the development as well as shared access easements. These agreements will be provided to staff following land use approval. This criterion can be met through condition of approval.

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

**Response:** A wetland exists at the southern end of the parent 55.09-acre parcel. This wetland is located at the far south corner of the 55.09-acre site. It is not near the subject 19.82-acre site that is located at the northern end of the parent parcel. A Service Provider Letter for the entire 55.09-acre parcel has been issued by Clean Water Services dated April 5, 2012 (see Attachment 12). No trees exist on the property and the Metro Vegetative Cover Map does not identify any vegetated cover on the subject 19.82-acre site. No significant resources are identified on the Metro Regionally Significant Fish and Wildlife Habitat Map (Habitat Conservation Area Map). Chapter 5 – Environmental Resources of the Sherwood Comprehensive Plan, Part 2 does not identify any protected resources on the subject 19.82-acre site.

The proposal conforms with Division VIII – Environmental Resources as stated in Section IV (Response to applicable code standards) of this report. This criterion is met.

5. *For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.*

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<sup>5</sup> The specific acreages indicated on the preliminary subdivision plat (Attachment 6) may change to reflect the approved site plan.



**Response:** The applicant has submitted a Traffic Impact Analysis with this application that demonstrates the project is under the 43 PM peak hour trips per acre specified in the Highway 99W Capacity Allocation Program (CAP) ordinance. The applicant requests approval of a trip allocation certificate in conjunction with this Site Plan Review approval request.

The trip analysis estimate trips based on a total building square footage of 197,800 and included all alternatives with drive-thrus. This amount is higher than the total square footage proposed at 190,130 and represents a very conservative estimate of traffic impacts for the project.

The proposed development is estimated to generate 8,070 daily trips, including 760 trips (385 inbound, 375 outbound) during the weekday PM peak hour and 1,025 trips (550 inbound, 475 outbound) during the Saturday mid-day peak hour. The 760 trips shown in the TIA for the weekday PM peak hour is less than the Highway 99W Capacity Allocation Program trip cap of 43 PM peak hour trips per acre for this site (43 trips per acre x 19.7 acres = 847 net PM peak trips).

Transportation improvements to mitigate for the project's impacts have been planned for many years and negotiated with the City through a City/property owner Development Agreement. These improvements include extension of Century Drive, extension of Langer Farms Parkway north to 99W, and a new traffic signal at the Tualatin-Sherwood Road/Langer Farms Parkway intersection (see Developers Agreement Attachment 16). This criterion is met.

6. *For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.*

**Response:** The development will generate more than 400 ADT and a detailed traffic impact analysis has been prepared and submitted as part of the development application. Scoping assumptions of the traffic analysis were developed with input from City of Sherwood, Washington County and ODOT engineering staff. The study area is large in scope and includes analysis of 21 total intersections including 17 off-site intersections and 4 proposed site access driveways.

The traffic study indicates that the proposed shopping center project can be developed while maintaining acceptable traffic operations and safety at the study intersections. Recommended improvements outlined in the traffic study are as follows:

- Construct the transportation improvements identified in the Development Agreement between Langer Family LLC and the City of Sherwood. The improvements are as follows:
  - Century Drive Extension (from the Langer Farms Parkway/Century Drive roundabout to the existing Industrial Way connection);
  - Langer Farms Parkway Extension (from the Langer Farms Parkway/Tualatin-Sherwood Road intersection to the OR 99W/Home Depot Driveway), and



- Langer Famers Parkway/Tualatin-Sherwood Road Traffic Signal.
- Develop the western most site access driveway to Century Drive as a right-in/right-out access to minimize potential vehicle queuing conflicts with traffic at the Langer Farms Parkway/Century Drive roundabout. Extension of the splitter island at the roundabout (east leg) will be necessary to properly restrict movements at this driveway.
- Develop the full-access driveway to Langer Farms Parkway to align the westbound through lane with the receiving lane at the opposing driveway.
- Shrubbery and landscaping, as well as above ground utilities and signage near the site access points should be located and maintained to ensure adequate sight distance.

As stated above, the applicant has been working collaboratively for many years to address transportation mitigation in support of the proposed development. Further, this development was accounted for in the year-2020 analysis provided within the City's 2005 Transportation System Plan (TSP). The improvements proposed to be built by the applicant will provide adequate transportation infrastructure to support the proposed development. This criterion is met.

7. *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.*

**Response:** Recently completed Langer Farms Parkway is an important transportation connection for the City. For many years the City was limited in street connectivity between the Old Town area and the City's regional transportation roadways that include Tualatin-Sherwood/Roy Rogers and Highway 99W. These limited connections also hamper connectivity between the north side and south side of the City. Langer Farms Parkway (south now completed and north to be completed with this project) provides a key collector street connection to the City's Old Town and a vital link between north and south Sherwood. In addition to being a key collector street for vehicular traffic, the street has a 12-foot wide multi-use pathway that runs its length and travels along the site's Langer Farms Parkway frontage. Therefore Langer Farms Parkway is not only an important vehicular connection but also a key pedestrian and bicycle corridor that passes the site's frontage. The applicant understands the importance of this corridor and believes that not appropriately addressing it in site design of this large project would be a lost opportunity.

The applicant has designed the site to face Langer Farms Parkway as the front door to the development and to make it pedestrian friendly. To achieve "pedestrian friendly", the applicant started with two main objectives: 1) create an attractive and inviting streetscape; and 2) provide multiple direct and convenient pedestrian access points and walks between Langer Farms Parkway and site buildings. An inviting streetscape is achieved by locating buildings of pedestrian scale close to pedestrian corridors and avoiding blank walls through the use of window glazing and strategic use of building materials and design. An active streetscape is created through well-designed and thoughtful outdoor spaces such as plazas and storefront canopies. Active spaces work when site materials such as paving, walls and plantings are strategically placed and cohesively designed to address the street and pedestrian.



The applicant has placed the smaller retail buildings that are pedestrian scale along Langer Farms Parkway. A limited amount of parking area is situated next to the road. These parking areas are screened with landscaping and low screen walls of masonry, corten steel or similar materials that match the landscaping design for the project. All buildings have a generous amount of window glazing along the street frontage. The optional bank drive-thru will be screened with a canopy overhanging the entire drive-thru lane as well as low screen wall and landscaping. A central plaza area of approximately 3,000 square feet will be located at the key project corner at Langer Farms Parkway and Century Drive. The plaza will be open to the pedestrians entering from the sidewalk and multi-use pathway and will include a water feature and sculpture. Three other large plaza areas are proposed next to retail buildings that will have large canopies that are inviting for pedestrians walking by the site. Trash enclosures are generally located within the central parking lot screened by walls and landscaping providing an area close enough for use by tenants but near the building. This and the fact that most of the utility connections to the buildings will be concealed within the buildings, allows for the building to have a pleasing look from all four sides.

The Anchor building's large mass is not appropriate for situating it close to the pedestrian corridor. Therefore the anchor building is situated at the rear (east end) of the site. The Anchor building has two main entrances along the west side that face Langer Farms Parkway. To provide a focal point for the two main entrances to the Anchor building, two vestibules were designed at each entrance that have pitched roofs and utilize similar materials and design cues to the retail buildings that front Langer Farms Parkway. Two direct and well delineated pathways are provided from the vestibule entrances that connect to Langer Farms Parkway and the other commercial buildings on the site. This design scales and focuses the entries to the pedestrian while making the development look cohesive.

All of these design intents work in concert to provide a pleasing walking environment and allow for ease of wayfinding for the pedestrian as paths and building entries are well defined and of pedestrian interest and scale. This criterion is met.

- b. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.*

**Response:** As stated above, the smaller retail and pad buildings that have a pedestrian scale are located along Langer Farms Parkway, Century Drive and Tualatin-Sherwood Road. The larger anchor building with its large mass is not appropriate for placing close to these streets, however, building entrances have been emphasized by design of vestibules at the two main entrances that have similar design elements to the smaller retail buildings. This criterion is met.

- 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.*

**Response:** As stated above, the site has been design to provide a pleasing walking environment and storefront look along Langer Farms Parkway. Large storefront glass and



windows are proposed facing the street. Divisions are proposed in the building elevations through the use different materials including four types of brick, lap siding, columns and wood canopy supports. A solid base is formed through the use of ledgerstone. Further building interest is provided through use of varying building heights, parapet cap, pitched metal roofs and use of dormers, upper floor windows and board and batten material. Metal and fabric canopies are provided for rain shelter that extend in excess of three feet from the building. Aluminum, vinyl and T-111 siding is not proposed.

Robust Northwest-appropriate materials include brick, stone, hardi-plank, exposed wood and metal roofing is proposed that will weather well and last long-term in the damp Pacific Northwest climate. The commercial buildings are designed as flex space so they are adaptable and flexible for use by various retail tenants. The anchor building has two well defined entrances that take design cues from the retail buildings. Well marked and delineated walkways extend directly from Langer Farms Parkway to the entrance of the anchor building. The proposal complies with this criterion.

- 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.*

**Response:** As stated in response to the urban design standards 7a-7c, the proposal complies and therefore is exempt from the design standards of 7d below. However, the applicant has responded to the Commercial Design Review Matrix and demonstrates that the project substantially complies as indicated below:

#### COMMERCIAL DESIGN REVIEW MATRIX

- (1) *Building Design (21 Total Points Possible, Minimum 12 Points Required). Note: These standards may be applied to individual buildings or developments with multiple buildings.*

**Response:** Total score for Building Design is 15 points, as detailed below.

- (a) *Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative-patterned masonry, wood = 1; a mixture of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative-patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.*

**Response:** Score = 4. The project will incorporate several building materials including wood, brick and stone.

- (b) *Roof Form: Flat (no cornice) or single-pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either*



*variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.*

**Response:** Score = 2. The project incorporates several different roof forms, including, shed roofs, gabled roofs and flat roofs with varying height parapet and cornice.

- (c) *Glazing: 0—20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing - actual windows) = 3; >20% glazing on all street-facing sides (active glazing-actual windows) = 4.*

**Response:** Score = 1. Glazing as a percentage of the building as follows:

Without anchor:

Facing Tualatin-Sherwood Road = 9.9%

Facing Langer Farms Parkway = 11.1%

Facing Century Drive = 29.4%

Average = 13.1%

With anchor:

Facing Tualatin-Sherwood Road = 6.6%

Facing Langer Farms Parkway = 13.3%

Facing Century Drive = 15.3%

Average = 12.8%

- (d) *Fenestration (on street-facing elevation(s): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.*

**Response:** Score = 1. Street facing elevations will have multiple bays, however some bays will exceed 30 feet in length.

- (e) *Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc provided near the entrance and covered = 4.*

**Response:** Score = 4. Buildings will have awnings and tenants will provide outside chairs and tables adjacent to their spaces. There will be outdoor seating areas that will not be covered including the main plaza area at the southwest corner of the site.



- (f) *Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000—79,999 square feet = 1; 40,000 = 59,999 square feet = 2; 20,000—39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)*

**Response:** Score = 3. The average building size is 27,071 square feet

- (2) *Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required).*

**Response:** Total score for Building Location and Orientation is 6 points, as detailed below.

- (a) *Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.*

**Response:** Score = 2. Buildings are placed as close to the three adjacent streets as possible, flush with the public utility easements or the landscape buffer on Tualatin-Sherwood Highway, and flush with the building setback line on Langer Farms Parkway, the primary street frontage, as well as Century Drive.

- (b) *Orientation: Single-building site primary entrance oriented to parking lot = 0; single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.*

**Response:** Score = 2. There are seven sidewalk connections provided to Langer Farms Parkway including four pedestrian plazas and direct connections to the anchor tenant entrances. There are two additional connections each to Tualatin-Sherwood Highway and Century Drive.

- (c) *Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).*

**Response:** Score = 2. Primary entrances are oriented to the pedestrian as stated above.

- (3) *Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required).*

**Response:** Total score for Parking and Loading Areas is 5 points, as detailed below.



- (a) *Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.*

**Response:** When applying this standard literally, the project does not score, however, when looking at the intent it scores a 3.

The site abuts three frontages and the applicant intentionally placed the pedestrian-scale retail buildings against Langer Farms Parkway as the primary frontage and pedestrian corridor. Therefore from Langer Farms Parkway the site scores a 3. However, when applying the standards literally along three long street frontages, the project scores no points. The anchor building requires 582 parking spaces or approximately 65% of the required parking on the site and all of its parking although behind the retail buildings on Langer Farms Parkway is located between the anchor building and a street on three sides of the building.

- (b) *Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.*

**Response:** Score = 2. The loading area is placed at the rear (east end) of the site and is screened with 10 feet of landscaping along the eastern property line and does not face a public street.

- (c) *Vegetation: At least one "landscaped" island every 13—15 parking spaces in a row = 0; at least one landscaped "island" every 10—12 parking spaces in a row = 1; at least one landscaped "island" every 8—9 parking spaces in a row = 2; at least one landscaped island every 6—7 parking spaces in a row = 3.*

**Response:** Score = 0. Some areas have landscape island spacing of 13-15 parking spaces. However, many areas provide islands between fewer spaces and the average for the site is closer to one island per 9 spaces (average is 9.44 spaces per island).

- (d) *Number of Parking Spaces (% of minimum required): >120% = 0; 101—120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.*

**Response:** Score = 3. Site parking will be 1.3% to 9.2%, below minimum and reduced for joint use or cross patronage of parking.

- (e) *Parking surface: Impervious = 0; some pervious paving (10—25%) = 1; partially pervious (26—50%) = 2; mostly pervious(>50%) = 3.*

**Response:** Score = 0. No pervious paving proposed.

- (4) *Landscaping (24 Total Points Possible, Minimum 14 Points Required).*

**Response:** Total score for Landscaping is 12 points, as detailed below.



(a) *Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51–60% of existing trees on-site retained = 1; 61–70% of existing trees on-site retained = 2; 71–80% of existing trees on-site retained = 3; 81–100% of existing trees on-site retained = 4.*

**Response:** Score = 4. No trees exist on the site therefore none will be removed.

(b) *Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25–50% of trees mitigated on-site = 1; 51–75% of trees mitigated on-site = 2; 76–100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.*

**Response:** Score = 0. No mitigation required as the site contains no trees.

(c) *Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.*

**Response:** Score = 1. Total site landscaping is 112,998 square feet. One tree for every 500 square feet requires 222 trees, 263 trees are provided or 429 square feet of landscaping per tree.

(d) *Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.*

**Response:** Score = 1. Out of 138 areas only 10 are under 100 square feet in size, or 7%.

(e) *Landscaping trees greater than 3" caliper: <25% = 0; 25–50% = 1; >50% = 2.*

**Response:** Score = 0. No trees are greater than 3-inch caliper.

(f) *Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50–75% of landscaped areas = 1; 25–49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.*

**Response:** Score = 3. Total lawn area is 7,443 square feet, 6.5% of 112,998 square foot landscape area.

(g) *Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10–15% of gross site = 1; 16–20% of gross site = 2; 21–25% of gross site = 3; >25% of gross site = 4.*

**Response:** Score = 1. 13.09% of the site is covered by landscaping.

(h) *Automatic Irrigation: No = 0; partial = 1; yes = 2.*



**Response:** Score = 2. Automatic irrigation provided.

(5) *Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).*

**Response:** Total score for Miscellaneous is 10 points, as detailed below.

(a) *Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.*

**Response:** Score = 3. All roof top equipment will be screened by parapet wall matching the building.

(b) *Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.*

**Response:** Score = 2. Low screen walls including stone masonry, brick, corten steel panels, or other sturdy material are proposed along Langer Farms Parkway to screen the parking field and channel pedestrian traffic. This material was selected as it will blend with the architectural and landscape design of the project. A retaining wall is needed at the east property line facing the industrial area at the back of the anchor building. Standard materials will be used for this wall, but it does not front a public street and is at the rear of the anchor building near undeveloped industrially-zoned land. The wall will be screened with landscaping.

(c) *On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building) = 2.*

**Response:** Score = 2. Benches, plazas and outdoor seating areas are proposed near all buildings.

(d) *Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500—1,000 square feet)=2; yes (>1,000 square feet) = 3.*

**Response:** Score = 3. Plazas in excess of 1,000 square feet are proposed that will be open and accessible to the public.

(e) *Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.*

**Response:** Score = 0. Not proposed

**Summary of Design Matrix Scoring:**

Category (1) - Building Design (21 Total Points, 12 Minimum).

Total Score = 15

Category (2) - Building Location and Orientation (6 Total Points, 3 Minimum).

Total Score = 6



Category (3) - Parking and Loading Areas (13 Total Points, 7 Minimum)

Total Score = 5

Category (4) - Landscaping (24 Total Points, 14 Minimum).

Total Score = 12

Category (5) - Miscellaneous (10 Total Points, 5 Minimum).

Total Score = 10

The applicant has demonstrated that the proposal substantially complies with the Commercial Design Review Matrix. A total of 74 points are available, and a project utilizing Design Matrix scoring is required to attain at least 60% of the total points available, or 45 points. The project achieves a total of 48 points, exceeding the minimum requirement. The project meets or exceeds 3 out of the 5 individual sub-area requirements. The two sub-requirements not met is Category (3) Parking and Loading Areas and Category (4) Landscaping. While the landscape score is close to meeting the Matrix, the project meets all of the requirements of the existing landscape code and exceeds many of them. In addition, the applicant is proposing to substantially comply with the new landscape code that requires more landscaping than the existing code. The applicant has voluntarily done this even though the new code was not yet adopted as of the date this land use application was submitted (May 30, 2012).

- e. As an alternative to the above standards 7a–7c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.*

**Response:** The applicant does not propose to apply the Old Town Design Standards. This criterion does not apply.

- f. As an alternative to the above standards 7a.—7e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.*

**Response:** Due to the size of the project, the proposal is a Type IV review and requires Planning Commission approval for this Site Plan Review approval request. The applicant has demonstrated compliance with the Standards 7a-7c and has shown that the development further substantially complies with the Commercial Design Matrix (7d) and meets the intent of the design objectives and the PUD design standards. This criterion is met.

**Chapter 16.106 – Transportation Facilities**

**16.106.020(E) – Transportation Facilities Modifications**

*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.*

**Response:** The proposed modification will allow a curb-tight sidewalk with tree wells along the site's frontage on Century Drive, a local street. Current standard requires a narrow 5-foot curb separated sidewalk with landscaping strip. The request is a small adjustment to the standard. Lane widths, right-of-way widths and other standards will be maintained.

Although there is room to meet the standard separated sidewalk, the request is being made to provide a wider sidewalk than standard. The proposed curb-tight sidewalk will more closely match the wide multi-use pathway on Langer Farms Parkway and therefore is more appropriate design solution. This criterion is met.

#### **IV. RESPONSE TO APPLICABLE CODE STANDARDS**

**Response:** The City is currently working on adopting a new landscaping code. In anticipation to changes to the landscaping code, the project has been designed to meet the current code and to substantially comply with the proposed code. Therefore responses to existing and proposed code are provided below as indicated.

##### **Chapter 16.92 – Landscaping (Existing Code)**

###### **16.92.010– Landscaping Plan (Existing Code)**

*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 non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.*

**Response:** A landscaping plan has been prepared by a licensed landscape architect and is contained within the plan set submitted with this application (See L Sheets contained within the Plan Set Attachment 1). All pervious areas will be landscaped in accordance with the submitted plans. The site is a cleared field that is actively farmed and no native vegetation exists on the site. This standard is met.

###### **16.92.020– Landscaping Materials (Existing Code)**

###### *A. Varieties*

*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.*



**Response:** A combination of trees, shrubs and groundcover is proposed in all areas to be landscaped in compliance with this section (see L sheets contained within the Plan Set Attachment 1). 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.*

**Response:** Plants have been selected to grow to fully cover the landscaping islands with ground cover and shrubs without overgrowth. Construction plans and specifications will provide required standards and/or plant health and top soil preparation. Planting notes are provided on the landscaping plans, L sheets within the Plan Set Attachment 1. This standard is met.

*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.*

**Response:** All required landscaping is proposed to be planted with trees, ground cover and shrubs. Hardscaping is also proposed included the plaza areas, benches, fences, walls and decorative paving. This standard is met.

*D. Existing Vegetation*

*All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per Section 16.92.020 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 16.142.060, and Chapter 16.144.*

**Response:** Does not apply. No trees or woodlands exist on the site.

**16.92.030– Landscaping Standards (Existing Code)**

*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. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only so as to preserve wildlife mobility. In addition, plants and other landscaping features ay be required by the Review Authority in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.*

**Response:** The proposed commercial use has street frontage on three of four sides of the site. The eastern property line abuts undeveloped industrial-zoned property. There is no requirement for fencing. This standard is met.



*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 this Chapter. 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 this Chapter.*

**Response:** The parking area is 506,030 square feet requiring 50,603 square feet of parking lot landscaping. The proposal exceeds the minimum 10% landscaping requirement. The site has 61,509 square feet of parking lot landscaping or 12.2% (see L sheets within the land use plan set submitted with this application for further details). This standard is met.

2. *Adjacent to Public Rights-of-Way or Abutting Other Private Property.*
  - a. *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, change in grade, wall, bio-swales or fence, forming a permanent year-round screen, except in clear vision areas as per Section 16.58.020*

**Response:** Ten feet of landscaping is provided along all street frontages and landscaped in accordance with this section, with the exception of the Tualatin-Sherwood frontage, where a 15-foot view corridor is required (see L sheets contained within the land use plan set submitted with this application). This standard is met.

- b. *The access drives to a rear lot (i.e. flag lot) [...].*

**Response:** Does not apply. The proposal does not involve a flag lot.

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.*

**Response:** The site only abuts neighboring property along the east property line. A retaining wall is proposed along the property line with this development on the high side of this wall. Ten feet of landscaping is proposed including this wall. Given that the retaining wall is proposed in this location placing a fence on top of this wall would make the effective wall taller. Instead the applicant proposes to screen the wall with plantings and maintain the 10-foot buffer at the top or below the wall. 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.*



**Response:** Interior landscaping is provided throughout the parking lot. Based on the primary site plan 65% of the required parking area landscaping is interior, exceeding the 50% minimum.

Parking lot islands are provided after no more than 15 consecutive parking spaces, and on average every 9.44 parking spaces. Landscape islands are at least 90 square feet in size as required by the proposed landscaping code. This standard is met.

For the purpose of island spacing calculations, a conservative approach has been taken, which counts the cart corrals in the anchor store's parking area as though they are parking stalls.

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*

**Response:** Low lying groundcover is provided at all intersections, see L sheets contained within the Plan Set Attachment 1. This standard is met.

6. *Exceptions. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 and 16.144, 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. The maximum reduction in required landscaping permitted through this exception process shall be no more than 50%. The resulting landscaping after reduction may not be less than five feet in width unless otherwise permitted by the underlying zone. Exceptions to required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.*

**Response:** This exception provision does not apply, the 19.82-acre subject site contains no sensitive areas, native vegetation or woodlands.

- C. *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. Properties within the Old Town Overlay are exempt from this standard.*

**Response:** Section 16.142.040 (Visual Corridors) requires 15 feet of landscaping along the site frontage of Tualatin-Sherwood Road as an arterial street and 10 feet of landscaping along Langer Farms Parkway as a collector street. Per Section 16.142.040, "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 use...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 16.142.050, shall be planted in the corridor by the developer." Both the Tualatin-Sherwood and Langer Farms Parkway frontage will be planted with a landscaping buffer consisting of groundcover and trees consistent with this section.



## Chapter 16.92 – Landscaping (Proposed Code)<sup>6</sup>

### 16.92.020– Landscaping Materials (Proposed Code)

**Response:** The proposed code includes more detailed requirements for what constitutes required landscaping and specifies such details as minimum container and tree size and hardscaping. The proposed landscaping plan will have ground cover and trees that meet these requirements or these detailed requirements can be further verified at time of final site plan or building permit. Although the proposed code has not been adopted as of the date of this report the applicant has made efforts to conform to the proposed code and the proposal substantially complies with it as stated below:

### 16.92.020– Landscaping Materials (Proposed Code)

#### *A. Perimeter Screening and Buffering*

##### *1. Perimeter Screening Separating Residential Zones:[...]*

**Response:** This Section does not apply. The proposal does not involve residential uses.

##### *2. Perimeter Landscaping Buffer*

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

**Response:** A 10-foot buffer is provided along the east property line where the site shares a common property line with neighboring undeveloped industrial property. The remaining property lines abut street right-of-way. This standard 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, the applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.*

**Response:** A 10-foot buffer is shown in compliance with the existing code.

#### *B. Parking Area Landscaping [...]*

##### *3. Required Landscaping*

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

##### *4. Amount and Type of Required Parking Area Landscaping*

*a. Number of Trees required based on Canopy Factor Small trees have a canopy factor of less than 40, medium trees have a canopy factor from 40 to 90, and large trees have a canopy factor greater than 90;*

*(1) Any combination of the following is required:*

<sup>6</sup> See Attachment 22 for proposed landscaping code language



- (i) One large tree is required per four (4) parking spaces;
- (ii) One medium tree is required per three (3) parking spaces; or
- (iii) One small tree is required per two (2) parking spaces.
- (iv) At least 5 % of the required trees must be evergreen.

*b. Shrubs:*

- (1) Two shrubs are required per each space.
- (2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.

*c. Ground cover plants:*

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

**Response:** The primary site plan contains a total of 912 stalls, requiring 41,040 square feet of landscaping. A total of 112,998 square feet of landscaping is provided, exceeding the 45 square feet of landscaping per space required.

Of the 912 parking stalls, 72 are located under the power line easements where trees cannot be planted. Of the 840 stalls with islands outside the BPA easement where trees can be planted, 210 large trees are required. The applicant proposes 263 trees exceeding this standard. Of the 189 large trees, 23 are evergreen conifer trees or 12.1%, exceed the 5% minimum. With 912 parking spaces 1,824 shrubs are required at two shrubs per space. A total of 3,578 shrubs are provided exceeding standard. Shrubs and groundcover are provided in compliance with this section as indicated on the landscaping plans. This standard is met.

*4. 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 island for every eight (8) contiguous parking spaces.*
  - (2) Multi or mixed-uses, institutional and commercial uses: one island for every ten (10) contiguous parking spaces.*
  - (3) Industrial uses: one island for every twelve (12) contiguous parking spaces.*
- e. Storm water bio-swales may be used in lieu of the parking landscape areas and 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:*

- (1) Trees are spaced a maximum of thirty (30) feet on at least one side of the sidewalk.*
- (2) The minimum unobstructed sidewalk width is at least six (6) feet wide.*
- (3) The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.*



**Response:** Landscaping islands are minimum five feet wide and have a minimum of 90 square feet of landscaping. One tree is provided per each island. Landscaping islands are evenly distributed throughout the parking lot. Standards 4.a, 4.b, and 4.c are met.

Standard 4.d is not met over the entire site. However, an effort has been made to increase the quantity of islands over much of the site, with the result that the average spacing of islands is every 9 stalls. For the purpose of island spacing calculations, a conservative approach has been taken, which counts the cart corrals in the anchor store's parking area as though they are parking stalls.

*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.[...]*

**Response:** Landscaping is designed to provide adequate sight distance at intersections in compliance with this section. This standard is met.

*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.*

**Response:** The loading area is located at the rear (east end) of the anchor building along the common property line separating the site from the adjacent vacant industrial property. A 10-foot landscaping buffer is proposed along the lot line for future buffering as required by this landscaping code. The anchor building incorporates a 10-foot high solid CMU block wall to screen the loading area and trash compactor. Mechanical equipment is proposed on roof tops and screen by parapet walls or roof lines. This standard is met.

**Chapter 16.94 – Off-Street Parking and Loading**

**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.*

**Response:** Noted by the Applicant

*B. Deferral of Improvements[...]*

**Response:** Noted by the Applicant.

*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.*

**Response:** The shopping center will share parking and proposes a parking reduction under Section D below. The applicant has submitted separately for a preliminary subdivision approval for the entire 55.09 parent parcel to subdivide it into five lots and two tracts. This pending subdivision will divide the subject 19.82-acre subject site (PUD Phase 7) into three lots. The anchor building will be contained on one lot (Lot 1 - 13.99 acres), and the retail buildings will be contained within the remaining two lots (Lot 2 - 3.65 acres and Lot 3 - 2.35 acres) (see Preliminary Plat, Attachment 21)<sup>7</sup>. The applicant will prepare covenants, conditions and restrictions (CC&Rs) for the development as well as shared access easements. These agreements allow for shared parking across lot lines.

#### *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.*

**Response:** The applicant's alternatives for two of the pad buildings to have drive-thru uses (bank and fast food). Also included is the alternative of removing the existing stormwater facility that currently serves the Target developed (Target is located directly west Langer Farms Parkway and the site). The Target stormwater facility is located on the subject site under the BPA power easement.

These alternatives will result in a parking count that ranges from 829 spaces to 889 spaces and a parking ratio that ranges from 4.36 to 4.62 spaces per 1,000 square feet of gross floor area. The City code allows up to a 25% reduction in minimum required parking when multiple uses occupy one site. Under the alternatives presented, the applicant proposes a reduction of between 1.3% to 9.2%.<sup>8</sup>

The applicant finds that the reduction is justified given the size of the development and the multiple retail/commercial uses that will occupy the site. In particular, the applicant proposes a sit down restaurant of 10,000 square feet. Restaurants have a considerably higher minimum parking ratio (15.3 spaces per 1,000 square feet of building area) than general retail (4.1 spaces per 1,000 square feet of building area). The 10,000 square foot restaurant requires 153 parking spaces or about 17% of the total parking spaces provided onsite. However, restaurants are busiest in the evening from 6 PM to 8 PM when retail shopping is not at its peak. According to a 2003 study by Retail Traffic, peak times for retail shopping is during the weekend and weekdays between noon and 4 PM.<sup>9</sup> Bank hours are primarily 9 AM to 6 PM, freeing up parking spaces for

<sup>7</sup> The specific lot size square footage will likely be adjusted to match the approved site plan.

<sup>8</sup> These parking counts do not include 30 parking spaces that will be devoted to outdoor sales north of the anchor building.

<sup>9</sup> [http://retailtrafficmag.com/retailing/trafficpatterns/retail\\_traffic\\_patterns\\_3/](http://retailtrafficmag.com/retailing/trafficpatterns/retail_traffic_patterns_3/)



the evening sit down restaurant. Similarly, fast food peak times are at noon, freeing up more spaces. Of the 27,500 square feet of general retail (identified as Building D, E and F on the site plan), approximately 30% is anticipated to be office type uses such as insurance sales, optometrist and professional office. This equates to approximately 8,250 square feet that of use that will have a lower parking rate (2.7 spaces per 1,000 as opposed to retail at 4.1) and will operate generally 8 AM to 6 PM, freeing spaces for the higher demand for the sit down restaurant in the evening hours.

Therefore, the small reduction (1.3% to 9.2%) in minimum parking is justified give the diversity of uses that will operate at a different peak times. This standard is met.

*E. Prohibited Uses*

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

**Response:** The applicant is requesting conditional use approval to allow outdoor storage on 30 parking spaces north of the anchor building. No other spaces will be used for storage and no spaces will be leased or assigned to an off-site user. This standard is met.

*F. Location [...]*

**Response:** Does not apply. On-street parking is not proposed.

*G. Marking*

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

**Response:** Parking and loading will be marked as shown on the plans contained within the Plan Set Attachment 1 submitted with this application. This standard is met.

*H. Surface and Drainage*

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

**Response:** Asphalt pavement is proposed for all parking areas. Stormwater will be sent to the proposed regional stormwater facility to be located at the south end of the parent parcel. This standard is met.

*I. Repairs*



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

**Response:** Noted by the applicant.

*J. Parking and Loading Plan*

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

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

**Response:** Information is provided within the Plan Set submitted with this application. This standard is met.

**16.94.020 – Off-Street Parking Standards**

*A. Generally [...] Minimum and Maximum Parking Standards*

**Response:** The applicant is proposing alternatives to allow for drive-thru on two commercial pad locations (fast food and bank) and an alternative that keeps the existing stormwater pond (Target stormwater pond).

For the purpose of calculating minimum parking, the bank (4.3 spaces per 1,000 SF), fast food (9.9 spaces per 1,000 SF), restaurant (15.3 spaces per 1,000 SF) and general retail (4.1 spaces per 1,000 SF) were calculated separately. These alternatives will result in a parking count that ranges from 829 spaces to 889 spaces and a parking ratio that ranges from 4.36 to 4.62 spaces per 1,000 square feet of gross floor area.

As stated above (Section 16.94.010-D), the City code allows up to a 25% reduction in minimum required parking when multiple uses occupy one site. Taking into account the alternatives presented on the site plan, the applicant proposes a reduction of between 1.3% to 9.2%. These options are summarized in the table below as well as additional detail provided in Attached parking tables (see Attachment 23).



Parking Ratios - Site Plan Alternatives			
Target Pond Retained		Target Pond Removed	
<u>Fast Food &amp; Bank Drive Thru - Alt. 1</u>		<u>Fast Food &amp; Bank Drive Thru - Alt. 5</u>	
Total Required Spaces	913	Total Required Spaces	913
Spaces Provided	829	Spaces Provided	882
Reduction	9.2%	Reduction	3.4%
<u>Fast Food (No Bank) - Alt. 2</u>		<u>Fast Food (No Bank) - Alt. 6</u>	
Total Required Spaces	918	Total Required Spaces	918
Spaces Provided	834	Spaces Provided	887
Reduction	9.2%	Reduction	3.4%
<u>Bank (No Fast Food) - Alt. 3</u>		<u>Bank (No Fast Food) - Alt. 7</u>	
Total Required Spaces	896	Total Required Spaces	896
Spaces Provided	831	Spaces Provided	884
Reduction	7.3%	Reduction	1.3%
<u>Retail Only (no Bank or Fast Food) - Alt. 4</u>		<u>Retail Only (no Bank or Fast Food) - Alt. 8</u>	
Total Required Spaces	901	Total Required Spaces	901
Spaces Provided	836	Spaces Provided	889
Reduction	7.2%	Reduction	1.3%

The applicant proposes parking at or below minimum, therefore the proposal does not exceed required maximums. This standard is met.

*B. Miscellaneous 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 percent (25%) of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.*

**Response:** All interior stalls within the project will be 90-degree head in spaces and will be nine feet to nine and a half feet wide by 20 feet deep. Exterior stalls will be nine feet to nine and a half feet wide by 20 feet deep (either 18 feet deep of asphalt plus two feet of overhang into the landscaping or sidewalk areas; or 17 feet of asphalt plus three feet of overhang). No wheel stops are proposed. No compact spaces are proposed. This standard is met.

*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 Appendix G.*

**Response:** All spaces will be accessed by on-site drive aisles. This standard is met.



3. *Wheel Stops*

*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 Appendix G. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water run off.*

**Response:** No wheel stops are proposed. Parking stalls have two to three feet of overhang onto sidewalks and landscaped areas with sidewalks and landscaping widened to accommodate the overhang. This standard is 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.*

**Response:** The service drive to the rear of the anchor building will have its own driveway and access from Century Drive and separated from the general public parking and access area. This standard is met.

5. *Credit for On-Street Parking [...]*

**Response:** Not proposed.

6. *Reduction in Required Parking Spaces[...]*

**Response:** This section does not apply.

C. *Bicycle Parking Facilities*

1. *Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture such as benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.*
2. *Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.*
3. *Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.*
4. *Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.*
5. *Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.*
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*



**Response:** Minimum bike parking for commercial uses is 2 spaces or 1 per 20 auto spaces whichever is greater. Within the site plan alternatives, the parking proposed is between 859 to 894 to 919<sup>10</sup> parking spaces requiring a maximum of 46 bike spaces. At each of Buildings A, C, D, E, and F, a 3-bike rack is proposed for a total of 15 spaces, at Building B, a 9-bike rack is proposed, and at the Anchor two 11-space racks. The total bike parking is therefore 46, meeting this standard. These spaces are located near the building entries, and beneath the building canopies. These spaces are situated to be convenient, secure and well lighted. This standard is met.

#### **16.94.030 – Off-Street Loading Standards**

##### *A. Minimum Standards[...]*

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. 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. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:*
  - a. *20,000 to 50,000 sq. ft. - 500 sq. ft.*
  - b. *50,000 sq. ft. or more - 750 sq. ft.*

**Response:** A large loading area is provided at the rear east end of the anchor building that exceeds the requirements of this section. No other loading spaces are provided or needed. This standard is met.

##### *B. Separation of Areas*

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

**Response:** Access to the loading area will have its own driveway off of Century Drive and physically separated from the parking area. This standard is met.

#### **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.*

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<sup>10</sup> This includes 30 parking spaces reserved for outdoor sales north of the anchor building.



**Response:** A 12-foot multi-use pathway exists along the site frontage on Langer Farms Parkway. This path will eventually connect Highway 99W to Oregon Street and is an important north-south pedestrian corridor within the City. The applicant proposes multiple direct and convenient connections to this pathway throughout the site frontage including well marked and direct connections to the anchor store entrances. The Langer Farms Parkway frontage of 1,100 linear feet has seven sidewalk connects to the major street pathway. This amounts to on connection every 157 feet. A network of walkways is provided within the site. This standard is met.

*A. Maintenance*

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

**Response:** Noted by the applicant.

*B. Joint Access*

*Two (2) or more uses, structures, or parcels of land may utilize jointly 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.*

**Response:** The applicant has submitted separately for a preliminary subdivision approval for the entire 55.09-acre parent parcel to subdivide it into five lots and two tracts. This pending subdivision will divide the subject 19.82-acre site into three lots. The anchor building will be contained on one lot (Lot 1 - 13.99 acres), and the retail buildings will be contained within the remaining two lots (Lot 2 - 3.65 acres and Lot 3 - 2.35 acres) (see Preliminary Plat, Attachment 21).<sup>11</sup> The applicant will prepare covenants, conditions and restrictions (CC&Rs) for the development as well as shared access easements. These agreements will be provided to staff following land use approval and will allow for shared parking and access across lots for the shopping center. This standard is met.

*C. 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.*

*2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.*

**Response:** Vehicular access is proposed to both Langer Farms Parkway and Century Drive. Pedestrian access is provided to public sidewalks to all building entrances and between buildings.

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<sup>11</sup> The lot size number is preliminary and will likely be adjusted to match with the approved site plan.



*D. Maintenance of Required Improvements*

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

**Response:** The applicant intends to operate a clean and well maintained shopping center.

*E. Access to Major Roadways*

*Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows: [...]*

**Response:** The site proposes access to Langer Farms Parkway, a collector street, and Century Drive, a local street. No access is proposed to Tualatin-Sherwood Road, an arterial street.

**16.96.030 – Minimum Non-Residential Standards**

*Minimum standards for private, on-site circulation improvements in non-residential developments:[...]*

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

**Response:** All access driveways exceed the minimum 24-foot width requirement. Due to the size of the development and amount of traffic within the parking area as well as site soil conditions, pervious paving is not proposed. This standard is met.

*B. Sidewalks and Curbs*

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

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

*3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.*

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

**Response:** Private sidewalks are proposed to connect to public sidewalks, buildings and between building entrances. Pathways will be constructed of concrete, will be ADA compliant



and exceed four feet in width. Due to grade some secondary access points from Langer Farms Parkway will require stairs and will not meet ADA, however ADA compliant routes are provided to each entrance and the public sidewalk. Driveway crossings will be marked as a pedestrian crosswalk. Curbs will be installed in all appropriate and required locations. This standard is met.

## **Chapter 16.98 – On-Site Storage**

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

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

**Response:** Trash and recycling enclosures have been distributed throughout the parking area for ease of access by tenants. The enclosures will be screened with 6-foot tall walls and surrounding landscaping. The anchor building trash and recycling is located at the rear of the building near the NE corner of the building and will be screened with a 10-foot tall solid CMU wall. This standard is met.

### **16.98.040 – Outdoor Sales and Merchandise Display**

#### *A. Sales Permitted*

*Outdoor sales and merchandise display activities shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use. Outdoor sales and merchandise display will be reviewed as conditional uses in accordance with Chapter 16.82.*

- 1. Permanent outdoor sales and merchandise display are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82. Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.*
- 2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring the site shall return to its original state.*
- 3. Food vendors including food carts, ice cream trucks, hotdog stands or similar uses are only permitted as a permanent outdoor sale use as described in A.1 above.*

#### *B. Standards*

- 1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.*
- 2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.*
- 3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be paved with asphalt surfacing, crushed rock, or other dust-free materials.*
- 4. Additional standards may apply to outdoor sales and merchandise display in NC zones, as per Section 16.24.050*



**Response:** A permanent outdoor sales area for the anchor store will occur at the north end of the anchor building contained within 30 parking spaces near the power line easement. The applicant has requested approval of a conditional use for this outdoor sales area. A response to the conditional use approval criteria is provided in Section III (Response to Applicable Approval Criteria) of this narrative report. The applicant intends for the outdoor display to be safe and free of debris and presentable for sales of new and clean merchandise. The area will not be in a setback or landscaping and will occur on the paved parking area. No vehicles will be displayed.

In addition to the anchor tenant, outdoor seating will be provided for retail tenants that sell food and drinks.

The anchor store will have a garden center and associated storage racks. This use will be screened by an ornamental fence that includes smooth face block columns and simulated stone base. Since this area is screened it is not an outdoor display area and therefore is a permitted use associated with the internal sales of the anchor store.

## **Chapter 16.106 – Transportation Facilities**

### **16.106.010 – Generally**

#### *A. Creation*

*Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the TSP Map and in Figure 1, of Chapter 6 of the Community Development Plan, and other applicable City standards. The following table depicts the guidelines for the street characteristics.*

#### *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.*

*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.*

**Response:** The applicant proposes to construct Langer Farms Parkway north (aka Adams Avenue north) and extend Century Drive across the project's south frontage in accordance with the Development Agreement between the City and the property owner. The applicant proposes to dedicate right-of-way and will likely pay a fee in-lieu of construction of frontage improvements along the north frontage on Tualatin-Sherwood Road. The applicant proposes to install a new traffic signal at the Tualatin-Sherwood Road/Langer Farms Parkway intersection. All proposed improvements meet the standards of this Section, however, a road modification is request as indicated below. This standard is met.

*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*

**Response:** The applicant requests approval to install a curb-tight sidewalk with tree wells along the site's south frontage on Century Drive where a detached sidewalk with landscaping strip is standard. This is the only deviation to the standard requested. The applicant proposes to install this sidewalk not because of a site constraint but because the applicant believes it will look and function better. This type of design has been widely used in other jurisdictions to provide more walking space and fits with the commercial use. A detached sidewalk is more appropriate in a residential setting. This design will allow for the street section to match with the design currently stubbed to the project's east side and provide a wider sidewalk that will tie nicely into the large pathway constructed along Langer Farms Parkway. This standard is met.



### 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.

**Response:** The modification as described above is proposed with this Type IV Site Plan Review, land use application request.

### **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[...]

**Response:** As stated previously, the applicant proposes to construct Langer Farms Parkway north (aka Adams Avenue north) and extend Century Drive across the projects south frontage in accordance with the Development Agreement between the City and the property owner. The applicant proposes to dedicated right-of-way and will likely pay a fee in-lieu of construction of frontage improvements along the north frontage on Tualatin-Sherwood Road. All proposed improvements meet the standards of this Section and have been collaboratively worked out over the course of many years.

#### 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.*

**Response:** With the exception of high voltage PGE and BPA power lines located in the northeastern area of the site, all utilities will be undergrounded. This standard is met.

#### D. Additional Setbacks

*Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.*

**Response:** After dedication of required right-of-way on Tualatin-Sherwood Road, all roads will have the required right-of-way width and therefore this Section does not apply to the proposal.



## **16.106.060 – Design**

### ***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 eight (8) foot wide sidewalks/multi-use path, located as required by this Code.*

#### ***2. Local Streets***

*Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.*

#### ***3. Handicapped Ramps***

*Sidewalk handicapped ramps shall be provided at all intersections.*

### ***C. Pedestrian and Bicycle Paths***

*Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.*

**Response:** Sidewalks are proposed or exist that comply with this section. This standard is met.

## **16.106.070 – Highway 99W Capacity Allocation Program (CAP)**

### ***F. Trip Allocation Certificate***

#### ***1. General***

- a. Trip Allocation Certificates shall be issued by the City Engineer.*
- b. Trip Allocation Certificates shall be valid for the same period as the land use or other city approval for the regulated activity.*
- c. The City Engineer may invalidate a Trip Allocation Certificate when, in the City Engineer's judgment, the Trip Analysis that formed the basis for award of the Trip Allocation Certificate no longer accurately reflects the activity proposed under the base application.*

#### ***2. Approval Criteria***

- a. Upon receipt of a Trip Analysis, the City Engineer shall review the analysis. The Trip Analysis shall meet both of the following criteria to justify issuance of a Trip Allocation Certificate for the regulated activity:*

- (1) Adequacy of analysis; and*
- (2) Projected net trips less than the site trip limit.*

- b. Adequacy of Analysis*

- c. The City Engineer shall judge this criterion based on the following factors:*

- (1) Adherence to the Trip Analysis format and methods described in this chapter.*
- (2) Appropriate use of data and assumptions; and*
- (3) Completeness of the Trip Analysis.*

#### ***3. Mitigation***

- a. The Trip Allocation Certificate shall specify required mitigation measures for the regulated activity.*



- b. Mitigation measures shall include improvements to Highway 99W and nearby transportation corridors that, in the judgment of the City Engineer, are needed to meet the LOS Standard and provide capacity for the regulated activity.*
- c. Engineering construction plans for required mitigation measures shall be submitted and approved in conjunction with other required construction plans for the regulated activity.*
- d. Mitigation measures shall be implemented in tandem with work associated with the regulated activity.*
- e. Failure to implement required mitigation measures shall be grounds for revoking the regulated activity's base application approval.*

**Response:** As stated previously, the applicant has worked collaboratively with the City to identify needed transportation improvements. The Traffic Impact Analysis (TIA) submitted with this application demonstrates that with these improvements installed, intersections will continue to operate acceptably. These improvements are substantial and will be completed at significant cost to the applicant. These improvements include a new traffic signal at Langer Farms Parkway and Tualatin-Sherwood Road and extension of Langer Farms Parkway to 99W and Century Drive along the south end of the development. The Capacity Allocation Program is administered by the City Engineer and this application submittal includes a TIA with the required information for revised and determination by the City. This standard is 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.*

### **16.110.030 – Service Availability**

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

**Response:** Sanitary sewer service is available within Langer Farms Parkway (8 inch diameter main), within Century Drive (8 inch diameter stubbed to the east property line of this site), and from an 8 inch diameter sanitary sewer main located adjacent to and south of the Tualatin-Sherwood Road right-of-way as shown on the Preliminary Composite Utility Plan contained within the Plan Set submitted with this application. An 8-inch diameter public sanitary sewer line will be extended with the construction of Century Drive, from its terminus to the east of the site,



to within approximately 100 feet of Langer Farms Parkway. Sanitary sewer service for proposed Lot 1 and Lot 3 will be provided by means of a private sanitary sewer lateral from the public sanitary sewer within Century Drive. Sanitary sewer service to proposed Lot 2 will be provided by means of a private sanitary sewer lateral from the existing public sanitary sewer line adjacent to and south of the Tualatin-Sherwood Road right-of-way. All improvements will be consistent with City code, the Sanitary Sewer Master Plan, and Clean Water Services standards. Engineering plans will be prepared for the City to review and approve prior to construction of the improvements. No deficiencies have been identified. This standard is met.

## **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*

#### *16.112.030 - Service Availability*

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

**Response:** Water service is available within Langer Farms Parkway (16 inch diameter line), within Century Drive (via a 10-inch diameter line stubbed to the west property line and a 12-inch diameter line stubbed to the east property line), and from a 10-inch diameter water line located adjacent to and south of the Tualatin-Sherwood Road right-of-way that can serve this site as shown on the Preliminary Composite Utility Plan contained within the Plan Set submitted with this application. A 10-inch diameter public water line will be extended with the construction of Century Drive, from its terminus to the east of the site, to Langer Farms Parkway. Water service for Lot 1 and Lot 3 will be provided by means of private water services from the public water main within Century Drive. Water service to Lot 2 will be provided by means of private water services from the existing public water line adjacent to and south of the Tualatin-Sherwood Road



right-of-way. All improvements will be consistent with City code, the Water Master Plan, and City standards. Engineering plans will be prepared for the City to review and approve prior to construction of the improvements. No deficiencies have been identified.

Due to the location of the proposed property lines, a water connection to Langer Farms Parkway is required to provide water service to proposed Lot 3. There is not adequate space to construct a water connection to the proposed Century Drive water main in the southeast corner of Lot 3 because of the proposed storm drain and sanitary sewer laterals. Crossing either Lot 2 (to obtain water from Tualatin Sherwood Road) or crossing Lot 1 (to obtain water from Century Drive) would require that the water line be dedicated to and maintained by the public, which is not in the applicant's or City's best interest.

Therefore the applicant requests that an exception to the 3-year moratorium to construction in Langer Farms Parkway be granted so the water service to Lot 3 connect to the existing water main in Langer Farms Parkway at the same location where the existing driveway is proposed to be relocated. Utilizing this location will require that asphalt be removed approximately 6 feet from the curb line into the street (for the trenching required to connect to the existing public water main) at the same location where the driveway is being relocated, thereby minimizing any impacts to SW Langer Farms Parkway.

This standard is met.

## **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 the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.*



**16.114.030 - Service Availability**

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

**Response:** The 55.09-acre parent parcel contains phases 6, 7, and 8 from the 1995 PUD. There are currently two sub-regional stormwater facilities located on the site. This proposed commercial development is for Phase 7 of the PUD. Per the Development Agreement, the development of Phase 7 triggers the requirement that a Regional Storm Water Facility is constructed for Phases 6, 7, and 8 of the PUD as well as upstream areas that are currently draining into the two sub-regional stormwater facilities located on the site.

The proposed regional stormwater facility will be located east of Langer Farms Parkway and south of Tualatin–Sherwood Road, in the southeasterly corner of the parent parcel. The facility will be located within a single tract which will be dedicated to the City of Sherwood. The purpose of the proposed facility is to replace the two existing stormwater quality facilities on the site as well as provide stormwater quality treatment and quantity detention for the retail/commercial development of the site (approximately 55 acres total).

The north existing stormwater facility is located in the northeasterly corner of the site along Tualatin-Sherwood Road. It was constructed to serve the Target site development on the westerly side of Langer Farms Parkway and provides water quality treatment for that site, the northerly portion of Langer Farms Parkway (which was recently expanded) and the Arbor Terrace 3 subdivision (which had its existing water quality facility removed with the road expansion). The subdivisions Arbor Terrace 1 and 2 also drain through this facility; however, treatment is provided by a stormwater quality facility located within those subdivisions. As permission to remove the Target pond is out of the applicant's control the pond is shown as both to remain and to be removed on the applicant's site plan.

The south existing stormwater facility is located east of Langer Farms Parkway and treats the runoff from the southerly portion of Langer Farms Parkway, a short length of Oregon Street, the Century Drive park, and a portion of the Sherwood Village 2 and 3 subdivisions.

In addition to providing water quality treatment for the north and south sub-regional stormwater facilities, the proposed regional storm water facility will be sized to treat runoff from the future full development of the site (tax lot 300) into a retail/commercial center (including multiple large buildings and parking) and the extension of Century Drive east from Langer Farms Parkway. Additionally, the proposed regional stormwater facility will detain post-developed flows from the site to pre-developed levels for the 2, 10, and 25-yr storm events.

A public stormwater main will be constructed from the regional stormwater facility to the south east corner of this proposed commercial development and then along the east side of this development and will tie into the existing pipe located along Tualatin-Sherwood Road. In addition, a public stormwater main will be constructed with the Century Drive improvements and will drain to the regional stormwater facility. All public stormwater mains constructed across private property will be located within 15 foot wide stormwater easements to the City of Sherwood and will be sized to convey the 25-year 24-hour storm event per City and Clean



Water Services standards. Private stormwater pipes will connect to this main that will convey the stormwater surface runoff from parking areas and roof tops.

The stormwater facility and associated infrastructure will be designed and submitted to the City for approval prior to issuance of building permits for site development. Permitting of the pond is separate from this land use approval request. No deficiencies have been identified. This standard is met.

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

**Response:** Adequate water service is available within Langer Farms Parkway (16-inch diameter line), within Century Drive (via a 10-inch diameter line stubbed to the west



property line and a 12-inch diameter line stubbed to the east property line), and from a 10-inch diameter water line located adjacent to and south of the Tualatin-Sherwood Road right-of-way that can serve the fire protection needs of this site as shown on the Preliminary Composite Utility Plan contained within the Plan Set submitted with this application. A 10-inch diameter public water line will be extended with the construction of Century Drive, from its terminus to the east of the site, to Langer Farms Parkway.

Fire protection water service for Lot 1 and Lot 3 will be provided by means of water lines from the public water main within Century Drive. Fire protection water service to Lot 2 will be provided by means of water services from the existing public water line adjacent to and south of the Tualatin-Sherwood Road right-of-way. All improvements will be consistent with City code, the Water Master Plan, and City standards. Engineering plans will be prepared for the City to review and approve prior to construction of the improvements.

Fire hydrants will be placed at locations approved by the City and Tualatin Valley Fire & Rescue to ensure adequate access and flows for the proposed structures.

No deficiencies have been identified. This standard is met.

#### **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.*

**Response:** Fire protection facilities will be constructed concurrent with lot development and building construction in accordance with City and Tualatin Valley Fire and Rescue requirements. No deficiencies have been identified. This standard is met.

### **Chapter 16.118 – Public and Private Utilities**

#### **16.118.020 - Standard**

*A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.*

*B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is*



*specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.*

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

**Response:** Public utility easements currently exist along the frontage of Tualatin-Sherwood Road and Langer Farms Parkway. Installation of all necessary utilities to serve this development will occur with construction of this project. An 8-foot wide public utility easement will be granted along the Century Drive right-of-way with the recording of the subdivision plat dedicating said right-of-way. No deficiencies have been identified. This standard is met.

#### **16.118.030 - Underground Facilities**

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

**Response:** With the exception of high voltage BPA and PGE power lines, all utility facilities necessary to serve this development will be constructed underground. This standard is met.

#### **16.118.040 - Exceptions**

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

**Response:** Exceptions noted. The existing BPA and PGE overhead transmission lines located in the northeast corner of the site are to remain overhead.

#### **16.118.050 - Private Streets**

**Response:** Private streets are not proposed or necessary for this project. Therefore, these standards do not apply to this application.

### **Chapter 16.142 – Parks and Open Spaces**



### **16.142.080 – Trees on Private Property Subject to Certain Land Use Applications**

**Response:** No trees exist on the subject site, therefore this Section does not apply. The City is currently adopted an updated tree ordinance that goes into effect May 31, 2012 after the date of this report and land use application. The new code requires a 30% expected tree canopy coverage for the site.

Although the applicant is not required to meet the code the applicant has provided calculations that indicate once the BPA easement is removed, the proposal will have a 30% canopy coverage (See L Sheets contained within the Plan Set Attachment 1).

### **Chapter 16.144 – Wetland Habitat and Natural Areas**

**Response:** A wetland exists at the southern end of the overall 55.09-acre parent parcel. However, the wetland is not near the subject 19.82-acre site that is located at the northern end of the parent parcel. A Service Provider Letter for the entire 55.09-acre parcel has been issued by Clean Water Services dated April 5, 2012 (see Attachment 9).

No trees exist on the property and the Metro Vegetative Cover Map does not identify any vegetated cover on the subject 19.82-acre site. No significant resources are identified on the Metro Regionally Significant Fish and Wildlife Habitat Map (Habitat Conservation Area Map).

Chapter 5 – Environmental Resources of the Sherwood Comprehensive Plan, Part 2 does not identify any protected resources on the subject 19.82-acre site.

The proposal will have no impact on sensitive areas and resources. Therefore the proposal complies with this section and no further study is required.

### **Chapter 16.146 – Noise**

**Response:** High levels of noise beyond what is expected in an urban area is not anticipated. Therefore, the proposed use will be within required standards and there will be no adverse impacts.

### **Chapter 16.148 – Vibrations**

**Response:** High levels of vibration beyond what is expected in an urban area is not anticipated. Therefore, the proposed use will be within required standards and there will be no adverse impacts.

### **Chapter 16.150 – Air Quality**

**Response:** High levels of pollution beyond what is expected in an urban area is not anticipated. Therefore, the proposed use will be within required standards and there will be no adverse impacts.

### **Chapter 16.152 – Odors**

**Response:** High levels or unusual odors are not anticipated.



## **Chapter 16.154 – 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.*

**Response:** A site lighting photometric plan has been prepared and is contained within the Plan Set submitted with this application.

## **Chapter 16.156 – Energy Conservation**

### **16.156.020 - Standards**

*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.*

*Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.*

**Response:** The south and east facing elevations are unobstructed from receiving winter sunlight. The applicant proposes a substantial amount of trees to comply with the proposed landscaping code. No vegetation is proposed near neighboring properties that would impair solar access. This standard is met.

## **V. CONCLUSION**

This applicant narrative and attachments demonstrate compliance with City approval criteria and code. The applicant respectfully requests that the Planning Commission approve this application.

