

To: Planning Commission

Pre-App. Meeting: May 25, 2012
App. Submitted: October 23, 2012
App. Complete: December 17, 2012
120-Day Deadline: April 16, 2013
Hearing Date: February 12, 2013

FROM:



Brad Kilby, AICP, Senior Planner

Proposal: The applicant proposes a major modification to make improvements to an existing building increasing the floor area from 54,024 square feet to 80,061 square feet by adding an interior floor for both climate, and non-climate controlled storage lockers. The applicant is also requesting a Conditional Use Permit (CUP) for outdoor display of U-Haul rental vehicles and trailers. The property is zoned General Industrial (GI).

I. BACKGROUND

- A. Applicant/Owner:
Amerco Real Estate
Attn: David Pollock
2727 N. Central Avenue
Phoenix, AZ 85004
- B. Location: The property is located at 13921 SW Tualatin-Sherwood Road, and located on the north side of Tualatin-Sherwood Road. The property is identified as tax lot 0500 on Washington County Assessor Map 2S128BD.
- C. Parcel Size: The subject property is approximately 3.43 acres in size.
- D. Existing Development and Site Characteristics:
The property had recently been acquired by U-Haul and is currently developed with an existing U-Haul business and the Sherwood Auto Center, a mix of auto-oriented services. The site is fairly flat and is located between an existing railroad line to the east, and a Bonneville Power Administration (BPA) power line easement to the west. The property is surrounded by existing industrial uses. Access into the site is provided via an easement over the BPA powerline easement to the east.
- E. Site History: The site was developed with the existing uses under City file SP 95-13 Sherwood Auto Center. Under that decision, the property was developed with the existing building, and included the following uses, a 47,500 sq. ft. warehouse with machine shop; a 1,260 sq. ft. oil and lube shop; a 2,250 sq. ft. auto body shop; and a car wash. The car wash was never constructed, and according to a hand written note in the file, that request was withdrawn. The only approved access into the site is from a 35-foot

wide easement from the south across a BPA power line easement. Prior to development the site was farmed.

- F. Zoning Classification and Comprehensive Plan Designation: The property is zoned General Industrial (GI). Mini-warehousing and self-storage is a permitted use within the GI zone. The motor vehicle related uses within the building, are not proposed to be expanded, and are pre-existing uses that were allowed at the time that the site was originally permitted; therefore, it is not necessary to require the owner to obtain a separate permit for those uses.

The Sherwood Zoning and Development Code, specifically within the use tables within § 16.31.020, allows Tool and Equipment Rental and Sales, including Truck Rentals outright. This use is subject to a size limitation of 5,000 square feet in a single outlet, or 20,000 square feet in multiple outlets in the same development. Since the applicant is proposing to prominently display the equipment in the front of the building, and the original decision expressly prohibited outdoor storage because it was not requested at that time, the applicant has requested the outdoor merchandising and display as a conditional use. The applicant is proposing to store the trucks and trailers in the front of the building and in plain view from SW Tualatin Sherwood Road.

- G. Adjacent Zoning and Land Use: Properties surrounding the site are developed with industrial uses including a pallet manufacturer to the north, a tow yard to the east, a mix of manufacturers to the west, and the Pride Disposal headquarters to the south of Tualatin-Sherwood Road. The site is also immediately adjacent to a Southern Pacific Railroad Line to the north and a BPA power line easement to the immediate east.
- H. Review Type: According to § 16.72.010.4.c, site plans for developments over 40,000 square feet require a Type IV review with a decision made by the Planning Commission after consideration of public comments. Type III permits are typically reviewed by a Hearings Officer, but when multiple applications are filed concurrently, the application is considered by the highest review authority. In this case, the highest review authority is the Planning Commission. An appeal would be heard by the City of Sherwood City Council so long as the person appealing had provided comments prior to the close of public testimony at the public hearing and has filed an appeal within fourteen 14 days after the decision has been mailed. Further, the applicant is proposing an increase in the floor area for a non-residential use by more than 10 percent which dictates that this application be reviewed as a major modification pursuant to § 16.90.030(A)1.a.5.
- I. Neighborhood Meeting: The applicant held a neighborhood meeting on September 12, 2012 at the facility. The applicant discussed the proposed development. The applicant provided notes, the sign in sheet, and an affidavit of mailing with the application materials. One person from the public attended the meeting and requested that the applicant reconsider the use as it would compete with his existing storage facility.
- J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1000 feet, posted on the property and in five locations throughout the City on January 22, 2013 in accordance with the notice provisions of § 16.72.020 of the SZCDC.
- K. Review Criteria: Sherwood Zoning and Community Development Code, 16.31 (Industrial Land Use Districts); 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking and Loading), 16.96 (On-Site Circulation);

16.98 (On-site Storage), All of Division VI - 16.104-16.118 (Public Improvements), 16.142 (Parks and Open Space), 16.146 (Noise), 16.48 (Vibrations), 16.150 (Air Quality), 16.52 (Odors), 16.154 (Heat and Glare).

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on January 22, 2013. Staff has not received any public comments as of the date of this report on the proposal.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on December 26, 2012. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Information Technology Department: Brad Crawford, the Sherwood Broadband and City IT Director submitted comments on January 3, 2013. The department has no comments on the application. Mr. Crawford's comments are attached to this report as Exhibit A.

Sherwood Engineering Department: Jason Waters, PE, the City's Civil Engineer submitted comments on January 9, 2013. He states that the site plan cover sheet indicates the project will not convert any pervious surfaces to impervious. If that's the case they will not need to bring their public infrastructure and private water quality facility (WQF) into compliance with current standards, but they will need to ensure the water quality facility is functioning and the plants are in good condition.

- Gross floor area increases, therefore System Development Charges/Transportation Development Tax SDC/TDT will need to be recalculated
- Existing WQF must be maintained and brought into compliance with the original design
- Access & maintenance covenant must be established for the private water quality facilities
- Public water easement must be established around existing water meters and fire flow vaults, if not already in place
- Reciprocal access easement/agreement with Blakeslee Properties, LLC should be provided to assure the site has legal access to Tualatin-Sherwood Road
- City grading & erosion control permit will be required for the 510 square feet of landscaping

The Engineering Department comments are incorporated throughout the report, and where appropriate conditions have been imposed to ensure that the proposal meets the standards which the engineering department is responsible to enforce. Mr. Waters' comments are attached to this report as Exhibit B.

Clean Water Services (CWS): The CWS Pre-screen letter is attached to this report as Exhibit C. CWS did not provide comments specific to the request beyond the pre-screen letter stating that a service provider letter was not necessary.

Tualatin Valley Fire and Rescue: John Wolff, Deputy Fire Marshal II with Tualatin Valley Fire and Rescue (TVFR), submitted comments for this proposal on January 17, 2013. Mr. Wolff indicated that the district endorses the application provided their fire, life, and safety requirements, listed in the comments, were satisfied. Mr. Wolff's comments are attached to this report as Exhibit D.

Washington County: Naomi Vogel of Washington County TLS indicated that they had reviewed the proposal and indicates that improvements to SW Tualatin-Sherwood Road are not warranted with this proposal. Mrs. Vogel's comments are attached to this report as Exhibit E.

Pride Disposal Co.: Kristin Leichner of Pride Disposal provided an e-mail stating that they have no comments as the proposal would not affect their ability to service the site. Ms. Leichner's e-mail is attached to this report as Exhibit F.

Sherwood Public Works Department: Rich Sattler of the Sherwood Public Works Department provided the following comments:

- Site does not appear to have adequate backflow protection on the domestic water service, the existing double check valve assembly at the meter is not commensurate with the degree of hazard (area in back of building has a pump system for detailing cars). Install Reduced Pressure Principle Backflow Assembly at the point of connection to the pump system, remove use of pump or install a Reduced Pressure Principle Backflow Assembly at the water meter.
- Site does not appear to have adequate backflow prevention on the fire suppression system, the existing Double Detector Backflow Assembly is not commensurate with the degree of hazard (an anti-freeze loop existing within the building). Install a Reduced Pressure Principle Backflow Assembly at the point of connection to the anti-freeze loop or install a Reduced Pressure Principle Backflow Assembly at the property line. Ensure that an adequate drain line is supplied to the relief port of the backflow assembly.
- We are unable to locate a storm water report for the site, provide. Site detention pond does not have all of the plumbing connected. Offsite swale on adjacent proper does not appear to have easement for maintenance and is in need of repair (vegetation of swale is sparse, inlet is submerged). Site does not have a maintenance agreement for the swale.
- Will access to west and north side of building be gated? If so how will the City be granted access during all hours to maintain the sanitary sewer system? Mr. Sattler's comments are attached to this report as Exhibit G.

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

Conditional Use Permit Required Findings (SECTION 16.82)

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.**

FINDING: All of the listed facilities are currently available to the site, and where deficient, have been discussed and conditioned in more detail later in this report. This criterion can be satisfied as conditioned in this report.

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.**

STAFF ANALYSIS: The proposed primary use for the site as a mini-storage facility would be constructed entirely within the existing building and does not propose any improvements that would be non-conforming with respect to the currently approved dimensional standards of the zone as discussed throughout this report. It should be noted that the applicant was advised within the pre-application conference, held before the passage of the revised industrial code language that permanent outdoor storage and merchandising was required to obtain a conditional use permit. Therefore, the reason for the conditional use stems from a specific request for the storage of the trucks and the trailer as permanent outdoor display and merchandising. The proposed conditional use is not related to any physical improvements to the building.

As proposed, the applicant wishes to utilize 12 parking spaces on the south side of the building and an additional equipment staging area on the southwest corner of the site.

It should be noted that the original decision for the development expressly prohibited outdoor storage. Other industrial uses within the area do have outdoor storage associated with them, but it has been typically screened from public view by fencing and/or landscaping. U-Haul maintains that the outdoor storage and merchandising is a key component to the visibility and success of their business.

Properties surrounding the site are developed with industrial uses including a pallet manufacturer to the north, a tow yard to the east, a mix of manufacturers to the west, and the Pride Disposal headquarters to the south of Tualatin-Sherwood Road. The site is also immediately adjacent to a Southern Pacific Railroad Line to the west and a BPA power line easement to the immediate east. The proposed location of the outdoor storage and merchandising area is located along the sites frontage with SW Tualatin Sherwood Road.

Finally, in a recent site visit staff observed approximately 37 U-Haul vehicles and trailers located along the sites frontage leading staff to beg the question of whether or not the operation can operate with a limitation of only 12 spaces and the associated equipment staging area. Tool and Equipment Rental and Sales, including Truck Rentals is an outright permitted use subject to a size limitation of 5,000 square feet in a single outlet, or 20,000 square feet in multiple outlets in the same development.

The permanent outdoor display and merchandising use is a Conditional Use Permit and the following condition is warranted.

FINDING: The proposed conditional use is a use that is customarily associated with the operation of the business. There is no evidence in the request to suggest that the proposed outdoor sales area would compromise public safety or create any noise that would be outside of the acceptable parameters of the Sherwood Municipal Code or operations typical of general industrial property. It should be noted that the property owner and business would be subject to code enforcement proceedings should such a situation arise.

Staff has expressed concern that the existing business does not have a conditional use to store the equipment and outdoor merchandising that is being stored along SW Tualatin-Sherwood Road at this time. The business is currently operating outdoor merchandising and display that exceeds the proposed area as well as beneath the Bonneville Power Associates (BPA) powerline easement, which according to a telephone conversation with the BPA representative is not allowed. Therefore, staff would suggest that the Planning Commission impose a condition of approval that requires that the business owner comply with the proposed amount of area proposed for the conditional use and keep all equipment and trucks outside of the limits of the BPA powerline easement.

RECOMMENDED CONDITION: The outdoor storage and display area is limited to the proposed 12 parking areas shown on plan sheet SP1 dated 10/03/12, and shall not extend beyond that area without prior approval from the City of Sherwood Planning Commission as an amendment to the Conditional Use Permit.

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.

STAFF ANALYSIS: The use of the site as a proposed mini-warehousing and self-storage is a permitted use consistent with the allowed uses within the GI zone. The zone is intended to implement the goals and objectives of the Comprehensive Plan and would arguably meet the overall needs of the community as spelled out within the Plan. The outdoor merchandising and display area is in a location on the site that is not likely to create off-site traffic issues, and does not preclude the City or any adjacent development from complying with the city's Transportation System Plan (TSP). The outdoor merchandising and display area is intended to support the primary use.

FINDING: The proposed outdoor merchandising and display area will occupy approximately 6,360 square feet or 4% of the overall site, and is proposed in a location that is well away from existing residential uses, within the industrial area but visible to the street. There is no evidence to suggest that the area would be incompatible with surrounding uses, or in itself create any adverse impacts or conflicts that cannot be mitigated for by meeting the site design standards of the SZCDC. This criterion is satisfied.

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.

STAFF ANALYSIS: Because of the nature of the use, the surrounding uses, and the proposed location of the outdoor merchandising and display area, the conditional use requested is not likely to adversely affect surrounding uses in that it is adjacent to uses that are also zoned industrial as opposed to residential where the impacts would be greater. Impacts of the primary use of the site are evaluated, and where appropriate conditioned to make sure that impacts to the community are mitigated to the extent that the Code allows.

FINDING: The proposed outdoor merchandising and display area is in a location on the overall site that is not likely to adversely affect surrounding properties or uses. This criterion is met.

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

FINDING: The outdoor merchandising and display area, the subject of the CUP request, would occupy approximately 4% percent of the overall site. There are no topographic or natural features designated for protection on the site. The subject site can easily accommodate the proposed area. This criterion is met.

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

STAFF ANALYSIS: The subject property does not have any designated or protected sensitive wildlife species.

FINDING: The proposed outdoor merchandising and display area is unlikely to pose significant impacts to any designated natural resources as the area being considered is already developed. This criterion is satisfied.

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 § 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.

FINDING: The proposed development is located within the General Industrial (GI) zone, and is subject to the Highway 99W Capacity Allocation Program (CAP) which limits a development to 43 trips/per acre for the P.M. peak hour. As discussed in greater detail later in this report, specifically within the discussion of § 16.106.070. As proposed, the development has been evaluated by the City Engineer, and will not exceed the CAP. This criterion is satisfied.

8. For wireless communication facilities, no conditional use permit shall be granted unless the following additional criteria is found:

- a. The applicant shall demonstrate to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone**

due to the coverage needs of the applicant.

- b. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
- c. The applicant shall demonstrate a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.
- d. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.
- e. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.

FINDING: The requested CUP does not include a wireless communication facility; therefore, this criterion is not applicable to the proposed development.

9. The following criteria apply to transportation facilities and improvements subject to Conditional use approval (in addition to criteria 1--7) per 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved subdivision or partition subject to site plan review.
- a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
 - c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval.
 - d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in § 1--7 and 9.a--9.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

FINDING: The requested CUP does not include a transportation system facility that is being requested outside the scope of the TSP; therefore, this criterion is not applicable

to the proposed development.

D. Additional Conditions

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

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

FINDING: The CUP is being requested to allow an outdoor merchandising and display area along SW Tualatin-Sherwood Road. That frontage is currently landscaped with mature street trees, shrubs and grass. The proposed use would occur in a location that would take up approximately 12 parking spaces along that frontage, and another paved area behind the parking. According to the applicant, the 12 spaces are not included in the applicant's minimum parking requirements. The impacts of the revisions to the building and site are evaluated against the applicable provisions of the SZCDC throughout this report and conditions have been recommended where the proposal does not meet the code to ensure that the proposal is modified in a manner that does satisfy and meet the code prior to being approved for construction. There is not any evidence within the record to suggest that the proposed outdoor merchandising and display area would create impacts that warrant any of the additional conditions discussed above. These criteria are not applicable to the proposed development.

IV. SITE PLAN REVIEW REQUIRED FINDINGS (SECTION 16.90)

As mentioned previously, the applicant is proposing an increase in the floor area for a non-residential use by more than 10 percent which dictates that this application be reviewed as a major modification pursuant to § 16.90.030(A)1.a.5. In the case of major modifications, the scope of the review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For this reason, the following discussion is focused on the provisions of the Code that are applicable to the requested improvements in the proposal.

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

FINDING: This standard can be met as discussed and conditioned in this report.

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

FINDING: The site is already served by existing water, sanitary, storm water, solid waste, public safety, electrical power and communications providers. The applicant is not proposing any new utility improvements, as the majority of the revisions will be to the interior of the existing building on site. This criterion is satisfied.

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

FINDING: The site is owned by U-Haul and already developed. The maintenance of structures, landscaping, and other on-site features have been on-going, and do not appear to be neglected. This criterion is satisfied.

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

FINDING: The site does not include any significant natural features, and the proposed development would be primarily interior to the existing building, or in the case of the outdoor merchandising and display located on existing pavement. Therefore, this criterion is not applicable to the proposed development.

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 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein.**

FINDING: The applicant submitted a CAP analysis by Heath and Associates Inc., a transportation and civil engineering firm from Washington, which indicates that the revised project and existing uses will generate 58 PM peak trips. The existing CAP standards would allow the 3.25 acre site to generate 140 vehicular trips in the PM peak hour. Therefore, the expected combination of existing and new trips would fall well below the allowed 43 trips per acre standard allowed by the CAP and this criterion is satisfied.

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.**

STAFF ANALYSIS: The applicant provided a technical memorandum from Gregory Heath, a professionally licensed traffic engineer from Heath and Associates Inc., which indicates that the facility could be expected to generate 604 average daily trips. Consistent with the direction from the City Engineer, further traffic study or analysis was not warranted due to meeting the CAP requirements.

FINDING: A full traffic impact analysis beyond the analysis required to satisfy the City's CAP ordinance, was not warranted based on the expected traffic generation for the proposed site. This criterion is not applicable to the proposed development.

7. **The proposed office, retail, 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:**
 1. **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.**
 2. **Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
 3. **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.**

STAFF ANALYSIS: This proposal is zoned GI and the physical improvements would be developed primarily within the existing building as a mini-storage and warehouse.

FINDING: The building is pre-existing, and already oriented to SW Tualatin-Sherwood Road, a more detailed analysis of the buildings compliance with the Industrial Design Standards that are applicable to this development can be found under the discussion of

Industrial Design Guidelines. As conditioned throughout this report, the proposed development will satisfy the development requirements for allowed industrial uses within the zone.

- 8. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards shall include the following:**
 - a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) shall meet any four of the following six design criteria:**
 - (1) A minimum 15% window glazing for all frontages facing an arterial or collector.**
 - (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).**
 - (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).**
 - (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.**
 - (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If the loading area is visible from an arterial or collector, they must be screened with vegetation or a screen made of materials matching the building materials.**
 - (6) All roof-mounted equipment is screened with materials complimentary to the building design materials.**
 - b. As an alternative to 8.a above, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):**
 - (1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.**
 - (2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.**
 - (3) Support the City's goals of economic development.**
 - (4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.4.H.**
 - (5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.**

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

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

STAFF ANALYSIS: SW Tualatin-Sherwood Road is classified as an arterial, and the proposed development would be located within 200 feet of this street. It should also be noted that while there are proposed improvements to the exterior of the building, the primary improvements would be constructed within the interior of the existing structure. The existing building is constructed of painted concrete, metal, and glass, and is somewhat articulated in that there are four distinct planes associated with the front façade of the building.

Within the narrative, the applicant has indicated that the proposed glazing for the street facing façade will be increased by expanding the window areas to a total of 1,016 square feet which constitutes 15.7% of the 6,460 square feet building façade. The loading areas for the development will be located to the rear of the building. The applicant has stated that there will not be any new roof mounted equipment associated with the modifications.

FINDING: The building is within 200-feet of SW Tualatin-Sherwood Road, which is classified as an arterial. As discussed above and illustrated on Sheets SP1 and A2, the proposal satisfies at least four of the applicable industrial design standards.

V. APPLICABLE CODE STANDARDS

Chapter 16.31 Industrial Land Use Districts

16.31.020 Uses

The table speaks to land uses that are permitted outright, permitted conditionally, or not permitted within the Industrial zoning districts. In this instance, the property is zoned General Industrial (GI)

FINDING: The applicant is proposing to develop a self-storage business within the existing structure. Within the General Industrial zoning district the use table indicates that mini-warehousing and self-storage is an outright permitted use subject to site plan approval. The proposed outdoor display and merchandising is addressed as a conditional use permit previously in this report.

16.31.030 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than

minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.

A. Lot Dimensions

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

- 1. Lot area: 20,000 sq ft
- 2. Lot width at front property line: 100 feet
- 3. Lot width at building line: 100 feet

FINDING: The existing lot area, lot width and width at the building line exceed the minimum requirement prescribed above. The applicant is not proposing to modify the dimensions of the existing lot; therefore, this criterion is satisfied by the proposed development.

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard:	None
2. Side yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
3. Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
4. Corner lots:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

STAFF ANALYSIS: The lot is not adjacent to residentially zoned lots therefore there is not a setback requirement for the side or rear property lines.

FINDING: As proposed, the building is set back is 40 feet to the front lot line. The setbacks are not affected by the proposed development. This criterion is not applicable.

16.31.060 Community Design

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

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

Chapter 16.58 Clear Vision and Fence Standards

16.58.010 Clear Vision Areas

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

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

FINDING: The site is located in the General Industrial zone, and not subject to any setbacks, however, the applicant is not proposing to construct any new improvements within the clear vision area, so this standard is not applicable to the proposed development.

Division V- Community Design

The applicable provisions of Chapter 5 include: 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-street parking and Loading), and 16.96 (On-site Circulation). 16.98

Compliance with the standards in these sections is discussed below:

16.92 Landscaping

16.92.010 Landscape Plan

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

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

FINDING: The proposed site plans illustrate that the applicant is adding three new landscape islands within the parking lot. The site plan shows planting areas on the site in all areas which are not paved. All existing landscaping is proposed to be retained on site. This standard is met.

16.92.020 Landscaping Materials

A. Type of Landscaping

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

STAFF ANALYSIS: The proposed development includes the addition of three landscape islands in an effort to improve a preexisting non-conforming parking lot. The applicant is proposing to maintain all existing on-site landscaping. The proposed additional landscaping will ensure that 19,887 square feet, or approximately 13.3% of the overall site is landscaped.

FINDING: This standard is met.

B. Plant Material Selection and Preparation

- 1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**

FINDING: The proposed landscaping plan does not identify how the new landscape materials will be established and maintained in a healthy condition and sufficient size. The landscaping plans do not indicate how the topsoil or subsoil preparation will be undertaken. This standard is not met, but can be met as conditioned below.

RECOMMENDED CONDITION: Prior to final site plan approval submit additional information on the proposed planting and maintenance plan to ensure that the new landscape islands will be appropriately maintained.

C. Existing Vegetation

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

FINDING: The applicant has noted that they are proposing to maintain all existing landscaping; therefore, this criterion is satisfied.

D. Non-Vegetative Features

Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas. Impervious paving shall not be counted as landscaping. Artificial plants are prohibited in any required landscaped area.

FINDING: The proposed plans show a mixture of existing trees, shrubs and low growing ground cover. It does not appear that there are any hardscapes being proposed to be counted towards the landscape requirement, therefore this standard is met.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

2. Perimeter Landscape Buffer

- a. A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.**

STAFF ANALYSIS: The site takes access from an easement across a BPA powerline easement. The parking areas long the Tualatin-Sherwood Road are provided with perimeter landscaping. Parking areas at the rear of the building are buffered from the adjacent property by a tall chainlink fence, but the applicant did not provide information to demonstrate how those parking areas are buffered from the abutting properties.

FINDING: As discussed above, the applicant has not demonstrated that this standard is satisfied in that there are parking areas at the rear of the building which have not been provided with any type of screening. Therefore, the following condition is warranted.

RECOMMENDED CONDITION: Prior to final site plan approval, the applicant shall provide a revised site/landscape plan that demonstrates perimeter landscaping is provided for the parking areas at the rear of the site.

B. Parking Area Landscaping

FINDING: The only modifications to the existing parking areas is the addition of three new landscape islands or the equivalent of about 510 square feet of landscape. All parking areas are primarily located at the front and rear of the building, and are already provided with the majority of site landscaping. However, the applicant did not provide the information needed to demonstrate compliance with the standards listed in 16.92.030.B. It appears feasible that the proposed development could satisfy this standard as conditioned below. Since the proposal is a major modification, the applicant is required to demonstrate compliance; therefore, the following condition is warranted.

RECOMMENDED CONDITION: Prior to final site plan approval, the applicant shall provide a revised site/landscape plan that demonstrates compliance with the Parking Area Landscaping Requirements of the Sherwood Zoning and Community Development Code in Section 16.92.030.B.

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

16.94.010 Generally

A. Off-Street Parking Required.

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

STAFF ANALYSIS: The applicant is proposing to utilize the existing parking spaces on site to meet their minimum parking requirements. The applicant has indicated that there is 3,724 square feet of proposed retail, and 88,626 square feet of proposed warehousing for a total of 91,327 square feet of space. The development code requires 0.3 parking spaces per 1,000 square feet for warehouses that are 150,000 gross square feet or greater.

FINDING: In this instance, the applicant has suggested that the development is required to provide 43 parking spaces, but has provided 56 spaces, including two ADA accessible spaces. Under this provision, the applicant could request a reduction of up to 25% for required parking, but does not need it. This standard is satisfied.

16.94.020 Off-street parking standards

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

FINDING: As discussed above, the minimum parking requirements have been satisfied by the proposed development.

16.96 On-Site Circulation

16.96.010 – On-site pedestrian and bicycle circulation

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

STAFF ANALYSIS: All proposed access into and along the perimeter of the site is existing. As proposed, the site provides safe, marked, and to the extent practical, convenient pedestrian access, but the site is being developed with an industrial use which already has public sidewalks into the site.

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

16.96.010.D - Connection to Streets

- 1. Except for joint access as per 16.96.010, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**
- 2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.**

FINDING: The proposed development will have shared/joint access to SW Tualatin Sherwood Road, a public street via an access across the BPA powerline easement, and with the industrial park located north of the site. This criterion is satisfied.

16.98.020 - Solid Waste Storage

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

STAFF ANALYSIS: The preliminary plans are that the applicant will use the existing waste facilities on site. Pride Disposal submitted an e-mail which indicates that the existing enclosure is adequate to meet the needs of the proposed modification. This criterion is satisfied.

16.98.040 Outdoor Sales and Merchandise Display

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

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

FINDING: The development includes a proposal for permanent outdoor sales and merchandise display along the sites frontage with SW Tualatin-Sherwood Blvd. Consistent with this section, a Conditional Use Permit has been requested by the applicant.

B. Standards

- 1. Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.**
- 2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.**

3. **Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be improved with asphalt surfacing, crushed rock, or other dust-free materials.**
4. **Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone.**

FINDING: The proposed outdoor merchandising is not located within any required yard area or landscape setback, and is proposed to occur on an existing asphalt surface. Keeping the site free and clear of debris and secure and stable is an on-going requirement of the development. Any instance where the site is out of compliance with these sections will warrant action by the City Code Enforcement Officer. These criteria are satisfied.

Division VII. Public Infrastructure

16.106 Transportation Facilities

16.106.020 Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.

FINDING: The site takes access from SW Tualatin-Sherwood Road. According to the City Engineer, no additional improvements or right-of-way is needed with this development. This standard is met.

B. Existing Streets

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

FINDING: This development will take access from an access easement connecting to SW Tualatin-Sherwood Road. According to the City Engineer, there are no public improvements needed at this time. This standard is not applicable.

16.106.030 Location

A. Generally

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

B. Street Connectivity and Future Street Systems

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

STAFF ANALYSIS: As previously discussed in this report, the site will take access from an easement to Tualatin-Sherwood Road. The site is surrounded by existing development where there are no proposed extensions of any public streets.

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

16.106.040 .J. Transit Facilities

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

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

FINDING: There are no existing or proposed transit routes adjacent to or near this site. It is not anticipated that pedestrians will be visiting the site. Transit facilities are not currently available to the site, and do not appear to be necessary for this development. This criterion is not applicable.

16.110 - Sanitary Sewers

16.110.010 Required Improvements

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.

FINDING: The site is already provided with public sanitary sewer service. The applicant will be required to obtain plumbing permits from the building division for any future plumbing improvements to the site.

16.112- Water Supply

16.112.010 Required Improvements

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 16.112.

FINDING: The site is already provided with public water service. The applicant will be required to obtain plumbing permits from the building division for any future plumbing improvements to the site.

16.114 - Storm Water

16.114.010 Required Improvements

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.

FINDING: The proposed development does not increase the amount of impervious surface on the site, as the majority of physical improvements will occur on the interior of the building. The site is already served by an existing water quality facility, and there is no requirement to upgrade the facility.

16.116 Fire Protection

16.116.020 Standards

A. Capacity

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

B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be

clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

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

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

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

RECOMMENDED CONDITION: Prior to the final site plan approval, provide verification that the fire department has reviewed and approved the plans for fire suppression and emergency services.

16.118. – Public and Private Utilities

16.118.020 Standards

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property (ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

STAFF ANALYSIS: The site is served by existing utilities.

FINDING: Utilities are available to the property and, as demonstrated within the plans and narrative will not be altered by the proposed development. These criteria are not applicable to the proposed development.

16.142.050. Street Trees

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

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

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

FINDING: No new street trees are required for this proposal. Street trees were provided along the sites frontage with the original development. These criteria are not applicable to the proposed development since there are already street trees along the sites frontage with SW Tualatin-Sherwood Road.

16.142.060 - Trees on Property Subject to Certain Land Use Applications

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

FINDING: The applicant is not proposing to remove any of the existing on-site landscaping; therefore, this criterion is not applicable to the proposed development.

16.148.010 - Vibrations

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

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

16.150.010 – Air Quality

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

- A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.**
- B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.**
- C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.**

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

16.152.010 - Odors

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

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

16.154.010 – Heat and Glare

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

STAFF ANALYSIS: The applicant did not provide a proposed lighting plan, or speak to the site lighting within the narrative. It is likely that the only additional lighting will be placed at the proposed new man door and sidewalk along the south side of the building, and there is the potential that additional lighting would be added along the new parking provided at the rear of the site. However, there is not enough information provided to ensure that the development satisfies this standard.

FINDING: The proposed lighting plan shows two potential locations where fugitive lighting may occur on the property to the east and south of the site. The applicant did not respond, and it is not clear from the proposed plans whether or not lighting would be added or required in these areas. Therefore, the following condition is warranted.

RECOMMENDED CONDITION: Prior to final site plan approval submit a revised lighting plan showing that the lighting will not be more than 0.5 foot candle from the property onto adjacent properties.

RECOMMENDATION

Based upon review of the applicant’s submittal information, review of the Code, agency comments and consideration of the applicant’s revised submittal, staff finds that the proposed site plan (SP 12-07) and Conditional Use Permit (CUP 12-03) does not fully comply with the standards but can be conditioned to comply, and recommends **approval** of the requests subject to compliance with the following conditions of approval.

VI. CONDITIONS OF APPROVAL

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans dated October 3, 2012 prepared by Amerco Real Estate Company except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The outdoor storage and display area is limited to the proposed 12 parking areas shown on plan sheet SP1 dated 10/03/12, and shall not extend beyond that area without prior approval from the City of Sherwood Planning Commission as an amendment to the Conditional Use Permit.
4. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
5. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.

6. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan.
7. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
8. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
9. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

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

1. Obtain City of Sherwood Building Department approval for any grading plans.

Prior to Final Site Plan Approval:

1. Submit the required final site plan review fee along with a brief narrative and supporting documents demonstrating how each of the final site plan conditions are met.
2. Prior to final site plan approval submit additional information on the proposed planting and maintenance plan to ensure that the new landscape islands will be appropriately maintained.
3. Prior to final site plan approval, the applicant shall provide a revised site/landscape plan that demonstrates compliance with the Parking Area Landscaping Requirements of the Sherwood Zoning and Community Development Code in Section 16.92.030.B.
4. Prior to the final site plan approval, provide verification that the fire department has reviewed and approved the plans for fire suppression and emergency services.
5. Prior to final site plan approval submit a revised lighting plan showing that the lighting will not be more than 0.5 foot candle from the property onto adjacent properties.

Prior to Issuance of a Building Permit:

1. Receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) including compliance with all conditions specified in "Prior to approval of public improvement plans.
2. Obtain final site plan approval from the Planning Department.

Prior to Issuance of Certificate of Occupancy:

1. All site improvements including but not limited to landscaping, parking and site lighting shall be installed per the approved final site plan and inspected and approved by the Planning Department.
2. Prior to the issuance of a final Certificate of Occupancy for the site, the applicant shall provide verification to the planning department that all other appropriate department and agency concerns listed in the exhibits have been satisfied.

3. All Building Department permits must have passed final inspections and have completed Building Department Final Approval.

VII. Exhibits

- A. E-mail from Brad Crawford – Sherwood Broadband/IT Director
- B. E-mail from Jason Waters – Sherwood Engineering Department
- C. Copy of the Clean Water Services pre-screen determination
- D. Comments from John Wolf – Tualatin Valley Fire and Rescue
- E. E-mail from Naomi Vogel – Washington County Transportation and Land Services
- F. E-mail from Kristin Leichner – Pride Disposal (garbage/recyclable service provider)
- G. Comments from Rich Sattler – Sherwood Public Works Department
- H. Applicant's Materials