City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, July 19, 2022

Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon

5:30 pm URA Board of Directors Executive Session
(ORS 192.660(2)(e), Real Property)

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

This meeting will be live streamed at
https://www.youtube.com/user/CityofSherwood

AMENDED AGENDA

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

AGENDA

SHERWOOD CITY COUNCIL
July 19, 2022

5:30 pm URA Board Executive Session
(ORS 192.660(2)(e), Real Property)

6:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

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22560 SW Pine Street
Sherwood, OR 97140

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https://www.youtube.com/user/CityofSherwood

6:30 PM CITY COUNCIL WORK SESSION

1. **League of Oregon Cities (LOC) Legislative Priorities**
   (Keith Campbell, City Manager)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**

   A. **Approval of June 29, 2022 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
   B. **Resolution 2022-054, Appointing Alan Rappleyea as Interim City Attorney**
      (Josh Soper, City Attorney)
   C. **Resolution 2022-055, Forming and Appointing the Members of a Technical Advisory Committee to Update the 2021 Economic Opportunities Analysis**
      (Bruce Coleman, Economic Development Manager)
   D. **Resolution 2022-056, Authorizing the City Manager to Sign a Service Order with 1547 CSR – Pittock Block LLC for Data Center Space and Connectivity** (Brad Crawford, IT Director)
   E. **Resolution 2022-057, Authorizing City Manager to enter into the Washington County Emergency Management Cooperative Intergovernmental Agreement**
      (Craig Sheldon, Public Works Director)
   F. **Resolution 2022-058**, **Authorizing City Manager to sign a Professional Services Contract with KPFF Consulting Engineers for 100% Design Level of the Hwy99W Pedestrian Overcrossing**
      (Bob Galati, City Engineer)
   G. **Resolution 2022-059, Reappointing Casey Chen to the Cultrual Arts Commission**
      (Chanda Hall, Arts Center Manager)
   H. **Resolution 2022-060, Authorizing the City Manager to Acquire Real Property**
      (Keith Campbell, City Manager)

6. **CITIZEN COMMENTS**
7. **PUBLIC HEARINGS**

AMENDED AGENDA

A. Land Use Appeal Hearing, LU 2022-004 MM Sentinel Storage
(Eric Rutledge, Associate Planner)

8. CITY MANAGER REPORT

9. COUNCIL ANNOUNCEMENTS

10. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, “Speakers shall identify themselves by their names and by their city of residence.” Anonymous comments will not be accepted into the meeting record.

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder’s Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.

SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
June 29, 2022

SPECIAL SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 5:30 pm.

2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, and Renee Brouse. Councilors Sean Garland and Taylor Giles participated remotely. Councilor Doug Scott was absent.

3. **STAFF PRESENT:** City Manager Keith D. Campbell, IT Director Brad Crawford, Public Works Director Craig Sheldon, Interim City Attorney Alan Rappleyea, Police Chief Ty Hanlon, Finance Director David Bodway, Community Services Director Kristen Switzer, Public Works Utility Manager Rich Sattler, HR Manager Rebecca Tabra, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

   MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

   Mayor Mays addressed the next agenda item.

5. **CONSENT AGENDA:**

   A. **Approval of June 21, 2022 City Council Meeting Minutes**
   B. **Resolution 2022-040, Authorizing City Manager to Enter into Contract for Certified Arborist and Tree Services**
   C. **Resolution 2022-041, Authorizing an Intergovernmental Agreement with the Sherwood Urban Renewal Agency for the Sherwood Broadband Project**
   D. **Resolution 2022-042, Certifying the Provision of Certain Municipal Services in Order to Qualify the City to Receive State Revenues**
   E. **Resolution 2022-043, Reappointing Caz Thomson to the Sherwood Senior Advisory Board**
   F. **Resolution 2022-044, Reappointing Donna Nevedal to the Sherwood Senior Advisory Board**
   G. **Resolution 2022-045, Reappointing Eugene Stewart to the Sherwood Senior Advisory Board**
   H. **Resolution 2022-046, Authorizing an Intergovernmental Agreement with the Willamette Water Supply System Commission for System Interconnection**

I. **Resolution 2022-047, Authorizing Granting Easements to the Willamette Water Supply System Commission**
J. **Resolution 2022-048, Approving the City Investment Policy and Authorizing Investments**
K. **Resolution 2022-049, Transferring budget expenditure appropriations between categories for fiscal year 2021-22**

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

None.

Mayor Mays addressed the next agenda item and the City Recorder read aloud the public hearings statement for all public hearing items.

7. PUBLIC HEARINGS:

A. Resolution 2022-050, Declaring the City of Sherwood's Election to Receive State Shared Revenues

Finance Director David Bodway explained that the state shared certain revenue with municipalities that chose to accept it with the condition that the municipality hold a public hearing on the use of the funds and the municipality must have levied a property tax in the preceding year. He stated that the first hearing was held on June 1st at the Budget Committee meeting and this hearing served as the second public hearing. Mr. Bodway recommended that Council adopt the proposed resolution and asked for questions or comments from Council. Mayor Mays opened the public hearing and asked for public comment on the proposed resolution. Hearing none, Mayor Mays closed the public hearing and asked for discussion or a motion from Council.

MOTION: FROM COUNCILOR YOUNG TO ADOPT RESOLUTION 2022-050, DECLARING THE CITY OF SHERWOOD'S ELECTION TO RECEIVE STATE SHARED REVENUES. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Record note: Prior to the meeting, Finance Director David Bodway provided Council with the "State Shared Revenue" PowerPoint presentation (see record, Exhibit A).

Mayor Mays addressed the next agenda item.

B. Resolution 2022-051, Adopting a Schedule of Fees as authorized by the city zoning and community development code, establishing fees for miscellaneous city services and establishing an effective date

Finance Director David Bodway explained that each year during the budget process, Finance asked department supervisors to review the fees that they charge. He stated the proposed fees fell into three categories. He provided an overview of the changes and reported that there would be a 2% increase, as approved in Resolution 2017-008, which was the maximum amount allowed since CPI was 5.1%. He continued that there would be a 4.49% increase, as previously approved in Resolution 2018-049, for SDC and TDT fees. He reported that other changes included miscellaneous new fees and minor changes and provided a brief overview of some of the miscellaneous changes. He explained that the Senior Center had added a new program fee for non-residential membership, under the Parks and Recreation section, language and fees associated with the school district fields due to the IGA termination were removed. Under the Engineering section, language for a Reimbursement District was added. Mr. Bodway recommended that Council adopt the proposed resolution and asked for questions or comments from Council. Mayor Mays opened the public hearing and asked for public comment on the proposed resolution. Hearing none, Mayor Mays closed the public hearing and asked for discussion or a motion from Council.

MOTION: FROM COUNCILOR BROUSE TO ADOPT RESOLUTION 2022-051, ADOPTING A SCHEDULE OF FEES AS AUTHORIZED BY THE CITY ZONING AND COMMUNITY DEVELOPMENT CODE, ESTABLISHING FEES FOR MISCELLANEOUS CITY SERVICES AND ESTABLISHING AN EFFECTIVE DATE. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays addressed the next agenda item.

C. Resolution 2022-052, Adopting the FY2022-23 budget of the City of Sherwood, making appropriations, imposing and categorizing taxes, and authorizing the City Manager to take such action necessary to carry out the adopted budget

Finance Director Bodway explained that on May 31st and June 1st the Sherwood Budget Committee received the budget message, reviewed the proposed budget, and heard public comment on the proposed budget. He reported that the Budget Committee had approved the proposed budget at their June 13th meeting and the budget had been published in accordance with local budget law. He stated that this public hearing was the final step in the process and Council would need to adopt the Fiscal Year 2022-23 budget. He noted that he had made an amendment to the budget that had been recommended by the Budget committee and recommended that Council approve the proposed resolution. Mayor Mays opened the public hearing and asked for public comment on the proposed resolution. Hearing none, Mayor Mays closed the public hearing and asked for discussion or a motion from Council. Councilor Young asked if the change Mr. Bodway had referred to was in reference to the additional conservative five-year forecast he had included in the “City of Sherwood FY 2022-2023 Approved Budget”? Mr. Bodway replied that was correct. With no comments or questions, the following motion was stated.

MOTION: FROM COUNCILOR BROUSE TO ADOPT RESOLUTION 2022-052, ADOPTING THE FY2022-23 BUDGET OF THE CITY OF SHERWOOD, MAKING APPROPRIATIONS, IMPOSING AND CATEGORIZING TAXES, AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION NECESSARY TO CARRY OUT THE ADOPTED BUDGET. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays thanked the Budget Committee for their hard work and careful review and evaluation of the proposed budget.

Mayor Mays addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Keith Campbell thanked the Budget Committee for their hard work and for being a part of the process. He thanked staff and the Senior Leadership Team for their hard work and diligence.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

None.

10. ADJOURN:

Mayor Mays adjourned the special session at 5:45 pm and convened an executive session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** The executive session was called to order at 6:00 pm.

2. **COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young, Doug Scott, and Renee Brouse. Councilors Sean Garland, Taylor Giles, and Doug Scott participated remotely. Mayor Keith Mays was absent.

3. **STAFF PRESENT:** City Manager Keith Campbell and Interim City Attorney Alan Rappleyea.

4. **TOPICS:**

   A. ORS 192.660(2)(e) Real Property

5. **ADJOURN:**

The executive session was adjourned at 6:55 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

City Council Meeting Date: July 19, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Josh Soper, City Attorney
Through: Keith D. Campbell, City Manager

SUBJECT: **Resolution 2022-054, Appointing Alan Rappleyea as Interim City Attorney**

Issue:
Should the Council appoint Alan Rappleyea as Interim City Attorney?

Background:
City Attorney Josh Soper has resigned his position effective July 20, 2022 in order to accept another employment opportunity. The recruitment process for a permanent replacement for this position has begun, but it is anticipated that this process will not be completed for several months.

Under Section 35 of the City Charter, the Office of City Attorney is established as the chief legal counsel of the City government. That section also provides that the City Attorney shall be either an employee of the City or a firm under a written contract approved by the Council, and that a majority of the Council must appoint and may remove the attorney or contracted firm.

Alan Rappleyea, an attorney in private practice with significant local government law experience as Washington County Counsel and Beaverton City Attorney, among other roles, is qualified and willing to serve as Interim City Attorney, through his law firm, during the period between Josh Soper's resignation and the date a new in-house City Attorney can be hired and start work. This Resolution would approve that appointment as well as a written contract, in the form of an engagement letter, for these services.

Financial Impacts:
While there will be costs for these sevices, these costs will be offset by the anticipated period of vacancy in the City Attorney employee position and resulting reduction in personnel costs. As a result, the financial impacts for the City's General Fund budget are not expected to be significant.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2022-054, Appointing Alan Rappleyea as Interim City Attorney.

RESOLUTION 2022-054

APPOINTING ALAN RAPPLEYEA AS INTERIM CITY ATTORNEY

WHEREAS, City Attorney Josh Soper provided written notice of voluntary resignation on May 27, 2022 in order to accept a new employment opportunity; and

WHEREAS, his resignation is effective July 20, 2022; and

WHEREAS, Council has begun the process to recruit and hire a new City Attorney, but this process is anticipated to take several months; and

WHEREAS, under Section 35 of the City Charter, the Office of City Attorney is established as the chief legal counsel of the City government; the City Attorney shall be either an employee of the City or a firm under a written contract approved by the Council; and a majority of the Council must appoint and may remove the attorney or contracted firm; and

WHEREAS, Council believes that Alan Rappleyea is qualified and suitable to serve as Interim City Attorney, through his law firm, during the period between Josh Soper's resignation and the date a new in-house City Attorney can be hired and start work.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council hereby appoints Alan Rappleyea as Interim City Attorney, with all authority and responsibility vested in the City Attorney under the City Charter, effective beginning on July 20, 2022 and ending on the date City Council appoints a new City Attorney, or such other date as may be determined by City Council by resolution.

Section 2. The engagement letter attached hereto as Exhibit A is hereby approved, and the Mayor is authorized to sign said letter on behalf of the City.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th day of July 2022.

_____
Keith Mays, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

June 27, 2022

Alan Rappleyea
Rappleyeagovtlaw LLC
673 NE Maryann Ct
Hillsboro, OR 97124
503-333-0779
rappleyeagovtlaw@gmail.com

Josh Soper
City Attorney, City of Sherwood
22560 SW Pine St
Sherwood OR 97140

RE: Engagement for Legal Services

Dear Josh:

Thank you for contacting me regarding the City of Sherwood. For the purpose of providing legal representation to City of Sherwood as requested by the City for an interim period while the City searches for a new City Attorney. The purpose of this letter is to outline my billing policies and confirm representation.

Upon review, I have identified no conflicts that would ethically prohibit me from representing City of Sherwood. I charge for legal services based on an hourly rate of $250. All time is rounded up to the nearest 1/10 of an hour. I bill travel time at $50/ hour.

Legal fees and costs will be billed on approximately a monthly basis. All statements will include full descriptions identifying the date of service, the amount of time spent in rendering such service, and a description of all services rendered. I recommend that you treat your invoices as confidential documents and safeguard them appropriately to protect your lawyer-client privilege. Payment is due and payable 30 days after the statement date. Bills in arrears more than 30 days are subject to a 1.5% late fee.

My goal is to provide conscientious, competent, and diligent legal services. However, I cannot achieve this goal without cooperation. This includes keeping appointments, responding to email, and making all payments required under this agreement. It is also important that you promptly notify me of any changes of mailing address, e-mail address or telephone number so I will always be able to reach you.

I will send you documents, correspondence and other information; these copies will be for your file. Generally, all documents I send will be in electronic form. If you request a paper copy, I may charge a copying or printing fee. I will also keep the information in a file in my office; the file in my office will be my file. If we meet, please bring your file to all our meetings so that we both have all the necessary information available to us. When I have completed all the legal work necessary for your case, I will close my file and return any original documents to you. Your file will be electronically stored for ten (10) years from the date of closing, and the physical file will be destroyed in a manner to ensure the confidentiality thereof.

If any of the information in this letter is not consistent with your understanding of our agreement, please contact me before signing the letter. Otherwise, if these terms are acceptable, please print and sign a copy of this and return it to me.

I appreciate the opportunity to represent you in this matter. If you have any questions, please feel free to call. I look forward to working with you.

Sincerely,

Alan Rappleyea

Alan Rappleyea
Rappleyeagovtlaw LLC President

_____

The undersigned agrees to the terms of this engagement letter and the outlined billing practices.

_____ _____

Keith Mays Date

Mayor, City of Sherwood

City Council Meeting Date: July 19, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Bruce A. Coleman, Economic Development Manager
Through: Erika Palmer, Planning Manager, Keith D. Campbell, City Manager, and Alan Rappleyea, Interim City Attorney

SUBJECT: **Resolution 2022-055, Forming and Appointing the Members of a Technical Advisory Committee to Update the 2021 Economic Opportunities Analysis**

Issue:
Shall the City Council establish and appoint members to a Technical Advisory Committee to update the 2021 Economic Opportunities Analysis (2021 EOA) to better reflect the City's economic development aspirations?

Background:
The City Council adopted the 2021 Sherwood Economic Opportunities Analysis (2021 EOA) as a sub-element of the 2040 Comprehensive Plan in 2021 (Ordinance 2021-011). The primary goals of the 2021 EOA were to (1) project the amount of land needed to accomodate the future employment growth within the Sherwood Urban Growth Boundary (UGB) between 2021 and 2041, (2) evaluate the existing employment land supply within the City to determine if it is adequate to meet that need, and (3) to fulfill state planning requirements for a twenty-year supply of employment land. The City's EOA was initially drafted in 2018-2019 as part of the background technical documents for the Comprehensive Plan update process but was not adopted at that time in part because it was anticipated that significant additional development of employment land in the TEA and other areas of the City would be occurring in the near term. Council wanted the buildable lands inventory to accurately reflect the properties that are no longer vacant and those properties proposed for development in the near future reflected in the document when it was adopted. There was also concern expressed that this document was not aligning with the City's economic development goals as the City is seeing more employment growth in industrially-zoned lands than was occurring in the past.

The 2021 EOA shows that over a twenty-year period, there will be a deficit of 8 gross acres of industrial land, a deficit of 35 acres of office land and a surplus of 4 acres of retail commercial land. Since the preparation of the 2021 EOA, the City has experienced even more significant industrial growth with projects such as the Cipole Industrial Park and the Tualatin-Sherwood Corporate Park coming on the market and the Schnitzer Properties' Sherwood Commerce Park starting development. Other significant industrial park projects are in the planning stage within the Tonquin Employment Area and in other areas of the city. Based on recent extensive staff discussions since 2021 with numerous industrial park developers, brokers, economic developers and other real estate professionals, the demand for industrial sites and buildings in Sherwood will exceed the amount of available, developable land within the City's current city limits. These industry professionals have emphasized that there is an insufficient supply now and into the future of larger, flatter sites under single ownership which are available to meet market needs. City staff has been

investigating opportunities to prepare an update to the 2021 EOA to create a more aspirational document which could better reflect the City Council's economic development goals.

As a result of various discussions regarding EOA's at area economic development meetings, staff identified that there may be alternative approaches to preparing an EOA and that Johnson Economics has undertaken such work. For that reason, the City requested that Johnson Economics undertake a peer review of the City's 2021 EOA. They conducted a detailed analysis and concluded that the "findings in the current EOA undermine your ability to seek additional employment lands." The objective of an update is to better reconcile the land needs of targeted industry clusters and the land supply in terms of location, parcel size, scale, access and configuration.. The analysis will be provide both a short- and long-term analysis of the ability of the local land supply to accommodate the anticipated growth.

One of the immediate tasks in the preparation of the EOA Update will be to create a Technical Advisory Committee to help the City to gain input and obtain feedback on our work.. This is a requirement of DLCD – Goal 1, Public Involvement. The Committee will consist of members who have a strong understanding from a policy and technical perspective on the need for the creation of new employment sites of varying sizes to help the City achieve its aspirational economic development goals.

Financial Impacts:
There are no additional financial impacts as a result of approval of this resolution.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2022-055, forming and appointing the members of a Technical Advisory Committee to update the 2021 Sherwood Economic Opportunities Analysis.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2022-055

FORMING AND APPOINTING THE MEMBERS OF A TECHNICAL ADVISORY COMMITTEE TO UPDATE THE 2021 ECONOMIC OPPORTUNITIES ANALYSIS (EOA)

WHEREAS, the City Council adopted the 2021 EOA as a sub-element of the new Comprehensive Plan (Ordinance 2021-011); and

WHEREAS, the 2021 EOA shows that over a twenty-year period, there will be a deficit of 8 gross acres of industrial land, a deficit of 35 acres of office land, and a surplus of 4 acres of retail commercial land; and

WHEREAS, since 2021 the City has experienced significant new industrial development activity and market interest which is expected to exceed the amount of currently available developable industrial land within the current city limits; and

WHEREAS, the City's economic development staff has interviewed numerous industrial park developers, brokers and other economic development professionals since 2021 who have indicated that there is an insufficient supply now and in the future of larger, flatter industrial sites under single ownership to meet the market needs and City goals; and

WHEREAS, the City Council has designated economic development as a high priority goal for the City which is not reflected in the 2021 EOA; and

WHEREAS, the City has entered into a contract with Johnson Economics to prepare an update to the 2021 EOA with the intent of preparing a document which would better reflect both the Council economic development goals and the market need to create additional industrial employment land; and

WHEREAS, in accordance with the requirement of DLCD Goal 1, Public Involvement – the Council has determined that the most efficient structure to provide such public involvement is to create a Technical Advisory Committee (TAC) which will provide both policy and technical input into the preparation of the EOA Update; and

WHEREAS, the City staff has reached out to various public and private sector organizations with strong economic development experience to determine their interest in participating as members of the TAC; and

WHEREAS, staff made recommendations regarding the appointments to Mayor Keith Mays; and

WHEREAS, Mayor Keith Mays has recommended to Council the appointments outlined in Exhibit A; and

WHEREAS, in accordance with Council Rules, all such appointments are subject to the approval of the City Council by resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The EOA Update Technical Advisory Committee (TAC) is hereby established. The EOA Update TAC will review project materials and advise on policy and technical issues during the update process. The TAC will consist of up to 10 individuals who need not be City residents who will provide input and guidance on the City's statement of objectives, economic and market trends, existing site suitability for the City's target industries and site needs with the objective of complying with the Oregon Department of Land Conservation and Development (DLCD) for a Goal 9 Economic Opportunities Analysis while seeking to achieve the City Council's economic development goals. The TAC will represent the following groups:

- Sherwood City Council
- Sherwood Planning Commission
- DLCD
- Industrial Park Developer
- Industrial Broker
- Local Area Resident/Commercial Real Estate Appraiser
- Business Oregon
- Greater Portland Inc.
- Washington County Economic Development
- NAIOP Oregon Commercial Real Estate Development Association

Section 2. The 2021 EOA Update Technical Advisory Committee appointments described in Exhibit A, attached hereto and incorporated herein by reference, are hereby approved.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th day of July, 2022.

_____
Keith Mays, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

Exhibit A

TAC ROSTER: SHERWOOD 2021 EOA UPDATE	
Participants	**Name**
Sherwood City Council	Doug Scott Alt: Tim Rosener
Sherwood Planning Commission	~~TBD~~ Daniel Bantz
DLCD	Leigh McIlvaine Alt: Kelly Reid
Industrial Park Developer	Kirk Olsen, Trammel Crow Company
Industrial Broker	Stu Peterson, Macadam Forbes Commercial Real Estate
Business Oregon	Colin Sears Alt: John Swanson
Greater Portland Inc.	Bret Marchant Alt: Nick Triska
Washington County Economic Development	Matt Craigie Alt: Adrienne Chaille
NAIOP	Suzannah Stanley, MacKenzie Design
Local Area Resident/Commercial Appraiser	David Balfour

City Council Meeting Date: July 19, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Brad Crawford, IT Director
Through: Keith D. Campbell, City Manager

SUBJECT: **Resolution 2022-056, Authorizing the City Manager to Sign a Service Order with 1547 CSR – Pittock Block LLC for Data Center Space and Connectivity**

Issue:
Shall the City Council authorize the City Manager to sign a service order with 1547 CSR – Pittock Block LLC for data center space and connectivity?

Background:
In 2004 when Sherwood Broadband began its operation the utility purchased fiber from the City of Sherwood to the Pittock building in downtown Portland. The Pittock building is an Internet Exchange where other service providers meet and interconnect their networks. The Pittock building and others like it are crucial Internet Service Providers as it allows them to purchase services from other providers at wholesale prices. The process of interconnecting with other providers is done through the purchase of a cross-connect. Recently, the Pittock building was sold and its new owners are looking to renew space leases with its current tenants.

At the Pittock building Sherwood Broadband leases two computer racks, purchases primary and redundant power for the racks and pays for over 40 cross-connects with other providers. Of those cross-connects 16 of them are for Sherwood Broadband and the others are for our customers, and partners. The new owners of the Pittock building have decided to adjust their pricing on cross-connects closer to market rates which is resulting in a significant increase in our Pittock expense. Prior to the new owners the cross-connects at the Pittock were some of the lowest cost and one of the main reasons we connected with other providers there as opposed to other data centers we are in.

The term of this new agreement with the Pittock is five years, however the individual cross-connects are on month to month terms. These month to month terms give Sherwood Broadband and its customers the most flexibility in being able to move these connections to lower cost data centers in the future. Additionally, the new agreement continues to allow us to sublicense our space to customers which is uncommon. This will allow us to generate additional revenue should our customers and/or partners which to co-locate in the Pittock building.

Financial Impacts:
The cost for the space and power under our prior agreement was $2,550.00 per month, under this new agreement the space and power go down to $1,675.00 per month. The cross connects under our prior agreement totaled $1,675.00 per month but are increasing to $8,825.00. As mentioned above the bulk of these cross connects are going to be paid for by our customers and therefore Sherwood Broadband should see an increase in its revenue to cover these higher cross-connect charges. Staff estimates that Sherwood

Broadband's portion of the new bill will increase by $1,375 per month, or $16,500 annually as a result of these higher cross connect charges.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2022-056, authorizing the City Manager to sign a service order with 1547 CSR – Pittock Block LLC for data center space and connectivity.

RESOLUTION 2022-056

AUTHORIZING THE CITY MANAGER TO SIGN A SERVICE ORDER WITH 1547 CSR – PITTOCK BLOCK LLC FOR DATA CENTER SPACE AND CONNECTIVITY

WHEREAS, Sherwood Broadband has co-located its equipment and the equipment of its customers and partners in the Pittock building located at 921 SW Washington St. in Portland, Oregon; and

WHEREAS, the owners of the building wish to renew the Right of Entry and License Agreement for the space, power and connectivity Sherwood Broadband utilizes; and

WHEREAS, the cost of this service is $126,000 annually and the term of this new agreement is for five years; and

WHEREAS, Sherwood Broadband customers and partners who utilize the connectivity provided at the Pittock building will pay for most of the service costs that is incurred by Sherwood Broadband.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is hereby authorized to execute a Service Order and First Amendment to the Right of Entry and License Agreement with 1547 CSR – Pittock Block LLC in a form substantially similar to the attached Exhibit A.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th day of July 2022.

_____
Keith Mays, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

FIRST AMENDMENT TO
RIGHT OF ENTRY AND LICENSE AGREEMENT

This Amendment to Right of Entry and License Agreement (this "Amendment") is made as of June 15th, 2022 (the "Effective Date"), by and between 1547 CSR – PITTOCK BLOCK LLC, an Oregon limited liability company ("Licensor") and CITY OF SHERWOOD ("Licensee").

RECITALS

A. Licensor and Licensee entered into that certain Right of Entry and License Agreement dated as of June 12, 2014, whereby Licensor granted Licensee a non-exclusive license to use and occupy the License Area in that certain building owned by Licensor and commonly known as Pittock Block at 921 SW Washington, Portland Oregon 97205 (the "Building"), for the purpose of providing communications services. All capitalized terms used herein and not otherwise defined in this Amendment shall have the same meanings given to them in the License Agreement.

B. Licensor and Licensee desire to, among other things, modify the manner in which the License Agreement provides for services by Licensor and payments by Licensee, in accordance with the provisions of this Amendment.

AGREEMENT

In consideration of the mutual covenants and conditions contained herein and for other good and valuable consideration, Licensor and Licensee agree as follows:

1. Amendment of License Agreement.

A. Service Orders. After the Effective Date, "Service Orders" and/or "CCF Standards, Guidelines and Costs", as the case may be, under the License Agreement, as relates to the manner in which services are provided by Licensor to Licensee and/or in which payments are made by Licensee to Licensor for such services, shall be solely determined by the provisions of this Section. Licensor shall offer certain services to Licensee ("Services"), including, but not limited to, use of the License Area and providing tie cables and cross connects from the License Area to Licensor's central network interconnection point within the Building. Licensor shall offer Services to Licensee pursuant to written service orders, which shall itemize available Services and provide any terms, conditions, pricing, charges, costs, and fees for such Services ("Service Orders"). Upon reasonable written notice given to Licensee, Licensor may change any of the terms of the then-prevailing Service Order, including pricing for Services, as dictated by prevailing market rates or other economic factors, in Licensor's reasonable discretion. Licensee shall purchase Services from Licensor pursuant to the terms of the then-prevailing Service Orders. Payment for Services (each a "Services Payment") shall be made in advance on or before the first day of each calendar month during the Term. After such Services Payment has been made by Licensee, Licensor shall provide such purchased Services to Licensee. Services shall be cancelled pursuant to written cancellation orders ("Cancellation Orders"), which shall provide a requested stop date for Services of not less than thirty (30) days from the date of transmittal. Any Service Order or Cancellation Order shall be transmitted to Licensor by e-mail at support@pittock.com . In the event of any conflict between the terms of the License Agreement and the terms of this Amendment as relates to "Service Orders" and/or "CCF Standards, Guidelines and Costs", including any Dollar amounts stated in the License Agreement, the terms of this Amendment shall control.

B. Non-Recurring Fee and Monthly Payments. After the Effective Date, any "non-recurring fee" and/or "Monthly Payment", as the case may be, under the License Agreement, as relates to non-recurring payments or monthly recurring payments by Licensee to Licensor of fixed Dollar amounts, shall be solely determined by Service Orders pursuant to the provisions of this Section and Section 1(A) of this Amendment. Any such non-recurring fee or Monthly Payment, as applicable, shall be itemized in the then-prevailing Service Order. Payment of any non-recurring fee or Monthly Payment, as set forth

in the then-prevailing Service Order, shall be deemed a Services Payment and made in the same manner as other Services Payments. In the event of any conflict between the terms of the License Agreement and the terms of this Amendment as relates to "non-recurring fee" or "Monthly Payment", including any Dollar amounts stated in the License Agreement, the terms of this Amendment shall control.

C. Interest. Should Licensee fail to pay any Services Payment, including any non-recurring fee or Monthly Payment, within ten (10) days of when the same is due and payable, any such unpaid amounts shall bear interest at the rate of eighteen percent (18%) per annum, or otherwise the highest rate allowed by law, beginning when the same was due until fully repaid.

D. Term. Upon the Effective Date, the term of the License Agreement ("Term") shall automatically renew for a five (5) year period, which Term shall commence on the Effective Date, and expire on the date that is five (5) years after the Effective Date ("Expiration Date"). Thereafter, the term shall automatically renew, as of the Expiration Date of each prior Term, for additional fixed periods of one (1) year, unless either party provides written notice to the other that the Term shall not so renew, which notice shall be given no less than ninety (90) days prior to the then-scheduled Expiration Date. Upon the expiration or termination of the License Agreement, (i) the License Agreement shall terminate and be of no further force or effect, (ii) Licensor shall have the absolute right to immediately cease any and all Services to Licensee, and (iii) Licensee shall have no right to use or enter the Building for any purpose whatsoever.

E. Surrender of License Area; Holdovers. Licensee, upon the expiration or termination of the License Agreement, agrees to peaceably surrender the License Area to Licensor, in broom-clean condition and in good repair, ordinary use and wear excepted. Licensee agrees that if Licensee fails to surrender possession of the License Area as required upon the date of expiration or termination of the License Agreement, then Licensee shall pay to Licensor, as liquidated damages, a sum equal to two hundred percent (200%) of the Monthly Payment for all the time Licensee shall so retain possession of the License Area or any part thereof (the "Holdover Fee"); *provided, however*, that Licensee shall be deemed a holdover licensee and the exercise of Licensor's rights under this Section shall not be interpreted as a grant of permission to Licensee to continue in possession. Licensor shall not be obligated to provide Services to Licensee in the event of a holdover. The obligations under this Section shall survive the expiration or termination of the License Agreement. Licensor's acceptance of the Holdover Fee shall not preclude Licensor from exercising any of its available remedies, without liability for damages, including Licensor's right to enter upon and take possession of the License Area and remove any persons or property by self-help means in a lawful and peaceable manner. Licensee further agrees to waive any statutory right to hold over to the fullest extent permitted by the law.

2. General Provisions.

A. Full Force and Effect; Conflict. Except as amended by this Amendment, the License Agreement as modified herein remains in full force and effect and is hereby ratified by Licensor and Licensee. In the event of any conflict between the License Agreement and this Amendment, the terms and conditions of this Amendment shall control.

B. Successors and Assigns. This Amendment shall be binding upon and inure to the benefit of the parties hereto and their heirs, personal representatives, successors and assigns.

C. Entire Agreement. The License Agreement, as amended by this Amendment, contains the entire agreement of Licensor and Licensee with respect to the subject matter hereof, and may not be amended or modified except by an instrument executed in writing by Licensor and Licensee.

D. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same

instrument, and may be executed by facsimile and/or .pdf signatures which shall be binding as originals on the parties hereto.

E. Attorneys' Fees. In the event of litigation arising out of or in connection with this Amendment, the prevailing party shall be awarded reasonable attorneys' fees, costs and expenses.

F. Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Oregon.

[*Signature Page Follows.*]

IN WITNESS WHEREOF, Licensor and Licensee have executed this Amendment as of the date first above written.

Licensor: 1547 CSR – PITTOCK BLOCK LLC, an Oregon limited liability company

By: _____

Title: _____

Licensee: _____, an _____

By: _____

Title: _____

fifteenfortyseven
CRITICAL SYSTEMS REALTY

Account Name: City of Sherwood
SO #: Q-02171
SO Date: 6/15/2022
Initial Contract Term: 5 Years
Building Location: Portland, OR USA

1547 CSR – Pittock Block, LLC
Service Order

Account Manager **Kevin Neely**
Phone (503) 226-6777
Address 921 SW Washington St, Portland
Portland OR 97205

Contact Name Brad Crawford
Contact Email crawfordb@sherwoodoregon.gov
Contact Phone +1 503-625-5522
Bill To City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140
United States

Monthly Recurring Charges

QTY	DESCRIPTION	PRODUCT DESCRIPTION	SALES PRICE
1.00	MRC - 30 AMP 208v Primary	MRC - 30 AMP 208v Single Primary Drop	USD 1,000.00
50.00	MRC - Cage SF	MRC - Cage SF - Per Square Foot	USD 700.00
4.00	MRC - 6-Pack Fiber Cross Connects	MRC - 6-Pack Fiber Cross Connects - (6) Fiber Pair Handoff	USD 3,600.00
4.00	MRC - 6-Pack Fiber Cross Connects	MRC - 6-Pack Fiber Cross Connects - (6) Fiber Pair Handoff	USD 4,500.00
2.00	MRC - Ethernet Cross Connect	MRC - Ethernet Cross Connect - (1) RJ45 Handoff	USD 200.00
		Monthly Recurring Charges TOTAL:	USD 10,000.00

DISCOUNT:	USD 650.00
TOTAL:	USD 10,000.00

Local State & Local Sales Tax will be added to the totals.

Notes:
This service order is valid 30 days from the service order date.
The 50 square feet of assigned space can be caged accordingly at the licensor's discretion provided it does not disrupt the licensee's current footprint.
The (4) 6 packs priced at $1125 monthly can be cancelled with a 30 day's notice during the term.

Terms & Conditions:
This Service Order shall be binding as of the latter dated signature below. The term of this Service Order, as set forth above in the "Service Details" section (the term), shall commence on the date the Customer's ordered services are available for use by the Customer (the "Service Commencement Date).

This Service Order is made subject to the terms and conditions of the Right of Entry and License agreement between Customer and 1547 CSR – Pittock Block, LLC. Notwithstanding anything

to the contrary in the agreement between the parties, during the Term, all service fees identified above shall increase on each 12-month anniversary of the Service Commencement Date in an amount of 5 percent. Such increase shall be automatically invoiced to Customer upon each 12-month anniversary of the Service Commencement Date.

City of Sherwood

Signature: _____ **Effective Date:** _____/_____/_____

Name (Print): _____ **Title:** _____

1547 CSR – Pittock Block, LLC

Signature: _____ **Effective Date:** _____/_____/_____

Name (Print): _____ **Title:** _____

THANK YOU FOR YOUR BUSINESS!

Internal Use Only:

RF: false

Contract Supersedes Existing Contract: true

Service Order Approval:

_____

City Council Meeting Date: July 19, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director
Through: Keith D. Campbell, City Manager and Alan Rappleyea, Interim City Attorney

SUBJECT: **Resolution 2022-057, Authorizing City Manager to enter into the Washington County Emergency Management Cooperative Intergovernmental Agreement**

Issue:
Should the City renew the intergovernmental agreement (IGA) with the Emergency Management Cooperative of Washington County?

Background:
In 2013, Washington County and several local jurisdictions entered into an Intergovernmental Agreement (IGA) to improve the level of disaster and emergency coordination and preparedness within the boundaries of the participating jurisdictions. The agreement established an ORS190 organization, known as the Emergency Management Cooperative (EMC) of Washington County, for this purpose. The IGA was updated and renewed in 2017. The City of Sherwood became a partner agency to the EMC in 2015.

This renewed IGA reflects changes in membership organizations, and administrative processes.

Financial Impacts:
The annual fee of $10,000.00 is included in the 2022-23 budget.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2022-057, Authorizing City Manager to enter into the Washington County Emergency Management Cooperative IGA.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2022-057

AUTHORIZING CITY MANAGER TO ENTER INTO THE WASHINGTON COUNTY EMERGENCY MANAGEMENT COOPERATIVE INTERGOVERNMENTAL AGREEMENT (IGA)

WHEREAS, the City is a partner agency with the Washington County Emergency Management Cooperative; and

WHEREAS, there exists a public safety need to continue our efforts in emergency management and disaster preparedness and being a partner agency provides shared resources and economy of scale; and

WHEREAS, this renewed IGA provides administrative clean up and changes in membership organizations.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is hereby authorized to sign the IGA, attached as Exhibit A, with the Washington County Emergency Cooperative.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th day of July 2022.

_____
Keith Mays, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

INTERGOVERNMENTAL AGREEMENT

EMERGENCY MANAGEMENT COOPERATIVE OF WASHINGTON COUNTY

This Agreement is entered into, pursuant to ORS 190.010, by and among Washington County (the County) and other public sector jurisdictions within Washington County (herein collectively "Participating Jurisdictions") and supersedes previous, similar agreements for the coordination of emergency management programs in Washington County.

WITNESSETH

WHEREAS ORS 401.305 (4) requires local governing bodies of counties and cities that have both city and county emergency management programs to jointly establish policies which provide direction and identify and define the purpose and roles of the individual emergency management programs, specify the responsibilities of the emergency program managers and staff and establish lines of communication, succession and authority of elected officials for an effective and efficient response to emergency conditions; and

WHEREAS the Participating Jurisdictions desire to collaborate beyond statutory requirements and cooperatively identify, design, implement, and test the structure, systems, facilities, plans, and procedures of a comprehensive, countywide emergency management system; and

WHEREAS the goal of such collaboration is to enhance the level of disaster and emergency preparedness within and across the boundaries of the Participating Jurisdictions and to develop and maintain an effective multi-agency coordination system; and

WHEREAS improved preparedness will be achieved through coordination among the Participating Jurisdictions, the various emergency service functions provided within those jurisdictions, the private sector, and non-governmental organizations; and

WHEREAS Washington County and many public sector jurisdictions within the county entered into a July 2013 intergovernmental agreement creating the Emergency Management Cooperative of Washington County to improve the level of disaster and emergency coordination and preparedness within the boundaries of those jurisdictions; and

WHEREAS the Participating Jurisdictions renewed their commitment to and support for the Emergency Management Cooperative of Washington County in a July 2017 intergovernmental agreement; and

WHEREAS the Participating Jurisdictions desire to update the prior agreement to reflect changes in membership, organization, and administrative processes

NOW, THEREFORE, the parties agree as follows:

TERMS AND CONDITIONS

I. EMERGENCY MANAGEMENT COOPERATIVE

The Participating Jurisdictions hereby create an emergency management cooperative responsible for the development, enhancement, maintenance, and coordination of emergency management structures, systems, facilities, plans, procedures, training, and exercising within (and between) the Participating Jurisdictions and agree that the organization shall be known as the Emergency Management Cooperative of Washington County (EMC).

II. PURPOSE OF AGREEMENT

A. The purpose of the EMC is to enhance the level of disaster and emergency preparedness and coordination within and across the boundaries of the Participating Jurisdictions by focusing on improvements to emergency management structures, systems, facilities, plans, procedures, training, and exercising.

B. This Agreement supersedes the July 2017 Emergency Management Cooperative of Washington County Intergovernmental Agreement.

III. DEFINITIONS

A. Affiliate Member: A private sector or non-governmental organization with emergency management responsibilities in Washington County that participates in the EMC.

B. Fiscal Year (FY): The twelve-month period beginning on July 1 and ending on June 30.

C. Participating Jurisdiction: A Washington County public sector jurisdiction that signs and becomes a party to this Agreement.

D. Project Fund: A fund created pursuant to this Agreement to support the work of the EMC.

E. Public Sector Member: A Washington County public sector jurisdiction with an emergency management program that participates in the EMC.

IV. MEMBERSHIP

A. Public Sector Membership: Washington County and all Washington County public sector jurisdictions with an emergency management program are eligible to participate. All public sector jurisdictions signatory to this Agreement (i.e., Participating Jurisdictions) may vote on matters under consideration by the Executive Committee. However, only those jurisdictions financially contributing to the "Project Fund," as defined in Section VII.C, are eligible to vote on expenditures from the fund.

B. Affiliate Membership: Private and non-governmental organizations with emergency management responsibilities may participate in the EMC as Affiliate Members. Such membership allows non-voting participation on the Executive Committee.

V. ORGANIZATION

A. Director: The work of the EMC will be managed and coordinated by the EMC Director. The Washington County Emergency Management Manager will act as the Director and serve at the pleasure of the County, with input from the Executive Committee. The Director's primary duties will be to: 1) develop and maintain comprehensive, integrated, and effective emergency management and multi-agency coordination systems in concert with the Public Sector and Affiliate Members; 2) oversee implementation of the EMC work plan and management of the Project Fund; 3) coordinate emergency management activities between Public Sector and Affiliate member representative, including the Emergency Management Team and Citizen Corps Work Group; and 4) coordinate emergency management activities with other local, regional, and state agencies and organizations.

B. Staff: The Participating Jurisdictions will identify staff to work with the EMC. Staff assigned to work with the EMC will be housed at their respective jurisdictions.

C. Work Teams:

1. Emergency Management Team (EMT):
   a. The EMT consists of the EMC Director and the emergency management staff identified by the Participating Jurisdictions. The team is tasked to 1) collaboratively identify, design, implement, and test the structure, systems, facilities, plans, and procedures of a comprehensive, integrated, countywide emergency management system; 2) participate in development of the work plan and budget; and 3) assist in the planning and conduct of training and exercises.
   b. The team will receive administrative support from the County.
   c.
2. Washington County Citizen Corps Working Group (CCWG):

a. The CCWG consists of representatives of Participating Jurisdictions with Citizen Corps programs such as Community Emergency Response Teams and Medical Reserve Corps. The CCWG accomplishes community-building, volunteer driven disaster preparedness, and response work by strengthening and maintaining Citizen Corps volunteer programs, affiliate programs, and organizations
b. The CCWG is an independent work group with its own bylaws. It maintains an informal affiliation with the EMC. The EMC Director may provide guidance to the CCWG and resolve disputes.
c. By mutual agreement of the EMC and the CCWG, the CCWG may formally affiliate as a work team of the EMC.

VI. GOVERNANCE

A. Executive Committee:

1. The EMC will be governed by an Executive Committee consisting of the County Administrator, Washington County Sheriff, and the chief executive officer of the other Public Sector and Affiliate members. Each of these primary representatives may designate an alternative representative who may attend Executive Committee meetings and act in the absence of the Public Sector or Affiliate Member's primary representative.
2. The representative of each Participating Jurisdiction has the right to vote on all matters before the Committee, with the exception that only those Participating Jurisdictions financially contributing to the Project Fund can vote on fund expenditures.
3. A majority of the Executive Committee members eligible to vote constitutes a quorum. Unless otherwise stated in this Agreement, an affirmative act of the Executive Committee requires that a quorum is present, and the decision is supported by a two-thirds majority.
4. The Executive Committee will select Participating Jurisdiction representatives to serve as chair and vice chair. Chair of the Executive Committee may be rotated among the Participating Jurisdiction representatives on an annual or other basis as determined by the Executive Committee.
5. The Executive Committee will meet bi-monthly or as often as necessary for the conduct of committee business.
6. The Executive Committee will be responsible for:
   a. Providing strategic guidance and direction to the EMC Directorand the EMT;
   b. Approving the EMC work plan and contributions to and expenditures from the Project Fund, subject to the voting limitations noted in Section VI.A.2 above;
   c. Approving policies related to EMC functions;

d. Coordinating EMC actions and activities with Public Sector Member elected officials, Affiliate Member executives, and other key decision makers; and
e. Reviewing the efficacy of the EMC and this Agreement on an ongoing basis.

B. Disputes: Any disputes as to the interpretation of this Agreement between two or more of the Participating Jurisdictions will be resolved by a unanimous decision of the Participating Jurisdiction representatives on the Executive Committee eligible to vote on the matter.

C. Administrative Support: Administrative support for Executive Committee meetings will be provided by the County.

VII. OPERATING GUIDELINES

A. National Standards: The Participating Jurisdictions agree to adopt and implement the National Incident Management System (NIMS) and Incident Command System (ICS) as the incident management organization required by ORS 401.305(6)(b).

B. Local Standards: The Participating Jurisdictions agree to work toward attaining and maintaining minimum emergency management performance standards, which include, but are not limited to:
1. Developing and maintaining a functional Emergency Operations Center (EOC), including written position descriptions, trained emergency management staff, displays, communication equipment, etc.
2. Developing and maintaining a multi-hazard functional Emergency Operations Plan (EOP) that is consistent with Federal Emergency Management Agency (FEMA) and state guidance.
3. Developing and maintaining a Natural Hazards Mitigation Plan (NHMP) that is consistent with FEMA and state guidance.
4. Developing and maintaining a Continuity of Operations (COOP) Plan that is consistent with FEMA and state guidance.
5. Conducting at least an annual exercise of the EOC and emergency management plans at a functional or full scale level.
6. Providing educational materials and programs on disaster preparedness for individuals, families, and businesses.

C. EMC Project Fund: The Participating Jurisdictions agree to establish a Project Fund to support the work of the EMC.
1. The Project Fund will be established and maintained by the County as a revolving fund account.
2. All contributions made to the EMC consistent with Section VIII below will be deposited into the Project Fund.

3. Expenditures from the Project Fund will be at the discretion of the Executive Committee representatives from the Participating Jurisdictions making financial contributions to the fund.
4. Project funds in the account at the end of a Fiscal Year will be carried forward to the next Fiscal Year.

D. EMC Work Plan:

1. The EMT will develop, for Executive Committee consideration and approval, a work plan detailing the purposeful actions to be pursued on behalf of the EMC. The work plan will identify specific tasks to enhance the systems, facilities, plans, procedures, training, and exercising of the countywide emergency management and multi-agency coordination systems and include an implementation plan with timelines, descriptions of required resources and operational implications, and lead agency contact information.
2. The EMC Director will maintain the work plan and provide a status report to the Executive Committee at their regular meetings. Substantive modifications to the work plan must be approved by the Executive Committee.

E. EMC Budget:

1. The EMC Director will maintain a budget which tracks Project Fund contributions, carryover funds, work plan and related expenditures, and fund balance.
2. The EMC Director will provide a current copy of the budget to the Executive Committee at their regular meetings in conjunction with the work plan status report.
3. The costs of implementing the work plan may be paid for from the Project Fund subject to the voting limitations noted in Section VI.A.2 above, or by other means agreed to by the Executive Committee.

VIII. EMC FUNDING

A. Purpose: All funds contributed to the EMC will be applied to execution of the work plan or any other projects agreed to by the Executive Committee. The costs of the Director and all EMC administrative costs will be borne by the County.

B. Method:

1. Participating Jurisdictions that agree to contribute funds to support execution of the EMC Work Plan will collectively develop and maintain a funding formula, matrix, or other mechanism to identify the annual contribution each jurisdiction will make to the EMC Project Fund. The mechanism may be based on population served, ability to pay, or any other methodology agreeable to the contributing jurisdictions.

2. The amount of annual contribution for a newly contributing Participating Jurisdiction will be determined by the existing contributing jurisdictions at the time the Participating Jurisdiction elects to become a contributor. If the decision to contribute occurs prior to the beginning of a new Fiscal Year, the amount of contribution can be apportioned based on the number of months remaining in the Fiscal Year or forgiven for the remainder of the current Fiscal Year as determined by the existing contributors.

C. Payments: The County will invoice all financially contributing members based on the amount agreed upon by each member. The invoices will be distributed during the month of September of the Fiscal Year for which the funds were obligated. Payments are due within 45 days of receipt of invoice unless other arrangements have been made with the County.

IX. DURATION, WITHDRAWAL, TERMINATION, AND DISSOLUTION

A. Effective Date: This Agreement will go into effect on July 1, 2022, following its authorization by the governing bodies of Washington County and at least one of the public sector jurisdictions participating in the July 2017 Emergency Management Cooperative Intergovernmental Agreement (i.e., cities of Beaverton, Cornelius, Forest Grove, Hillsboro, North Plains, Sherwood, Tigard, and Tualatin, Tualatin Valley Fire & Rescue, and Clean Water Services).

B. Termination: This Agreement will remain in effect until June 30, 2027, unless the Participating Jurisdictions unanimously agree in writing to an earlier termination, extension, or modification of its terms.

C. Withdrawal: A Participating Jurisdiction may withdraw by providing 30 days written notice of its intent to withdraw to the Executive Committee. Any funds contributed by the jurisdiction to the Project Fund prior to the notice of withdrawal will remain in the Project Fund and be used for approved expenditures.

D. Disposition of Assets: Upon dissolution of the EMC, any unobligated funds remaining in the Project Fund for the work of the organization shall, within a reasonable time, be divided among the Participating Jurisdictions that contributed to the fund based on the proportional contributions of those jurisdictions.

X. AMENDMENTS

Proposed amendments to this Agreement shall be approved by unanimous consent of the Participating Jurisdiction representatives on the Executive Committee and must be subsequently approved by each of the Participating Jurisdiction's governing bodies.

XI. ADDITIONAL JURISDICTIONS

Any public sector jurisdiction not a party to this Agreement may become a party by first obtaining the unanimous approval of the Participating Jurisdiction representatives on the Executive Committee then securing approval of the terms in this Agreement and any accompanying amendments from its governing body.

XII. RESPONSIBILITY FOR ACTS

Each of the Participating Jurisdictions shall be solely responsible for its own acts and the acts of its employees and officers under this Agreement. No Participating Jurisdiction shall be responsible or liable for consequential damages to any other Participating Jurisdiction arising out of the performance of the terms and conditions of this Agreement.

XIII. INSURANCE

Each of the Participating Jurisdictions shall maintain an insurance policy or maintain a self-insurance program at limits prescribed by the Oregon Tort Claims Act that covers activities it may undertake by virtue of participation in the EMC.

XIV. SEVERABILITY

The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part shall not affect the remainder of the Agreement.

XV. INTERPRETATION

The terms and conditions of this Agreement shall be liberally construed in accordance with the general purposes of the Agreement.

SUBSCRIBED TO AND ENTERED INTO by the appropriate officer(s) who are duly authorized to execute this Agreement on behalf of the governing body of the below-named public sector jurisdiction.

DATED this _____day of _____, 2022.

_____

[Agency Name]

APPROVED AS TO FORM

_____

City Council Meeting Date: July 19, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Bob Galati P.E., City Engineer
Through: Keith D. Campbell, City Manager and Craig Sheldon, Public Works Director

SUBJECT: **Resolution 2022-058, Authorizing City Manager to sign a Professional Services Contract with KPFF Consulting Engineers for 100% Design Level of the Hwy99W Pedestrian Overcrossing**

Issue:

Shall the City Council authorize the City Manager to sign a Professional Services Contract with KPFF Consulting Engineers for the 100% Design Level of the Hwy99W Pedestrian Overcrossing?

Background:

In early 2018, the Sherwood School District presented its plans to construct a new High School on the west side of Hwy99W just north of the Kruger-Elwert roads intersection. With the siting of the High School at this location, a question of student pedestrian crossing of the Hwy99W corridor had become a critical safety issue. The intersection has a long at-grade crossing length, and there is very heavy vehicular traffic movements in both the northbound-southbound and westbound-eastbound directions, with complex multi-lane turning movements for both directions. The pedestrian connectivity across Hwy99W from future development of the Sherwood West area will occur at this intersection, which reinforces and supports the decision to design and construct a pedestrian overcrossing of Hwy99W as soon as possible.

In July of 2019, the City's 20-Year Capital Improvement Plan (CIP) was revised by the City Council to include the Hwy99W Pedestrian Overcrossing project (P-27 Highway99W Grade Separated Crossing).

In September of 2019, the City's traffic engineering consultant, DKS Associates, prepared a preliminary feasibility analysis of the pedestrian crossing (Sherwood OR99W Pedestrian Crossing Study. This study was used to determine high level costs and feasibility and helped inform the City's request for outside project funding. Based on the Feasibility Study and additional staff analysis, it is estimated that the pedestrian bridge will cost approximately $12.5 million.

In October 2021, the City contracted with KPFF Consulting Engineers to perform a 30% Design Level project design. The 30% Design Level effort provided the following results:

- Final alignment of the pedestrian bridge location including access ramps and stairs, with review and approval by the City Council.
- Final selection of the pedestrian bridge structure type, with review and approval by the City Council.
- Creation of 30% Design Level plans, details and associated reports.
- Submittal of 30% Design Level documents to jurisdictional agencies (ODOT & WACO), to commence permitting process.

- Generation of 30% Design Level Construction Cost Estimate to be used for design and construction level budgeting purposes and project refinement guidance.

KPFF Consulting Engineers has the capacity to perform both 100% Design Level civil site design and structural design in-house.

KPFF's Scope of Work (attached as Exhibit A) and Fee Schedule (attached as Exhibit B) under this contract represents a 100% design level effort for the site civil and structural bridge components of the project. This effort includes outside jurisdictional agency permitting coordination in generating final 100% design level documents.

Financial Impacts:

The City CIP has budgeted $5,000,000 for Fiscal Year 22-23 using URA funds. In addition, the City of Sherwood has obtained authorization of $2.0 million of State Lottery Funds allocation from the State of Oregon via HB 5050 (2019 regular session), and a little over $4 million via HB 5006 (2021 regular session)which can be used towards the 100% design level and further funding efforts.

KPFF Fee Schedule proposes a Professional Services Contract amount of $1,682,170.00 for the 100% design level work effort. City staff is recommending a 10% contingency ($168,217.000) be included for unforeseen conditions which would need to be included in the 100% design level work effort. This would amount to a project funding amount to $1,850,000.00. This project funding amount is well within the $5.0 million URA Funding amount and the State Lottery Funds allocation.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2022-058, authorizing the City Manager to sign a Professional Services Contract with KPFF Consulting Engineers for the 100% Design Level of the Hwy99W Pedestrian Overcrossing.

RESOLUTION 2022-058

AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH KPFF CONSULTING ENGINEERS FOR 100% DESIGN LEVEL OF THE HWY99W PEDESTRIAN OVERCROSSING

WHEREAS, the Hwy99W Pedestrian Overcrossing project is in the City's 20-Year Capital Improvement Plan (CIP) (P-27, Highway99W Grade Separated Crossing; and

WHEREAS, this is a high priority Council project; and

WHEREAS, the has determined that a 100% design level effort is appropriate for completion of this high priority City project; and

WHEREAS, in October of 2021, KPFF Consulting Engineers was contracted to perform 30% Design Level engineering work on the project with the intent to establish bridge alignment and style, estimation of design completion costs and construction costs, and initiate permitting processes with outside jurisdictional agencies impacted by the project; and

WHEREAS, in July 2022, KPFF Consulting Engineers completed the 30% Design Level contract work with the submittal of project documents and reports; and

WHEREAS, *under ORS 279C.115 - Direct contracts for services of consultants:*

(1) As used in this section, "consultant" means an architect, engineer, photogrammetrist, transportation planner or land surveyor.

(2) A contracting agency may enter into a contract for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services directly with a consultant if the project described in the contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier contract with the consultant that was awarded under rules adopted under ORS 279A.065 and the new contract is a continuation of the project.

(3) A contracting agency may adopt criteria; and

WHEREAS, the proposed 100% Design Level engineering services described consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier 30% Design Level contract with KPFF Consulting Engineers that was awarded under rules adopted under ORS 279A.065 and the new contract is a continuation of the project; and

WHEREAS, KPFF Consultation Engineers has submitted a Scope of Work (attached as Exhibit A) and a Fee Schedule (attached as Exhibit B) with a submitted Professional Services Contract amount of $1,682,170.00; and

WHEREAS, City staff is recommending a 10% contingency ($168,217.00) be included for unforeseen conditions which would need to be included in the 100% design level work effort; and

WHEREAS, the City Manager would be authorized to amend the Profession Services Contract via change orders up to the limit of the contingency amount noted above; and

WHEREAS, the total project funding amount will be $1,850,387.00 which is within the Fiscal Year 2022-2023 $5.0 million Sherwood URA Fund allocation and the $2.0 million State Lottery Fund allocation.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to sign a Professional Services Contract with KPFF Consulting Engineers, for design of the Hwy99W Pedestrian Overcrossing project, in conformance with the approved Scope of Work (attached as Exhibit A).

Section 2. The Professional Services Contract with KPFF Consulting Engineers shall be in the amount of $1,682,170.00, in conformance with the approved Fee Schedule (attached as Exhibit B).

Section 3. The City Manager is authorized to amend the Professional Services Contract with KPFF Consulting Engineers up to a contingency amount of $168,217.00 (10% of the Professional Services Contract amount), via the Change Order approval process for unforeseen conditions which need to be included in the design.

Section 4. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th day of July, 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

CITY OF SHERWOOD, OREGON
99W PEDESTRIAN CROSSING
PROJECT NO. 334
PROFESSIONAL ENGINEERING SERVICES
PHASE 2 - FINAL ENGINEERING AND PERMITTING
STATEMENT OF WORK (SOW)

PROJECT DESCRIPTION

The City has contracted with KPFF (Consultant) for preliminary design services associated with developing alternatives and selection of a preferred alternative for a new pedestrian crossing over Hwy 99W, SW Elwert Road and SW Kruger Road. Work completed under our original contract dated October 8, 2021, as amended through change orders has included:

- Completion of predesign survey to support design efforts.
- Development and analysis of alternative alignments to assist in determining preferred alternatives.
- Geotechnical engineering services.
- Preliminary permitting and utility coordination.
- Public involvement.
- Development of 30% plans and estimates of the preferred alternative.

The City has requested that Consultant provide a SOW and Fee Estimate to continue design of the preferred alternative documented in the 30% submittal to complete final engineering, permitting and bid services. Services during construction are not included at this time but may be negotiated as an amendment to this contract.

PROJECT TEAM

KPFF will provide the following services for this project:

- Project Management and Administration.
- Surveying and Mapping Services.
- Civil Engineering.
- Structural Engineering (retaining walls, stairs and bridge and its supports).
- Utility Coordination.
- Environmental Permitting.

The following team member firms will provide services as subconsultants to KPFF for this project:

- **GreenWorks PC** will provide landscape architecture services.
- **DKS** will provide traffic engineering and lighting design services.
- **GRI** will provide geotechnical engineering services.
- **Epic Land Solutions** will provide right-of-way acquisition support services.
- **JLA Public Involvement** will provide public involvement services.
- **Architectural Applications P.C.** will provide bridge architecture design services.
- **Biella Lighting** will provide architectural lighting design services.
- **Pacific Habitat Services** will provide wetland delineation and Natural Resource Assessment services.

CITY OF SHERWOOD RESPONSIBILITIES

The following elements of work will be provided by the City:

- Provide a project manager who is responsible for coordination between Consultant and City staff/Elected Officials.
- Participate in project meetings and City Council work sessions and meetings.
- Participate in discussions with Washington County and ODOT representatives.
- Participate in discussions with franchise utility providers.
- Review Consultant's progress reports and process invoices.
- Provide timely review and comment on reports, drawings and specifications submitted by Consultant to City for review and approval.
- Consolidate all review comments from City staff and submit to Consultant.
- Conduct stakeholder engagement activities.

ASSUMPTIONS

- Design work will be based on 30% design developed through Consultant's prior work.
- Designs shall comply with all local, state, and federal codes, standards, and requirements.

EXCLUSIONS

The following items are excluded from the consultant's scope of work:

- Construction services.

EXHIBITS

The following exhibits are incorporated into this SOW by this reference:

- Exhibit B: Fee Schedule

TASKS

Consultant shall complete the following tasks and provide the following deliverables according to the delivery schedules as indicated and listed below.

TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION

Consultant shall continue to provide the management, coordination, and direction to the Project Team throughout the duration of the Project including the following:

1.1 Project Coordination: Consultant shall coordinate with the City Project Manager and City staff as needed throughout the duration of the project. Coordination will occur via telephone communication, written correspondence, e-mail, and meetings.

1.2 Meetings: Consultant shall schedule, prepare for, attend, and document meetings through the Project duration. Meetings include Team Meetings, and Agency Coordination Meetings.

- **Team Meetings:** Consultant shall schedule, prepare for, attend and document up to twelve (12) Team Meetings with City staff to review work-in-progress and to address and resolve Project issues as they are encountered. This will include up to four (4) in-person meeting at the City offices (three (3) hours including travel) and eight (8) additional virtual meetings (one (1) hour each). Additional Team Meetings will be necessary during subsequent design phases and construction.

- **Agency Coordination Meetings:** Consultant shall prepare for, attend and document up to a total of six (6) virtual meetings (one (1) hour each) with ODOT, Washington County and/or Clean Water Services to identify and address agency requirements.

1.3 Project Schedule: Consultant shall develop an updated project schedule defining key milestones and points of input from the City. After Project Schedule has been reviewed and approved by the City Project Manager, the Consultant shall monitor the project schedule for the duration of the contract and shall provide updated project schedules that reflect changes in the project and that track progress on work completed.

1.4 Monthly Invoices and Progress Reports: Consultant shall prepare monthly billing invoices in a format approved by the City Project Manager. Monthly project status reports to identify work completed and identify ongoing and upcoming work items and any issues/concerns.

Task 1 Deliverables: *Consultant shall provide the following to City:*

- *Maintenance and records of coordination activities and decisions made, and copies of documentation to City Project Manager as requested.*
- *E-mail/memo and phone call updates.*
- *Meeting agendas for project meetings.*
- *Meeting minutes and action items for project meetings.*
- *Project schedule that shows appropriate milestones for the Project including intermediate and final submittal dates for design documents and key decision points.*
- *Updates of the Project schedule as needed to reflect changes in the Project and track progress on work completed.*
- *Monthly invoices and progress/status reports.*

TASK 2 – RESEARCH & DATA GATHERING (Task Completed)

TASK 3 – PREDESIGN SURVEY

Consultant shall complete the following additional survey services during Final Design:

- Prepare legal descriptions and sketch map exhibits for property acquisitions for up to (2) properties.
- Provide supplementary survey services and base mapping as needed to support Final Design. Budget includes up to an additional 40 hours of field time and 40 hours of office time.

Task 3 Assumptions and Clarifications:

- *Access to the site is provided to KPFF crews.*

Task 3 - Deliverables: *Consultant shall provide to the City:*

- *Legal Descriptions and Exhibits for acquisitions.*
- *Updated / supplemental base mapping*

TASK 4 –ALTERNATIVES ANALYSIS (Task Completed)

TASK 5 – PRELIMINARY DESIGN (30%) (Task Completed)

TASK 6 - GEOTECHNICAL ENGINEERING

Consultant shall provide additional geotechnical engineering support for Final Engineering including:

- Consultant shall provide geotechnical consultation for final design including review of geotechnical aspects of the project plans and specifications. Consultant shall incorporate review comments in the advanced submittals.
- If appropriate, GRI will revise geotechnical recommendations provided in 30% design geotechnical report

TASK 6 Deliverables: *Consultant shall provide the following to the City:*

- *Revised draft and final geotechnical reports if required*

ASSUMPTIONS:

- *GRI will review geotechnical related portions of specifications prepared by others. GRI will not prepare new specification sections.*

TASK 7 – PRELIMINARY PERMITTING MEMO (Task Completed)

TASK 8 – PUBLIC INVOLVEMENT

8.1 Open Houses: Consultant will conduct one in-person or virtual public open house during this phase of the work. The purpose of the event is to share the updated design plans, get feedback, and answer questions with a specific focus on soliciting input relative to artwork and lighting design coordination.

For the event, JLA will:

- Develop an event plan.
- Create a comment form and/or create a mechanism for receiving public comments.
- Provide promotional content for the City to distribute on their website and through their social media and email channels.
- Host the event, including set-up and tear down, if in person, and creating a web platform and survey questions if virtual.
- Write an event summary.
- Provide a print version of the survey for the City to distribute or make available to residents as needed.

In person open houses will be attended by Consultant PM, Civil and Structural Engineering Leads, Landscape Architect, and JLA public involvement staff.

8.2 City Council Presentations: Consultant will facilitate up to two City Council work session presentations and one City Council regular public session. The purpose of the presentations is to show design updates and share what was heard during the in-person and/or virtual public open houses.

For each presentation, JLA will:

- Assist KPFF with presentation materials.
- Present the community engagement feedback we heard at the open houses.

8.3 Public Art Outreach: JLA will coordinate efforts for public outreach on bridge art ideas following 60% design. City staff will lead the process for the ultimate selection of the artist. The goal is for the art to foster a deeper level of community investment and pride in the new bridge.

JLA will:

- Coordinate and facilitate up to 3 virtual or in-person meetings with the Arts Advisory Committee for up to 2 hours each and write agendas and meeting summaries.
- Coordinate and facilitate up to two in-person or virtual community meetings to show lighting and art examples on other bridges and solicit the community's feedback on theme, type, and location of art. Write event plans and meeting summaries.

- Write advertising content for the virtual community meetings via a press release, social media platforms, utility billing, the Sherwood Gazette, and school district and City email channels.

8.4 Project Sign: JLA will design and coordinate sign production for up to 4 project sign updates during this phase.

8.5 Meeting Attendance: One JLA staff person will attend up to (3) additional project team meetings, as needed, to keep informed about the project and bring a community engagement perspective to the group.

8.6 Site Renderings: Consultant shall prepare renderings to assist with maintaining public support for the project. These efforts will include:

- Fly drone to gather images to produce a photogrammetry model that will add additional site context that was not surveyed, including the school and adjacent neighborhoods.
- Photogrammetry model will be inserted into the final perspective 3D rendering of the bridge.
- Develop (3) Perspective 3D renderings indicating final bridge design, landings, and proposed finish materials.

Task 8 Assumptions:

- *If it is an in-person online open event or in-person community meetings, the City will help identify a location, most likely in a City-owned facility, that is free of charge.*
- *The City will be invoiced for sign production and delivery.*
- *City will form the Arts Advisory Committee representing 7-10 stakeholder interest groups.*

Task 8 Deliverables: *Consultant shall provide:*

- *Public event with documentation.*
- *Create a print version of any online survey.*
- *Promotional content for social media.*
- *City Council presentation materials.*
- *Creation of Public Art Plan.*
- *(3) Perspective site renderings of bridge showing area context.*

TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)

Upon completion of the preliminary design and receipt of the comments from City, Consultant shall complete the final design that shall include 60%, 90%, DRAFT 100% and FINAL PS&E submittals.

Consultant shall coordinate submittals with the City and update the plans in response to City review comments at each design review stage.

Subtasks to be completed include:

9.1 Civil Engineering: Consultant shall:

- Further develop and refine design of civil engineering items including:
  - Horizontal and vertical alignments for pathways and the proposed bridge.
  - Pathway plans and profiles.
  - Site grading.
  - Stormwater management facilities.
  - Relocation of water facilities as required for the proposed construction.
  - Erosion and sediment control.
  - Identification of right-of-way and easement needs.

- Develop Plans, Specifications and Estimates for the items identified above at 60%, 90%, DRAFT 100% and FINAL levels of completion.

9.2 Structural Engineering: Consultant shall:

- Further develop and refine design of structural engineering items including:
  - Bridge structures, guardrails, and foundations
  - Structured bridge approaches including elevated walkways and stairs and their supports
  - Retaining walls necessary for support of bridge approaches and landscaping areas
- Develop Plans, Specifications and Estimates for the items identified above at 60%, 90%, DRAFT 100% and FINAL levels of completion.

9.3 Bridge Architecture: Consultant shall:

- Prepare overall design and details for major structural elements, details, railings, bents and other aspects in collaboration with Structural Engineering consultant.
- Prepare overall landing / approach design including materials and details in collaboration with Landscape Architecture consultant.
- Prepare options for lighting design, coordinate light fixture types, locations and mounting details with Lighting Design consultant
- Coordinate lighting design details with Electrical Engineering consultant.
- Prepare information to be included on the following sheets by other consultants:
  - Bridge plans, elevations, details
  - Bridge railing details
  - Bridge approach plans, elevations, details
  - Lighting plans and details
  - Bent Details
  - Bridge Structural Tie Detailing and Coordination

9.4 Landscape Architecture: Consultant shall:

- Further develop and refine design of landscape architectural items including:
  - Site material and layout design of entry-related landing site elements connected to the bridge such as paving, stairs, walls, and site furniture.
  - Planting and irrigation design associated with all bridge work, including stormwater facilities, restoration of existing planting areas, and ornamental planting zones.
- Develop Plans, Specifications and Estimates for the items identified above at 60%, 90%, DRAFT 100% and FINAL levels of completion.

9.5 Traffic Engineering and Lighting: Consultant shall:

- Prepare 60%, 90%, DRAFT 100% and FINAL signing and pavement marking plans based on selected wayfinding sign type for pedestrian access routes to/from bridge structure including proposed sign legends and sign supports information as well as pavement markings for the multi-use pathway across the bridge. Only roadway signing and pavement markings impacted by the project within the project footprint to be documented on plans for repair/replacement, if needed. This task includes development of the following items for review:
  - Two (2) Signing & Pavement Marking Plan Sheets (1”=40’).

- Two (2) Detail Sheets (NTS).
- Wayfinding signage beyond project footprint is not included as part of this task.

- Prepare 60%, 90%, DRAFT 100% and FINAL lighting plans for the preferred lighting design alternative that includes pedestrian scale lighting along the access routes to the bridge structure and decorative bridge lighting across the structure itself. Design to be coordinated with Bridge Architecture and Bridge Lighting consultants and to include independent lighting control systems for pedestrian scale lighting and decorative bridge lighting. Lighting control systems to feature remote control from City Public Works facilities. This task includes development of the following items for review:
  - One (1) Legend Sheet (NTS).
  - Two (2) Lighting Plan Sheets (1"=20').
  - Four (4) Detail Sheets (NTS).
  - Lighting Analysis using AGI 32 software and the selected light fixtures for the multi-use path to confirm functional light level targets.
  - Bridge lighting analysis results provided by Bridge Lighting consultant to be included on the plans;
  - Lighting plans to include electrical conduit and junction boxes for security camera system. Security cameras, mounting locations, wiring and associated equipment to be provided by the City..
  - No lighting analysis memorandum will be prepared.
  - Roadway lighting analysis and lighting design beyond the limits of the improvements are not included in this task.
- Prepare 60%, 90%, DRAFT 100% and FINAL temporary traffic control plans for construction of foundations, retaining walls, stair structures, access paths, bridge spans, etc. Plans to include temporary pedestrian routing concepts where applicable. Preparation for and attendance at one (1) meeting with the MAC, including preparation meetings with ODOT Region 1 staff, is included. This task includes development of the following items for review:
  - Three (3) Detour Plan Sheets (1"=100').
  - Eight (8) Temporary Traffic Control Plan Sheets (1"=40').
  - ODOT Mobility Considerations Checklist (MCC) and Work Zone Decision Tree (WZDT).
  - Temporary traffic control design for bridge delivery to project site is not included as part of this scope of services.
  - Development of an ODOT Traffic Management Plan (TMP) is not included as part of this task.

9.6 Bridge Lighting: Consultant shall:

- Develop three individual bridge and approach lighting concepts for review by the City of Sherwood.
- Develop the preferred concept as agreed with the City of Sherwood into a final lighting design in coordination with Bridge Architecture consultant.
- Confirm lighting design performance and compliance with all regulatory requirements, including the use of digital simulation where necessary.
- Coordinate all light fixture types, light fixture mounting details, and other information with lighting manufacturers.
- Provide lighting plan information for inclusion on lighting design sheets produced by Traffic Engineering and Lighting consultant.
- Create documentation showing regulatory compliance.

- Prepare the following information for review:
  - Light Fixture Cut Sheet package
  - Lighting design performance documentation where required

9.6 Deliverables: Consultant shall provide to the Agency:

- Lighting levels assumptions summary for each space type (either in color coded plan diagram or narrative format) in PDF
- Lighting concepts during DD phase
- A set of marked up PDF lighting plan layout/s for each milestone (not all drawings might be appropriate / available for each set) in PDF:
  - 60% Design, 90% Design
  - Lighting details markups / coordination with the architect and structural engineer, if applicable
- Review / redlines of Draft 100% set
- Review / redlines of Final 100% set
- Lighting schedule in Excel and or PDF format
- Product cutsheets in PDF
- Light level study in PDF or DWG format for client's review, if required

9.7 Final Plans:

Based on City's feedback on the 30% submittal, Consultant shall prepare final design plans for 60%, 90%, DRAFT 100% PS&E and FINAL deliverables including the following:

- Develop 60% Plans incorporating response to City's 30% review comments.
- Incorporate additional sheets and details to the 30% plans to refine the design
- Submit 60% Plans for City review.
- Incorporate 60% plan review comments and submit 90% plans to Agency for review.
- Incorporate additional details to the plans including curb ramp grading details.
- Incorporate 90% plan review comments and submit DRAFT 100% plans to Agency for review.
- Incorporate Draft Final plan review comments and submit Stamped and Signed Final Plans to Agency for construction contract advertisement.
- Respond to and update the plans as a result of review comments at each design review stage.

Plan List

TITLE	60%	90%	Draft 100%	Final
Civil				
Cover Sheet	X	X	X	X
Standard Notes	X	X	X	X
Existing Conditions Plan	X	X	X	X
Horizontal Control Plan	X	X	X	X
Construction Staging Plans (6 sheets)	X	X	X	X
Trail Plans and Profiles (5 sheets)	X	X	X	X

Drainage Plans and Profiles (5 sheets)	X	X	X	X
Typical Sections (1 sheet)	X	X	X	X
Civil Details (3 sheets)	X	X	X	X
Erosion and Sediment Control Notes	X	X	X	X
Erosion and Sediment Control Plan	X	X	X	X
Erosion and Sediment Control Details	X	X	X	X
Structural				
Plan and Elevation	X	X	X	X
General Notes	X	X	X	X
Typical Sections	X	X	X	X
Bridge Geometry	X	X	X	X
Bridge Construction Sequence (X sheets)	X	X	X	X
Foundation Data	X	X	X	X
Foundation Plan	X	X	X	X
Micropile Details	X	X	X	X
West Abutment Details (2 sheets)	X (1)	X	X	X
Bent 1 Details (4 sheets)	X (1)	X	X	X
Bent 2 Details (4 sheets)	X (1)	X	X	X
Bent 3 Details (4 sheets)	X (1)	X	X	X
Bent 4 Details (4 sheets)	X (1)	X	X	X
Bent 5 Details (4 sheets)	X (1)	X	X	X
East Approach Foundation Plan	X	X	X	X
East Approach Foundation Details (2 sheets)	X (1)	X	X	X
Span 1 – Plan and Elevation	X	X	X	X
Span 2 – Plan and Elevation	X	X	X	X
Span 3 – Plan and Elevation	X	X	X	X
Span 4 – Plan and Elevation	X	X	X	X
Span 5 – Plan and Elevation	X	X	X	X
Steel Details (7 sheets)	X (2)	X (4)	X	X
East Approach Plan and Elevation	X	X	X	X
East Approach Bent Elevations	X	X	X	X
East Approach Details (3 sheets)	X (1)	X (2)	X	X
Stair Plan and Elevation	X	X	X	X
Stair Details (3 sheets)	X (1)	X (2)	X	X
Deck Plans at Bents (2 sheets)	X	X	X	X
Deck Details at Bents	X	X	X	X
Bridge Rail Key Plan and Elevation	X	X	X	X
Bridge Rail Details (4 sheets)	X	X	X	X

Miscellaneous Details (2 sheets)	X	X	X	X
Utility Support Details		X	X	X
Retaining Wall General Notes	X	X	X	X
Retaining Wall Loading Sections	X	X	X	X
Earthwork Measurement and Payment at Walls	X	X	X	X
Wall Plans and Elevations (3 sheets)	X	X	X	X
Wall Details (4 sheets)	X (1)	X (3)	X	X
Landscape Architecture				
Irrigation Plans (6 sheets)	X	X	X	X
Irrigation Details (3 sheets)	X	X	X	X
Planting Plans (6 sheets)	X	X	X	X
Planting Details (2 sheets)	X	X	X	X
Materials Plans (5 sheets)	X	X	X	X
Materials Details (3 sheets)	X	X	X	X
Traffic				
Detour Plans	X	X	X	X
Temporary Traffic Control Plans	X	X	X	X
Signing & Pavement Marking Plans	X	X	X	X
Signing & Pavement Marking Details	X	X	X	X
Lighting				
Lighting Legend and Notes	X	X	X	X
Lighting Plans	X	X	X	X
Lighting Details		X	X	X

9.8 Engineer's Estimate

Consultant shall update quantity take-offs and Engineer's Estimates prepared for the 30% submittal, for the 60%, 90%, DRAFT 100% and FINAL deliverables. Estimates will include narrative explaining assumptions and contingencies.

9.9 Technical Specifications

Consultant shall prepare Special Provisions with the 60%, 90%, DRAFT 100% and FINAL deliverables consistent with the approved specification index completed as a part of the preliminary design.

9.10 Construction Schedule

Consultant shall prepare a schedule outlining anticipated construction sequencing and durations to assist with setting construction duration in the contract documents. This schedule will be included

with the 90% submittal. Updates to the construction schedule will be included with the DRAFT 100% and FINAL deliverables

9.11 Quality Control Check

Consultant shall conduct QC review of PS&E documents at each stage of development prior to submittal to the City.

9.12 Design Review and Comments Log

Consultant shall record and track comments and issues as they arise through each review cycle and monitor through resolution. The logs will include the name of person making the comment, sheet number, action taken and reason. Consultant shall work with the City Project Manager to identify appropriate City/Agency staff to resolve or help in decision-making.

Task 9 ***Deliverables:*** Consultant shall provide to the Agency:

- 60% PS&E Submittal including the following:
  - 60% Plans in Adobe Acrobat (.PDF) format
  - 60% Engineer's Estimate of Construction Costs in MS Excel and PDF formats
  - 60% Special Provisions in MS Word format
- 90% PS&E Submittal including the following:
  - 90% Plans in Adobe Acrobat (.PDF) format
  - 90% Engineer's Estimate of Construction Costs in MS Excel and PDF formats
  - 90% Special Provisions in MS Word format
- DRAFT 100% PS&E Submittal including the following:
  - DRAFT 100% Plans in Adobe Acrobat (.PDF) format
  - DRAFT 100% Engineer's Estimate of Construction Costs in MS Excel and PDF formats
  - DRAFT 100% Special Provisions in MS Word format
- FINAL PS&E Submittal including the following:
  - 100% Stamped and Signed Plans in Adobe Acrobat (.PDF) format
  - 100% Engineer's Estimate of Construction Costs in MS Excel and PDF formats
  - 100% Special Provisions in MS Word format w/ Stamped Specification Cover Sheets in PDF format
- Construction Schedule in PDF format

TASK 10 – UTILITY COORDINATION

Consultant shall provide utility coordination services for the Project. Consultant shall identify potential overhead and underground utility conflicts related to the proposed improvements and coordinate with the affected utilities during the design phase of the project. In completing this work, Consultant will:

- Update utility conflict maps and matrices with each submittal.
- Develop initial notification letters to potentially affected private and public utility providers (including ODOT) based the on the 30% design. Letters will be formatted for printing on City letterhead and for City signature. Letters will include PDF drawings, Consultant's initial assessment of potential conflicts and relocations, and an estimated construction start date. Letters will also include a request for utility coordination site meeting. City will distribute the letters, collect comments from utility providers, and forward applicable comments to Consultant.

- Schedule, coordinate, and conduct one site meeting with affected utility providers, relevant Consultant staff, and relevant City staff.
- Schedule, coordinate, and conduct up to 8 (total) utility coordination meetings. Meetings will be held virtually, will be up to 1 hour in duration, and will include up to three consultant staff.
- Develop final utility notification letters based on the 60% design, following the same formatting and process as the initial utility notification letters.
- Update utility notification letters based on the 90%, Draft 100%, and FINAL submittals if necessary.

Task 10 Deliverables: *Consultant shall provide*

- Utility conflict maps and matrices with the 60%, 90%, Draft 100%, and FINAL submittals
- Initial utility notification letters based on the 30% submittal
- Agendas and meeting notes for utility coordination meetings
- Final utility notification letters based on the 60% submittal

TASK 11 – RIGHT-OF-WAY AND REAL PROPERTY ACQUISITION SERVICES

Consultant will provide ROW process following State of Oregon's Right of Way Manual and the Contractor Service Guide. It is assumed a total of 1 acquisition file is required for the project.

11.1 Preliminary Activities

Consultant will complete right-of-way research (preliminary title reports) as needed to locate and identify existing easements and property ownership. Upon receipt of authorization to proceed with ROW Acquisition, Consultant shall set up ROW parcel files and deliver a General Information Notice (GIN), acquisition and relocation brochures, and a copy of the applicable portion of the ROW Acquisition map (marked Preliminary and showing the right of way to be acquired) to all owners and occupants of affected properties where a taking and damages or value finding appraisal will be conducted (1 file). Consultant shall mail GINs via certified mail. Consultant shall use City GIN form. Consultant shall email a copy of each GIN as a separate file to the City.

Consultant shall prepare and maintain a Diary of Personal Contact for each file. The Diary of Personal Contact must include dates associated with the mailing of the GIN in addition to the date, place of contact, parties contacted, what was delivered and explained, and a summary of what was discussed, for all contact with affected property owners and/or their representatives.

11.2 Appraisal & Appraisal Review

Taking and Damages appraisals shall be conducted by an Oregon State Certified Appraiser on one (1) identified property. Appraisal review will also be conducted by an independent appraiser, separate from the initial appraisal on two identified properties that are appraised. Consultant will provide copies of the appraisal and appraisal review to the City who will recommend Just Compensation based on the appraisal. Just Compensation shall be no less than the review appraisal amount.

All Valuations will be packaged for City review and Council Approval prior to authorizing the acquisition task.

11.3 ROW Acquisition

Consultant will draft all offer documents for the City's approval. Once approved by City Council and just compensation is set by the City, Consultant will tender two offers in writing at the compensation shown in the appraisal review. Conveyances taken for more or less than the approved Just Compensation will require a statement justifying the settlement. Said statement will include the consideration of any property trades, construction obligations and zoning or permit concessions. All signed documents will be submitted to the City for signatures, recording, and payment. Consultant will complete a diary of contact for each property owner.

Assumptions

- There is a total of 1 parcel and 1 property owner (Sherwood High School).
- Consultant will make every attempt to present offers to property owner(s) in person, otherwise offers will be sent via certified mail.
- The City owns the YMCA property so no right of way services are needed from Epic on this property.
- Legal descriptions and drawings will be provided by others.
- The City will record documents and pay property owners.
- The City will determine a compensation threshold for title clearance.
- Any title and escrow fees related to closing will be discussed before being incurred and billed directly to the City.
- The appraisal is a taking and damages appraisal, and the appraisal review is a desk review. If a more complex valuation is needed, the scope and fee will be adjusted accordingly.
- If relocation is needed, the scope and budget will be revised accordingly.
- If condemnation support is needed, the scope and budget will be revised accordingly.
- Epic's fees are valid for 120 days in the case of a project delay.
- Epic's rates will increase 3% annually.
- There is no ODOT oversight or RITS on this project.

TASK 12 – PERMITTING

12.1 – ODOT / County / City Permits

Consultant will develop application materials for all permits necessary for the construction of the project. It is anticipated that permits may be necessary from the following jurisdictions:

- City of Sherwood
- Oregon Department of Transportation (ODOT)
- ODOT MAC - Preparation for and attendance at one MAC meeting to gain approvals for temporary impacts.
- Washington County
- Clean Water Services
- Oregon Department of Environmental Quality (1200C permit)

Consultant will provide application materials for City signature and submittal. City will pay all applicable application fees.

12.1 Deliverables (electronic):

- Permit application forms and supporting documentation

12.2 - Environmental Documentation and Permitting:

Consultant shall complete the following efforts relative to gaining required approvals from resource agencies:

- Conduct wetland delineation and Natural Resource Assessment (PHS)
- Prepare wetland delineation report and gain concurrence from Oregon Department of State Lands (PHS)
- Prepare Natural Resource Assessment report and gain Service Provider Letter from Clean Water Services (PHS)
- City of Sherwood Street Tree Removal Permit Application (GW)
- Arborist Report indicating trees to be removed and protected. Trees adjacent to the bridge and landing will be assessed for safety. (GW)
- Coordinate with consultant team and permitting agencies to confirm environmental permitting needs as project progresses.

12.2 Deliverables (electronic):

- Draft and Final wetland delineation report (PHS)
- Draft and Final Natural Resource Assessment report (PHS)
- Street Tree Removal Permit Application (GW)
- Arborist Report and Tree Assessment (GW and ISA Certified Arborist)
- Email confirmation of environmental permitting needs.

C12.3 Joint Permit Application (JPA) (Contingency Task):

If determined that the project will directly affect State wetlands and if approved by the City, Consultant shall prepare a JPA (for Oregon Removal/Fill Permit).

12.3 Deliverables (electronic)*:*

- Draft and Final Joint Permit Application (for Oregon Removal/Fill Permit)

Assumptions:

- There will not be a federal nexus on this project (no impacts to Corps-jurisdictional wetlands and no federal funding). If there is a federal nexus, additional permitting and documentation will be required which can be added via an Additional Services Request.
- No other local environmental permits will be required.
- Neither Stream Functional Assessment Method (SFAM) nor Oregon Rapid Wetland Assessment Protocol (ORWAP) will be required.
- If any wetland mitigation is required, it can be satisfied by the purchase of mitigation bank credits, in-lieu fee, payment-in-lieu, or a combination of these methods.
- No mitigation plan will be required.
- Any/all mitigation costs will be paid by others.

- All agency permitting/review fees will be paid by others.
- Construction and post-construction permit compliance and reporting services are not included.
- No local or FEMA floodplain permitting is required.

TASK 13 – BIDDING SERVICES

The city will provide the front-end documents for the Request for Proposals for construction and will perform the bid release through the DJC. Consultant shall provide special specifications docs including bid tab sheet(s).

Consultant shall respond to questions from prospective Construction Contractors (CCs) and suppliers regarding the Plans and Special Provisions that are fielded by the City. Responses to questions will be in writing and forwarded to the Agency for distribution within one (1) business day from the time a question is submitted by a CC.

Consultant shall, during the bidding process, manage the communications with CCs and suppliers in a manner that provides that no CC or supplier is provided with information that could provide a bidding advantage or disadvantage. Consultant shall prepare a written log to document conversations and questions asked by CCs and/or suppliers and the answers provided in response. Consultant shall prepare a summary of the communications at the close of the bidding period.

Consultant shall prepare an addendum to the bid documents as required during the bidding process. An allowance for supporting up to three (3) bid addendum is provided in the estimated budget for this SOW.

Consultant shall attend a prebid meeting, attend the bid opening, support city staff, conduct the bid submittal analysis and make recommendation for award.

Task 13 Deliverables: Consultant shall provide:

- Written log of conversations, questions, and answers. Responses to questions must be forwarded to the City for distribution within one (1) business day from the time that a question is received by Consultant.
- Up to three (3) addendum determined to be necessary and appropriate including text and plan revisions, due as scheduled by the City.
- Agenda and meeting minutes for Prebid meeting
- Documentation of bid analysis
- Recommendation for award.

EXHIBIT B

City of Sherwood - Public Works Department
Hwy 99W Pedestrian Crossing Project

Summary of Estimated Fees for Engineering Services
PHASE 2 - Final Engineering

KPFF, Inc.
7/6/2022

Summary - Labor & Expenses by Firm

Work Item	KPFF Civil	KPFF Survey	KPFF Structural	A2	Biella Lighting	DKS	Epic Land Svcs	GRI	GreenWorks	JLA	Pacific Habitat Services	Subtotal
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION	$ 40,942	$ -	$ 10,860	$ 1,560	$ -	$ 7,765	$ -	$ 2,162	$ 6,510	$ -	$ 740	$ 70,539
TASK 2 – RESEARCH & DATA GATHERING	*Task Complete*											
TASK 3 – PREDESIGN SURVEY	$ -	$ 16,560	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 16,560
TASK 4 –ALTERNATIVES ANALYSIS	*Task Complete*											
TASK 5 – PRELIMINARY DESIGN (30%)	*Task Complete*											
TASK 6 - GEOTECHNICAL ENGINEERING	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,280	$ -	$ -	$ -	$ 15,280
TASK 7 – PRELIMINARY PERMITTING MEMO	*Task Complete*											
TASK 8 – PUBLIC INVOLVEMENT	$ 24,376	$ -	$ 8,500	$ 17,200	$ -	$ -	$ -	$ -	$ 11,130	$ 28,365	$ -	$ 89,571
TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)	$ 163,364	$ -	$ 786,900	$ 45,500	$ 22,720	$ 132,830	$ -	$ 14,180	$ 113,500	$ -	$ -	$ 1,278,994
TASK 10 – UTILITY COORDINATION	$ 17,483	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 17,483
TASK 11 – RIGHT-OF-WAY AND REAL PROPERTY ACQUISITION SERVICES	$ -	$ -	$ -	$ -	$ -	$ -	$ 14,895	$ -	$ -	$ -	$ -	$ 14,895
TASK 12 – PERMITTING	$ 21,534	$ -	$ 20,520	$ -	$ -	$ -	$ -	$ -	$ 13,300	$ -	$ 17,630	$ 72,984
TASK 13 – BIDDING SERVICES	$ 21,996	$ -	$ 53,540	$ -	$ 960	$ -	$ -	$ 2,730	$ 1,250	$ -	$ -	$ 80,476
Totals Non-Contingency Tasks :	$ 289,696	$ 16,560	$ 880,320	$ 64,260	$ 23,680	$ 140,595	$ 14,895	$ 34,352	$ 145,690	$ 28,365	$ 18,370	**$ 1,656,782**

Contingency Tasks

C12.3 JOINT PERMIT APPLICATION (JPA)	$ 25,388	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 25,388
Totals Contingency Tasks :	$ 25,388	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	**$ 25,388**
Totals:	$ 315,083	$ 16,560	$ 880,320	$ 64,260	$ 23,680	$ 140,595	$ 14,895	$ 34,352	$ 145,690	$ 28,365	$ 18,370	**$ 1,682,170**

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	KPFF Civil										
	$234.39	$191.25	$165.00	$136.89	$119.06	$168.77	$103.11		Labor		
	PIC	PM	Proj. Eng.	Designer	CADD	Sr. Env. Scientist	Proj. Admin.	Hours	Cost	Expenses	Subtotals
Non-Contingency Tasks											
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION											
1.1 - Project Coordination	48						48	96	$ 16,200		
1.2 - Meetings								0	$ -		
Team Meetings (4, 3-hr in-person mtg and 8, 1-hr virtual mtgs)	20		20			6	20	66	$ 11,063		
Agency Coordination Meetings (6, 1-hr virtual mtgs)	6		12			2	6	26	$ 4,343		
1.3 - Project Schedule	12							12	$ 2,813		
1.4 - Monthly Invoices and Progress Reports	12						36	48	$ 6,525		
								0	$ -		
Task 1 Subtotal:	98	0	32	0	0	8	110	248	$ 40,942	$ -	$ 40,942
TASK 8 – PUBLIC INVOLVEMENT											
8.1 - Open Houses (1 in-person or virtual)	4	4	4	16	12		4	44	$ 6,394		
8.2 - City Council Presentations (2 work sessions, 1 public session)	18		12	24	12		6	72	$ 11,532		
8.3 - Public Art Plan	8						4	12	$ 2,288		
8.4 - Project Sign	4						4	8	$ 1,350		
8.5 - Meeting Attendance								0	$ -		
8.6 - Site Renderings	2		8	4	4			18	$ 2,813		
								0	$ -		Task 8
Task 8 Subtotal:	36	4	24	44	28	0	18	154	$ 24,376	$ -	$ 24,376
TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)											
9.1 - Civil Engineering	40	60	160	160				420	$ 69,153		
9.7 - Final Plans			120	120	160			400	$ 55,277		
9.8 - Engineer's Estimate		12	48	40				100	$ 15,691		
9.9 - Technical Specifications		4	40				8	52	$ 8,190		
9.10 - Construction Schedule	4	16						20	$ 3,998		
9.11 - Quality Control Check	16	4	8					28	$ 5,835		
9.12 - Design Review and Comments Log	4		16	12				32	$ 5,220		
								0	$ -		Task 9
Task 9 Subtotal:	64	96	392	332	160	0	8	1052	$ 163,364	$ -	$ 163,364
TASK 10 – UTILITY COORDINATION											
Utility conflict maps and matrices with the 60%, 90%, Draft 100%, and FINAL submittals	2	4	24	24				54	$ 8,479		
Initial utility notification letters based on the 30% submittal	2		6				2	10	$ 1,665		
Agendas and meeting notes for utility coordination meetings	8		8	8			6	30	$ 4,909		
Final utility notification letters based on the 60% submittal	2		4	8			2	16	$ 2,430		
											Task 10
Task 10 Subtotal:	14	4	42	40	0		10	110	$ 17,483	$ -	$ 17,483

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	KPFF Civil										
	$234.39	$191.25	$165.00	$136.89	$119.06	$168.77	$103.11		Labor		
	PIC	PM	Proj. Eng.	Designer	CADD	Sr. Env. Scientist	Proj. Admin.	Hours	Cost	Expenses	Subtotals
TASK 11 – RIGHT-OF-WAY AND REAL PROPERTY ACQUISITION SERVICES											
Task 11 Subtotal:	0	0	0	0	0	0	0	0	$ -	$ -	$ -
TASK 12 – PERMITTING											
12.1 - ODOT / County / City Permits	4	12	40	40			8	104	$ 16,133		
12.2 - Environmental Documentation and Permitting								0	$ -		
Wetland Delineation and Nat. Resource Assessment (NRA)						2		2	$ 338		
Wetland Delineation Report / Gain concurrence						3		3	$ 506		
NRA report and Service Provider Letter						3		3	$ 506		
Tree Removal Permit Application						4		4	$ 675		
Coordinate w/ team and agencies						20		20	$ 3,375		
								0	$ -		
								0	$ -		Task 12
Task 12 Subtotal:	4	12	40	40	0	32	8	136	$ 21,534	$ -	$ 21,534
TASK 13 – BIDDING SERVICES											
Log of conversations, questions, and answers	2	8	12	12			8	42	$ 6,446		
Up to three (3) addenda (as necessary)	3	6	12	24	12		3	60	$ 8,854		
Attend prebid meeting	4	4						8	$ 1,703		
Attend bid opening	4	4						8	$ 1,703		
Conduct bid analysis and make recommendation	4	2	8	4			1	19	$ 3,291		
								0	$ -		
								0	$ -		Task 13
Task 13 Subtotal:	17	24	32	40	12	0	12	137	$ 21,996	$ -	$ 21,996
Non Contingency Totals:	233	140	562	496	200	40	166	1837	$ 289,696	$ -	$ 289,696
Contingency Tasks											
C12.3 JOINT PERMIT APPLICATION (JPA)											
Draft and Final Joint Permit Application (for OR Removal/Fill Permit)	2	8			58	94	6	168	$ 25,388		
											Task C12.3
Contingency Task C12.3 Subtotal:	2	8	0	0	58	94	6	168	$ 25,388	$ -	$ 25,388
Contingency and Non-Contingency Totals:	235	148	562	496	258	134	172	2005	$ 315,083	$ -	$ 315,083

Hwy 99W Pedestrian Crossing Project **7/6/2022**
PHASE 2
Survey

Task #	Task Description	Hourly Rates PM $235	PLS $180	Proj. Surveyor $130	Survey Tech $110	Proj. Admin $100	2-Person Crew $185	Labor Cost	Expenses
	Legal Descriptions / Sketch Map Exhibits								
			16		4			$ 3,320	
	TOTALS	**0**	**16**	**0**	**4**	**0**	**0**	**$ 3,320**	**$ -**
	Supplementary Survey Services								
			8		40		40	$ 13,240	
	TOTALS	**0**	**8**	**0**	**40**	**0**	**40**	**$ 13,240**	**$ -**
	PROJECT TOTAL:	**0**	**24**	**0**	**44**	**0**	**40**	**$ 16,560**	**$ -**

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	KPFF STRUCTURAL									
	$250.00	$200.00	$170.00	$145.00	$130.00	$110.00		Labor		
	Principal	PM / Associate	Senior Engineer	Structural Designer	CAD/BIM Modeler	Administrative	Hours	Cost	Expenses	Subtotals
Non-Contingency Tasks										
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION										
1.1 - Project Coordination							0	$ -		
1.2 - Meetings							0	$ -		
Team Meetings (4, 3-hr in-person mtg and 8, 1-hr virtua	10	20	10				40	$ 8,200	$ 200	
Agency Coordination Meetings (6, 1-hr virtual mtgs)	3	6	3				12	$ 2,460		
							0	$ -		
Task 1 Subtotal:	13	26	13	0	0	0	52	$ 10,660	$ 200	$ 10,860
TASK 8 – PUBLIC INVOLVEMENT										
							0	$ -		
8.1 - Open Houses							0	$ -		
8.2 - City Council Presentations	8	8	8				24	$ 4,960	$ 100	
8.6 - Site Renderings			8		16		24	$ 3,440		
							0	$ -		Task 8
Task 8 Subtotal:	8	8	16	0	16	0	48	$ 8,400	$ 100	$ 8,500
TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)										
							0	$ -		
9.1 - Civil Engineering							0	$ -		
9.2 - Structural Engineering	96	408	456	552		48	1560	$ 268,440		
9.3 - Bridge Architecture							0	$ -		
9.4 - Landscape Architecture							0	$ -		
9.5 - Traffic Engineering and Lighting							0	$ -		
9.6 - Bridge Lighting							0	$ -		
9.7 - Final Plans	96	408	456	552	1224	48	2784	$ 427,560		
9.8 - Engineer's Estimate	8	12	48	40			108	$ 18,360		
9.9 - Technical Specifications	8	24	40	16		8	96	$ 16,800		
9.10 - Construction Schedule	4	8	8	4			24	$ 4,540		
9.11 - Quality Control Check	8	24	80	40	16		168	$ 28,280		
9.12 - Design Review and Comments Log	40	40	16	8	8		112	$ 22,920		
							0	$ -		
							0	$ -		Task 9
Task 9 Subtotal:	260	924	1104	1212	1248	104	4852	$ 786,900	$ -	$ 786,900

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	KPFF STRUCTURAL									
	$250.00	$200.00	$170.00	$145.00	$130.00	$110.00		Labor		
	Principal	PM / Associate	Senior Engineer	Structural Designer	CAD/BIM Modeler	Administrative	**Hours**	**Cost**	**Expenses**	**Subtotals**
TASK 12 – PERMITTING										
							0	$ -		
12.1 - ODOT / County / City Permits	8	24	24	40	16	16	128	$ 20,520		
12.2 - Environmental Documentation and Permitting							0	$ -		
							0	$ -		Task 12
Task 12 Subtotal:	8	24	24	40	16		128	$ 20,520	$ -	$ 20,520
TASK 13 – BIDDING SERVICES										
							0	$ -		
Log of conversations, questions, and answers	8	24	24	16		8	80	$ 14,080		
Up to three (3) addenda (as necessary)	8	24	40	40	48	12	172	$ 26,960		
Attend PreBid Meeting	4	4					8	$ 1,800		
Attend Bid Opening		4					4	$ 800		
Conduct bid analysis	8	16	16				40	$ 7,920		
Make recommendation for award	2	4	4				10	$ 1,980		
							0	$ -		Task 13
Task 13 Subtotal:	30	76	84	56	48	20	314	$ 53,540	$ -	$ 53,540
Non Contingency Totals:	319	1058	1241	1308	1328	124	5394	$ 880,020	$ 300	$ 880,320

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

Non-Contingency Tasks	Architectural Applications					
	$130.00 Senior Designer	$115.00 Junior Designer	Hours	Labor Cost	Expenses	Subtotals
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION						
1.1 - Project Coordination			0	$ -		
1.2 - Meetings			0	$ -		
Team Meetings (4, 3-hr in-person mtg and 8, 1-hr virtual mtgs)	12		12	$ 1,560		
Agency Coordination Meetings (6, 1-hr virtual mtgs)			0	$ -		
1.3 - Project Schedule			0	$ -		
1.4 - Monthly Invoices and Progress Reports			0	$ -		Task 1
			0	$ -		
Task 1 Subtotal:	12	0	12	$ 1,560	$ -	$ 1,560
TASK 8 – PUBLIC INVOLVEMENT						
			0	$ -		
8.1 - Open Houses	2		2	$ 260		
8.2 - City Council Presentations	2		2	$ 260		
8.3 - Public Art Plan	12		12	$ 1,560		
8.4 - Project Sign			0	$ -		
8.5 - Meeting Attendance			0	$ -		
8.6 - Site Renderings	24		24	$ 3,120	$ 12,000	
			0	$ -		Task 8
Task 8 Subtotal:	40	0	40	$ 5,200	$ 12,000	$ 17,200
TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)						
			0	$ -		
9.3 - Bridge Architecture	350		350	$ 45,500		
			0	$ -		Task 9
Task 9 Subtotal:	350	0	350	$ 45,500	$ -	$ 45,500
Non Contingency Totals:	402	0	402	$ 52,260	$ 12,000	$ 64,260

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	Biella Lighting					
	$160.00	$145.00		Labor		
Non-Contingency Tasks	Principal	Designer	**Hours**	**Cost**	**Expenses**	**Subtotals**
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION						
Task 1 Subtotal:	0	0	0	$ -	$ -	$ -
TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)						
			0	$ -		
9.6 - Bridge Lighting	142		142	$ 22,720		
			0	$ -		
Task 9 Subtotal:	142	0	142	$ 22,720	$ -	$ 22,720
TASK 13 – BIDDING SERVICES						
			0	$ -		
Log of conversations, questions, and answers	6		6	$ 960		
			0	$ -		
Task 13 Subtotal:	6	0	6	960	0	$ 960
Non Contingency Totals:	148	0	148	$ 23,680	$ -	$ 23,680

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	DKS									
	$265.00	$235.00	$170.00	$135.00	$110.00	$140.00		Labor		
Non-Contingency Tasks	Grade 43 - Principal-in-Charge	Grade 37 - Traffic Engineering Lead	Grade 24 - Traffic Engineer	Grade 17 - Traffic Engineering Assistant	Grade 12 - CAD Technician	Tech V - Project Administrator	**Hours**	**Cost**	**Expenses**	**Subtotals**
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION										
1.1 - Project Coordination							0	$ -		
1.2 - Meetings							0	$ -		
Team Meetings (2, 3-hr in-person mtg and 4, 1-hr virtual mtgs)		7	6				13	$ 2,665		
Agency Coordination Meetings (6, 1-hr virtual mtgs)		3	6				9	$ 1,725		
1.3 - Project Schedule							0	$ -		
1.4 - Monthly Invoices and Progress Reports		9				9	18	$ 3,375		Task 1
							0	$ -		
Task 1 Subtotal:	0	19	12	0	0	9	40	$ 7,765	$ -	$ 7,765
TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)										
							0	$ -		
9.5 - Traffic Engineering and Lighting							0	$ -		
Signing & Pavement Marking		2	16	56	32	2	108	$ 14,550		
Lighting & Security		16	98	164	58	2	338	$ 49,220		
Temporary Traffic Control	4	16	74	124	90	8	316	$ 45,160		
9.6 - Bridge Lighting							0	$ -		
9.7 - Final Plans		2	4	8	24		38	$ 4,870		
9.8 - Engineer's Estimate	2	2	8	16		2	30	$ 4,800		
9.9 - Technical Specifications	2	2	8	16		4	32	$ 5,080		
9.10 - Construction Schedule							0	$ -		
9.11 - Quality Control Check	4	12					16	$ 3,880		
9.12 - Design Review and Comments Log	2	4	8	16		2	32	$ 5,270		
							0	$ -		
							0	$ -		Task 9
Task 9 Subtotal:	14	56	216	400	204	20	910	132830	0	$ 132,830
Non Contingency Totals:	14	75	228	400	204	29	950	140595	0	$ 140,595

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	Epic									
	$260.00	$155.00	$90.00	$75.00	$130.00		Labor			
Non-Contingency Tasks	Principal in Charge	Senior Project Manager	ROW Agent	Project Support	Budget & Financial Controls	**Hours**	**Cost**	**Expenses**	**Subtotals**	
TASK 11 – RIGHT-OF-WAY AND REAL PROPERTY ACQUISITION SERVICES										
						0	$ -			
11.1 - Preliminary Activities	1	3	10	1	1	16	$ 1,830	$ 350		1 PTR @ $350
11.2 - Appraisal & Appraisal Review		8	2		1	11	$ 1,550	$ 7,000		1 appraisal @ $5500; 1 appraisal review @ $1500
11.3 - ROW Acquisition	2	7	20	4	1	34	$ 3,835	$ 330		1 GIN & 1 Offer pkt. Sent certified mail @ $15; Online data services for 3 mos. @ $100
						0	$ -			
Task 11 Subtotal:	3	18	32	5	3	61	$ 7,215	$ 7,680	$ 14,895	
Non Contingency Totals:	3	18	32	5	3	61	$ 7,215	$ 7,680	$ 14,895	

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	GRI									
	$265.00	$220.00	$140.00	$110.00	$125.00	$130.00		Labor		
Non-Contingency Tasks	Principal	Associate	Engr/Geol Staff	CAD Operator	Technical Editor	Project Accountant	**Hours**	**Cost**	**Expenses**	**Subtotals**
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION										
1.2 - Meetings							0	$ -		
Team Meetings (4, 3-hr in-person mtg and 8, 1-hr virtual mtgs)		5					5	$ 1,100	$ 12	
Agency Coordination Meetings (6, 1-hr virtual mtgs)							0	$ -		
1.4 - Monthly Invoices and Progress Reports		3				3	6	$ 1,050		Task 1
							0	$ -		
Task 1 Subtotal:	0	8	0	0	0	3	11	$ 2,150	$ 12	$ 2,162
TASK 6 - GEOTECHNICAL ENGINEERING										
							0	$ -		
Revised draft geotechnical reports, if required	4	16	16	4	2	1	43	$ 7,640		
Revised final geotechnical reports, if required	4	16	16	4	2	1	43	$ 7,640		
							0	$ -		Task 6
Task 6 Subtotal:	8	32	32	8	4	2	86	$ 15,280	$ -	$ 15,280
TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)										
							0	$ -		
9.1 - Civil Engineering	2	8		4			14	$ 2,730		
9.2 - Structural Engineering	2	8		4			14	$ 2,730		
9.7 - Final Plans	2	8		4			14	$ 2,730		
9.8 - Engineer's Estimate							0	$ -		
9.9 - Technical Specifications	4	12					16	$ 3,700		
9.10 - Construction Schedule							0	$ -		
9.11 - Quality Control Check	2	8					10	$ 2,290		
9.12 - Design Review and Comments Log							0	$ -		
							0	$ -		Task 9
Task 9 Subtotal:	12	44	0	12	0	0	68	$ 14,180	$ -	$ 14,180
TASK 13 – BIDDING SERVICES										
							0	$ -		
Log of conversations, questions, and answers	2	10					12	$ 2,730		
							0	$ -		Task 13
Task 13 Subtotal:	2	10	0	0	0	0	12	$ 2,730	$ -	$ 2,730
Non Contingency Totals:	22	94	32	20	4	5	177	$ 34,340	$ 12	$ 34,352

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	GreenWorks								
	$180.00	$160.00	$125.00	$100.00	$115.00		Labor		
Non-Contingency Tasks	Principal	Landscape Architect IV	Landscape Architect II	Landscape Designer I	Project Admin	**Hours**	**Cost**	**Expenses**	**Subtotals**
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION									
1.2 - Meetings						0	$ -		
Team Meetings (4, 3-hr in-person mtg and 8, 1-hr virtual mtgs)	10		20			30	$ 4,300		
Agency Coordination Meetings (6, 1-hr virtual mtgs)	3		6			9	$ 1,290		
1.4 - Monthly Invoices and Progress Reports					8	8	$ 920		Task 1
						0	$ -		
Task 1 Subtotal:	13	0	26	0	8	47	$ 6,510	$ -	$ 6,510
TASK 8 – PUBLIC INVOLVEMENT									
						0	$ -		
8.1 - Open Houses			4			4	$ 500		
8.2 - City Council Presentations			2	2		4	$ 450		
8.3 - Public Art Plan						0	$ -		
8.4 - Project Sign						0	$ -		
8.5 - Meeting Attendance						0	$ -		
8.6 - Site Renderings	1		32	60		93	$ 10,180		
						0	$ -		Task 8
Task 8 Subtotal:	1	0	38	62	0	101	$ 11,130	$ -	$ 11,130
TASK 9 – PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E)									
						0	$ -		
9.4 - Landscape Architecture	38	38	160	240		476	$ 56,920		
9.7 - Final Plans	1	38	160	240		439	$ 50,260		
9.8 - Engineer's Estimate		1	16			17	$ 2,160		
9.9 - Technical Specifications		1	32			33	$ 4,160		
						0	$ -		Task 9
Task 9 Subtotal:	39	78	368	480	0	965	$ 113,500	$ -	$ 113,500
TASK 12 – PERMITTING									
						0	$ -		
12.1 - ODOT / County / City Permits						0	$ -		
12.2 - Environmental Documentation and Permitting						0	$ -		
Tree Removal Permit Application	1	2	64	48		115	$ 13,300		
						0	$ -		Task 12
Task 12 Subtotal:	1	2	64	48	0	115	$ 13,300	$ -	$ 13,300
TASK 13 – BIDDING SERVICES									
						0	$ -		
Log of conversations, questions, and answers						0	$ -		
Up to three (3) addenda (as necessary)			6			6	$ 750		
Attend PreBid Meeting			2			2	$ 250		
Attend Bid Opening			2			2	$ 250		
						0	$ -		Task 13
Task 13 Subtotal:	0	0	10	0	0	10	$ 1,250	$ -	$ 1,250
Non Contingency Totals:	54	80	506	590	8	1238	$ 145,690	$ -	$ 145,690

OR 99W Sherwood Ped Crossing
Final Engineering Phase
JLA Public Involvement | July 2022

Task #	Task/Subtasks	Quantity	Tracie Heidt PI 3 $120 /hr Hours	Tracie Heidt PI 3 $120 /hr Cost	Sam Beresky PI 5 $162 /hr Hours	Sam Beresky PI 5 $162 /hr Cost	Coordinator PI 2 $106.08 /hr Hours	Coordinator PI 2 $106.08 /hr Cost	Lesley Yan Admin 4 $107.53 /hr Hours	Lesley Yan Admin 4 $107.53 /hr Cost	Kalin Schmoldt PI 6 $178.92 /hr Hours	Kalin Schmoldt PI 6 $178.92 /hr Cost	Darren Cools PI 4/Graphic Design $131.07 /hr Hours	Darren Cools PI 4/Graphic Design $131.07 /hr Cost	Add new staff here	Totals Hours	Totals Labor	Totals Expenses	Totals Cost
8.0	**Public Involvement Tasks**																		
	Public Involvement																		
8.1	Open house *Assumes in person or virtual.*	1	18	$2,168	1	$162	18	$1,909	0	$0	4	$716	0	$0		41	$4,955	$120	**$5,075**
8,.2	Council presentations *Plan, organize materials, attend/present for up to 2 work sessions and 1 regular session*	3	15	$1,806	1	$162	3	$318	0	$0	0	$0	0	$0		19	$2,287	$40	**$2,327**
8.3	Public Art Outreach *Team meetings, facilitation of up 3 committee meetings and 2 community meetings, written advertising materials.*	5	50	$6,021	4	$648	50	$5,304	0	$0	8	$1,431	8	$1,049		120	$14,453	$30	**$14,483**
8.4	Project Sign *Design up to 4 sign updates.*	4	8	$963	0	$0	0	$0	0	$0	0	$0	16	$2,097		24	$3,060	$0	**$3,060**
8.5	Team meetings and invoices *Up to 5 meetings plus 9 months of invoices*		19	$2,288	1	$162	0	$0	9	$968	0	$0	0	$0		29	$3,418	$2	**$3,420**
	Task 8.0 Subtotal		**110**	**$13,246**	**7**	**$1,135**	**71**	**$7,532**	**9**	**$968**	**12**	**$2,147**	**24**	**$3,146**		**233**	**$28,173**	**$192**	**$28,365**
	Add new task here															▲	▲	▲	▲
	Totals		**110**	**$13,246**	**7**	**$1,135**	**71**	**$7,532**	**9**	**$968**	**12**	**$2,147**	**24**	**$3,146**	◄	233	$28,173	$192	**$28,365**
																233	$28,173	$192	**$28,365**

City of Sherwood
99W PEDESTRIAN CROSSING PROJECT - PROJECT NO. 334
Estimated Fees for Phase 2 Final Engineering

	Pacific Habitat Services								
	$185.00	$125.00	$118.00	$97.00	$87.00		Labor		
Non-Contingency Tasks	Env. Lead	Wetland Scientist 2	Wetland Scientist 1	Graphics Specialist	Technical Editor	**Hours**	**Cost**	**Expenses**	**Subtotals**
TASK 1 - PROJECT MANAGEMENT AND ADMINISTRATION									
1.2 - Meetings						0	$ -		
Team Meetings (4, 3-hr in-person mtg and 8, 1-hr virtual mtgs)	4					4	$ 740		
Agency Coordination Meetings (6, 1-hr virtual mtgs)						0	$ -		
						0	$ -		
Task 1 Subtotal:	4	0	0	0	0	4	$ 740	$ -	$ 740
TASK 12 – PERMITTING									
						0	$ -		
12.1 - ODOT / County / City Permits						0	$ -		
12.2 - Environmental Documentation and Permitting						0	$ -		
Wetland Delineation and Nat. Resource Assessment (NRA)	2	9	9			20	$ 2,557		
Wetland Delineation Report / Gain concurrence	3	35	6	5	5	54	$ 6,558		
NRA report and Service Provider Letter	6	42	8	8	5	69	$ 8,515		
Tree Removal Permit Application						0	$ -		
Coordinate w/ team and agencies						0	$ -		
						0	$ -		Task 12
Task 12 Subtotal:	11	86	23	13	10	143	$ 17,630	$ -	$ 17,630
Non Contingency Totals:	15	86	23	13	10	147	$ 18,370	$ -	$ 18,370

City Council Meeting Date: July 19, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Chanda Hall, Arts Center Manager
Through: Kristen Switzer, Community Services Director and Keith D. Campbell, City Manager

SUBJECT: **Resolution 2022-059, Reappointing Casey Chen to the Cultural Arts Commission**

Issue:
Should the City Council reappoint Casey Chen to the Cultural Arts Commission?

Background:
Casey Chen has served in Position 9 on the Cultural Arts Commission since 2019. She has been a dedicated and consistent presence on the Arts Commission and would like to extend her time. The Arts Commission currently has two vacancies. The Council Liaison to the Arts Commission, Sean Garland, Arts Center Manager Chanda Hall, and Chair Winnie Parmar unanimously recommend the reappointment of Casey Chen. The Mayor has recommended this reappointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:
There are no financial impacts from this proposed action.

Recommendation:
Staff respectfully recommends City Council's adoption of Resolution 2022-059, reappointing Casey Chen to the Cultural Arts Commission.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2022-059

REAPPOINTING CASEY CHEN TO THE CULTURAL ARTS COMMISSION

WHEREAS, Casey Chen currently holds Position 9 on the Cultural Arts Commission; and

WHEREAS, her term expired on June 30, 2022 and she is seeking reappointment; and

WHEREAS, the Mayor has recommended to City Council that Casey Chen be reappointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby reappoints Casey Chen to Position 9 of the Cultural Arts Commission for a term expiring at the end of June 2025.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th day of July, 2022.

_____
Keith Mays, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

City Council Meeting Date: July 19, 2022

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Keith D. Campbell, City Manager
Through: Josh Soper, City Attorney

SUBJECT: Resolution 2022-060, Authorizing the City Manager to Acquire Real Property

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Issue:
Shall the City Council authorize the City Manager to acquire real property?

Background:
Previously, City Council authorized the City Manager to acquire real property within certain parameters pursuant to Resolution 2021-031 and subsequently renewed that authorization pursuant to Resolution 2021-090, both of which have since expired. Resolution 2022-025 extended that delegation of authority and eliminated the expiration date in order to avoid the need for further renewals in the future. This Resolution would increase the dollar amount of the City Manager's authority from $2 million to $2.5 million. The other terms of the Resolution would remain the same.

As with the prior resolutions, there is a need for this delegation of authority because, in the current market, it is necessary for the City to be able to respond to opportunities in a timely manner without the delay of requesting a meeting and seeking City Council approval. In order to do this, this Resolution would give the City Manager the authority and flexibility to negotiate, make offers, and acquire property that furthers the City's goals and priorities.

Financial Impacts:
The City Manager would be authorized to purchase one or more parcels of real property, provided, however, that the purchase price for any individual property may not exceed two and a half million dollars ($2,500,000).

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2022-060, Authorizing the City Manager to Acquire Real Property.

DRAFT

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2022-060

AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY

WHEREAS, the City has a need to acquire real property for various purposes; and

WHEREAS, in order to successfully acquire such property, it is necessary for the City to be able to respond to opportunities in a timely manner; and

WHEREAS, City Council has therefore determined that it is necessary and appropriate to delegate authority to the City Manager in connection with such property acquisition, within certain parameters specified herein.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Manager is hereby authorized to purchase real property which the City Manager determines it is in the best interest of the City to acquire. This authorization includes the authority to make offers, negotiate purchase terms, execute related documents, make payment, and perform all other actions necessary to complete the acquisition of such real property for the City. Under the authority granted by this Resolution, the City Manager may purchase one or more parcels of real property, provided, however, that the purchase price for any individual property may not exceed two million five-hundred thousand dollars ($2,500,000).

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th of July 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Mayor Keith Mays and Sherwood City Council

FROM: Eric Rutledge, Associate Planner

THROUGH: Josh Soper, City Attorney

DATE: July 12, 2022

SUBJECT: Appeal Hearing for LU 2022-004 MM Sentinel Storage

Issue:
The City received an appeal on land use application LU 2022-004 MM Sentinel Storage. The application is for a new 3-story, 575 unit self-storage building in an existing self-storage development (Sentinel Storage) located at 21900 SW Langer Farms Parkway. This appeal deals with the proposed self-storage use and whether or not the use is permitted on the property pursuant to the land use history and ORS 92.040.

Background
The City of Sherwood Planning Commission (Commission) unanimously approved the land use application on May 11, 2022. The Commission determined that the application satisfied all applicable development standards and approval criteria. Testimony in opposition to the project was received and considered by the Commission prior to issuing a decision. The testimony in opposition to the application focused on the self-storage use and vesting rights pursuant to ORS 92.040. The Planning Commission decision was appealed by the appellants on May 23, 2022. The full appeal is included as Attachment 2.

Appeal Procedures
The City Council acts as the Appeal Authority for Type IV land use decisions issued by the Planning Commission. Land use appeal procedures are described in SZCDC § 16.76 and are limited. Only individuals who testified before the Planning Commission, either orally or in writing, will be allowed to testify before the City Council and all arguments must similarly have been raised.

As of the date of this memo, no written public testimony was received on the appeal. The 120-day deadline is August 4, 2022 and the City is required to issue its final decision by this date.

Application Timeline

App. Submitted:	February 24, 2021
App. Complete:	March 16, 2021
Planning Commission Decision:	May 10, 2022
Council Appeal Hearing:	July 19, 2022

120-Day Deadline: August 4, 2022

Financial Impacts:
There are no direct financial impacts of acting on the land use appeal, however, the decision can be appealed to the Land Use Board of Appeal (LUBA). If a LUBA appeal is filed, the City may incur legal costs if the City chooses to defend the decision.

City Council Alternatives:
The Appeal Authority may act to affirm, reverse, remand, or amend the action being reviewed. Due to the 120-day deadline, there is not sufficient time for the decision to be remanded to the Planning Commission unless an extension is granted by the applicant.

- Affirm the Planning Commission decision and approve the application based on the Planning Commission Findings Report dated May 11, 2022.

- Amend the Planning Commission decision and approve the application with additional / amended findings of compliance.

- Reverse the Planning Commission decision and deny the application with amended findings of non-compliance

Staff Recommendation:
Staff respectfully recommends the City Council affirm the Planning Commission decision and approve the application based on the Planning Commission Findings Report dated May 11, 2022.

Attachments:
1. Appeal Staff Report
2. Appeal Form and Narrative
3. Planning Commission Decision and Full Land Use Record (Exhibits A – D13)
4. Public Testimony on Appeal

TO: Mayor Keith Mays and Sherwood City Council

FROM: Eric Rutledge, Associate Planner

THROUGH: Josh Soper, City Attorney

DATE: July 12, 2022

SUBJECT: Staff Report for Land Use Appeal Hearing - LU 2022-004 MM Sentinel Storage

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Background Information

A. Applicant: Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

Owner: Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

Appellant: Jim and Susan Claus
22211 SW Pacific Hwy
Sherwood, OR 97140

B. Site Location: 21900 SW Langer Farms Parkway

C. Current Zoning: Light Industrial PUD

D. Review Type: Type IV Major Modification / Appeal

E. Public Notice: Notice of the appeal hearing was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before June 24, 2022. Newspaper notice was also provided in a newspaper of local circulation on June 30 and July 14, 2022.

Application Summary

The applicant is proposing a new 3-story, 575-unit self-storage building in an existing self-storage development (Sentinel Storage II) located at 21900 SW Langer Farms Parkway. The original site improvements were reviewed and approved through City of Sherwood land use approvals SP 16-06 and MLP 16-02. The site is zoned Light Industrial Planned Unit Development (LI – PUD) and currently contains four storage buildings, a recreational vehicle storage canopy, site landscaping, paved circulation, trash service, lighting, and other improvements. The existing recreational

vehicle canopy is proposed to be removed and replaced with a three-story self-storage building. The facility is accessed by a gated entrance and a private driveway on the east side of SW Langer Farms Parkway; both access points are planned to remain unchanged.

Planning Commission Decision

The Sherwood Planning Commission (Commission) held the initial evidentiary hearing on April 26, 2022 and a continued hearing on May 10, 2022. At the conclusion of the May 10 hearing, the Commission unanimously approved the application based on the staff report dated April 19, 2022 with minor revisions to the findings and conditions of approval. The full Commission decision and findings are included as Attachment 3 to the Staff Memo.

Testimony in opposition to the application was received and considered by the Commission prior to issuing a decision. The testimony in opposition to the application focused on the self-storage use and vesting rights pursuant to ORS 92.040. The Commission determined that the proposed self-storage use is permitted on the property until August 28, 2022, based on the land use history and 10-year vesting period provided ORS 92.040.

Staff Analysis on Appeal

Issue 1: "The Planning Commission misinterpreted ORS 92.040 as it applies to the application and the factual history of the subject property. ORS 92.040 does not allow the applicant to ignore the provisions of the Sherwood Zoning and Community Development Code to site a use that is expressly prohibited by the code on the subject property."

Staff Analysis: The testimony from the appellant argues that self-storage is not a permitted use in the Light Industrial zone and that ORS 92.040 does not allow the applicant to obtain approval for and construct the proposed self-storage development.

The appellants are correct that self-storage is not a permitted use under the current Light Industrial code, however, the Commission found, and staff agrees, that the use is permitted on the property until August 28, 2022 pursuant to ORS 92.040 and the previous land use approvals issued on the property.

ORS 92.040(2) states:

(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.

Subsection (3) of that statute states:

(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government.

As discussed further below, the City has not established an alternative time period; therefore, the statutory 10-year time period is applicable.

The subject property is part of Phase 8 of the Sherwood Village PUD that was approved by the Sherwood City Council in 1995. The subject property was also part of a 5-lot subdivision in 2012 known as the Langer Farms subdivision. The Commission found that based on the development code in effect at the time of the 2012 subdivision, the self-storage use is vested until August 28, 2022. This determination was made based on the land use approvals issued for the property and provisions of ORS 92.040 including:

- **PUD 95-1 (Sherwood Village PUD) -** approved on August 1, 1995

  When the Sherwood Village PUD was approved in 1995, a Light Industrial zoning was applied to the subject property. Permitted uses in the Light Industrial zone at this time included uses permitted outright in the General Commercial zone, including mini-warehousing (SZCDC § 2.110.02(J) (1995)).

- **SUB 12-02 (Langer Farms Subdivision) -** submitted on March 30, 2012 and approved on August 28, 2012

  When the applicant applied for the Langer Farms subdivision in 2012, the Light Industrial zoning code stated, “Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD.” (SZCDC § 16.32.020(H) (2012)). As discussed above, mini-warehousing was a permitted use in the LI zone at the time of the 1995 final PUD approval. Therefore, under the code in effect at the time the subdivision application was submitted, mini-warehousing was a permitted use on the subject property. Furthermore, under ORS 92.040, upon approval of this subdivision application, the property became vested in the code in effect at the time of the subdivision application for a period of 10 years.

- **SP 16-06 (Sentinel Storage II) –** approved on September 28, 2016

  The applicant applied for a new self-storage development (Sentinel Storage II) in July 2016. The Light Industrial zoning code had been updated on August 7, 2012 to remove the language referenced above that allowed approved PUDs to establish uses that were permitted in the base zone at the time of final PUD approval. This means that mini-warehousing was not a permitted use on this property under the code in effect in 2016. While the use was no longer permitted in the Light Industrial zone, the application was approved by the Planning Commission with a finding that determined the code allowing for self-storage use on the property was vested for a period of 10 years from the date of the subdivision approval based on the land use approval history for the property and pursuant to ORS 92.040. No testimony in opposition to the application or the vesting determination was received.

The applicant is now proposing a Major Modification to the 2016 Site Plan approval in order to remove a canopy structure and replace it with a storage building.

ORS 92.040 states “Only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.”

The applicant has not elected uses other than what was permitted in the 1995 Light Industrial code by way of the 2012 Light Industrial code. Through the 2016 and 2022 applications, as well as the 2007 and 2010 Development Agreements, the applicant elected to use, and the City approved, the uses allowed at the time of the 2012 subdivision. This includes the self-storage use under the 1995 code. Pursuant to ORS 92.040, this vesting will expire on the property on August 28, 2022 (10 years from the date of the subdivision approval).

Regarding the 10-year vesting time period, recall that ORS 92.040(3) provides:

(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government.

The City has not established an alternative time period by ordinance. The testimony from the appellant argues that when the City and applicant entered into a development agreement in 2008 (amended in 2010) that clarified the allowed uses on the site, they established a different time period than the standard 10-year period granted by subsection (2) above. Both the 2008 and 2010 development agreements between the City and the applicant have now expired.

Staff does not agree with the appellant’s argument because the development agreements were established in 2008 and 2010, while the subdivision occurred in 2012. The development agreements did not foresee the future subdivision and did not proactively waive the applicant’s rights under state law. The development agreement does not reference a future subdivision on the property or ORS 92.040 and does not explicitly state that the agreement waives any development rights provided for under state law.

While mini-warehousing or self-storage is not a permitted use in the LI zone under the current development code, the analysis above demonstrates the use is permitted on the site until August 28, 2022.

Issue 2: “The Planning Commission erred by refusing to keep the record open at the continuance hearing, as demanded by the appellants pursuant to ORS 197.797(6)(b). The applicant and staff offered new evidence which appellants were not given the opportunity to rebut.

Staff Analysis: The initial Planning Commission hearing was held on April 26, 2022. The appellants attended the initial hearing and requested the record be left open to submit additional testimony pursuant to ORS 197.797(6)(b). The Commission granted the request, leaving the record open and continuing the hearing to a date certain of May 10, 2022. At the continued hearing on May 10, the appellants requested the record be left open again to submit additional testimony pursuant to ORS 197.797(6)(b). The Commission did not grant the request and issued a decision on the application on May 10, 2022.

The appellants argue that new evidence was provided by the applicant and staff at the continued hearing and therefore the record was required to be left open if requested by a participant of the hearing, pursuant to ORS 197.797(6)(b).

ORS 197.797(6)(b) states " …An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence."

Subsection (9) of that statute provides the definitions for "argument" and "evidence" whereby:

"Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts.

"Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

Based on the language above, no new written evidence was submitted at the continued hearing. While verbal arguments were provided by staff and the applicant in accordance with the hearing procedures, no new written documents were submitted into the record by staff or the applicant during the hearing.

The appellants may be referring to a letter from the applicant's legal counsel that was submitted to the City on the day of the continued hearing, but prior to the hearing. The letter (Exhibit D16 to the land use record) was received by email and posted to the City's website prior to the start of the hearing. Section (6)(b) only applies to written evidence submitted "at the continued hearing".

In addition, the letter from the applicant's legal counsel is a direct response to arguments made by the appellants through previous testimony. The letter is titled "Applicant's Response to the Claus Testimony" and only discusses issues that were previously raised by the appellants. The letter is limited to assertions and analysis regarding satisfying standards and policies relevant to the decision and does not constitute "evidence" as defined in Section (9).

Staff Recommendation on Appeal
After review of the applicable approval criteria, the appeal petition, and Planning Commission decision, staff respectfully recommends affirming the Planning Commission decision and approving the application.

City Council Alternatives:
The Appeal Authority may act to affirm, reverse, remand, or amend the action being reviewed. Due to the 120-day deadline, there is not sufficient tie for the decision to be remanded to the Planning Commission unless an extension is granted by the applicant.

- Affirm the Planning Commission decision and approve the application based on the Planning Commission Findings Report dated May 11, 2022.

- Amend the Planning Commission decision and approve the application with additional / amended findings of compliance.

- Reverse the Planning Commission decision and deny the application with amended findings of non-compliance

NOTICE OF APPEAL
TYPES III & IV

RECEIVED
MAY 23 2022
City of Sherwood
Planning Dept.

Sherwood Zoning and Community Code (SZCDC) 16.76 Appeals

16.76.010.A Issues on Appeal
The only issues which may be raised on appeal are those issues which were raised on the record before the Hearing Authority with sufficient specificity so as to have provided the City, the applicant, or other persons with a reasonable opportunity to respond before the Hearing Authority.

16.76.020 Appeal Deadline
Land use actions taken pursuant to SZCDC16.76 shall be final unless a petition for review is filed with the Planning Director not more than fourteen (14) calendar days after the date on which the Hearing Authority took final action on the land use application, and written notice of the action has been mailed to the address provided by the person in the record. If the person did not provide a mailing address, then the appeal must be filed within fourteen (14) calendar days after the notice has been mailed to persons who did provide a mailing address.

Tax Lot: 2S129DC00900

Map No: _____

Land Use Case File No: LU 2022-004 MM Sentinel Storage II Major Modification

To Appeal Authority: Sherwood City Council

Appeal By: Jim Claus/Susan Claus
(Apellant's Name)

The undersigned in the above-entitled matter does hereby appeal from that certain decision of the Sherwood Planning Commission rendered on 11 day of May, 2022 upon the following grounds: (Please provide on a separate sheet the reasons why you think the Appeal Authority should render a different decision than that rendered by the Hearing Authority).

Robert Jallen Jim Claus — May 23, 2022

Appellant's Signature — Date Signed

Address: 22211 SW Pacific Hwy. Sherwood 97140 Phone Number: (503) 734-0556

To be filled out by City Staff

Received by: _____ Date: 5/23/22

*Fee: 1,566.56 Receipt No.: 312020

*See City of Sherwood current Fee Schedule, located at www.sherwoodoregon.gov.

22560 SW Pine Street | Sherwood, Oregon 97410 | 503-925-2308

REASONS FOR APPEAL – LU 2022-004 MM SENTINEL STORAGE II MAJOR MODIFICATION

1. The Planning Commission misinterpreted ORS 92.040 as it applies to the application and the factual history of the subject property. ORS 92.040 does not allow the applicant to ignore the provisions of the Sherwood Zoning and Development Code to site a use that is expressly prohibited by the code on the subject property.
2. The Planning Commission erred by refusing to keep the record open at the continuance hearing, as demanded by appellants pursuant to ORS 197.797(6)(b). The applicant and staff offered new evidence which appellants were not given the opportunity to rebut.

NOTICE OF DECISION

TAX LOT:	2S129DC00900
ADDRESS:	21900 SW Langer Farms Pkwy.
CASE NO:	LU 2022-004 MM Sentinel Storage II Major Modification
DATE OF NOTICE:	May 11, 2022

Applicant
Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

Owner
Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

NOTICE

Because you are the applicant or because you testified on the subject application, you are receiving notice that on May 10, 2022, the Sherwood Planning Commission approved land use application 2022-004 MM Sentinel Storage II Major Modification. The approval is for a new 3-story, 575 unit self-storage building at 21900 SW Langer Farms Parkway.

INFORMATION: The full Planning Commission findings report, conditions of approval, and land use exhibits can be viewed at: https://www.sherwoodoregon.gov/planning/project/lu-2022-004-mm-sentinel-storage-major-modification or can be obtained by contacting Eric Rutledge, Associate Planner, at 503-625-4242 or rutledgee@sherwoodoregon.gov

APPEAL

Pursuant to Sherwood Zoning and Community Development Code Section 16.72.010.B.3.d, the Sherwood City Council is the Appeal Authority for Type IV land use decisions. Any person who testified before the Planning Commission at the public hearing or who submitted written comments prior to the close of the record may appeal the Planning Commission's decision, no later than 14 days from the date of this notice. Details on appeal procedures are located in SZCDC § 16.76. **An appeal of this decision must be filed no later than 5:00 PM on May 25, 2022.**

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2022-004 MM was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on May 11, 2022 before 5pm.

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

CITY OF SHERWOOD
MAY 11, 2022
PLANNING COMMISSION FINDINGS

SENTINEL STORAGE II
MAJOR MODIFICATION TO SITE PLAN
LU 2022-004 MM

Pre-App Meeting:	September 28, 2021
App. Submitted:	February 24, 2022
App. Complete:	March 16, 2022
Hearing Date:	April 26 and May 10, 2022
120-Day Deadline:	July 14, 2022

The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the subject application on April 26, 2022. The Commission heard presentations by City staff and the applicant, followed by testimony from the general public. A member of the public requested the record to be left open to provide additional testimony. The record was left open for a period of two weeks and the hearing was continued to a date certain of May 10, 2022.

On May 10, 2022 the Commission held the continued hearing. The Commission heard presentations by City staff and the applicant, followed by testimony from the general public. A member of the public requested the record to be left open for a period seven (7) days pursuant to ORS 197.797(6)(b) as a result of new information submitted by the applicant (Exhibit D16). Staff provided input on the request and stated that Exhibit D16 was submitted electronically prior to the hearing and was posted on the City's website. In addition, Exhibit D16 is a direct rebuttal to testimony in opposition to the application and did not contain new evidence. For both reasons, Exhibit D16 was not considered new evidence pursuant to ORS 197.797(6)(b).

The testimony in opposition to the application focused on the self-storage use and vesting rights pursuant to ORS 92.040. The staff report, presentations, and letter from the applicant (Exhibit D16) provide background information and findings on the vesting determination pursuant to ORS 92.040. The information in the record demonstrates the self-storage use is vested on the property until August 28, 2022.

After considering all of the information in the record, the Commission unanimously approved the application based on the findings in the staff report dated April 19, 2022 with revisions on Slide 9 of the staff presentation (May 10, 2022). The revised findings and conditions of approval have been incorporated into this findings document.

by JSimson, Chair — 05/11/2022

Jean Simson, Planning Commission Chair — Date

PROPOSAL: The applicant is proposing a new 3-story self-storage building in an existing self-storage development located at 21900 SW Langer Farms Parkway. The original site improvements were reviewed and approved through City of Sherwood land use approvals SP 16-06 and MLP 16-02. The site is zoned Light Industrial Planned Unit Development (LI – PUD).

Currently, it contains four storage buildings, a recreational vehicle storage canopy, site landscaping, paved circulation, trash service, lighting, and other improvements. The facility is accessed by a gated entrance and a private driveway on the east side of SW Langer Farms Parkway; both access points are planned to remain unchanged.

The scope of the site plan modification application is limited to the removal and replacement of the existing ±14,850 square-foot RV storage canopy with an enclosed three-story, 74,177 SF self-storage building containing 575 storage units.

I. BACKGROUND

A. Applicant: Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

Owner: Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

B. Location: 21900 SW Langer Farms Parkway (Tax Lot 2S129DC00900)

C. Review Type: Type IV Major Modification

D. Public Notice: Notice of the application was provided in accordance with 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before April 6, 2022. Notice of the application was also published in a local newspaper (Tigard Times) on April 7 and April 21, 2022.

E. Review Criteria: SZCDC Chapter 16.31 Industrial Land Use Districts; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.90 Site Planning; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.98 On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers;

Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.146 Noise; Chapter 16.148 Vibrations; Chapter 16.150 Air Quality; Chapter 16.152 Odors; Chapter 15.154 Heat and Glare; Chapter 16.156 Energy Conservation

F. History and Background: The land has been owned and farmed by the Langer family since the late 1800's. The subject property is part of Phase 8 of the Sherwood Village PUD that the Sherwood City Council approved in 1995. The site was developed as a self-storage facility in 2016. The land use and land division approvals issued by the City include:

- 1995 Planned Unit Development (PUD 95-1, including modifications)
- 2012 Langer Farms Subdivision (SUB 12-02)
- 2016 Partition Plat of Lot 4 of Langer Farms Subdivision (MLP 16-02)
- 2016 Site Plan Approval for Storage Facility (SP 16-06)

G. Existing Conditions: The subject property is approximately 6.14-acres and is fully developed as a recreational vehicle and self-storage facility including buildings, utilities, drive aisles, loading areas, and landscaping. Access is provided via a private driveway off SW Langer Farms Parkway. Langer Farms Parkway has been fully improved as a 3-lane collector including sidewalks and street trees.

H. Surrounding Land Uses:
- West: St. Francis Catholic School
- South: Industrial property (Marine Lumber)
- East Wetland and self-storage facility
- North Commercial building (Langer's Fun Center)

I. Current Zoning: Light Industrial PUD

II. AFFECTED AGENCY AND PUBLIC COMMENTS

A. Notice of the application was sent to affected agencies via email on April 4, 2022. The following responses were received:
1. City of Sherwood Engineering Department provided land use comments included as Exhibit B1. The comments address traffic and transportation, public utilities, and other engineering requirements. The

comments and recommended Conditions of Approval are incorporated throughout the report under each applicable code section.

2. Clean Water Services provided a memorandum dated April 19, 2022 (Exhibit B2). The memorandum provides Conditions of Approvals related to CWS regulations for stormwater, erosion control, and sensitive habitat areas. The applicant has also submitted a CWS Sensitive Area Pre-Screen Assessment (Exhibit A – Sub Exhibit E) that indicates a CWS SPL is not required.
3. Tualatin Valley Fire and Rescue (TVF&R) – TVF&R provided a Service Provider Letter (SPL) dated March 15, 2022 (Exhibit A – Sub Exhibit M). Issuance of the SPL indicates compliance with TVF&R standards.
4. Portland General Electric (PGE) – Staff discussed the proposal with PGE staff (Hap English) via phone on April 4, 2022. Mr. English stated the existing service entrance owned by the applicant / developer may not have enough circuit breakers in the existing panel to feed the new units. It is recommended that the applicant contact PGE as part of the design process to coordinate any required service upgrades.

B. Public Comments
1. Jon Rievley (no address) (Exhibit C1) – the testimony is in opposition to the project based on the location and design of the building.

Staff response: The location and design of the proposed building is subject to the Light Industrial Development Standards in SZCDC 16.31, including standards related to height and setbacks. The proposed building is also subject to the Industrial Design Standards in SZCDC § 16.90.020(D)(7) related to building design. The findings in this report demonstrate the proposed building meets the applicable standards related to building location, size, and design.

III. APPLICABLE CODE PROVISIONS

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

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS
16.72.010 – Generally

A. Classifications

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

4. Type IV

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

c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.

ANALYSIS: The proposed modification represents a 10% or more increase to the existing floor area and Major Modification approval pursuant to SZCDC § 16.90.030. The original Site Plan approval (SP 16-06) was processed as a Type IV application, and therefore, the major modification is subject to the Type IV procedures.

FINDING: The application is subject to the Type IV land use review procedures and this criterion is met.

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Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS

16.31.010 - Purpose

B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well- landscaped sites and attractive architectural design, as determined by the Commission.

16.31.020 - Uses

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

B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.

D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses Industrial	**LI**
Mini-warehousing or self-storage	**N**

ANALYSIS: Self-storage is not permitted use in the current LI zone; however, the use is vested on the property until August 28, 2022, based on the previous land use approvals.

In 2007 and 2010, the applicant and the City entered into two development agreements that clarified the allowed uses for Phase 8 of the PUD. Under the agreements, the developer elected to utilize the Light Industrial uses that were in effect at the time of the original PUD approval in 1995. Under the 1995 LI zoning code, uses that were permitted outright in the General Commercial zone were also permitted in the LI zone. This included “commercial storage” and “mini-warehousing”. In 2012, while the development agreements were still in effect, the property was subdivided, and new lots were created under SUB 12-02. While the development agreements are now expired, the 2012 subdivision approval vested the allowed uses on the property for a period of 10 years from the date of the decision, pursuant to Oregon Revised Statutes (ORS) 92.040. Therefore, the proposed self-storage use is permitted on the property until August 28, 2022.

In addition, the proposed self-storage is a light industrial use and conforms to the Sherwood Village PUD standards and Conditions of Approval.

FINDING: The proposed use is permitted on the site until August 28, 2022 based on the previous land use approvals, development agreements, and pursuant to ORS 92.040.

16.31.030 - Development Standards

A. Generally

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

B. Development Standards

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

Development Standards by Zone	LI Zone
Lot area – Industrial Uses:	**10,000 SF**
Lot area – Commercial Uses (subject to Section 16.31.050):	**10,000 SF**
Lot width at front property line:	**100 feet**
Lot width at building line:	**100 feet**
Front yard setback[11]	**20 feet**
Side yard setback[10]	**None**
Rear yard setback[11]	**None**
Corner lot street side[11]	**20 feet**
Height[11]	**50 ft.**

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

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

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

ANALYSIS: The proposed building will be located interior to the site, behind existing buildings approved under SP 16-06. The existing lot and buildings meet the development standards of the LI zone as determined by the 2016 Site Plan approval. No changes are proposed to the lot dimensions or building setbacks. The height of the proposed 3-story building is approximately 32 ft. which is under the maximum of 50 ft. The proposed structure is not located within 100 ft. of a residential zone.

FINDING: This standard is met.

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

ANALYSIS: The proposal includes changes to limited development features that are subject to the Community Design Standards of the development code. The applicable standards are addressed in this report.

FINDING: The Community Design standards that apply are addressed in this report.

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Chapter 16.90 – SITE PLANNING
16.90.020 – Site Plan Review

A. Site Plan Review Required
Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use.

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ANALYSIS: The proposal is for a Major Modification to an approved Site Plan. The proposal meets the Major Modification approval criteria in SZCDC § 16.90.030 as well as the general Site Plan approval criteria in SZCDC § 16.90.020(D) (below).

FINDING: The application is required to comply with the Site Planning criteria and standards.

D. Required Findings
No site plan approval shall be granted unless each of the following is found:

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

ANALYSIS: The proposed development meets or is conditioned to meet all of the applicable zoning district standards and design standards as discussed in this report.

FINDING: 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.

ANALYSIS: The subject property is developed as a self-storage facility with access to all required services including water, sanitary sewer, storm drainage, and transportation facilities. Staff discussed the proposal with PGE staff (Hap English) via phone on April 4, 2022. Mr. English stated the existing service entrance owned by the applicant / developer may not have enough circuit breakers in the existing panel to feed the new units. It is recommended that the applicant contact PGE as part of the design process to coordinate any required service upgrades.

FINDING: 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.

ANALYSIS: Covenants, agreements, and other documents to ensure an acceptable method of ownership and maintenance of the site were required as part of the previous land use approvals (SUB 12-02, SP 16-06). The property will continue to be under single ownership and the property owner is responsible for the management and maintenance of on-site development features and landscaping. The City has acquired relevant easements for access and maintenance of public utilities.

FINDING: This criterion is met.

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.

ANALYSIS: Natural resources located near the site were inventoried and protected as part of the 2012 subdivision approval (SUB 12-02 – Tract A). The proposed building will

be located on a previously developed portion of the site and will not result in the removal of trees or impacts to natural features.

FINDING: This criterion is met.

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

ANALYSIS: The applicant has provided a trip generation analysis (Exhibit A – Sub Exhibit L) that indicates the new building will generate approximately 98 average daily trips. When accounting for the RV storage area being removed to accommodate the new building, the entire self-storage development will generate approximately 181 average daily trips. As the site and adjacent right-of-way are improved to current City standards for a 3-lane collector, no transportation improvements are required. The applicant will be required to pay applicable System Development Charges prior to issuance of building permits.

FINDING: This criterion is met.

6. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:

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ANALYSIS: The proposal is for an industrial development and the design standards in subsection (7) below apply.

FINDING: This standard does not apply.

7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed

industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards include the following:

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

(1) A minimum 15% window glazing for all frontages facing an arterial or collector.

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

(3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).

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

(5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.

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

ANALYSIS: The development is located on SW Langer Farms Parkway, a collector status street, and the industrial design standards above apply. The development was required to meet the standards as part of the original Site Plan approval in 2016.

After construction of the proposed building, portions of the Sentinel Storage development visible from the right-of-way will meet the following five design standards:

- Use of two building materials (concrete and corrugated metal panel)
- Maximum 35 ft. building setback
- Parking areas to the side or rear of the building
- Loading areas to the side or rear of the building

- Roof mounted equipment screened with complimentary building materials

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E1: Prior to Issuance of Building Permits, the plans shall indicate no roof mounted equipment is proposed, or that roof mounted equipment will be screened from the right-of-way with building materials complementary to the design of the building.

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

ANALYSIS: No changes are proposed to the existing driveway access.

FINDING: This standard does not apply.

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

F. Time Limits
Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

ANALYSIS: The applicant is required to comply with all conditions of approval included in the Notice of Decision and has the right to appeal to City Council in accordance with

SZCDC 16.76. The Major Modification Site Plan approval becomes void after two (2) years unless construction has begun, as determined by the City.

FINDING: This standard is met.

CONDITION OF APPROVAL A7: The Major Modification Site Plan approval becomes void after two (2) years unless construction has begun, as determined by the City.

16.90.030 - Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

a. Defined. A major modification review is required if one or more of the changes listed below are proposed:

(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);

(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

(3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

(4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

(5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;

(6) A reduction of more than ten (10) percent of the area reserved for common open space; or

(7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)—(2) as determined by the Review Authority.

ANALYSIS: The proposed building represents a 10% increase or more for a non-residential use.

FINDING: The application is subject to Major Modification procedures and approval criteria.

b. Approval Criteria. An applicant may request a major modification as follows:

(1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

(2) The application is subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure.

(3) The scope of 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 example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

(4) Notice must be provided in accordance with Chapter 16.72.020.

(5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

ANALYSIS: The application is being processed as a Type IV application, including public notice requirements in Chapter 16.72.020. The scope of the Major Modification review is limited to the areas of the site impacted by the modification. The proposed modification complies or is conditioned to comply with applicable standards.

Development on the property is subject to the 1995 PUD approval and subsequent modifications. The developer was required to dedicate the wetland associated with Phase 8 of the PUD as a condition of approval. The wetland has been delineated and dedicated to the City. Staff is not aware of any other conditions of approval that would apply to the development or that are not satisfied.

FINDING: As discussed throughout this report, the proposed modification complies or is conditioned to comply with applicable standards. These criteria are met.

Chapter 16.92 – LANDSCAPING
16.92.010-Landscaping Plan Required
All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.
16.92.020 Landscaping Materials

ANALYSIS: No changes are proposed to on-site landscaping. These standards were met as part of the original Site Plan approval in 2016.

FINDING: No changes are proposed to the on-site landscaping, and these standards do not apply.

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Chapter 16.94 OFF-STREET PARKING AND LOADING
16.94.010 General Requirements

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

ANALYSIS: The applicant's Site Plan provides details on vehicle circulation and loading / unloading. No traditional parking area is proposed as the site is only used for storage units while office and administration space is located on a separate property at the

corner of SW Langer Farms Parkway and SW Tualatin-Sherwood Rd. To serve the new storage building, a covered loading area is proposed along the south side of the building near the elevators. Drive aisles around the building will be maintained at a minimum of 28 ft. wide for passenger and emergency vehicle access.

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

FINDING: No parking is proposed or required as part of the development. These standards not applicable.

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16.94.030 - Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.

2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.

3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.

4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:

a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.

b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

B. Separation of Areas

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

ANALYSIS: The applicant is proposing an approximately 1,200 SF covered loading and unloading area along the south side of the building. The loading area is incorporated into the building and is separated from the adjacent vehicle use area. The loading area is also located for convenient access to the internal elevators.

FINDING: These standards are met.

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Chapter 16.106 - TRANSPORTATION FACILITIES

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

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

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.

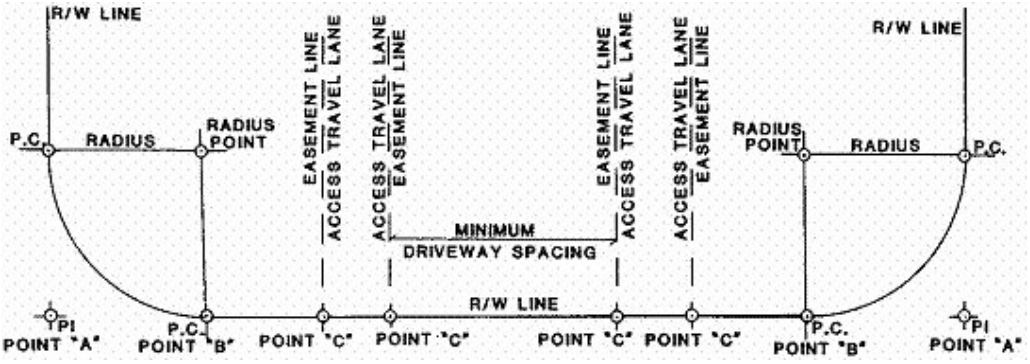
a. Minimum right-of-way radius at intersections shall conform to City standards.

b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.

c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.

d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.

e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



2. Roadway Access

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

*** **c. Collectors:**

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one- hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

ANALYSIS: The development has access to SW Langer Farms Parkway via a shared private driveway. No changes are proposed to the access location or configuration.

FINDING: These standards are not applicable.

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

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

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

B. Applicability

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

1. **An amendment to the Sherwood Comprehensive Plan or zoning map.**
2. **A new direct property approach road to Highway 99W is proposed.**
3. **The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.**
4. **An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.**

5. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.

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

***

ANALYSIS: The applicant has provided a trip generation analysis (Exhibit A – Sub Exhibit L) that indicates the new building will generate approximately 98 average daily trips. When accounting for the RV storage area being removed to accommodate the new building, the entire self-storage development will generate approximately 181 average daily trips. As the site and adjacent right-of-way are improved to current City standards for a 3-lane collector, no transportation improvements are required. The applicant will be required to pay applicable System Development Charges prior to issuance of building permits.

FINDING: This criterion is met.

***

Chapter 16.110 – SANITARY SEWERS
Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.

16.110.020 - Design Standards

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

B. Over-Sizing

1. When sewer facilities will, without further construction, directly serve property outside a proposed development,

gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state "Currently a public sanitary sewer main exists within SW Langer Farms Parkway along the subject property frontage. No public sanitary sewer main extension is required. There are no sanitary sewer fixtures proposed with the new building."

FINDING: 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

1. When water mains will, without further construction, directly serve property outside a proposed development, gradual

reimbursement may be used to equitably distribute the cost of that over-sized system.

2. **Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.**
3. **When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.**

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state "Currently there is a public water main existing within SW Langer Farms Parkway along the subject property frontage. No public water main extension is required.

There are no domestic water fixtures proposed with the new building. It appears that the new building will have a fire sprinkler system. Water for the fire sprinkler system will be obtained from the existing on-site fire system."

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL E2: Prior to Issuance of a Plumbing Permit, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.

CONDITION OF APPROVAL E3: Prior to Issuance of a Plumbing Permit, the proposed development shall design for private water lines to be in compliance with the current Oregon Plumbing Specialty Code.

Chapter 16.114 – STORM WATER
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.

ANALYSIS: The City of Sherwood Engineering Comments (Exhibit B1) state “Currently a public storm sewer main exists within SW Langer Farms Parkway along the subject property frontage. There is also a public storm sewer line within the south side of the subject property which is where the storm lateral to the subject property is connected. Therefore, no public storm sewer main extension is required.

Storm sewer for the new building will be via the existing on-site storm sewer system.

There is an existing water quality facility which was constructed with the original subdivision. This facility was designed to treat the runoff from the development of the subject property. This water quality facility was not designed to provide hydro-modification to meet the newly adopted Clean Water Services' hydro-modification requirements.

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

An erosion control plan and permit is required from the City of Sherwood Engineering Department for all private improvements. The erosion control permit is reviewed, approved and released as part of the public improvement plans.

Although the proposed parcel is less than 1 acre in size, the original development was constructed under a 1200-C, therefore a DEQ NPDES 1200-C permit is required for this development."

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL E4: Prior to Issuance of Building/Plumbing Permits, the proposed development shall design to provide hydro-modification in compliance with Clean Water Services' standards.

CONDITION OF APPROVAL G1: Prior to Occupancy, private hydro-modification facilities shall be constructed and shall have a recorded Private Stormwater Facility Access and Maintenance Covenant. An Operation and Maintenance Plan for all private hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.

CONDITION OF APPROVAL E5: Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL E6: Prior to Issuance of Building/Plumbing Permits, a DEQ NPDES 1200-C permit shall be obtained.

CONDITION OF APPROVAL E7: Prior to Issuance of Building/Plumbing Permit, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.

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.

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.

ANALYSIS: Fire Protection services are provided by Tualatin Valley Fire and Rescue (TVF&R). TVF&R has issued a Service Provider Letter for the proposed development dated March 15, 2022 (Exhibit A – Sub Exhibit M). The applicant is conditioned to meet the requirements of the SPL.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL A8: The development shall comply with the TVF&R Service Provider Letter dated March 15, 2022 and all applicable TVF&R standards.

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES
16.118.010 Purpose
Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.

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.

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

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

ANALYSIS: The subject property and adjacent right-of-way are fully developed and utilities have been placed underground. An 8 ft. public utility easement (PUE) is present along the property frontage with Langer Farms Parkway. Any new utilities associated with the modification are required to be placed underground.

FINDING: These standards are met.

Chapter 16.142 PARKS, TREES, AND OPEN SPACE

ANALYSIS: No changes are proposed to parks, trees, and open space improvements.

FINDING: This chapter does not apply.

Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS*

ANALYSIS: No changes are proposed to wetland, floodplain, habitat, or other natural features.

FINDING: This chapter does not apply.

Chapter 16.146 - Noise
16.146.010 - Generally

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

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

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

ANALYSIS: The use of the site as self-storage space is not anticipated to exceed the noise standards in OAR 340-35-035. Any future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

FINDING: This standard is met.

Chapter 16.148 - Vibrations
16.148.010 - Vibrations
All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

ANALYSIS: The use of the site as self-storage space is not anticipated to generate vibrations in excess of the standard above. Future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

FINDING: This standard is met.

Chapter 16.150 - Air Quality
16.150.010 – Air Quality
All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

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

ANALYSIS: The use of the site as a self-storage space is not anticipated to create dust or air quality emissions that require a permit. The applicant and future tenants of the site are required to comply with applicable air quality regulations.

FINDING: This standard is met.

Chapter 16.152 - Odors
16.152.010 - Odors
All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

ANALYSIS: The use of the site as a self-storage space is not anticipated to create discernable odors beyond the boundaries of the site. Future violations related to noise, vibrations, air quality, and odor can be addressed by the applicable State agency or City Code Compliance.

FINDING: This standard is met.

Chapter 16.154 - Heat and Glare
16.154.010 – Heat and Glare
Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

ANALYSIS: The applicant has provided a preliminary lighting plan (Exhibit A – Sheet P08) that shows the proposed on-site lighting in conformance with the standard above. Lighting will be located on the proposed building. No outdoor uses requiring significant outdoor lighting is proposed.

The preliminary lighting plan shows new exterior lighting will be attached the building at a height of 15 ft. As the height of the existing storage building along SW Langer Farms Parkway is 15 ft., the new lighting will not be visible from ground floor of the residential neighborhood across SW Langer Farms Parkway.

During the hearing on April 19, 2022 the applicant voluntarily agreed to condition of approval E9 below.

FINDING: This standard is met.

CONDITION OF APPROVAL E9: Prior to Issuance of Building Permits, the applicant shall provide a light fixture detail for the proposed lighting. The lights shall be directed towards the ground and not towards the residential development across SW Langer Farms Parkway.

Chapter 16.156 - Energy Conservation
16.156.020 Standards

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

ANALYSIS: The proposed building will be used for self-storage with indoor climate control as necessary. The space will be not be used for living space, office, etc.

FINDING: This standard is met.

IV. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

After review of the applicable code standards and approval criteria, the applicant's submittal, agency comments, and public testimony, staff finds that the proposed modification does not fully comply with the standards but can be conditioned to comply.

Therefore, staff recommends approval of application LU 2022-004 MM SENTINEL STORAGE II subject to the following conditions of approval:

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The development shall substantially comply with the submitted preliminary plans and narrative except as indicated in the conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
4. 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.
5. All new utilities to be installed for the development of the subject property shall be underground.
6. Any departure from approved plans not authorized by the Hearing Authority shall be cause for revocation of applicable building and occupancy permits.
7. The Major Modification Site Plan approval becomes void after two (2) years unless construction has begun, as determined by the City.
8. The development shall comply with the TVF&R Service Provider Letter dated March 15, 2022 and all applicable TVF&R standards.
9. The applicant shall comply with conditions described in the CWS Memorandum dated April 19, 2022 and all applicable CWS Design and Construction Standards (R&O 19-5).

B. Prior to Final Site Plan Approval

1. None

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

1. None

D. Prior to Issuance of a Grading Permit

1. None

E. Prior to Issuance of Building Permits
   1. Prior to Prior to Issuance of Building Permits, the plans shall indicate no roof mounted equipment is proposed, or that roof mounted equipment will be screened from the right-of-way with building materials complementary to the design of the building.
   2. Prior to Issuance of a Plumbing Permit, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.
   3. Prior to Issuance of a Plumbing Permit, the proposed development shall design for private water lines to be in compliance with the current Oregon Plumbing Specialty Code.
   4. Prior to Issuance of Building/Plumbing Permits, the proposed development shall design to provide hydro-modification in compliance with Clean Water Services' standards.
   5. Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.
   6. Prior to Issuance of Building/Plumbing Permits, a DEQ NPDES 1200-C permit shall be obtained.
   7. Prior to Issuance of Building/Plumbing Permit, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.
   8. Prior to Issuance of Building Permits, the applicant shall contact PGE to coordinate any required service upgrades to the existing electrical panel serving the site.
   9. Prior to Issuance of Building Permits, the applicant shall provide a light fixture detail for the proposed lighting. The lights shall be directed towards the ground and not towards the residential development across SW Langer Farms Parkway.

F. Prior to Acceptance of Public Improvements
   1. None

G. Prior to Receiving Occupancy
   1. Prior to Occupancy, private hydro-modification facilities shall be constructed and shall have a recorded Private Stormwater Facility Access and Maintenance Covenant. An Operation and Maintenance Plan for all private hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.

V. EXHIBITS*

A. Applicant Submittal

- Sub Exhibit A Preliminary Plans
- Sub Exhibit B Land Use Form
- Sub Exhibit C Preliminary Title Report
- Sub Exhibit D Preliminary Architectural Materials
- Sub Exhibit E CWS Service Provider Letter
- Sub Exhibit F Neighborhood Meeting Documentation
- Sub Exhibit G Public Notice Information
- Sub Exhibit H Amended and Restated Development Agreement (2010)
- Sub Exhibit I Pre-Application Conference Documentation
- Sub Exhibit J Washington County Tax Map
- Sub Exhibit K Preliminary Stormwater Report
- Sub Exhibit L Trip Generation Report
- Sub Exhibit M TVF&R Service Provider Letter

B. Agency Comments

- Exhibit B1 – City of Sherwood Engineering Comments
- Exhibit B2 – Clean Water Services Memorandum

C. Public Testimony

- Exhibit C1 – Jon Rievley

D. Supplemental Information

- Exhibit D1 Site Map
- Exhibit D2 Zoning Map
- Exhibit D3 Langer Farms Subdivision Plat
- Exhibit D4 SP 16-06 Notice of Decision
- Exhibit D5 Resolution 2007-081
- Exhibit D6 Resolution 2010-033
- Exhibit D7 Testimony from Jim Claus dated April 26, 2022
- Exhibit D8 Testimony from Jim Claus dated April 26, 2022
- Exhibit D9 Testimony from Susan Claus dated April 26, 2022
- Exhibit D10 Testimony from Jim Claus dated April 29, 2022
- Exhibit D11 PUD 95-1 Sherwood Village PUD - Notice of Decision
- Exhibit D12 SUB 12-02 Notice of Decision including Appeal Decision
- Exhibit D13 Planning Commission Meeting Packet and Minutes from August 28, 2012

- Exhibit D14 Light Industrial Zoning Code Text in Effect on March 30, 2012
- Exhibit D15 Light Industrial and other Municipal Code Update on August 7, 2012
- Exhibit D16 Letter from Applicant's Legal Counsel dated May 10, 2022
- Exhibit D17 Testimony from Susan Claus dated May 10, 2022
- Exhibit D18 Testimony from Jim Claus dated May 10, 2022
- Exhibit D19 Testimony from Susan Claus dated May 10, 2022

Sentinel Storage Annex II
Site Plan Modification Application

Date: February 2022

Submitted to: City of Sherwood
Planning Department
22560 SW Pine Street
Sherwood, OR 97140

Applicant: Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Road
Sherwood, OR 97140

AKS Job Number: 4668-01



AKS ENGINEERING & FORESTRY
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

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Exhibits

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Exhibit B: City of Sherwood Land Use Application Forms & Checklists
Exhibit C: Preliminary Title Report
Exhibit D: Preliminary Architectural Materials
Exhibit E: CWS Service Provider Letter
Exhibit F: Neighborhood Meeting Documentation
Exhibit G: Public Notice Information
Exhibit H: Amended and Restated Development Agreement (2010)
Exhibit I: Pre-Application Conference Documentation
Exhibit J: Washington County Assessor's Map
Exhibit K: Preliminary Stormwater Report

Sentinel Self-Storage Annex II
Site Plan Modification Application

Submitted to:	City of Sherwood Planning Department 22560 SW Pine Street Sherwood, OR 97140
Applicant/ Property Owner:	Langer Storage 2, LLC 15585 SW Tualatin-Sherwood Road Sherwood, OR 97140
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Chris Goodell, AICP, LEED^{AP} Email: chrisg@aks-eng.com Phone: (503) 563-6151
Site Location:	21900 SW Langer Farms Parkway
Washington County Assessor's Map:	2S129DC, Tax Lot 900
Site Size:	±6.14 acres
City Zoning:	Light Industrial (LI) Planned Unit Development (PUD)

I. Executive Summary

The Applicant is seeking approval of a site plan modification regarding the existing Sentinel Self-Storage Annex II facility. The original site improvements were reviewed and approved through City of Sherwood File Nos. MLP 16-02 and SP 16-06. The ±6.14-acre property (Tax Lot 900 of Washington County Assessor's Map 2S129DC) is located northeast of the intersection of SW Langer Farms Parkway and SW Oregon Street, addressed as 21900 SW Langer Farms Parkway. The site is zoned Light Industrial Planned Unit Development (LI-PUD) and currently contains four storage buildings, a recreational vehicle (RV) storage canopy, site landscaping, paved circulation, trash service, lighting, and other improvements. The facility is accessed by a gated entrance and a private driveway on the east side of SW Langer Farms Parkway; both access points are planned to remain unchanged. The scope of the site plan modification application is limited to the removal and replacement of the existing ±14,850 square-foot RV storage canopy with an enclosed three-story self-storage building (with a footprint of ±25,000 square feet). As discussed in further detail in the application materials, this project meets the threshold for a Major Modification to an Approved Site Plan.

This written narrative, together with the preliminary plans and other documentation included in the application materials, establishes that the application complies with all applicable approval criteria of the Sherwood Zoning and Community Development Code (SZCDC). This documentation provides the basis for the City to recommend approval of the application.

II. Background Information

Background

The subject site (Tax Lot 900 of Washington County Assessor's Map 2S 1 29DC) has been involved in previous land use actions over the years. The PUD (Planned Unit Development) designation was assigned as part of the Langer Family PUD application (PUD 95-01), hereafter referred to as the "PUD," that was approved by the City of Sherwood on April 26, 1995. The subject property is included as Phase 8 of the PUD. The City approved an application (PUD 07-01) covering the land uses that are permitted within the PUD in January 2008. The 2008 City decision is memorialized in a development agreement – the Amended and Restated Development Agreement dated 2010 (included as Exhibit H). Thereafter, the 'Langer Farms' subdivision plat recorded in March 2013 (Document No. 2013025409). In June 2017, Partition Plat 2017-019 (a replat of Lot 4 of 'Langer Farms') was recorded, resulting in 2 parcels. The property is currently configured as Parcel 1 of recorded Partition Plat No. 2017-019 (Document No. 2017050998).

Development Agreement

ORS 92.040(2) states that after September 9, 1995, when a local government approves a subdivision application inside an urban growth boundary, only those local government laws implemented under an acknowledged plan and in effect at the time of the subdivision application apply to subsequent construction on the property, unless the Applicant elects otherwise. This vesting remains in place for 10 years after approval of the subdivision, pursuant to ORS 92.040(3).

At the pre-application conference, staff discussed the operating self-storage facility is no longer a permitted use in the LI zone under current development code; however, the use was permitted on the site in 2012 when the subject property was created by the Langer Farms subdivision plat. Self-storage is therefore a permitted use on the site until August 28, 2022 (i.e. 10 years), pursuant to ORS 92.040. For further information, please see the pre-application conference documentation included as Exhibit I.

Application Description

A Major Modification to the Approved Site Plan (City of Sherwood File No. SP 16-06) is required to review the enclosed self-storage structure, planned to replace the existing RV canopy. This Major Modification (Site Plan Review) application involves review of ±74,000 square feet of enclosed space, and provides specific details for building, architecture, and site circulation. Improvement of the subject site in accordance with the Langer Farms PUD, 2010 Development Agreement (Exhibit H), and Sherwood Zoning and Community Development Code (SZCDC) will facilitate the continued successful use of the property.

Setting

The site is located north of SW Oregon Street and south of SW Century Drive, on the east side of SW Langer Farms Parkway. As stated above, the property is zoned Light Industrial Planned Unit Development (LI-PUD) and surrounded by similar land uses, including:

Area	Jurisdiction	Zoning	Land Uses
North	City of Sherwood	Light Industrial Planned Unit Development (LI-PUD)	Industrial/commercial retail (i.e. Langer's Entertainment Center, etc.)
South	City of Sherwood	Light Industrial (LI)	Industrial (i.e. Bilet Wood Pallets)
East	City of Sherwood	Light Industrial Planned Unit Development (LI-PUD)	Industrial (i.e. Self-Storage Facility)
West	City of Sherwood	Institutional Public (IP)	Institutional (i.e. Church.)

IV. Applicable Review Criteria

SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

Title 16 – Zoning and Community Development Code

Division II. – LAND USE AND DEVELOPMENT

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS

16.31.010 - Purpose

B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well- landscaped sites and attractive architectural design, as determined by the Commission.

Response: The site is within the LI zoning district. Therefore, this section is applicable.

16.31.020 - Uses

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

B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.

D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI
INDUSTRIAL	
Mini-warehousing or self-storage	N

Response: The site is currently improved as the Sentinel Self-Storage Annex II self-storage facility. As discussed in the background information above, the land uses that are permitted on site are memorialized in the Amended and Restated Development Agreement dated 2010 (included as Exhibit H). Further, the Pre-Application Conference Documentation (Exhibit I), states "mini-warehousing or self-storage is a permitted use on the site until August 28, 2022, pursuant to ORS 92.040." As such, self-storage is a permitted use on site and the criteria above are met.

16.31.030 - Development Standards

A. Generally

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

B. Development Standards

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

Development Standards by Zone	LI
Lot area – industrial uses:	10,000 SF
Lot area – commercial uses (subject to Section 16.31.050)	10,000 SF
Lot width at front property line:	100 feet
Lot width at building line:	100 feet
Front yard setback [11]	20 feet
Side yard setback [10]	None
Rear yard setback [11]	None
Corner lot street side [11]	20 feet
Height [11]	50 feet

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

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

Response: This application does not involve changes to lot dimensions. The existing property is ±6.14 acres in size, with a lot width greater than 100 feet, and the existing buildings are set back greater than 20 feet along the front lot lines of SW Langer Farms Parkway. The project

site is located approximately 75 feet (within 100 feet) southeast of the High Density Residential (HDR) zone. Therefore, according to footnote 11 (above) height limitations of the HDR zone are applicable. Pursuant to Section 12.12.030, the maximum building height in the HDR zone is 40 feet or 3 stories.

As shown on the Preliminary Plans (Exhibit A), the planned building is located internal to the facility, behind existing buildings situated along the perimeter of the site. As illustrated, the building is set back approximately 28-56 feet on each side from existing buildings. The Preliminary Architectural Materials (Exhibit D) show the height of the planned building is ±35 feet, less than both the LI district maximum of 50 feet and the HDR district of 40 feet. Therefore, the standards above are met.

Division III. - ADMINISTRATIVE PROCEDURES

Chapter 16.70 - GENERAL PROVISIONS

16.70.010 - Pre-Application Conference

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

Response: A pre-application conference for this project was held on October 28, 2021. The documentation is included as Exhibit I. The criterion is met.

16.70.020 - Neighborhood Meeting

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

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

Response: This application involves a Type IV Major Modification. A Neighborhood Meeting was held on January 6, 2022. Notice was provided to owners of property within 1,000 feet of the subject property. No members of the public showed up to participate in the meeting. Please see Exhibit F for further documentation demonstrating consistency with the provisions of this section. Therefore, the criteria are met.

16.70.030 - Application Requirements

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application

submittal. Original signatures from all owners or their legal representative must be on the application form.

B. Copies

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

C. Content

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

a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.

Response: The appropriate fees are included with the application.

b. Documentation of neighborhood meeting per 16.70.020.

Response: Neighborhood Meeting Documentation is included within Exhibit F.

c. Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.

Response: The Washington County Assessor's Map is included within Exhibit J.

d. Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.

Response: Public Notice Information is included within Exhibit G,

e. Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.

Response: The Preliminary Plans (Exhibit A) contain a vicinity map.

f. A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.

Response: This written document satisfies the criterion above.

g. Two (2) copies of a current preliminary title report.

Response: A Preliminary Title Report is included within Exhibit C.

h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and

utilities, existing vegetation, any floodplains or wetlands and any easements on the property.

Response: Please see the Existing Conditions Plan within the Preliminary Plans (Exhibit A) showing the applicable information above. The property does not contain floodplains or wetlands.

i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.

Response: The City of Sherwood land use application forms and checklists are within Exhibit B. The Preliminary Plans (Exhibit A) and the Preliminary Architectural Materials (Exhibit D) contain sufficient information for the Hearing Authority to determine compliance with the applicable standards.

j. A traffic study, if required by other sections of this Code.

Response: As determined at the Pre-Application Conference (documentation within Exhibit I), a traffic study was not required for this project because the planned self-storage use will not generate more than 400 average daily trips. For further information, please see the response to Section 16.90.020.D.5. The submittal requirement is not applicable.

k. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:

1) Wetland assessment and delineation;

2) Geotechnical report;

3) Traffic study;

4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.

Response: There were no special study requirements identified at the pre-application conference. Please see the Service Provider Letter from Clean Water Services within Exhibit E, demonstrating a site assessment is not necessary.

l. Plan sets must have:

1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.

2) The name, address and phone of the owner, developer, applicant and plan producer.

3) North arrow,

4) Legend,

5) Date plans were prepared and date of any revisions

6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.

7) All dimensions clearly shown.

Response: The Preliminary Plans (Exhibit A) contain the required information, as applicable. The submittal requirements are met.

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

Response: This application does not include or require exemptions. The criterion is not applicable.

Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – Generally

A. Classifications

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

4. Type IV

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

…

c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.

…

Response: This application involves a Major Modification (Site Plan Review) for a new building containing ±74,000 square feet of floor area. Therefore, a Type IV review process is required.

B. Hearing and Appeal Authority

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

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

event of an appeal, the decision of the Appeal Authority shall be the City's final decision.

3. The quasi-judicial Hearing and Appeal Authorities shall be as follows:

…

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

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

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

Response: The information above regarding Hearing and Appeal Authorities is understood.

C. Approval Criteria

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

2. In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

Response: The applicable approval criteria have been addressed within this narrative. Please see the responses to Section 16.82.020. These criteria are met.

16.72.020 - Public Notice and Hearing

A. Newspaper Notice

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

B. Posted Notice

…

C. Mailed Notice

…

16.72.030 - Content of Notice

Public notices shall include the following information:

…

Response: Public notification is performed by the City of Sherwood. The standards above are understood and do not require action by the Applicant.

Division V. - COMMUNITY DESIGN

Chapter 16.90 - SITE PLANNING*

…

16.90.020 - Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use.

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

…

Response: This application involves review of a Major Modification for the existing Sentinel Self-Storage Annex II facility. This project includes removal and replacement of an RV storage canopy with a ±74,000-square-foot enclosed self-storage building. Therefore, this application meets the criteria for a Major Modification and pursuant to 16.90.020, the following standards are addressed.

D. Required Findings

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

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

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 shown on the Preliminary Plans (Exhibit A), the existing Sentinel Self-Storage Annex II facility is currently served with the applicable elements listed above. This project includes removal and replacement of an RV storage canopy with an enclosed self-storage building. According to Section 16.90.030.A.1.a.(3), the scope of the site plan modification review is limited to the modified element(s) and the associated impacts on landscaping, circulation, etc. This site plan modification does not impact staff findings or prior conditions of

approval related to the provision of water, sanitary sewer, stormwater, or franchise utilities. Therefore, the criteria above are met, as applicable.

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: This property is associated with the Amended and Restated Development Agreement (2010), included as Exhibit H. Additional agreements and/or specific documents can be prepared and provided, if required by the City. The criterion is met.

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: This application for site plan modification will not impact significant natural features. As shown on the Preliminary Plans (Exhibit A), the extent of the modification involves removal and replacement of an existing RV storage canopy with an enclosed building. The subject portion of the property contains existing improvements that have been reviewed for compliance with the SZCDC. Further, the CWS Service Provider Letter (Exhibit E) demonstrates natural resources are not impacted by this project. As such, the criterion above is met as applicable.

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

Response: The ±575-unit self-storage building is planned to replace the existing ±32-unit RV canopy and associated current use. The trip generation documented in the original transportation impact analysis (TIA) was calculated based on unit count. Therefore, after subtracting the existing ±32 RV units, it is estimated that the new ±575-unit self-storage use will generate approximately 11 average peak hour trips or 98 average daily trips. Therefore, this project is anticipated to generate less than 400 average daily trips and a TIA is not required or included.

6. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:

…

Response: This project does not involve commercial, multi-family, institutional, or mixed-use land use. This property is designated within the LI zoning district and therefore the industrial design standards, below, take precedence.

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

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

Response: The subject site is located along SW Langer Farms Parkway, functionally classified as a collector street in the Washington County Transportation System Plan (TSP). The site is improved with the existing Sentinel Self-Storage Annex II facility, including buildings that front SW Langer Farms Parkway, situated along the perimeter of the site. This site plan modification application involves removal of an RV storage canopy (i.e. currently located behind the existing perimeter buildings) and replacement with an enclosed three-story self-storage building. The building is anticipated to be ±35 feet in height, and although the bulk of the new building will not be visible from the collector street frontage (i.e. located behind existing buildings), portions of the upper stories will likely be visible from the right-of-way when approached from the north and south. Therefore, responses in the remainder of this section demonstrate compliance with more than four of the design criteria of this section.

…

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

Response: As illustrated on the material key within the Preliminary Architectural Materials (Exhibit D), multiple building materials (concrete masonry, ribbed metal siding, galvanized metal roofing, etc.) are used to incorporate complex massing in the new building's design. The new building is designed to complement the existing self-storage structures and surrounding facility improvements. The building materials incorporate an assortment of colors including terracotta, slate gray, cedar red, and dark bronze. The prohibited materials listed above are not included in the building façade design. The criterion is met.

3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).

Response: As shown on the Preliminary Plans (Exhibit A), the existing buildings along SW Langer Farms Parkway (collector street) are located within the maximum 35-foot setback area. This application involves a Major Modification to replace an existing RV storage canopy with an enclosed building, located behind the perimeter buildings. As such, the Preliminary Site Plan complies with the intent of the provision above.

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

5) **Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.**

Response: The approved Sentinel Self-Storage Annex II facility does not contain existing parking stalls. According to the Staff Report & Notice of Decision for Langer Farms Subdivision (City of Sherwood File No. MLP 16-02 and SP 16-06), Section 16.94: Off-Street Parking and Loading, "the site will only serve as a space to store materials and recreational vehicles…no parking is required at this time." However, at the pre-application conference held on October 28, 2021, City Staff voiced the desire for a temporary parking and loading area to be implemented for the planned self-storage building. Due to the nature of the enclosed three-story building, patrons will need to briefly leave their vehicle to enter the building and access their storage materials for loading (rather than idle the vehicle at an existing ground floor garage door to the single-story buildings along the perimeter of the site).

As shown on the Preliminary Plans (Exhibit A) and Preliminary Architectural Materials (Exhibit D), a loading area is provided adjacent to the west side of the new building, located at grade. The loading area is planned to be striped for pedestrian movement into the ground floor of the building (and there are two stories above the loading area). The new loading area is not visible from SW Langer Farms Parkway (classified as a collector street) due to the existing buildings along the perimeter of the site's western boundary. Therefore, the intent of the parking and loading criteria, above, are met.

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

Response: As noted on Sheet A-3 of the Preliminary Architectural Materials (Exhibit D), roof-mounted equipment is not planned on the future building. The criterion is met.

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

Response: This Major Modification application does not involve updates or changes to existing site access. The existing Sentinel Self-Storage Annex II facility contains two existing site accesses along the east side of SW Langer Farms Parkway. Both accesses are planned to remain as they currently exist. Therefore, the criterion above is not applicable.

> **E. Approvals**
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> **The application is reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action must include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.**
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> **F. Time Limits**
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> **Site plan approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.**

Response: The criteria above are understood.

> **16.90.030 - Site Plan Modifications and Revocation**
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> **A. Modifications to Approved Site Plans**
>
> **1. Major Modifications to Approved Site Plans**
>
> **a. Defined. A major modification review is required if one or more of the changes listed below are proposed:**
>
> **…**
>
> **(5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;**

Response: This application involves a Major Modification to an Approved Site Plan, to review an increase in floor area on site by more than 10 percent. The project involves removal and replacement of a ±14,850-square-foot RV storage canopy with an enclosed three-story self-storage building. As shown on the Preliminary Plans (Exhibit A) and Preliminary Architectural Materials (Exhibit D), the 3-story building is planned to include ±74,000 square feet of total floor area and a height of ±35 feet. Therefore, this application meets the criteria for a Major Modification.

> **…**
>
> **b. Approval Criteria. An applicant may request a major modification as follows:**

(1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

Response: This application submittal contains the narrative, filing fee, and additional items listed above. The City of Sherwood application forms and checklist are included as Exhibit B. The Preliminary Plans (Exhibit A) and Preliminary Architectural Materials (Exhibit D) contain the information necessary for the review authority to determine compliance with the major site plan modification criteria. Please see the accompanying materials; the submittal requirements are met.

(2) The application is subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure.

Response: As discussed at the pre-application conference, the application should be reviewed through a Type IV process.

(3) The scope of 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 example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

Response: It is understood that the scope of the review is limited to the modified elements of the approved site plan. This application involves removal and replacement of the existing RV storage canopy on site with an enclosed self-storage building. As shown on the Preliminary Plans (Exhibit A), the site is fully constructed and contains the applicable improvements required by SZCDC Section 16.90. The existing site improvements are planned to remain unchanged, aside from the new building and associated loading area. The criteria are met, as applicable.

(4) Notice must be provided in accordance with Chapter 16.72.020.

(5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

Response: The criteria above are understood.

Chapter 16.92 - LANDSCAPING

16.92.010 - Landscaping Plan Required

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

Response: It is understood that the scope of the review is limited to the modified elements of the approved site plan. This application involves removal and replacement of the existing RV storage canopy on site with an enclosed self-storage building. The modifications do not involve additional impervious surface, long-term parking stalls, or impacts to existing landscaped areas on site. Therefore, a landscaping plan is not required, and the criterion above is not applicable.

Chapter 16.94 - OFF-STREET PARKING AND LOADING

16.94.010 - General Requirements

Response: It is understood that the scope of the review is limited to the modified elements of the approved site plan. This application involves removal and replacement of the existing RV storage canopy on site with an enclosed self-storage building. As shown on the Preliminary Plans (Exhibit A) and Preliminary Architectural Materials (Exhibit D), a new loading zone/temporary parking area is planned outside the new building to accommodate customers who may leave their vehicle on the ground level while accessing the interior upper floor units. As demonstrated on the Preliminary Site Plan (Exhibit A), emergency vehicle and fire apparatus circulation are maintained onsite.

Additionally, staff findings (Staff Report and Decision SP16-06) indicate the self-storage business by its very nature does not require parking and no parking was required with the original application. As such, the site plan modifications remain in compliance with the approved site plan and existing improvements.

Chapter 16.96 - ON-SITE CIRCULATION

…

16.96.030 - Minimum Non-Residential Standards

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

A. Driveways

…

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

Required		Minimum Width	
Parking Spaces	# Driveways	One-Way Pair	Two-Way
1-249	1	15 feet	24 feet
250 & Above	2	15 feet	24 feet

…

16.96.040 - On-Site Vehicle Circulation

…

Response: It is understood that the scope of the review is limited to the modified elements of the approved site plan. As shown on the Preliminary Plans (Exhibit A), the scope of the planned improvements includes a new self-storage building central to the site and a striped vehicle loading zone. On-site circulation for pedestrians and vehicles remains unchanged from the approved site plan (City of Sherwood File No. SP 16-06). The circulation aisles adjacent to the new building meet the 24-foot minimum width listed above. However, the site does not contain or require parking stalls (per the table above) and the addition of a parking area is not required or included with this application. Therefore, the criteria above are met, as applicable.

Chapter 16.98 - ON-SITE STORAGE

16.98.010 - Recreational Vehicles and Equipment

16.98.020 - Solid Waste and Recycling Storage

16.98.030 - Material Storage

16.98.040 - Outdoor Sales and Merchandise Display

Response: It is understood that the scope of the review is limited to the modified elements of the approved site plan. As shown on the Preliminary Plans (Exhibit A), the scope of the planned improvements includes a new self-storage building central to the site and a striped vehicle loading zone. The criteria listed above involve site elements which remain unchanged from the approved site plan (City of Sherwood No. SP 16-06). Therefore, the criteria above are not applicable to this application.

Division VI. - PUBLIC INFRASTRUCTURE

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.010 – Generally

16.106.020 - Required Improvements

16.106.030 – Location

16.106.040 – Design

16.106.060 – Sidewalks

16.106.070 - Bike Lanes

16.106.080 - Traffic Impact Analysis (TIA)

16.106.090 - Rough Proportionality

Response: It is understood that the scope of the review is limited to the modified elements of the approved site plan. The transportation criteria listed above involve site elements which remain unchanged from the approved site plan (City of Sherwood No. SP 16-06). Adequate improvements to the property's frontage along SW Langer Farms Parkway currently exist, including sidewalks, bike lanes, and required right-of-way dedications. Therefore, the criteria above are not relevant to this application.

Chapter 16.108 - IMPROVEMENT PLAN REVIEW

16.108.010 - Preparation and Submission

An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.

A. Review Fee

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

B. Engineering Agreement

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

1. Surveying sufficient to prepare construction plans.

2. Preparation of construction plans and specifications.

3. Construction staking, and adequate inspection.

4. Construction notes sufficient to develop accurate as-built plans.

5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.

6. Certificate stating that construction was completed in accordance with required plans and specifications.

Response: Plans prepared by a registered Civil Engineer certifying compliance with City specifications will be submitted as part of construction permit submittal.

Chapter 16.110 - SANITARY SEWERS

16.110.010 - Required Improvements

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

16.110.020 - Design Standards

A. Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan

Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.

B. Over-Sizing

1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

16.110.030 - Service Availability

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

Response: The subject site has existing sanitary sewer service and the project does not involve the installation of additional sanitary sewer fixtures. Information related to sanitary sewer is shown on the Preliminary Composite Utility Plan in Exhibit A. The applicable standards are 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: As shown on the Preliminary Plans (Exhibit A) and discussed in the Pre-Application Documentation (Exhibit I), there will be no increase of impervious area on the site. The subject site currently has access to public storm sewer service and the existing facilities will provide for the water quality treatment related to this site plan modification. The planned improvements related to stormwater are shown on the Preliminary Composite Utility Plan in Exhibit A. The applicable standards are 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, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

Response: Adequate water supply is currently available to the subject site. As shown on the Preliminary Composite Utility Plan (Exhibit A), one existing fire hydrant will be relocated and placed at a location approved by the City and Tualatin Valley Fire & Rescue to ensure adequate access and flows for the new structure. No deficiencies have been identified. The applicable criteria are 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: These standards are understood and fire protection installation will be timed so as to be serviceable prior to or at the time that combustible construction begins on the project site. These criteria are met or will be met as applicable.

IV. Conclusion

The required findings have been made, and this narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Sherwood Zoning and Community Development Code. The evidence in the record is substantial and supports approval of the application. The City of Sherwood can rely upon this information in its approval of the application.

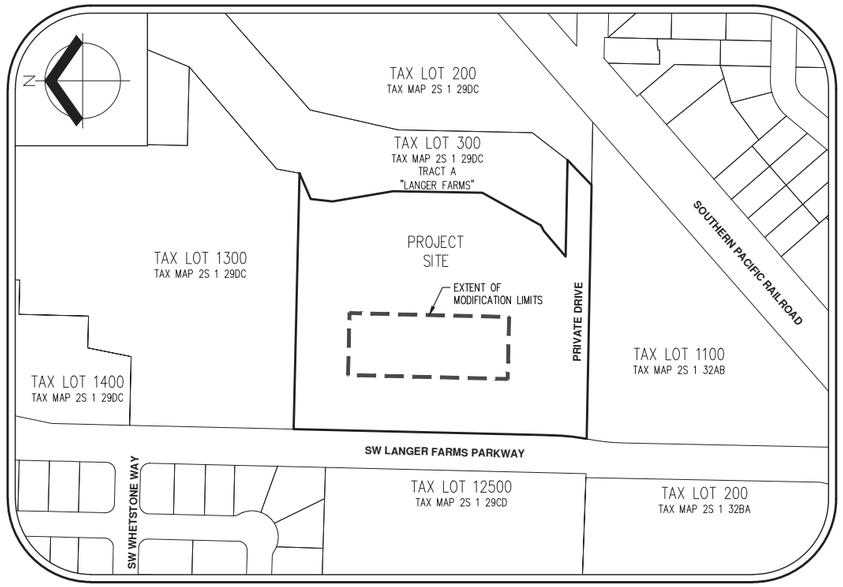
Exhibit A: Preliminary Plans

SENTINEL STORAGE ANNEX II

SITE PLAN MODIFICATION



VICINITY MAP
NTS



SITE MAP
1"=150'

LEGEND

	EXISTING	PROPOSED		EXISTING	PROPOSED
DECIDUOUS TREE	○	●	STORM DRAIN CLEAN OUT	○	●
CONIFEROUS TREE	✶	✶	STORM DRAIN CATCH BASIN	□	■
FIRE HYDRANT			STORM DRAIN AREA DRAIN	□	■
WATER BLOWOFF			STORM DRAIN MANHOLE	◎	◉
WATER METER			GAS METER	⊠	◘
WATER VALVE			GAS VALVE	◫	◨
DOUBLE CHECK VALVE			GUY WIRE ANCHOR	←	←
AIR RELEASE VALVE			UTILITY POLE		
SANITARY SEWER CLEAN OUT	○	●	POWER VAULT	P	P
SANITARY SEWER MANHOLE	○	●	POWER JUNCTION BOX	△	▲
SIGN			POWER PEDESTAL	□	■
STREET LIGHT	☼	✸	COMMUNICATIONS VAULT	C	C
MAILBOX	MB	MB	COMMUNICATIONS JUNCTION BOX	△	▲
			COMMUNICATIONS RISER	⬠	⬟

	EXISTING	PROPOSED
RIGHT-OF-WAY LINE		
BOUNDARY LINE		
PROPERTY LINE		
CENTERLINE		
DITCH		
CURB		
EDGE OF PAVEMENT		
EASEMENT		
FENCE LINE		
GRAVEL EDGE		
POWER LINE	PWR	PWR
OVERHEAD WIRE	OHW	OHW
COMMUNICATIONS LINE	COM	COM
FIBER OPTIC LINE	CFO	CFO
GAS LINE	GAS	GAS
STORM DRAIN LINE	STM	STM
SANITARY SEWER LINE	SAN	SAN
WATER LINE	WAT	WAT

SHEET INDEX

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P02 EXISTING CONDITIONS PLAN
P03 PRELIMINARY DEMOLITION PLAN
P04 PRELIMINARY SITE PLAN
P05 PRELIMINARY GRADING AND EROSION AND SEDIMENT CONTROL PLAN
P06 PRELIMINARY COMPOSITE UTILITY PLAN
P07 SURROUNDING LAND USES AND TRANSPORTATION CIRCULATION PLAN
P08 PRELIMINARY LIGHTING PLAN

PROPERTY OWNER/APPLICANT:
LANGER STORAGE 2, LLC
15585 SW TUALATIN-SHERWOOD ROAD
SHERWOOD, OR 97140

PLANNING/CIVIL ENGINEERING/ SURVEYING FIRM:
AKS ENGINEERING & FORESTRY, LLC.
CONTACT: JOHN P. CHRISTIANSEN, PE, CWRE – PRINCIPAL
CHRIS GOODELL, AICP, LEED – ASSOCIATE
12965 SW HERMAN RD STE 100
TUALATIN, OR 97062
P: (503) 563-6151
F: (503) 563-6152

SITE DESCRIPTION:
TAX LOT 900 WASHINGTON COUNTY ASSESSOR'S MAP 2S 1 29DC LOCATED IN THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON.

SITE AREA:
±267,458 SF = ±6.14 ACRES

EXISTING LAND USE:
SELF-STORAGE FACILITY.

PROJECT PURPOSE:
REPLACEMENT OF RECREATIONAL VEHICLE STORAGE CANOPY WITH ENCLOSED SELF-STORAGE BUILDING.

VERTICAL DATUM:
ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 103, A BRASS DISK IN CONCRETE AT THE SW CORNER OF THE INTERSECTION OF SW TUALATIN-SHERWOOD ROAD AND THE RAILROAD CROSSING, APPROXIMATELY 1.1 MILE EAST OF SIX CORNERS. WITH A NGVD 29 ELEVATION OF 171.38 FEET.

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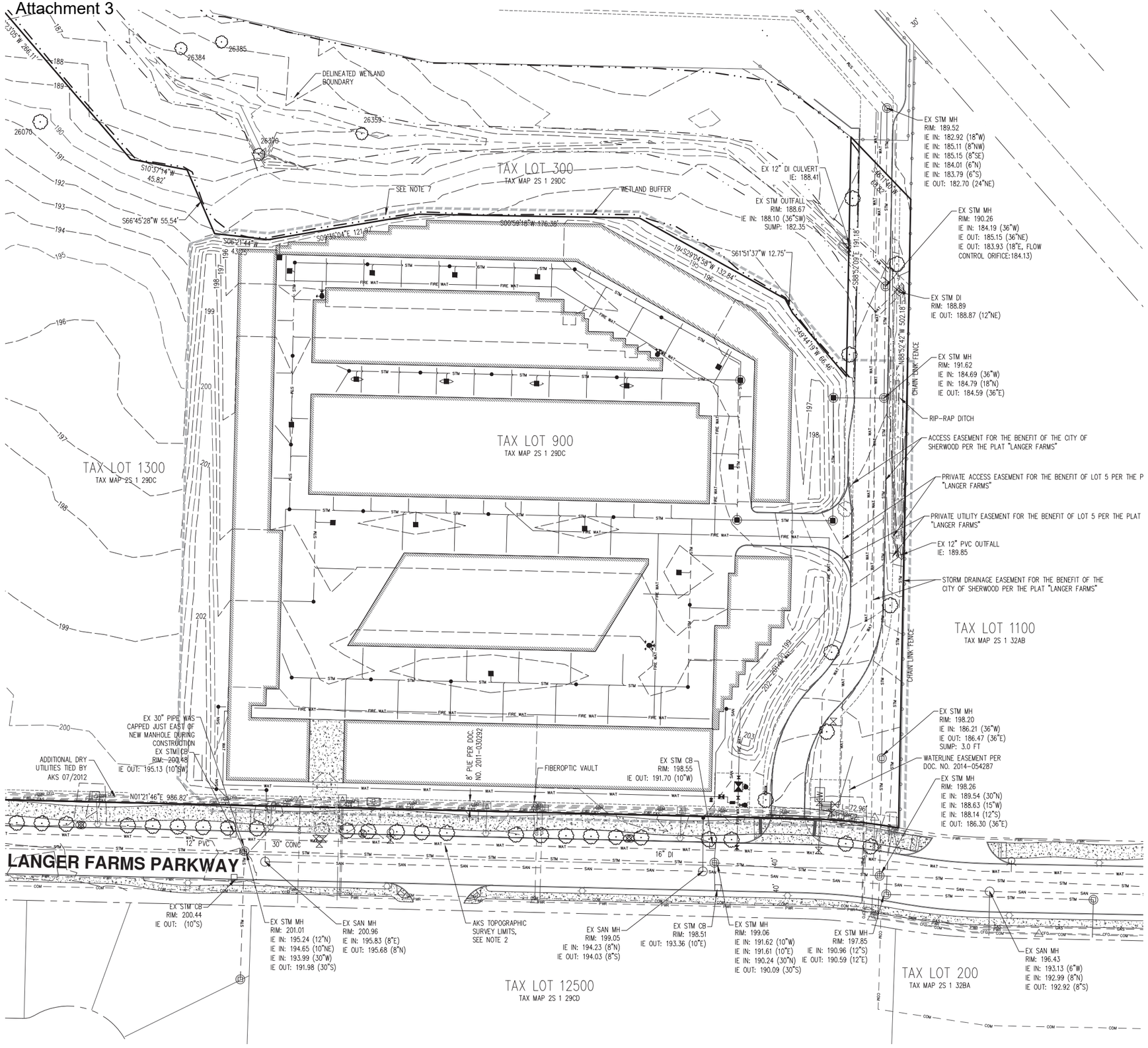
COVER SHEET WITH VICINITY AND SITE MAPS
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

REGISTERED PROFESSIONAL ENGINEER OREGON JULY 23, 2013 JOHN P. CHRISTIANSEN
PRELIMINARY NOT FOR CONSTRUCTION
RENEWAL DATE: 12/31/23

JOB NUMBER:	4668-01
DATE:	02/22/2022
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

P01

AKS DRAWING FILE: 4668-01 P01 COVER.DWG | LAYOUT: P01



NOTES:

1. INFORMATION SHOWN IS BASED ON DIGITAL INFORMATION PROVIDED BY OTHERS (INCLUDING CES NW AND HDJ DESIGN GROUP). AKS ENGINEERING & FORESTRY MAKES NO GUARANTEE THAT THE UTILITIES SHOWN REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. PORTIONS OF SITE TOPOGRAPHY ARE PER A SURVEY BY CES NW (CES NW JOB NO. 2723), AND PER DRAWINGS PROVIDED ON 12/05/11 BY HDJ, AND ARE LABELED. SITE TOPOGRAPHY FOR TAX LOT 100 AND THE REMAINING PORTIONS OF CENTURY DRIVE AND THE ACCESS DRIVE AT THE SOUTH END OF THE SITE WERE TIED BY AKS.
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 103, A BRASS DISK IN CONCRETE AT THE SW CORNER OF THE INTERSECTION OF SW TUALATIN-SHERWOOD ROAD AND THE RAILROAD CROSSING, APPROXIMATELY 1.1 MILE EAST OF SIX CORNERS. WITH A NGVD 29 ELEVATION OF 171.38 FEET.
4. THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
5. CONTOUR INTERVAL IS 1 FOOT.
6. ALL TREES SHOWN ARE APPROXIMATE LOCATION.
7. DENOTED PORTION OF SENTINEL STORAGE ANNEX II HAS NOT BEEN SURVEYED AND IS BASED ON APPROVED CONSTRUCTION PLANS AND AVAILABLE AS-BUILTS.

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	431.00'	5°27'23"	41.04'	N88°46'48"E 41.03'
C2	485.00'	8°37'09"	72.96'	N5°40'21"E 72.89'

SCALE: 1" = 40 FEET
ORIGINAL PAGE SIZE: 22" x 34"

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EXISTING CONDITIONS PLAN
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
JOHN P. CHRISTIANSEN

PRELIMINARY
NOT FOR CONSTRUCTION

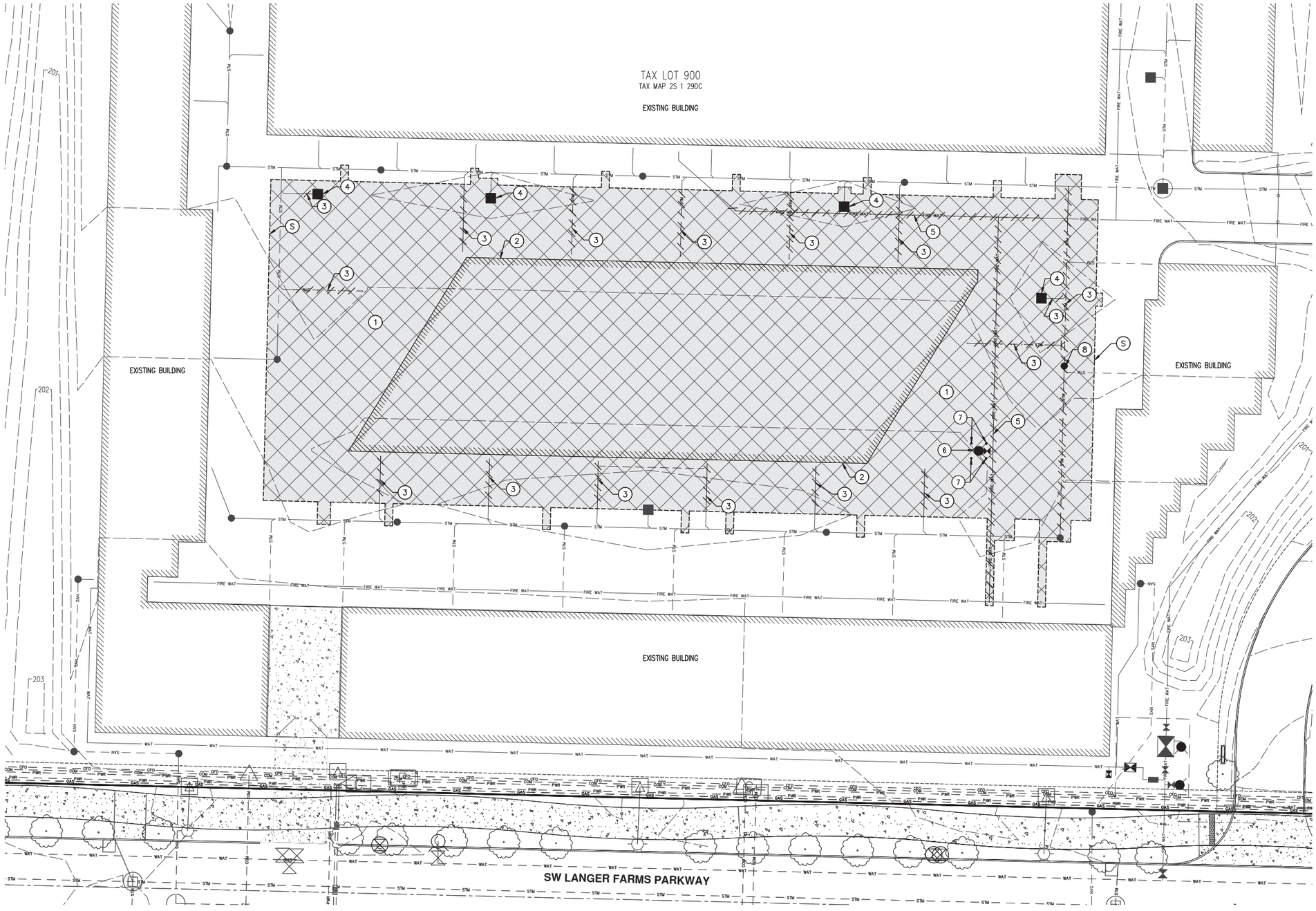
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CHECKED BY:	JPC

P02

AKS DRAWING FILE: 4668-01 P02 EXCONDLWG | LAYOUT: P02

Exhibit A



SCALE: 1" = 20 FEET

20 0 4 10 20

ORIGINAL PAGE SIZE: 22" x 34"

(#) KEYED DEMOLITION NOTES:

S. SAWCUT LINE (TYP).

1. REMOVE EXISTING AC PAVEMENT.
2. REMOVE EXISTING 14,850 SF RECREATIONAL VEHICLE STORAGE CANOPY.
3. REMOVE PORTION OF EXISTING STORM DRAINAGE LINE.
4. REMOVE/RELOCATE EXISTING STORM CATCH BASIN.
5. REMOVE EXISTING FIRE WATER LINE.
6. REMOVE/RELOCATE EXISTING FIRE HYDRANT.
7. REMOVE EXISTING BOLLARDS.
8. REMOVE EXISTING STORM CLEANOUT.

LEGEND:

- EXISTING AC PAVEMENT TO BE REMOVED
- EXISTING UTILITY TO BE REMOVED

CONTOUR LEGEND

EXISTING GROUND CONTOUR (1 FT) 419
EXISTING GROUND CONTOUR (5 FT) 420

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PRELIMINARY DEMOLITION PLAN
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 25, 2008
JOHN P. CHRISTIANSEN

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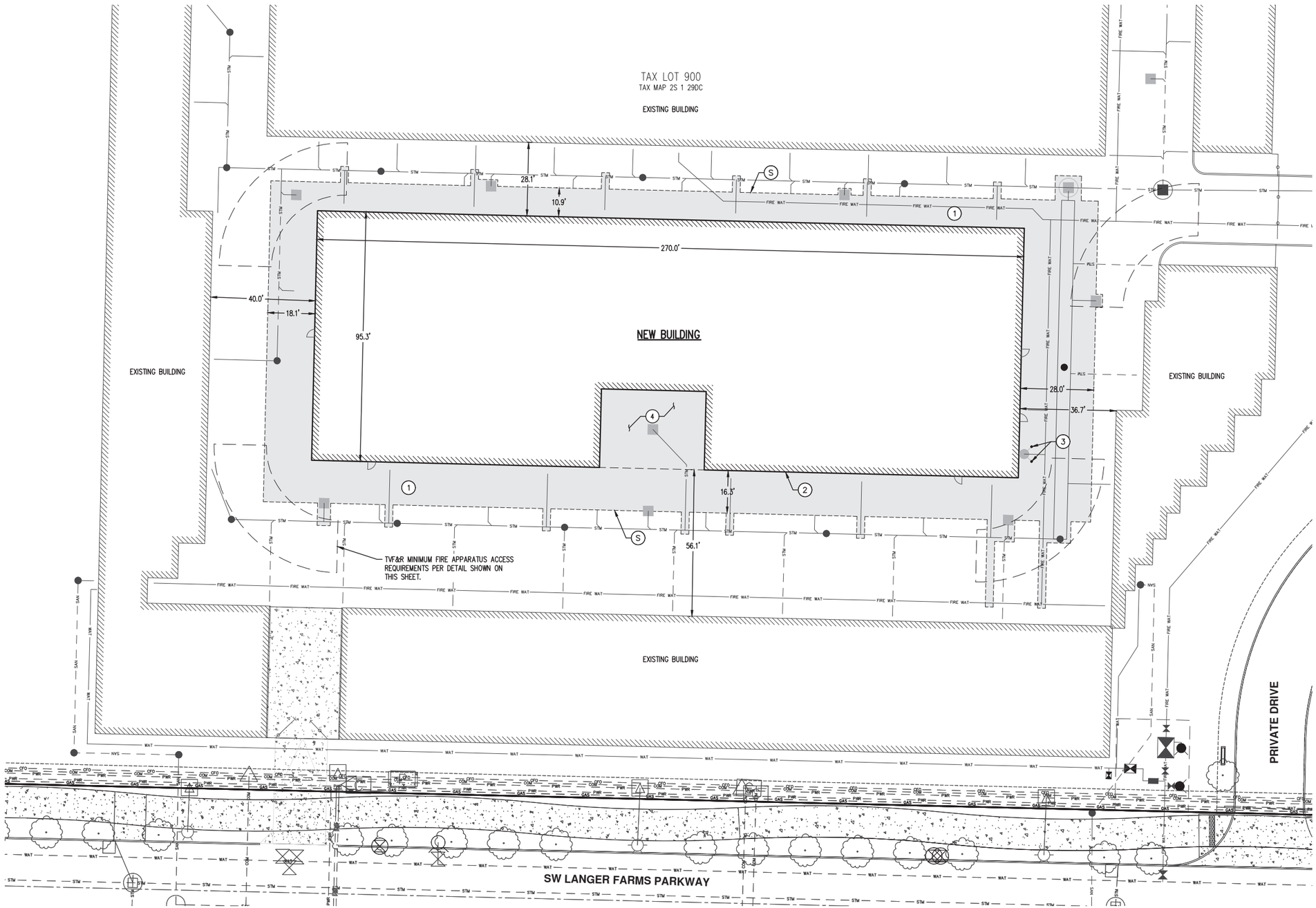
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JOB NUMBER:	4668-01
DATE:	02/22/2022
DESIGNED BY:	APC
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CHECKED BY:	JPC

P03

AKS DRAWING FILE: 4668-01 P03 DEMOLDWG | LAYOUT: P03

Exhibit A



NEW BUILDING SUMMARY		
LEVEL	AREA (SF)	BUILDING STORAGE USE
L1	23,897	MINI STORAGE
L2	24,540	MINI STORAGE
L3	25,740	MINI STORAGE
TOTAL	74,177	

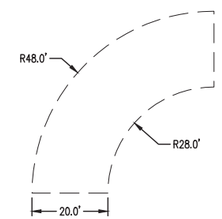
SITE KEYED NOTES:

S. SAWCUT LINE (TYP).

1. NEW AC PAVEMENT.
2. NEW THREE STORY MINI STORAGE BUILDING.
3. NEW BOLLARD.
4. NEW COVERED LOADING AREA.

LEGEND:

– NEW AC PAVEMENT



TVF&R MINIMUM FIRE APPARATUS ACCESS REQUIREMENTS DETAIL
1"=20'

NOTE:
EXISTING BUILDINGS, DRIVEWAY ACCESS, LANDSCAPING AND OTHER SITE ELEMENTS OUTSIDE THE EXTENT OF MODIFICATION LIMITS TO REMAIN UNCHANGED.

SCALE: 1"=20 FEET
20 0 4 10 20
ORIGINAL PAGE SIZE: 22" x 34"

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PRELIMINARY SITE PLAN
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
JOHN P. CHRISTIANSEN
PRELIMINARY
NOT FOR CONSTRUCTION

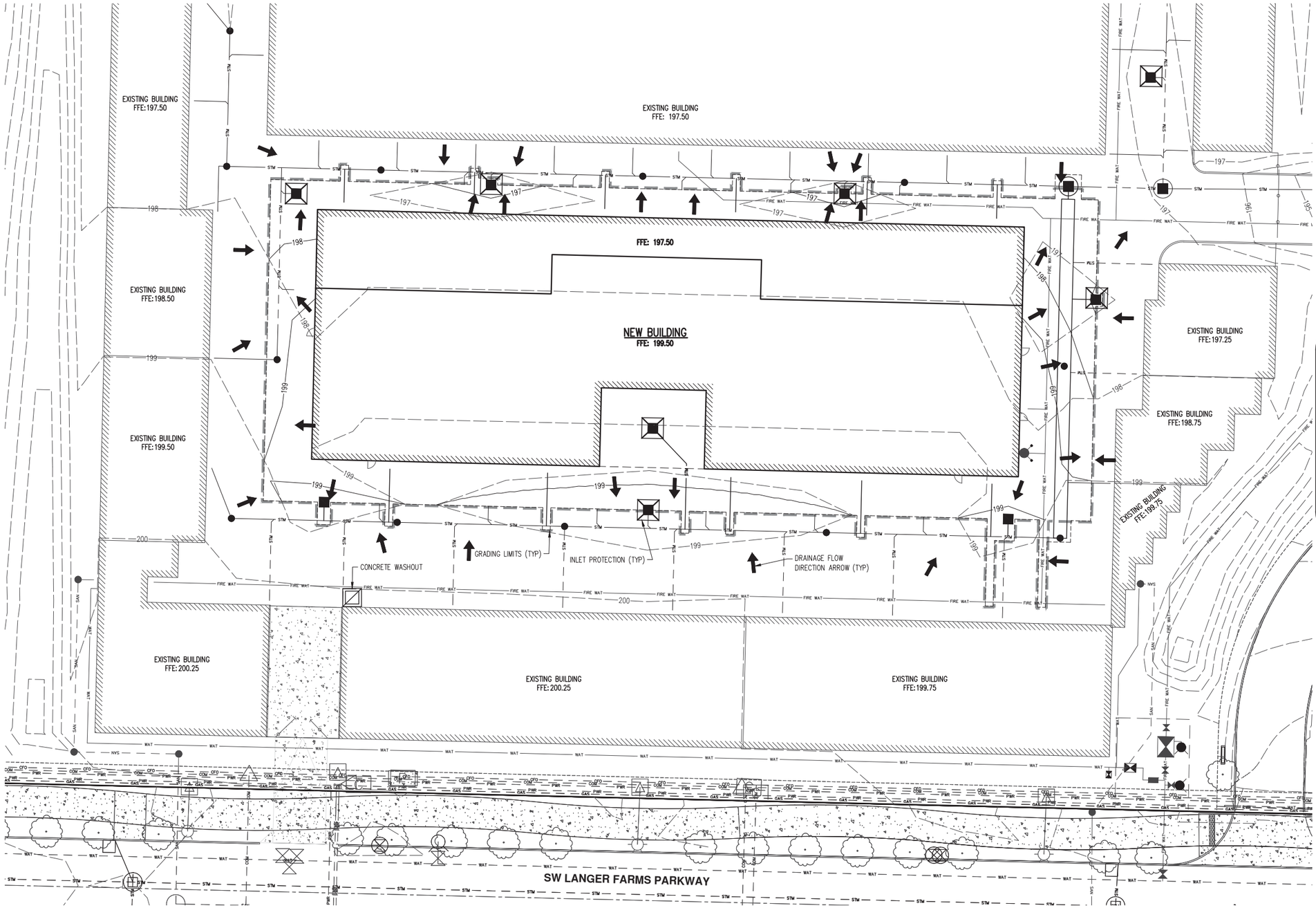
RENEWAL DATE: 12/31/23

JOB NUMBER:	4668-01
DATE:	02/22/2022
DESIGNED BY:	APC
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P04

AKS DRAWING FILE: 4668-01 P04 SITE PLAN.DWG | LAYOUT: P04

Exhibit A



SCALE: 1" = 20 FEET

20 0 4 10 20

ORIGINAL PAGE SIZE: 22" x 34"

LEGEND

EXISTING GROUND CONTOUR (1 FT)	199
EXISTING GROUND CONTOUR (5 FT)	200
FINISHED GRADE CONTOUR (1 FT)	199
FINISHED GRADE CONTOUR (5 FT)	200
INLET PROTECTION (TYP)	
CONCRETE WASHOUT AREA (ECO PAN)	
DRAINAGE FLOW DIRECTION ARROW	
GRADING LIMITS	

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PRELIMINARY GRADING AND EROSION AND SEDIMENT CONTROL PLAN
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
JOHN P. CHRISTIANSEN

PRELIMINARY
NOT FOR CONSTRUCTION

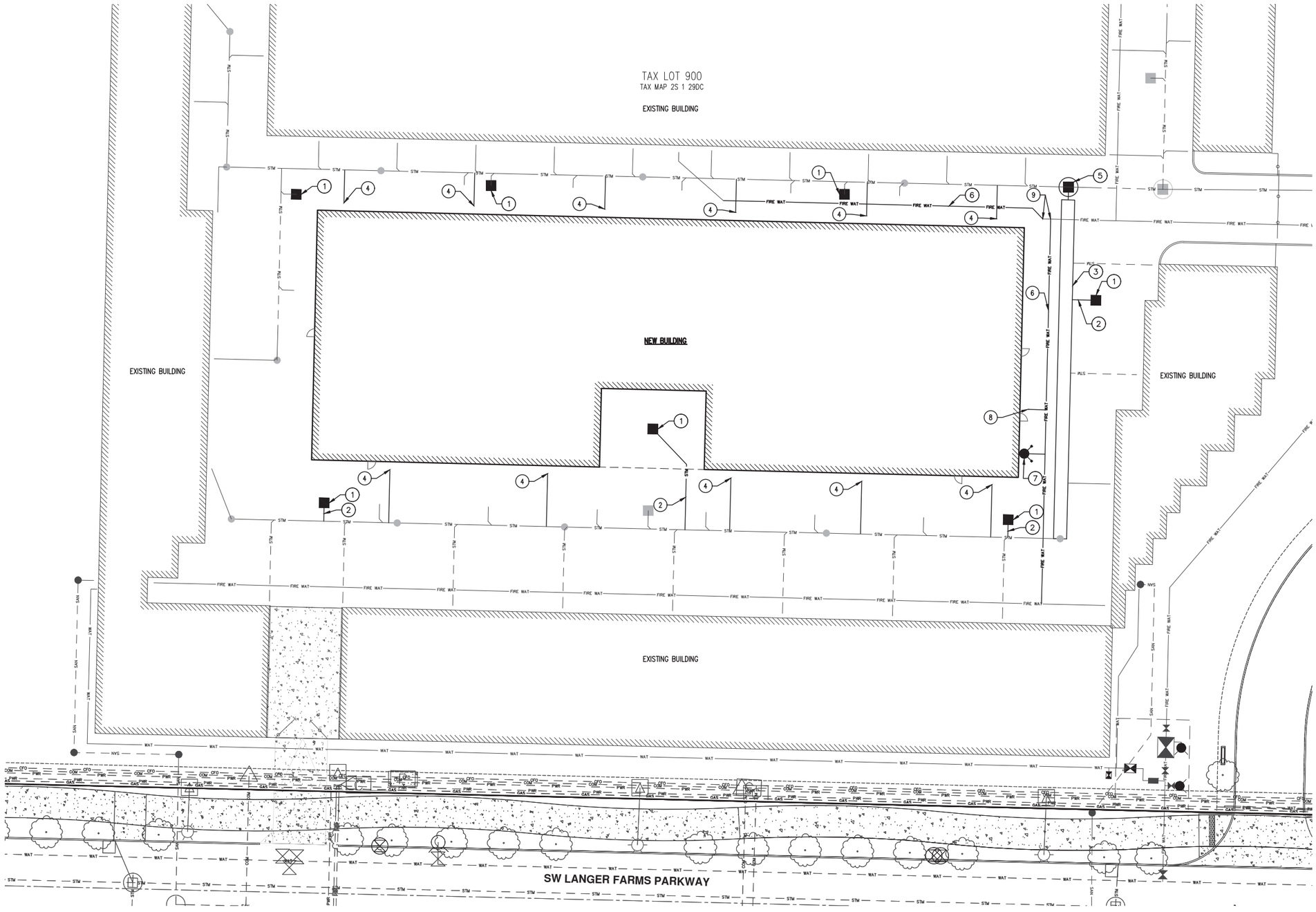
RENEWAL DATE: 12/31/23

JOB NUMBER:	4668-01
DATE:	02/22/2022
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

P05

AKS DRAWING FILE: 4668-01 P05 GRADING AND EROSION CONTROL.DWG | LAYOUT: P05

Exhibit A



SCALE: 1" = 20 FEET

20 0 4 10 20

ORIGINAL PAGE SIZE: 22" x 34"

(#) UTILITY KEYED NOTES:

STORM:

1. NEW STORM AREA DRAIN.
2. NEW STORM MAIN.
3. NEW STORM DETENTION PIPE.
4. NEW STORM LATERAL FOR BUILDING DOWNSPOUT CONNECTION.
5. NEW FLOW CONTROL MANHOLE.

FIRE WATER:

6. NEW FIRE SERVICE WATER.
7. NEW FIRE HYDRANT.
8. NEW BUILDING FIRE SERVICE.
9. CONNECT TO EXISTING FIRE MAIN.

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

PRELIMINARY COMPOSITE UTILITY PLAN
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 25, 2008
JOHN P. CHRISTIANSON

PRELIMINARY
NOT FOR CONSTRUCTION

RENEWAL DATE: 12/31/23

JOB NUMBER:	4668-01
DATE:	02/22/2022
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

P06

AKS DRAWING FILE: 4668-01 P07 COMPOSITE UTILITY.DWG | LAYOUT: P07

Exhibit A

NOTE: AERIAL PHOTO FROM GOOGLE EARTH (JUNE 2021)

LEGEND

CIRCULATION

CURRENT LAND USE — CURRENT LAND USE ZONING

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SURROUNDING LAND USES AND TRANSPORTATION CIRCULATION PLAN
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 2005
JOHN P. CHRISTIANSEN

PRELIMINARY
NOT FOR CONSTRUCTION

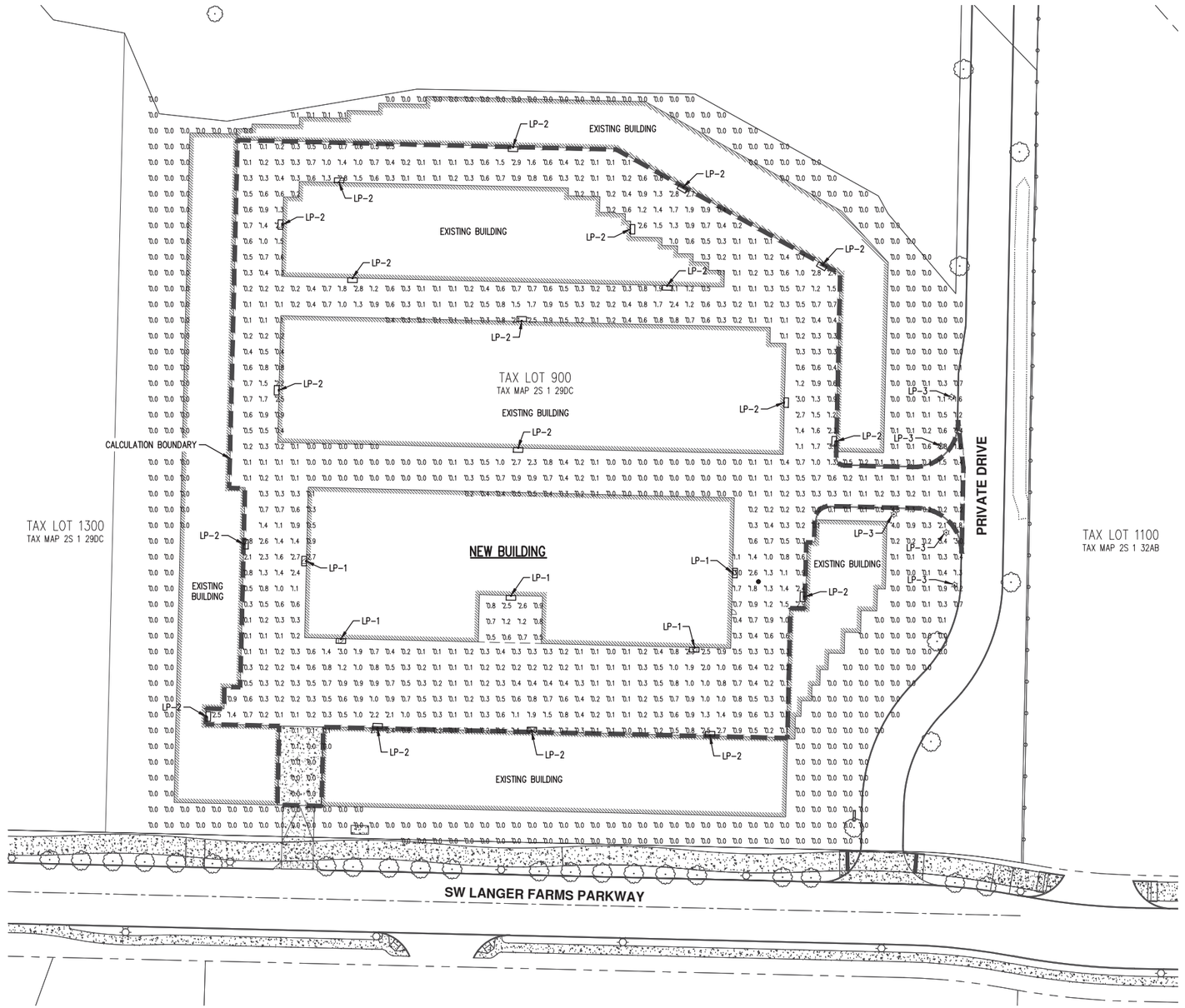
RENEWAL DATE: 12/31/23

JOB NUMBER:	4668-01
DATE:	02/22/2022
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

P07

AKS DRAWING FILE: 4668-01 P08 TRANSPORTATION CIRCULATION.DWG | LAYOUT: P08

Exhibit A



SCALE: 1" = 40 FEET
ORIGINAL PAGE SIZE: 22" x 34"

LUMINAIRE SCHEDULE						
SYMBOL	LABEL	TAG	DESCRIPTION	QTY	TOTAL LAMP LUMENS	LUM. WATTS	LLF
▭	LP-1	NEW	VISIONAIRE MALIBU LED (15' MOUNTING HEIGHT)	5	2,863	27	0.90
▭	LP-2	EXISTING	VISIONAIRE MALIBU LED (15' MOUNTING HEIGHT)	29	2,863	27	0.90
☼	LP-3	EXISTING	ROUND CLEAR BOLLARD WITH 180 DEGREE SHEILD (3' MOUNTING HEIGHT)	5	5,600	70	0.70

CALCULATION SUMMARY							
LABEL	CALCTYPE	UNITS	AVG	MAX	MIN	AVG/MIN	MAX/MIN
CALCULATION AREA	Illuminance	Fc	0.6	4.8	0.0	N.A.	N.A.

NOTES:
1. PROPOSED LIGHTING MODELED TO MEET CITY OF SHERWOOD MUNICIPAL CODE 16.154.010
2. EXISTING LIGHTING ON SW LANGER FARMS PARKWAY NOT MODELED

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PRELIMINARY LIGHTING PLAN
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
JOHN P. CHRISTIANSEN
EXPIRE: 29, 2023
PRELIMINARY
NOT FOR CONSTRUCTION

RENEWAL DATE: 12/31/23

JOB NUMBER:	4668-01
DATE:	02/22/2022
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

P08

AKS DRAWING FILE: 4668-01 LIGHTING.DWG | LAYOUT: LIGHT

Exhibit B: City of Sherwood Land Use Application Forms & Checklists

Case No. _____
Fee _____
Receipt #_____
Date _____
TYPE_____

City of Sherwood
Oregon
Home of the Tualatin River National Wildlife Refuge

City of Sherwood

Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- ☐ Annexation
- ☐ Plan Amendment (Proposed Zone _____)
- ☐ Planned Unit Development
- ■ Site Plan (square footage of building and parking area)
- ☐ Variance (list standards to be varied in description)
- ☐ Conditional Use
- ☐ Partition (# of lots _____)
- ☐ Subdivision (# of lots _____)
- ☐ Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: Same as owner — Phone: Please contact applicant's consultant
Applicant Address: Same as owner — Email: Please contact applicant's consultant
Owner: Langer Storage 2, LLC — Phone: Please contact applicant's consultant
Owner Address: 15585 SW Tualatin-Sherwood Road, Sherwood, OR 97140 — Email: Please contact applicant's consultant
Contact for Additional Information: Applicant's Consultant: AKS Engineering & Forestry, LLC (Chris Goodell)
Address: 12965 SW Herman Road, Suite 100, Tualatin, OR 97062
Phone: (503) 563-6151; Email: chrisg@aks-eng.com

Property Information:

Street Location: 21900 SW Langer Farms Parkway
Tax Lot and Map No: 2S 1 29DC, Tax Lot 900
Existing Structures/Use: Sentinel Storage Annex II, industrial self-storage facility
Existing Plan/Zone Designation: Light Industrial Planned Unit Development (LI-PUD)
Size of Property(ies) ±6 acres

Proposed Action:

Purpose and Description of Proposed Action:

This application is for a site plan review modification involving the existing Sentinel Storage II Annex. The project includes removal and replacement of an existing RV canopy with a ±75,000-square-foot self-storage building.

Proposed Use: Existing self-storage facility

Proposed No. of Phases (one year each): 1

Continued on Reverse

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature _____ Date _____

Owner's Signature  Date 2/10/22

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

■ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property.

■ **Copy of Deed** to verify ownership, easements, etc.

■ **At least 3 folded** sets of plans*

■ **At least 3 copies** of narrative addressing application criteria*

■ **Fee** (along with calculations utilized to determine fee if applicable)

■ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

APPLICATION MATERIALS REQUIRED FOR

SITE PLAN REVIEW

Submit the following to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 925-2308.

It is strongly suggested that you have a pre-application meeting with the City prior to submitting for Site Plan Review. (See *Pre-application Process* form for information.)

Note: Clean Water Services (CWS) requires a pre-screening to determine if water quality sensitive areas exist on the property. If these sensitive areas exist, a Site Assessment and Service Provider Letter are required prior to submitting for Site Plan Review or undertaking any development. **This application will not be accepted without a completed Pre-Screening Form and if required a Service Provider Letter.** Please contact CWS at (503) 681-3600.

If the proposal is next to a Washington County roadway, the applicant must submit an Access Report (Traffic Study) to Washington County Department of Land Use and Transportation (503) 846-8761. **This application will not be accepted until an Access Report (Traffic Study) is submitted to Washington County and the Access Report is deemed complete by the County; or written verification from Washington County that an Access Report is not required is provided.**

I. **FEES** - See City of Sherwood current Fee Schedule, which includes the "Publication/ Distribution of Notice" fee, at http://www.sherwoodoregon.gov Click on Government/Planning/Planning Fees.

Note: The above fees are required at the time you submit for site plan review. Additional fees will be charged for building permit, system development charges, impact fees and other fees applicable to the development. These fees will be charged when you make application for building permit. Building permit application will not be accepted until site plan approval is issued.

II. **BACKGROUND INFORMATION** (All materials to be collated & folded (not rolled) to create ***fifteen (15) sets).

***Note that the *final* application must contain fifteen (15) folded sets of the above, however, upon initial submittal of the application and prior to completeness review, the applicant may submit three (3) complete folded sets with the application in lieu of fifteen (15), with the understanding that fifteen (15) complete sets of the application materials will be required before the application is deemed complete and scheduled for review.

☑ **Application Form –** One original and fourteen (14) copies of a completed **City of Sherwood Application for Land Use Action** form. Original signatures from all owners must be on the application form.

☑ **Documentation of Neighborhood Meeting (**Type III- Type V) - Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application.

☑ **Tax Map** - Fifteen (15) copies of the latest Tax Map available from the Washington County Assessor's Office showing property within at least 300 feet with scale (1"=100' or 1"= 200') north point, date and legend.

☑ **Mailing Labels –** Two (2) sets of mailing labels for property owners within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice. Mailing labels can be obtained from a private title insurance company. Ownership records shall be based on the most current available information from the Tax Assessor's office. *It is the applicant's responsibility to provide mailing labels that accurately reflect all property owners that reside within 1,000 feet of the subject site.*

☑ **Vicinity Map –** Fifteen (15) copies of a vicinity map showing the City limits and the Urban Growth Boundary.

☑ **Narrative –** Fifteen (15) copies and **an electronic copy** of a narrative explaining the proposal in detail and a response to the Required Findings for Site Plan Review, located in Chapter 16 of the Municipal Code/Zoning & Development, Section 16.90.010. The Municipal Code/Zoning & Development is available online at www.sherwoodoregon.gov, Click on Government/Municipal Code.

☑ **Electronic Copy –** An electronic copy of the **entire** application packet. This should include all submittal materials (narrative, vicinity map, mailing labels, site plan, preliminary plat, etc.).

☑ III. REQUIRED PLANS

Submit fifteen (15) sets of the following folded full-size plans and **an electronic copy in .PDF format**. Plans must have:

1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.
2) The name, address and phone of the owner, developer, applicant and plan producer.
3) North arrow,
4) Legend,
5) Date plans were prepared and date of any revisions
6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.
7) All dimensions clearly shown.

☑ **Existing Conditions Plan** - Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation including trees, any floodplains or wetlands and any easements on the property. The existing conditions plan shall also include the slope of the site at 5-foot contour intervals

☑ **Preliminary Development Plans-** Plans must be sufficient for the Hearing Authority to determine compliance with applicable standards. The following information is typically needed for adequate review:

1. The subject parcel (s), its dimensions and area.

2. The location and dimensions of proposed development, including the following:

Transportation

a. Public and private streets with proposed frontage improvements including curb, gutters, sidewalks, planter strip, street lighting, distances to street centerline, pavement width, right-of-way width, bike lanes and driveway drops.
b. Public and private access easements, width and location.
c. General circulation plan showing location, widths and direction of existing and proposed streets, bicycle and pedestrian ways, and transit routes and facilities within ½ mile of the subject property.
d. Show the location and distance to neighboring driveways and the width and locations of driveways located across the street.
e. The location and size of accesses, sight distance and any fixed objects on collectors or arterial streets.
f. Emergency accesses.
g. Indicate the location and size of off-street parking spaces including curbing and wheel stop locations.
h. Proposed transit facilities.
i. Indicate loading and maneuvering areas.
j. Delivery truck and bus circulation patterns.

Grading and Erosion Control

k. Indicate the proposed grade at two (2)-foot contour intervals.
l. Indicate the proposed erosion control measures to CWS standards (refer to CWS R&O 07-20).
m. Show areas of cut and fill with areas of structural fill.
n. Show the location of all retaining walls, the type of material to be used, the height of the retaining wall from the bottom of the footing to the top of the wall and the exposed height of the wall.

Utilities

o. Utilities must be shown after proposed grade with 2-foot contour intervals.
p. Map location, purpose, dimensions and ownership of easements.
q. Fire hydrant locations and fire flows.
r. Water, sewer and stormwater line locations, types and sizes.
s. Clearly indicate the private and public portions of the system.
t. Above-ground utilities and manhole locations.

Preliminary Stormwater Plan

u. Show location, size and slope of water quality facility.
v. Preliminary calculations justifying size of facility.

w. The total square footage of the new and existing impervious area.
x. The stormwater facility to CWS standards. (R&O 07-20).

Sensitive Areas

y. Show any and all streams, ponds, wetlands and drainage ways.
z. Indicate the vegetative corridor for sensitive areas to CWS standards. (R&O 07-20).
aa. Indicate measures to avoid environmental degradation that meet CWS, DSL and Army Corp requirements.
bb. Flood elevation.
cc. Wetland delineation and buffering proposed.
dd. Location and size of all trees greater than 5 inches DBH (indicate if trees are proposed for removal).

Land Use

ee. The square footage of each building and a breakdown of square footage by use. (i.e. retail, office, industrial, residential, etc.).
ff. Net buildable acres. (The land remaining after unbuildable areas are taken out, such as the floodplain and wetland areas).
gg. Net density calculation for residential use.
hh. Landscaping areas including the square footage of the site covered by landscaping and planting types. (refer to Ch. 5 of the Community Development Code).
ii. Existing trees proposed to remain and trees to be removed and the drip-lines of trees proposed to remain.
jj. Street tree location, size and type. (refer to Ch. 8, Section 8.304.06 of the Community Development Code).
kk. Bicycle parking areas. (Refer to Ch 5 of the Community Development Code).
ll. On-site pathways and sidewalk locations.
mm. Structures proposed to be built and structures proposed to remain with their dimensions and the distances to property lines.
nn. Outdoor storage areas and proposed screening.
oo. Outdoor sales and merchandise display areas and proposed screening.
pp. Truck loading and maneuvering areas.
qq. Number of parking spaces and required parking calculations based on Section 5.302 of the Community Development Code.
rr. The size and location of solid waste and recycle storage areas and screening.
ss. Location, size and height of proposed free-standing signs.
tt. Location, height and type of fencing and walls.
uu. For each lot indicated the building envelope.

☑ **Reduced - Proposed Development Plans –** One (1) reduced copies of the Proposed Development Plan on 8 1/2" by 11" sheets and fifteen (15) reduced copies on 11" by 17" sheets.

☑ **Lighting Plan** – Photometric lighting plan indicating foot candle power on and along the perimeter of the site. Proposed locations, height and size of lights. (If outdoor lighting is proposed).

☑ **Surrounding Land Uses –** Existing land use including nature, size and location of existing structures within 300 feet.

☑ **Architectural Exterior –** Scaled architectural sketches and elevations of all proposed structures. Include a description of materials, textures and colors. Show the size, placement and dimensions of proposed wall signs on the elevation drawings. These drawings can be done at an architectural or engineering scale. If color is used, two color copies and eight black and white copies are acceptable.

IV. DOCUMENTS REQUIRED

☑ **Title Report** – Two (2) copies of a current preliminary title report available from a private title insurance company.

☑ **CWS Service Provider Letter** – Four (4) copies of the CWS service provider letter

N/A V. ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED

☐ **Army Corps and DSL wetland applications and/or permits –** Four (4) copies of required Divisions of State Lands and/or Army Corp of Engineers permits and/or permit applications if applicable.

☐ **Traffic Study –** Four (4) copies of a traffic study. (If required by the City Engineer).

☐ **Soils Analysis and/or Geotechnical Report** – Four (4) copies completed by a registered Soils Engineer or Geologist including measures to protect natural hazards. (If required by the City Engineer).

☐ **Tree Report –** Two (2) copies of a tree report prepared by an arborist, forester, landscape architect, botanist or other qualified professional. (If required trees are on-site).

☐ **Natural Resource Assessment –** If required by Clean Water Services (CWS). The CWS Pre-Screening indicates as to whether this report is required or not.

☐ **Wetland Delineation Study –** if required by Oregon Division of State Lands (DSL) or the Army Corps of Engineers.

☐ **Other Special Studies and/or Reports –** if required by the Planning Director or the City Engineer to address issues identified in the pre-application meeting or during project review.

☐ Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.

Exhibit C: Preliminary Title Report



1433 SW 6th Avenue
(503)646-4444

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Matt Langer
21650 SW Langer Farms Parkway
Sherwood, OR 97140

Customer Ref.: _____
Order No.: 472521008337
Effective Date: November 8, 2021 at 08:00 AM
Charge: $350.00

The information contained in this report is furnished by Chicago Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of property ("the Property") as of the Effective Date is:

Langer Storage 2 LLC, an Oregon limited liability company

Premises. The Property is:

(a) Street Address:

21900 S.W. Langer Farms Parkway, Sherwood, OR 97140

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

1. Unpaid Property Taxes are as follows:
   Fiscal Year: 2021-2022
   Amount: $68,726.07, plus interest, if any
   Levy Code: 088.10
   Account No.: R2201837
   Map No.: 2S129DC00900

   Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. City Liens, if any, in favor of the City of Sherwood. No search has been made as to the existence of any liens. A search will be conducted, for an additional charge, only upon request of the Assured herein named.

3. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
   Granted to: The City of Sherwood
   Purpose: Storm sewer
   Recording Date: December 6, 1994
   Recording No.: 94-109104
   Affects: The Northerly and Easterly portions

   And as shown on the recorded plat of LANGER FARMS.

4. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
   Granted to: The City of Sherwood
   Purpose: Public utilities
   Recording Date: April 22, 2011
   Recording No.: 2011-030292
   Affects: The West 8 feet

   And as shown on recorded PARTITION PLAT NO. 2017-019.

5. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
   Granted to: The City of Sherwood
   Purpose: Stormwater
   Recording Date: April 22, 2011
   Recording No.: 2011-030294
   Affects: A strip through the central portion

   And as shown on the recorded plat of LANGER FARMS.

6. Easements for the purposes shown below and rights incidental thereto as delineated or as offered for dedication on the recorded plat of LANGER FARMS;
   a: Purpose: Private utility
   Affects: A strip through the Southerly portion

b: Purpose: Private access
Affects: A strip through the Southerly portion

c: Purpose: Storm drainage
Affects: A strip through the Southerly portion

Said Easements are also shown on recorded PARTITION PLAT NO. 2017-019.

7. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Sherwood
Purpose: Water line
Recording Date: August 27, 2014
Recording No.: 2014-054287
Affects: The Southwesterly portion

And as shown on recorded PARTITION PLAT NO. 2017-019.

8. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on recorded PARTITION PLAT NO. 2017-019:
Recording Date: June 27, 2017
Recording No.: 2017-050998

9. Building Setback Covenant and Agreement, including the terms and provisions thereof;
Recording Date: July 19, 2017
Recording No.: 2017-056720

10. A Line of Credit Deed of Trust to secure an indebtedness in the amount shown below,
Amount: $5,530,000.00
Dated: August 1, 2018
Grantor: Langer Storage 2 LLC, an Oregon limited liability company
Trustee: Brad L. Williams, C/O UPF Services, LLC
Beneficiary: Riverview Community Bank
Loan No.: 840068874
Recording Date: August 21, 2018
Recording No.: 2018-058024

11. An Assignment of Rents of all moneys due, or to become due as rental or otherwise from said Land, to secure payment of an indebtedness, shown below and upon the terms and conditions therein;
Assigned to: Riverview Community Bank
Recording Date: August 21, 2018
Recording No.: 2018-058037

12. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

ADDITIONAL
NOTES_____

NONE

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Tony Schadle
5034694150
Tony.Schadle@TitleGroup.FNTG.com

Chicago Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201

EXHIBIT "A"

Legal Description

Parcel 1, PARTITION PLAT NO. 2017-019, recorded June 27, 2017 as Recorder's Fee No. 2017-050998, in the City of Sherwood, County of Washington and State of Oregon.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED**, SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

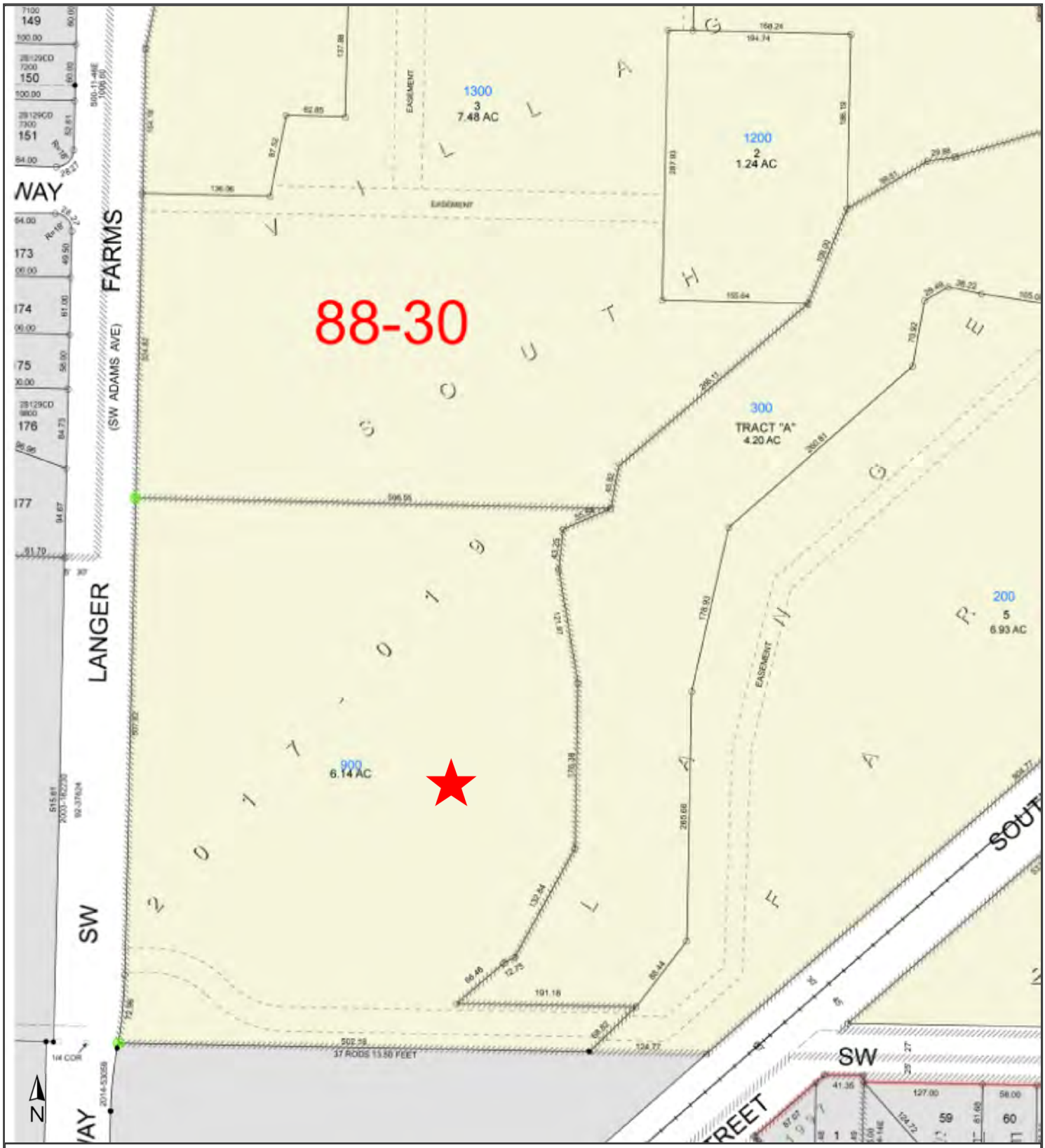
IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

;



ParcelID: R2201837
Tax Account #: 2S129DC00900
21900 SW Langer Farms Pkwy, Sherwood OR 97140

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

Washington County, Oregon **2018-058023**
D-DBS
Stn=6 M FERNANDES **08/21/2018 12:44:15 PM**
$10.00 $11.00 $5.00 $60.00 **$86.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

After recording return to:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204

Send tax statements to:
Same as above
No change

LAWYERS TITLE 90180024SJB

BARGAIN AND SALE DEED

Langer Family LLC, an Oregon limited liability company, Grantor, conveys to Langer Storage 2 LLC, an Oregon limited liability company, Grantee, all right, title, and interest in the real property described as follows:

Parcel 1, PARTITION PLAT NO. 2017-019, recorded June 27, 2017, Recorder's No. 2017-050998, in the City of Sherwood, County of Washington and State of Oregon.

The property is otherwise known as 21900 SW Langer Farms Parkway, Sherwood, Oregon 97140. The true consideration for this conveyance is other than monetary consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated as of June 25TH, 2018.

Langer Family LLC

By Langer Asset Management, Inc., Manager

By _____
Matthew D. Langer, President

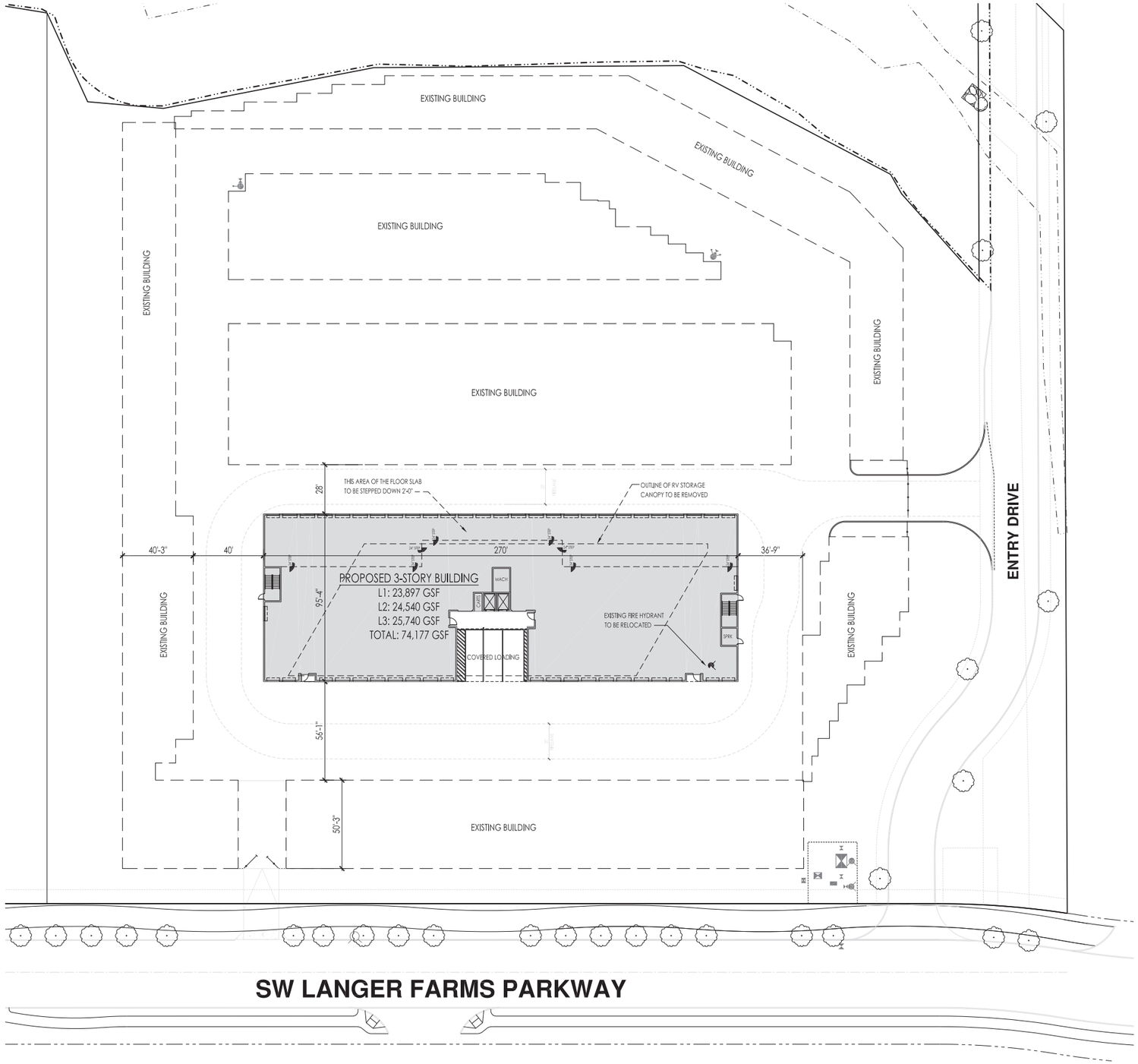
STATE OF OREGON)
) ss.
County of Washington)

Subscribed and sworn to before me on June 25th, 2018, by Matthew D. Langer, president of Langer Asset Management, Inc., an Oregon corporation, manager of Langer Family LLC, an Oregon limited liability company.

Notary Public – State of Oregon

OFFICIAL STAMP
JENNIFER HEASLEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 955710
MY COMMISSION EXPIRES OCTOBER 19, 2020

Exhibit D: Preliminary Architectural Materials



1 PROPOSED BUILDING LOCATION PLAN
SCALE: 1" = 40'-0"

SENTINEL STORAGE ANNEX 2

SITE PLAN MODIFICATION

21900 SW LANGER FARMS PARKWAY
SHERWOOD, OR 97140

NO.	DATE	REVISION

PROJECT ARCHITECT

DRAWN BY

CHECKED BY

STAMP

TITLE
SITE PLAN

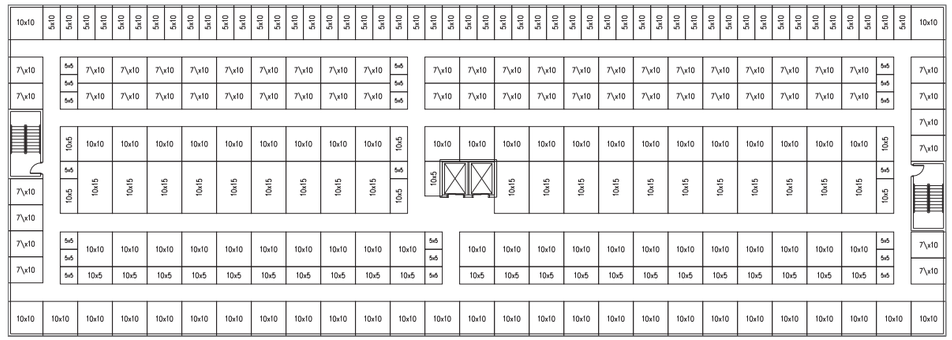
SUBTITLE

PROJECT REF:

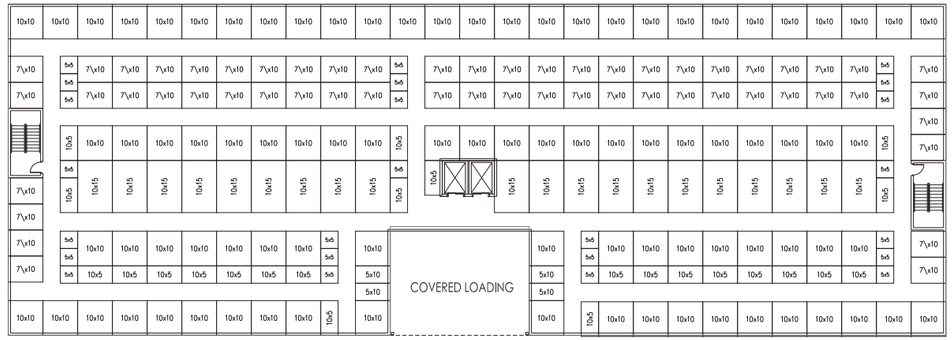
DATE
01 FEBRUARY 2022

ISSUE
SITE PLAN REVIEW SUBMITTAL

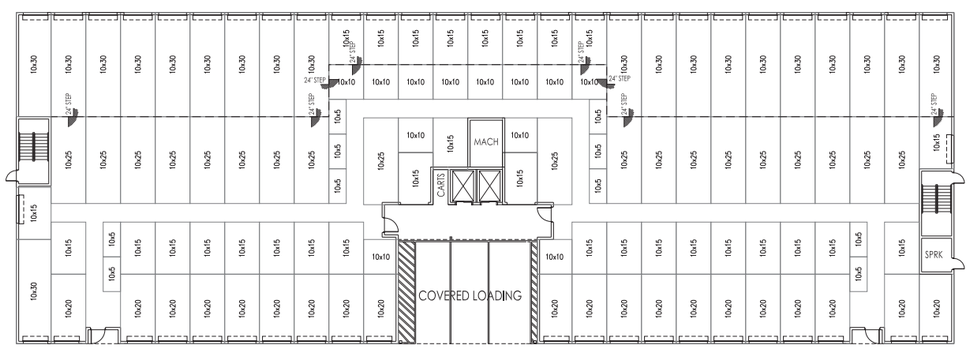
SHEET NUMBER
A-1



3 LEVEL THREE UNIT MIX PLAN
SCALE: 1" = 20'-0"



2 LEVEL TWO UNIT MIX PLAN
SCALE: 1" = 20'-0"



1 LEVEL ONE UNIT MIX PLAN
SCALE: 1" = 20'-0"

New Building Area		
3-story Building		*Units / Floor*
Level One	**23,897**	*111*
Level Two	**24,540**	215
Level Three	**25,740**	249
Total 3-story	**74,177**	**575**

SENTINEL STORAGE ANNEX 2
SITE PLAN MODIFICATION
21900 SW LANGER FARMS PARKWAY
SHERWOOD, OR 97140

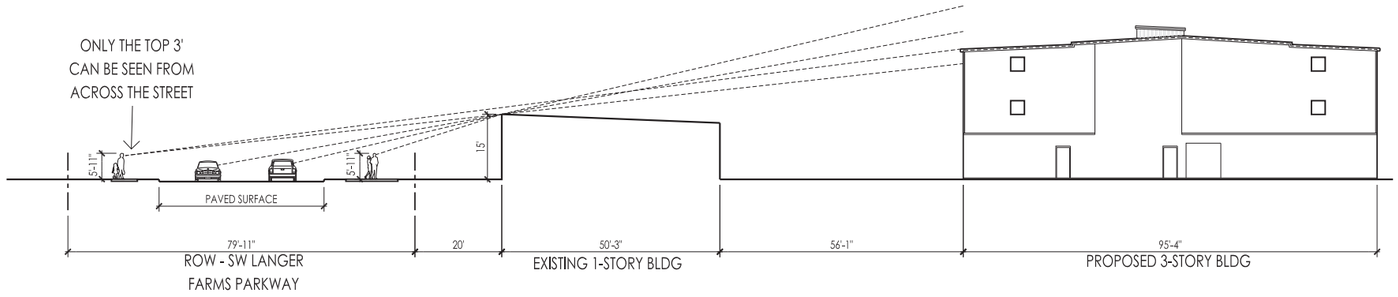
NO.	DATE	REVISION

PROJECT ARCHITECT
DRAWN BY: SAB
CHECKED BY
STAMP

TITLE: **FLOOR PLANS**
SUBTITLE
PROJECT REF:
DATE: 01 FEBRUARY 2022
ISSUE: **SITE PLAN REVIEW SUBMITTAL**
SHEET NUMBER: **A-2**

GENERAL NOTES

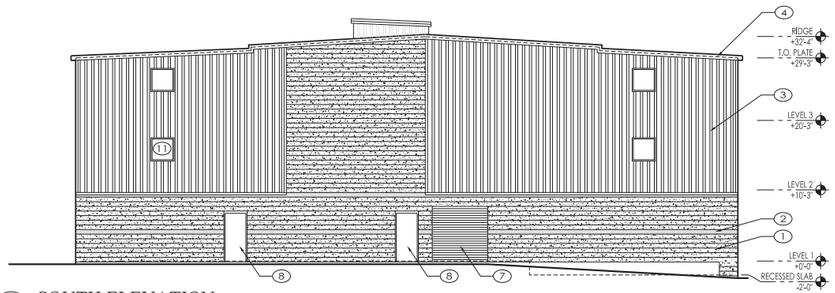
1. ARCHITECTURAL ELEMENTS ARE DESIGNED TO MATCH AND COMPLIMENT THE EXISTING FACILITY.
2. THERE WILL BE NO ROOF-MOUNTED EQUIPMENT ON THIS BUILDING.



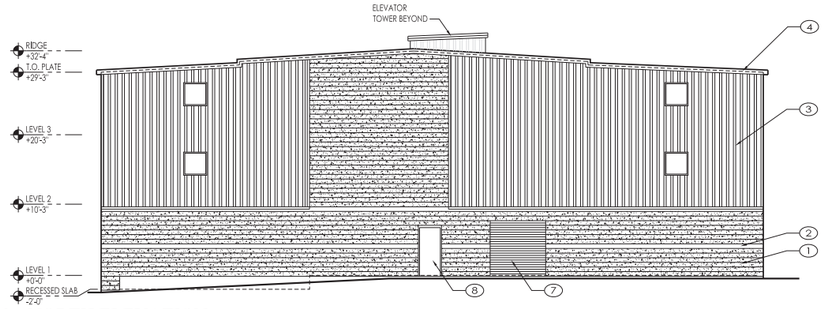
5 VIEW SECTION LOOKING NORTH THROUGH STREET
SCALE: 1/16" = 1'-0"

MATERIAL KEY

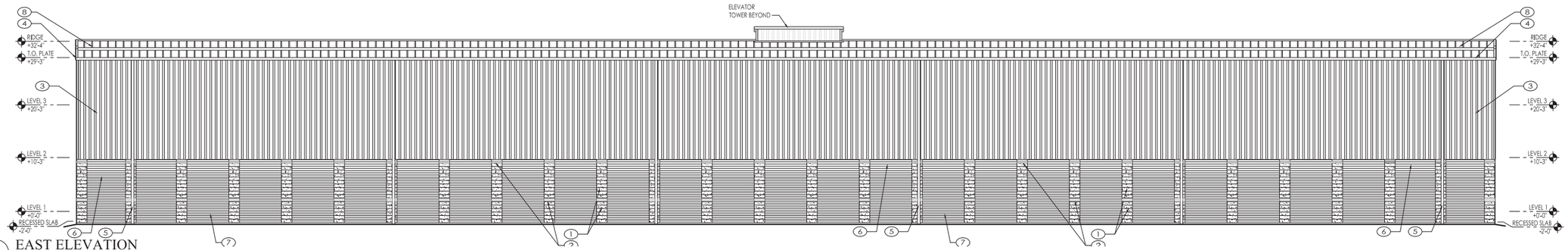
1. SPLIT-FACE CMU (CHARCOAL)
2. SMOOTH-FACE CMU BAND (NATURAL)
3. VERT. "MEGA RIB" METAL SIDING (TERRA COTTA)
4. GUTTER / 8" RAKE COPING (SLATE GRAY)
5. DOWNSPOUT (MATCH SIDING)
6. METAL HEADER PANEL (SLATE GRAY)
7. COIL DOOR (CEDAR RED)
8. GALV. METAL ROOFING
9. FIRE EXIT/UTILITY DOOR (BLACK)
10. LED WALL PAK LIGHT
11. ALUM. STOREFRONT WINDOW SYSTEM (DARK BRONZE)



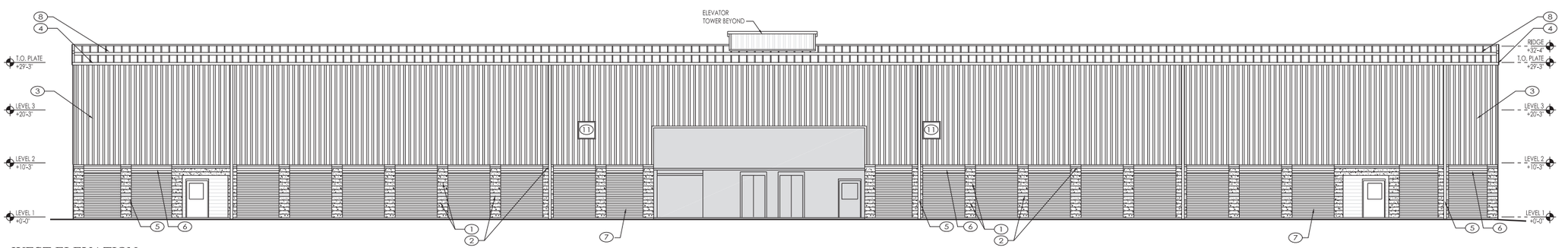
4 SOUTH ELEVATION
SCALE: 1" = 10'-0"



3 NORTH ELEVATION
SCALE: 1" = 10'-0"



2 EAST ELEVATION
SCALE: 1" = 10'-0"



1 WEST ELEVATION
SCALE: 1" = 10'-0"

SENTINEL STORAGE ANNEX 2
SITE PLAN MODIFICATION
21900 SW LANGER FARMS PARKWAY
SHERWOOD, OR 97140

NO.	DATE	REVISION

PROJECT ARCHITECT

DRAWN BY
SAB

CHECKED BY

STAMP

TITLE
EXTERIOR ELEVATIONS

SUBTITLE

PROJECT REF:

DATE
01 FEBRUARY 2022

ISSUE
SITE PLAN REVIEW SUBMITTAL

SHEET NUMBER
A-3

SENTINEL STORAGE COLORS & MATERIALS

CONCRETE MASONRY

SPLIT-FACE CMU - CHARCOAL

SMOOTH-FACE CMU - NATURAL

METAL SIDING COLORS

TERRA COTTA
VERT "MEGA RIB" METAL SIDING

SLATE GRAY
8" COPING & GUTTER
UNIT DOOR HEADER PANELS

CEDAR RED
UNIT COIL DOORS

METAL SIDING PROFILES

VERTICAL "MEGA RIB"
METAL SIDING

GALVANIZED ROOFING

Exhibit E: CWS Service Provider Letter

Exhibit A
Clean Water Services

SENSITIVE AREA PRE-SCREENING SITE ASSESSMENT

Clean Water Services File Number 21-003065

1. **Jurisdiction:** Sherwood

2. **Property Information** (example: 1S234AB01400)
Tax lot ID(s): 2S129DC00900

***OR* Site Address:** 21900 SW Langer Farms Parkway
City, State, Zip: Sherwood, OR, 97140
Nearest cross street: SW Langer Farms Parkway and SW Oregon Street

3. **Owner Information**
Name: Matt Langer
Company: Langer Family LLC
Address: 15595 SW Tualatin Sherwood Road
City, State, Zip: Sherwood, OR, 97140
Phone/fax:
Email:

4. **Development Activity** (check **all** that apply)
- ☐ Addition to single family residence (rooms, deck, garage)
- ☐ Lot line adjustment
- ☐ Minor land partition
- ☐ Residential condominium
- ☐ Commercial condominium
- ☐ Residential subdivision
- ☐ Commercial subdivision
- ☐ Single lot commercial
- ☐ Multi lot commercial

Other Commercial redevelopment

4. **Applicant Information**
Name: Sonya Templeton
Company: AKS Engineering & Forestry, LLC
Address: 12965 SW Herman Road, Suite 100
City, State, Zip: Tualatin, OR, 97062
Phone/fax: 503-563-6151
Email: templetons@aks-eng.com

6. **Will the project involve any off-site work?** ☐ Yes ☐ No ☐ Unknown
Location and description of off-site work:

7. **Additional comments or information that may be needed to understand your project:** Redevelopment project property platted after 9/9/95
~~Proposed work does not meet definition of development under Section 1.03.15(b)(5) as work does not add impervious area.~~

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/type name Sonya Templeton Print/type title Natural Resource Specialist

Signature ***ONLINE SUBMITTAL*** Date 11/2/2021

FOR DISTRICT USE ONLY

- ☐ Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- ☐ Based on review of the submitted materials and best available information sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, State and federal law.
- ☐ Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- ☐ **THIS SERVICE PROVIDER LETTER IS NOT VALID UNLESS _____ CWS APPROVED SITE PLAN(S) ARE ATTACHED.**
- ☒ The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). **NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.**

Reviewed by Lindsey Obermiller Date 12/8/2021

Once complete, email to: **SPLReview@cleanwaterservices.org** • Fax: **(503) 681-4439**
OR mail to: SPL Review, Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, Oregon 97123

Revised 2/2020

Exhibit A

SW WHETSTONE WAY

SW FARMER WAY

SW LANGER FARMS PARKWAY

TAX LOT 1300
TAX MAP 2S129DC
LANGER'S ENTERTAINMENT CENTER

TAX LOT 900
TAX MAP 2S129DC

TAX LOT 300
TAX MAP 2S129DC

TAX LOT 200
TAX MAP 2S129DC

TAX LOT 12500
TAX MAP 2S129CD
ST FRANCIS CATHOLIC CHURCH

PROJECT SITE

ZEN PORT INDUSTRIES

SOUTHERN PACIFIC RAILROAD

SW OREGON STREET

TAX LOT 1100
TAX MAP 2S132AB
WESTERN PALLET

TAX LOT 200
TAX MAP 2S132BA
SHERWOOD NEW LIFE ASSEMBLY OF GOD

THE SPRINGS AT SHERWOOD

SW OREGON STREET

SW KELSEY COURT

SW HALL STREET

SW NOTTINGHAM COURT

N

SCALE: 1" = 80 FEET

80 0 16 40 80

ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

VICINITY MAP WITH AERIAL PHOTOGRAPH OVERLAY
SENTINEL STORAGE NO. 2 MODIFICATION
21900 SW LANGER FARMS PARKWAY
SHERWOOD, OR

JOB NUMBER:	4668-01
DATE:	10/04/2021
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

AKS DRAWING FILE: 4668-01 PRE-APP.DWG | LAYOUT: LAYOUT 3

Exhibit A

FULL SITE EXHIBIT WITH AERIAL PHOTOGRAPH OVERLAY
SENTINEL STORAGE NO. 2 MODIFICATION
21900 SW LANGER FARMS PARKWAY
SHERWOOD, OR

02

JOB NUMBER:	4668-01
DATE:	10/04/2021
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

SCALE: 1"= 30 FEET

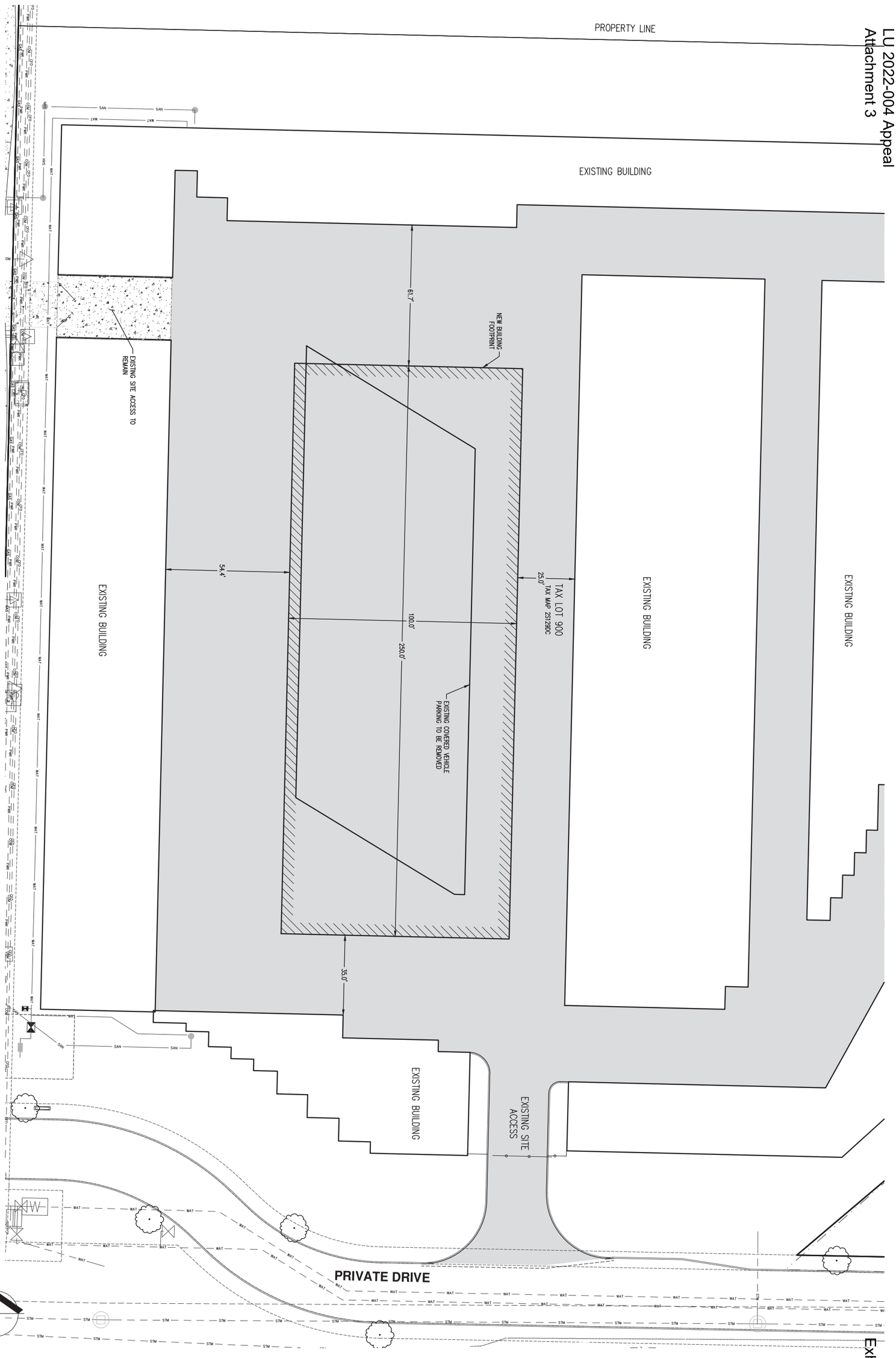
ORIGINAL PAGE SIZE: 22" X 34"

SW LANGER FARMS PARKWAY
EXISTING BUILDING
EXISTING SITE ACCESS TO REMAIN
124.7'
144.9'
TAX LOT 1100
TAX MAP 2S132AB
EXISTING BUILDING
EXISTING SITE ACCESS
EXISTING COVERED VEHICLE PARKING TO BE REMOVED
NEW BUILDING FOOTPRINT
TAX LOT 1300
TAX MAP 2S129DC
PRIVATE DRIVE
TAX LOT 900
TAX MAP 2S129DC
EXISTING BUILDING
EXISTING BUILDING
EXISTING BUILDING
EXISTING BUILDING
PROPERTY LINE
EXISTING BUILDING
PROPERTY LINE

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AKS DRAWING FILE: 4668-01 PRE-APP.DWG | LAYOUT: LAYOUT 1



DETAILED SITE LAYOUT
SENTINEL STORAGE NO. 2 MODIFICATION
21900 SW LANGER FARMS PARKWAY
SHERWOOD, OR

JOB NUMBER:	4668-01
DATE:	10/04/2021
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

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Exhibit F: Neighborhood Meeting Documentation

January 7, 2022

Neighborhood Meeting Summary: Langer's Sentinel Storage II Facility

Meeting Date: January 6, 2022
Time: 6:00 PM
Location: Virtual Meeting via Zoom Webinar

The following serves as a summary of the Neighborhood Meeting process in accordance with the applicable City regulations. On December 22, 2021, property owners within 1,000 feet of the project site were sent notification of the planned land use application. This notification included the project description, the neighborhood meeting date and time, and a map of the project location and vicinity area. Information on how to join the meeting remotely was provided in the notification letter.

On January 6, 2022, Chris Goodell, Marie Holladay, and John Christiansen from AKS Engineering & Forestry, LLC and Frank Schmidt from Schmidt Architects, P.C. and Stephen Bourne from Site Plan Mix, LLC (the Applicant) were prepared to make a presentation to attendees. One member of the public had registered to attend the meeting, and no one joined the meeting within 15 minutes of the scheduled start time. At 6:15 PM, the meeting concluded. Materials planned to be presented at the meeting were available on the AKS Engineering & Forestry website 2 days prior to the meeting and until January 31, 2021.

Sincerely,
AKS ENGINEERING & FORESTRY, LLC

Marie Holladay
12965 SW Herman Road, Suite 100 | Tualatin, OR 97062
P: 503.563.6151 | www.aks-eng.com | HolladayM@aks-eng.com

Attendee Report : Langer's Sentinel Storage II Facility – Neighborhood Meeting

Report Generated: 1/7/2022 8:59

Topic	Webinar ID	Actual Start Time	Actual Duration	# Registered
Neighborhood Meeting	897 8995 3494	1/7/2022 1:46	28 Minutes	1

Panelist Details

Attended	User Name	Email	Join Time	Leave Time
Yes	AKS Engineering	tcr1@aks-eng.com	1/6/2022 17:46	1/6/2022 18:15
Yes	Chris Goodell	chrisg@aks-eng.com	1/6/2022 17:59	1/6/2022 18:13
Yes	Stephen Bourne	stephen.bourne@comcast.net	1/6/2022 17:56	1/6/2022 18:13
Yes	John Christiansen	johnc@aks-eng.com	1/6/2022 17:57	1/6/2022 18:11
Yes	Frank Schmidt	frankschmidt@tilandschmidt.com	1/6/2022 17:53	1/6/2022 18:13

Attendee Details

Attended	User Name	Email	Registration Time	Approval Status
No	Randy Killion	randykzen@hotmail.com	12/31/2021 11:32	approved

The meeting will start shortly…

Visit

If you haven't already, please visit
https://www.aks-eng.com/langer-storage-2/
to register for this event.

Call

If you are having audio difficulties, please call
+1-253-215-8782
Zoom ID **897 8995 3494**, Password **6151**
OR one of the telephone numbers listed on the Virtual Meeting Instructions sheet at the above website.

Submit

During the Question/Answer period, you can also **"Raise Your Hand"** to be called on to provide your questions and comments.

You can submit questions by typing them into the **Group Chat Box** – they will go directly to the Meeting Moderator. Questions will be answered after the presentation.

Sentinel Storage II Facility Neighborhood Meeting



City of Sherwood

January 6, 2022

AKS ENGINEERING & FORESTRY

Meeting Format – Zoom Webinar

Audio Help

- Meeting attendees will be muted throughout the presentation.
- Make sure your speakers are turned on and not muted.
- If you do not have speakers on your computer, you can join the audio by calling any of these numbers:

+1-669-900-6833	**+1-346-248-7799**
+1-929-205-6099	**+1-253-215-8782**
+1-301-715-8592	**+1-312-626-6799**

- Enter the Webinar ID: **897 8995 3494**
- Enter the Passcode: **6151**

AKS ENGINEERING & FORESTRY

Project Team

- Applicant
  - Langer Storage 2, LLC
- AKS Engineering & Forestry, LLC
  - Land Use Planning, Civil Engineering, Surveying, Landscape Architecture, Arborist, and Natural Resources Consultant
    - Marie Holladay, Chris Goodell, John Christiansen
- Tiland Schmidt Architects, PC
  - Architectural Consultant
    - Frank Schmidt
- Site Plan Mix, LLC
  - Architectural Consultant
    - Stephen Bourne

Exhibit A



AKS ENGINEERING & FORESTRY

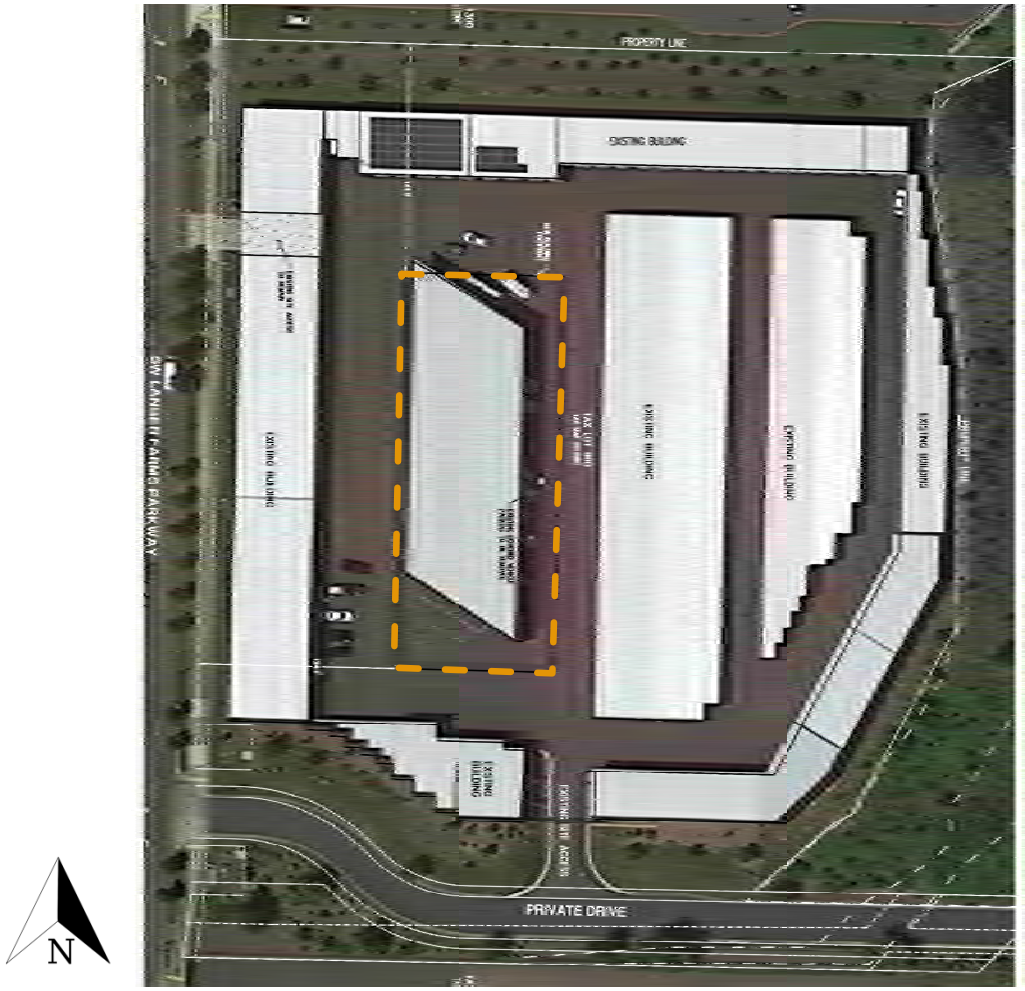
Project Overview

- 21980 SW Langer Farms Parkway
- Existing self-storage facility currently operating
- ±6.14 acres
- Light Industrial (LI) Planned Unit Development (PUD) zoning designation
- Site Plan Modification/ Review Application



Site Plan

- Remove and replace existing RV canopy
  - ±14,250 square feet
- New enclosed storage building
  - ±75,000 square feet
  - 3 stories
- Existing site improvements (access, landscaping & screening, circulation, stormwater management, etc.) to remain unchanged



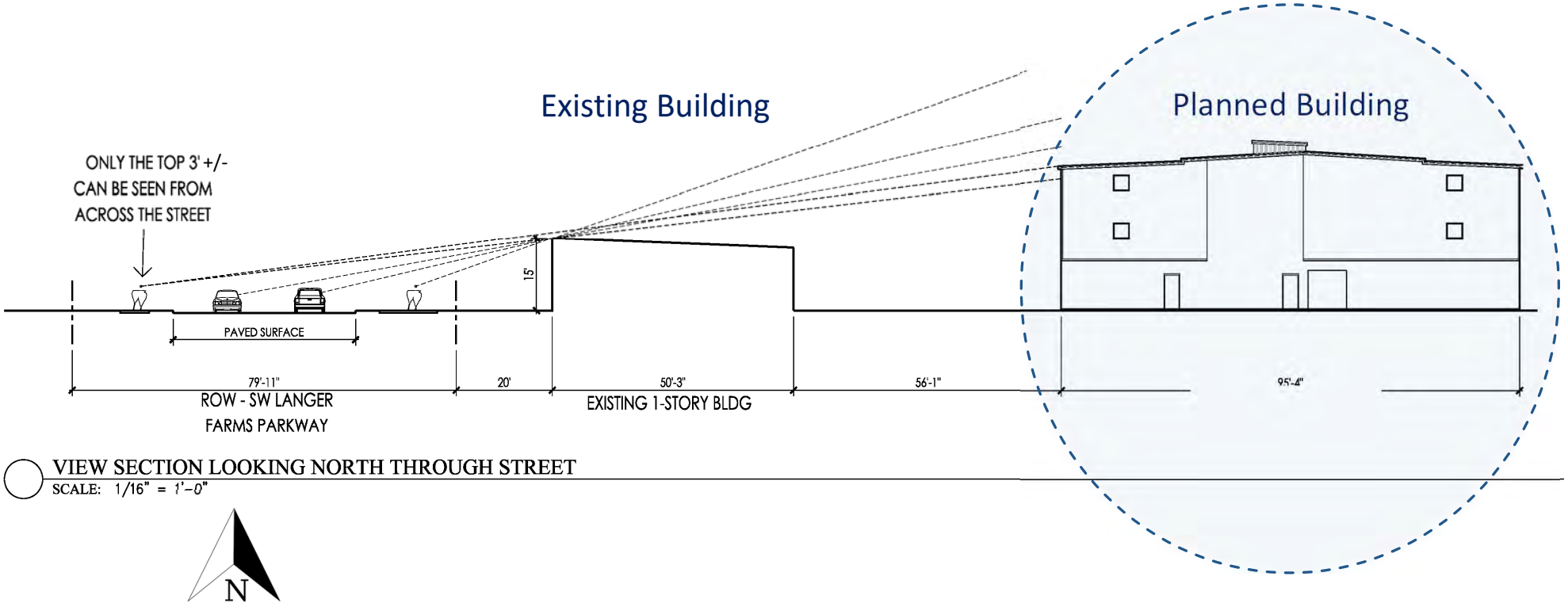
Existing Facility Photograph



*Photo taken southwest of the facility, oriented to the northeast.

AKS ENGINEERING & FORESTRY

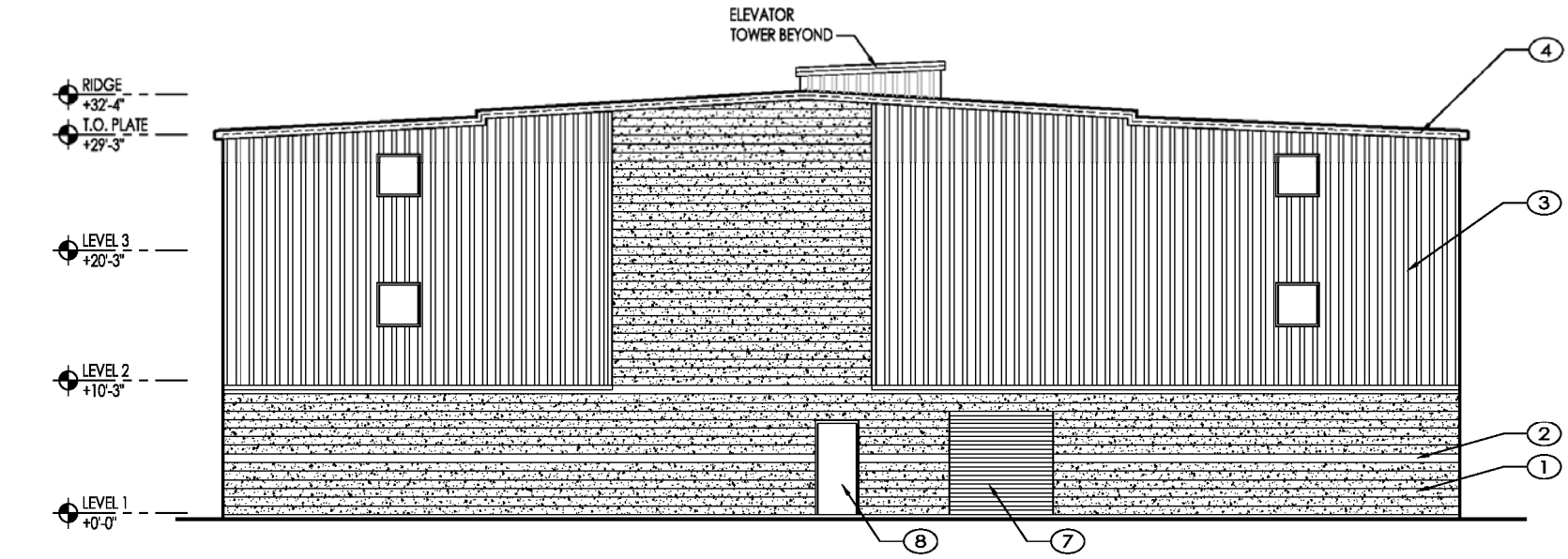
Conceptual View Section



*Dimensions are approximate

North Elevation

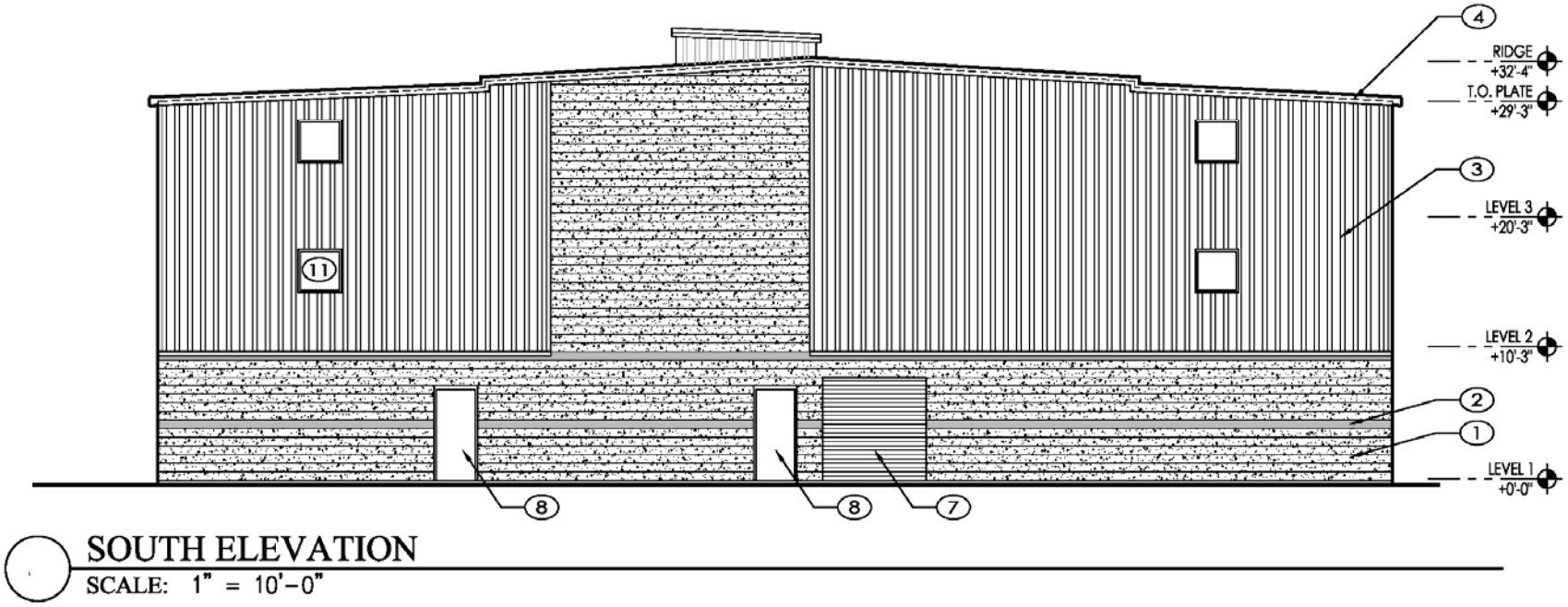
*Architectural elements to match existing facility



NORTH ELEVATION
SCALE: 1" = 10'-0"

South Elevation

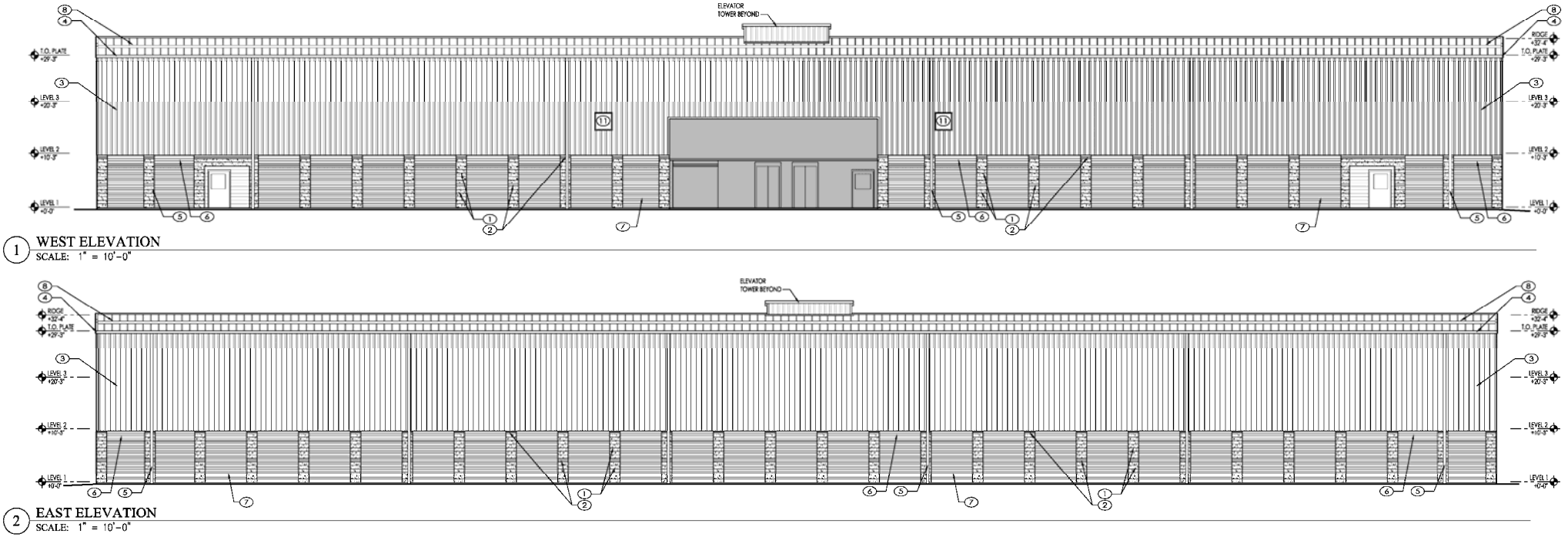
*Architectural elements to match existing facility



SOUTH ELEVATION
SCALE: 1" = 10'-0"

West & East Elevations

*Architectural elements to match existing facility



Summary of City of Sherwood Type IV Land Use Application Process



AKS ENGINEERING & FORESTRY

Questions?

Marie Holladay
AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97068
HolladayM@aks-eng.com
(503) 563-6151

Press **"Raise Your Hand"** to be called on to provide your questions and comments.

You can submit questions by typing them into the **Group Chat Box** – they will go directly to the Meeting Moderator.

Affidavit of Mailing

DATE: 12/22/2021

STATE OF OREGON)
)
Washington County)

I, Mitchell Godwin, representative for the Langer's Storage II Site Plan Modification proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 12/22/21.

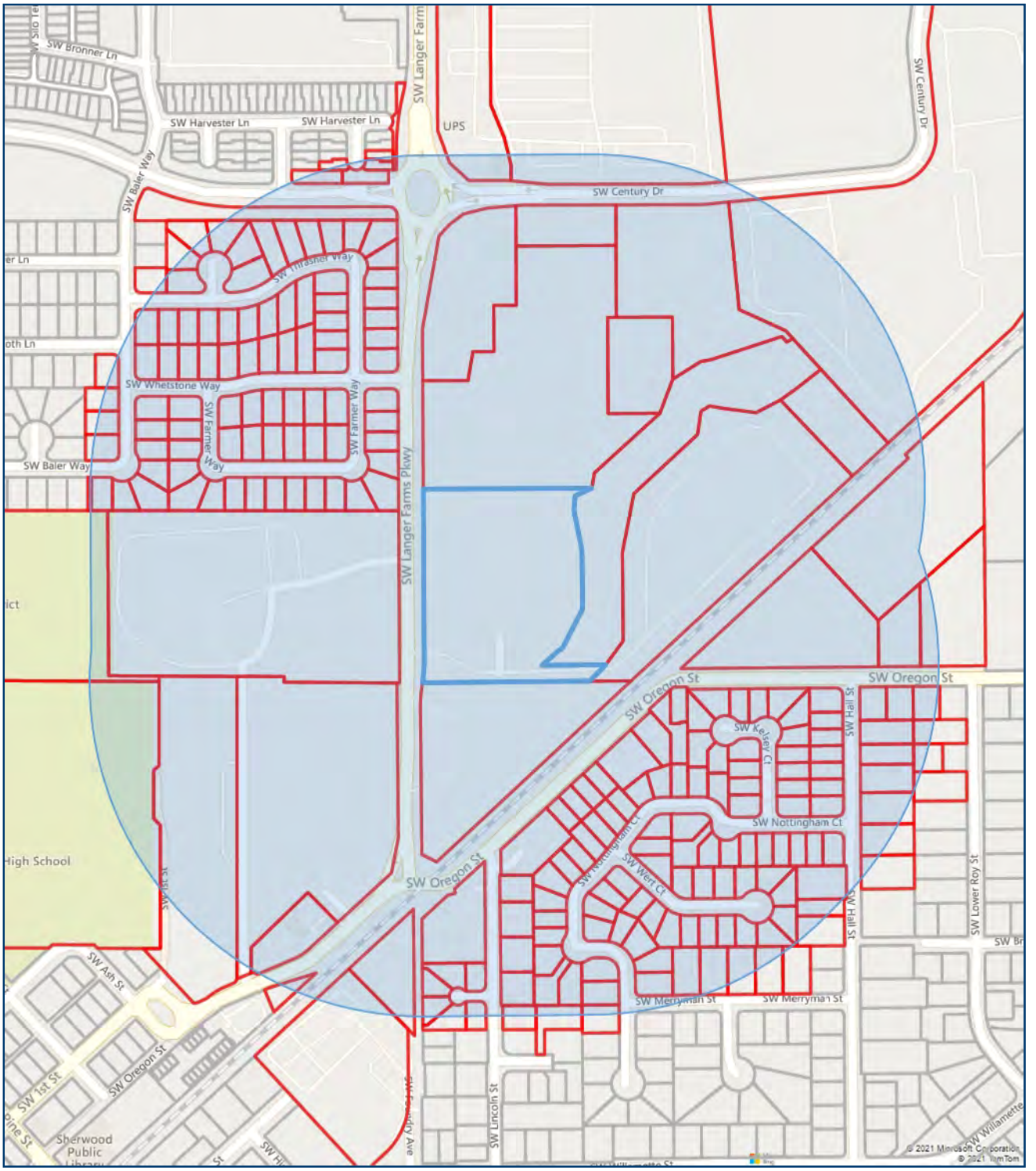
Representatives Name: Mitch Godwin
Name of the Organization: AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

First American Title™

1000 ft Buffer

21900 SW Langer Farms Pkwy, Sherwood, OR 9714

Report Generated: 11/2/2021



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2S129CD-11800
Brannon Yeldell
15534 SW Whetstone Way
Sherwood, OR 97140

2S129CD-11000
Jerome Witler & Mary Knight
1320 Welling Rd
Bellingham, WA 98226

2S132AB-11900
Brian & Shannon Wilkins
22120 SW Kelsey Ct
Sherwood, OR 97140

2S132AA-00405
Robert White Jr
14938 SW Oregon St
Sherwood, OR 97140

2S129CD-07700
Scott & Gail Whitcomb
12919 SW Morgan Rd
Sherwood, OR 97140

2S129DC-00500
Wfg Investments Llc & Grabowski Family
8312 W Northview St STE 120
Boise, ID 83704

2S129CA-15100
Jonathan Wetter
21490 SW Fallow Ter
Sherwood, OR 97140

2S132AB-07600
Teresa & Darrell Wegscheid
15294 SW Oregon St
Sherwood, OR 97140

2S129CD-08600
Don & Charlotte Washington
15774 SW Thrasher Way
Sherwood, OR 97140

2S129CD-10200
Don & Charlotte Washington
15774 SW Thrasher Way
Sherwood, OR 97140

2S129DB-00200
Wal-Mart Real Estate Business Trust
Po Box 8050
Bentonville, AR 72712

2S132AA-00612
Mario & Nicole Vivanco
22117 SW Lower Roy St
Sherwood, OR 97140

2S132AB-14200
Roger Vidal-Roque & Evelyn Castellanos
22260 SW Nottingham Ct
Sherwood, OR 97140

2S129CA-15200
Hector Viay & Maritza Ortiz
21481 SW Fallow Ter
Sherwood, OR 97140

2S129CD-05700
Verboort Barbara A Trust
23905 Butteville Rd NE
Aurora, OR 97002

2S129CD-04800
Christopher & Crystal Ventura
15875 SW Baler Way
Sherwood, OR 97140

2S132AB-03400
Angela & Lao Vaughn
15039 SW Merryman St
Sherwood, OR 97140

2S132AB-05900
Trisha & Dustin Valdez
22451 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-07400
Pedro & Teresa Urzua
22315 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-07700
Stephen & Jennifer Turner
1272 S Pine St
Canby, OR 97013

2S132AB-01200
Tualatin Valley Fire & Rescue
11945 SW 70th Ave
Portland, OR 97223

2S132AB-11600
James & Julie Tone
22105 SW Kelsey Ct
Sherwood, OR 97140

2S129CD-08900
Tilley Zhenya Trust & Tilley Michelle
23334 SW Saint Charles Way
Sherwood, OR 97140

2S129CD-07900
Justin & Tawny Tikkala
15662 SW Thrasher Way
Sherwood, OR 97140

2S132AB-00901
Alice & Daniel Thornton
22324 SW Lincoln St
Sherwood, OR 97140

2S132AB-09801
Gary & Janet Thompson
15224 SW Wert Ct
Sherwood, OR 97140

2S129CD-06300
Joel Theiss & Fred Wiedemann
16627 SW Villa Rd
Sherwood, OR 97140

2S132AB-07500
Todd Tebo & Maki Bishop
15310 SW Oregon St
Sherwood, OR 97140

2S129CD-08500
Tatone Properties Llc
Po Box 576
Condon, OR 97823

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Tamarisk Llc
3 Crestwind Dr
Rancho Palos Verdes, CA 90275

2S129CD-12000
William & Marilyn Sykes
15577 SW Farmer Way
Sherwood, OR 97140

2S129CD-09100
Theresa & Erik Strot
15645 SW Whetstone Way
Sherwood, OR 97140

2S129CD-05000
Sasha & Matthew Sten
22820 SW Saunders Dr
Sherwood, OR 97140

2S129CD-04700
St Francis Catholic Churchs
15887 SW Baler Way
Sherwood, OR 97140

2S129CD-12500
St Francis Catholic Church
15651 SW Oregon St
Sherwood, OR 97140

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St Francis Catholic Church
15651 SW Oregon St
Sherwood, OR 97140

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Charles & Michelle Spencer
15593 SW Whetstone Way
Sherwood, OR 97140

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Jeffery & Nicole Smith
15550 SW Farmer Way
Sherwood, OR 97140

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Joan & Patrick Smith
15105 SW Wert Ct
Sherwood, OR 97140

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Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

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Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

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Sherwood School Dist #88J
23295 SW Main St
Sherwood, OR 97140

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Sherwood City Of
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Sherwood, OR 97140

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Sherwood City Of
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Sherwood, OR 97140

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Sherwood City Of
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Sherwood, OR 97140

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Sherwood School Dist #88J
23295 SW Main St
Sherwood, OR 97140

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Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CD-05200
Melissa Schweitzer
15821 SW Baler Way
Sherwood, OR 97140

2S132AB-09100
Michael Schafer
22291 SW Hall St
Sherwood, OR 97140

2S132AB-10300
Brent Savage
22348 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-10200
S & P Nottingham Properties Llc
2020 Maltby Rd STE 7
Bothell, WA 98021

2S129CD-07500
Douglas Rux
15532 SW Thrasher Way
Sherwood, OR 97140

2S132AB-13600
Presley & Mark Segoviano
22214 SW Nottingham Ct
Sherwood, OR 97140

2S132AA-00403
Kyle & Traci Rossi
2034 NE Hancock St
Portland, OR 97212

2S132AB-11400
Suphawadee Ross
22137 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-07000
Michael & Faye Roscoe
22331 SW Nottingham Ct
Sherwood, OR 97140

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Michael & Linda Rooke
15240 SW Oregon St
Sherwood, OR 97140

2S129CD-12100
Dustyn Rondema
15585 SW Farmer Way
Sherwood, OR 97140

2S132AB-15100
Jarrod & Patrice Rogers
15428 SW Darla Kay Ct
Sherwood, OR 97140

2S132AB-09900
Kimberly Rocha
15246 SW Wert Ct
Sherwood, OR 97140

2S132AB-09500
Travis & Crystal Roberts
15156 SW Wert Ct
Sherwood, OR 97140

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Jill & Mark Roberts
22273 SW Nottingham Ct
Sherwood, OR 97140

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Sean & Shelley Roark
22235 SW Hall St
Sherwood, OR 97140

2S129CD-07100
Ismael & Alice Rios
15549 SW Thrasher Way
Sherwood, OR 97140

2S132AB-13800
Jon & Emily Rievley
22228 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-07100
Joseph & Imaya Remenak
15352 SW Oregon St
Sherwood, OR 97140

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Marcy & John Ratcliff
15118 SW Wert Ct
Sherwood, OR 97140

2S129CD-07000
Rosemary Potter
15561 SW Thrasher Way
Sherwood, OR 97140

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Todd & Laura Portinga
15882 SW Baler Way
Sherwood, OR 97140

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Daniel & Tami Platt
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Sherwood, OR 97140

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Michael Peterson
22176 SW Hall St
Sherwood, OR 97140

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Sabino & Yeraldy Perez
22393 SW Nottingham Ct
Sherwood, OR 97140

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Christopher Peet
22148 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-00902
David & Cindy Parish
5204 Lake Crest Dr
Mckinney, TX 75071

2S129D0-00150
Orwa Sherwood Llc
8320 NE Highway 99
Vancouver, WA 98665

2S132AB-12400
Stephen & Katie Orsolini
22156 SW Kelsey Ct
Sherwood, OR 97140

2S129CD-02800
Galen & Susan Onizuka
15858 SW Baler Way
Sherwood, OR 97140

2S129CD-06900
Wendi & John Oliver
15573 SW Thrasher Way
Sherwood, OR 97140

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Scott & Anne Ohman
22401 SW Nottingham Ct
Sherwood, OR 97140

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Kim Nickel & Lynne Taffert
22140 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-07200
Vinh Nguyen & Trang Tran
15336 SW Oregon St
Sherwood, OR 97140

2S132AB-15300
Cuong & Marisol Nguyen
15149 SW Darla Kay Ct
Sherwood, OR 97140

2S132AB-03600
Sean Newbury
15083 SW Merryman St
Sherwood, OR 97140

2S132BA-00201
New Life Assembly Of God
Po Box 878
Sherwood, OR 97140

2S132AB-08000
Carrie Nelson
22293 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-14900
Cynthia Nelson
15404 SW Darla Kay Ct
Sherwood, OR 97140

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Kerry Neill
22112 SW Hall St
Sherwood, OR 97140

2S132AB-00904
Therese Nair
22443 SW Nottingham Ct
Sherwood, OR 97140

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Shannon Myrick
15742 SW Thrasher Way
Sherwood, OR 97140

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James & Lindsay Myers
22170 SW Kelsey Ct
Sherwood, OR 97140

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Michael & Colette Musselman
22183 SW Kelsey Ct
Sherwood, OR 97140

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Alfred & Shirlee Musgrove
15183 SW Wert Ct
Sherwood, OR 97140

2S132BA-04400
Mountain High Apartments Llc & Tsl
401 NE Evans St
Mcminnville, OR 97128

2S129CD-10900
Brenden & Katlyn Motte
15654 SW Farmer Way
Sherwood, OR 97140

2S132AB-00800
Khristina Moore
22282 SW Lincoln St
Sherwood, OR 97140

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Derek & Apryl Mires
22206 SW Nottingham Ct
Sherwood, OR 97140

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Paul & Rebecca Mickel
22244 SW Nottingham Ct
Sherwood, OR 97140

2S132AA-00500
Robert & Kathleen Michaud-Tradd
Po Box 623
Sherwood, OR 97140

2S129CD-05100
Michael Mckee
15790 SW Thrasher Way
Sherwood, OR 97140

2S129CD-02700
Robert & Hou Mcintyre
15826 SW Springtooth Ln
Sherwood, OR 97140

2S129CD-09800
Andrew & Andrew Mcconnell
10 Antley St
Greenville, SC 29601

2S129CD-09200
Mccauley Anthony V & Christi L Rev Liv
15619 SW Whetstone Way
Sherwood, OR 97140

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Jeannine Matteson
15649 SW Thrasher Way
Sherwood, OR 97140

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Jose Martinez
15599 SW Farmer Way
Sherwood, OR 97140

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Nels & Ruth Martin
22296 SW Lincoln St
Sherwood, OR 97140

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David & Mariah Marshall
15268 SW Wert Ct
Sherwood, OR 97140

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Michael Maddy
15638 SW Whetstone Way
Sherwood, OR 97140

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Calli Luikart
22145 SW Lower Roy St
Sherwood, OR 97140

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Lloyd & Lacey Lockhart
21525 SW Grainery Pl
Sherwood, OR 97140

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George & Jennifer Lockhart
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Sherwood, OR 97140

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Wei & Siska Lin
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Sherwood, OR 97140

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Colwell Liedtke & Bruce Colwell
3895 SW 185th Ave STE 170
Beaverton, OR 97078

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Jiankun Li & Jia Wang
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Sherwood, OR 97140

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David Schelrman & Deborah Lewis
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Sherwood, OR 97140

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Sherwood, OR 97140

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Leonard Enterprises Llc
17850 SW Sheppard Ter
Sherwood, OR 97140

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Timothy & Susan Lebrun
13275 SW Greenfield Dr
Portland, OR 97223

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Randall & Deena Leavitt
22346 SW Lincoln St
Sherwood, OR 97140

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Deborah Leake
15431 SW Darla Kay Ct
Sherwood, OR 97140

2S129CD-07300
Langer Family Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

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Langer Gramor Llc
19767 SW 72nd Ave STE 100
Tualatin, OR 97062

2S129DC-00200
Langer Storage Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

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Langer Storage 2 Llc
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Sherwood, OR 97140

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Langer Parkway South Llc
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Sherwood, OR 97140

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Sherwood, OR 97140

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Langer Entertainment Llc
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Sherwood, OR 97140

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Langer Parkway South Llc
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Sherwood, OR 97140

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Langer Parkway South Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

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Michael & Judith Kulland
15606 SW Farmer Way
Sherwood, OR 97140

2S132AB-03700
Gabriele Kruger
15117 SW Merryman St
Sherwood, OR 97140

2S129CD-09700
Carol King
15530 SW Farmer Way
Sherwood, OR 97140

2S129DC-00800
Killion Real Estate Partnership
11825 SW Katherine St
Portland, OR 97223

2S129CD-10700
Megan & Brandon Kerekes
15630 SW Farmer Way
Sherwood, OR 97140

2S129CD-04500
Erin Kelly
15911 SW Baler Way
Sherwood, OR 97140

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Clyde & Anne Keebaugh
22165 SW Kelsey Ct
Sherwood, OR 97140

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David & Laura Kaufman
22246 SW Hall St
Sherwood, OR 97140

2S132AB-07800
Kimberly Kaholo
22301 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-09400
Sood & Eddie Eoff
Po Box 1515
Tualatin, OR 97062

2S129CD-10300
Jones Ryan N Rev Trust
1133 Windsor Pl
South Pasadena, CA 91030

2S129CD-11100
Richard Jones & Maria Schmidt
15680 SW Farmer Way
Sherwood, OR 97140

2S129CD-06000
Kelly & Jill Johnson
21552 SW Grainery Pl
Sherwood, OR 97140

2S132AB-06600
Roger Johnson & Maria Ho
1242 Deep Creek Rd
Livermore, CA 94550

2S132AB-13900
Lorrin Johnson
22236 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-11300
Jonathan & Rebekah Suh
15664 SW Whetstone Way
Sherwood, OR 97140

2S132BA-90002
Jdr Llc
23225 NE Dillon Rd
Newberg, OR 97132

2S132AB-12100
Chris & Simone Huff
22134 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-11000
Joseph & Jennifer Hovanic
22269 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-00906
Housing Authority Of Washington County
111 NE Lincoln St # 200-L
Hillsboro, OR 97124

2S129CD-11600
Kassandra Honeywell
7550 SW Mapleleaf St
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2S129CD-12400
Karen Hogue
15623 SW Farmer Way
Sherwood, OR 97140

2S129CD-06600
Steve Hobson
15617 SW Thrasher Way
Sherwood, OR 97140

2S132AB-11500
Dana Hiserote
22113 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-09700
Matthew Hintz
15200 SW Wert Ct
Sherwood, OR 97140

2S132AB-06000
Jamie & Jason Scott
22435 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-07200
Taylor & Robert Hickernell
15537 SW Thrasher Way
Sherwood, OR 97140

2S129CD-04900
Cynthia Herring
15863 SW Baler Way
Sherwood, OR 97140

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Travis & Jill Harper
22112 SW Kelsey Ct
Sherwood, OR 97140

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Hannah & Matthew Hansen
15355 SW Clifford Ct
Sherwood, OR 97140

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George & Loretta Haliski
22159 SW Lower Roy St
Sherwood, OR 97140

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Calkins Doman
15692 SW Farmer Way
Sherwood, OR 97140

2S129CD-10800
Andre Hage
15642 SW Farmer Way
Sherwood, OR 97140

2S132AB-12000
Joel & Nancy Griffin
22126 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-14100
Mary Green-Zwemke & Christopher
22252 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-06900
Paul & Rayna Graham
22337 SW Nottingham Ct
Sherwood, OR 97140

2S129DC-00600
Grabowski Family Trust
Po Box 5678
Ketchum, ID 83340

2S129DC-00700
Grabowski Family Trust
Po Box 5678
Ketchum, ID 83340

2S132AB-06400
Godfrey Rev Trust
22377 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-03500
Kalen Garrison & Garrison Lee
15061 SW Merryman St
Sherwood, OR 97140

2S129CD-07400
Lori Gallagher
15520 SW Thrasher Way
Sherwood, OR 97140

2S129CD-08200
Yoonhee & Minho Song
15710 SW Thrasher Way
Sherwood, OR 97140

2S129CD-09000
Aleksandr & Valentina Fursov
15671 SW Whetstone Way
Sherwood, OR 97140

2S132AB-08100
Eli & Olivia Fults
22306 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-01100
Fre 596 Llc
707 Old County Rd
Belmont, CA 94002

2S129CD-04400
Joshua Fravel
15923 SW Baler Way
Sherwood, OR 97140

2S129CD-09400
Elise Fraser
15567 SW Whetstone Way
Sherwood, OR 97140

2S132AB-06500
Terrance Foster
22369 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-06100
Angi Ford
21584 SW Grainery Pl
Sherwood, OR 97140

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Sheila & David Fisher
15594 SW Farmer Way
Sherwood, OR 97140

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Dennis & Shirley Finch
15149 SW Merryman St
Sherwood, OR 97140

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Scott & Sydney Fender
15558 SW Farmer Way
Sherwood, OR 97140

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Nancy Falk
22412 SW Nottingham Ct
Sherwood, OR 97140

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Zachary & Crystal Englen
22353 SW Nottingham Ct
Sherwood, OR 97140

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Thomas & Dawn Ekerson
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Sherwood, OR 97140

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Julia & Eric Ediger
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Sherwood, OR 97140

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Jon & Theresa Easton
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Sherwood, OR 97140

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Joseph & Jennifer Domingo
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Sherwood, OR 97140

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Stacy Dirks
15173 SW Merryman St
Sherwood, OR 97140

2S129CD-02900
Dario Survivors Trust
Po Box 967
Tualatin, OR 97062

2S129CD-08300
Joseph & Kelly Cutler
15726 SW Thrasher Way
Sherwood, OR 97140

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David Crawford
15544 SW Thrasher Way
Sherwood, OR 97140

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Brian & Jessica Craw
15135 SW Wert Ct
Sherwood, OR 97140

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Destiny Cowan
22220 SW Nottingham Ct
Sherwood, OR 97140

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Cornejo Gustavo Aguilar & Real Graciela
21589 SW Grainery Pl
Sherwood, OR 97140

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Melissa Cooper
15566 SW Farmer Way
Sherwood, OR 97140

2S132AB-08800
Jacob Cooper
15123 SW Wert Ct
Sherwood, OR 97140

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Patricia Cole
22165 SW Hall St
Sherwood, OR 97140

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Clarke Elizabeth F & Timothy W Liv Trust
22323 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-12500
Carissa Clark & Nicole Harmon
22162 SW Kelsey Ct
Sherwood, OR 97140

2S129CD-06700
Maria Chavez
15601 SW Thrasher Way
Sherwood, OR 97140

2S129CD-04300
Chan Family Trust
19030 SW Chesapeake Dr
Tualatin, OR 97062

2S132AB-14300
Anne Cerling
22268 SW Nottingham Ct
Sherwood, OR 97140

2S132AA-00404
James Catron
14960 SW Oregon St
Sherwood, OR 97140

2S132AB-06300
Francisco & Kelly Catibayan
22385 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-08100
Scott & Stacie Cannon
15694 SW Thrasher Way
Sherwood, OR 97140

2S132AB-12900
Jose Campuzano
22179 SW Hall St
Sherwood, OR 97140

2S132AB-09200
Justin & Katelyn Callistini
15100 SW Wert Ct
Sherwood, OR 97140

2S129CD-12300
Juana Calidonio
15611 SW Farmer Way
Sherwood, OR 97140

2S132AB-12700
Kylie Euscher
22188 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-10700
Maury Hutchins
22428 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-08800
Joshua & Kristin Burnham
15735 SW Whetstone Way
Sherwood, OR 97140

2S132AB-13400
Christie Burks
22109 SW Hall St
Sherwood, OR 97140

2S132AA-00604
Patrick & Adrienne Bridge
22204 SW Hall St
Sherwood, OR 97140

2S132AB-14500
Dion Breshears & Larry Cutshall
15258 SW Oregon St
Sherwood, OR 97140

2S129CD-11500
Harold Bray
15612 SW Whetstone Way
Sherwood, OR 97140

2S129CD-06500
Nolan & Lana Booth
15633 SW Thrasher Way
Sherwood, OR 97140

2S129CD-11700
Daniel & Ilona Bobosh
15560 SW Whetstone Way
Sherwood, OR 97140

2S132AB-08200
Blue Water Holdings Llc
20 Cervantes Cir
Lake Oswego, OR 97035

2S129CD-08000
Alison Bingham
15678 SW Thrasher Way
Sherwood, OR 97140

2S132AB-11300
Carla & Jason Bietz
22159 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-09000
Bradford & Rebecca Bertram
22269 SW Hall St
Sherwood, OR 97140

2S132AB-13200
Tom & Carmen Berger
22137 SW Hall St
Sherwood, OR 97140

2S132AB-10800
George Stavrakis & Stavrakis Nise
22281 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-13300
Terrell & Analia Bennett
22123 SW Hall St
Sherwood, OR 97140

2S132AB-08600
Gaylene Beck
15151 SW Wert Ct
Sherwood, OR 97140

2S129CD-05900
Beatriz Bazan
21520 SW Grainery Pl
Sherwood, OR 97140

2S132AB-10600
Dawn Bambusch
22420 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-09500
Baldoni Darla J Rev Liv Trust
15514 SW Farmer Way
Sherwood, OR 97140

2S132AB-15400
Lisa & Mohammed Baggia
15407 SW Darla Kay Ct
Sherwood, OR 97140

2S129CD-04600
Elisabeth Bacon
15899 SW Baler Way
Sherwood, OR 97140

2S132AB-10400
Randy & Pamela August
22372 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-14400
Aaron & Jo Atkins
22284 SW Nottingham Ct
Sherwood, OR 97140

2S129CA-18400
Arbor Terrace Hoa
,

2S129CA-18600
Arbor Terrace Hoa
,

2S132AB-12800
Eduardo Aragon & Ulma Valenzuela
22193 SW Hall St
Sherwood, OR 97140

2S132AB-06800
Kayla Anderson
16130 SW Holland Ln
Sherwood, OR 97140

2S132AB-08400
Brian & Kori Almquist
15207 SW Wert Ct
Sherwood, OR 97140

2S132AA-00501
Jose Alegria
22148 SW Hall St
Sherwood, OR 97140

2S129CD-08700
Morteza Aleali & Fatemeh Jannesai
15767 SW Whetstone Way
Sherwood, OR 97140

2S129CD-06200
Abdumadzhid Achilov & Galina Achilova
15681 SW Thrasher Way
Sherwood, OR 97140

Exhibit A

December 22, 2021

RE: VIRTUAL NEIGHBORHOOD MEETING NOTICE
City of Sherwood Land Use Application for a Site Plan Modification

Dear Property Owner/Neighbor:

AKS Engineering & Forestry, LLC is holding a virtual neighborhood meeting regarding the existing Langer's Sentinel Storage II facility. The ±6-acre site is located northeast of the intersection of SW Langer Farms Parkway and SW Oregon Street (Tax Lot 900 of Washington County Assessor's Map 2S 1 29DC). The project involves removal and replacement of an existing recreational vehicle storage structure with an enclosed building. The attached map shows the specific location of the subject site and the planned improvements, surrounded by existing buildings.

The purpose of this virtual meeting is to provide a forum for the applicant and surrounding property owners/neighbors to review the proposal and to identify issues so that they may be considered before a land use application is submitted to the City of Sherwood. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting development standards consistent with the City of Sherwood Development Code.

You are invited to attend the virtual meeting on:

January 6, 2022 at 6:00 PM
See enclosed instructions to join the meeting.

Please note this meeting will be an informational meeting on preliminary development plans. These plans may be altered prior to submittal of the application to the City of Sherwood.

I look forward to discussing this project with you. If you have questions but will be unable to attend, please feel free to call me at 503-563-6151.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Marie Holladay

AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100 | Tualatin, OR 97062
P: 503.563.6151 | www.aks-eng.com | HolladayM@aks-eng.com

Enclosures:
Preliminary Site Plan
Instructions for Joining & Participating in the Public Neighborhood Meeting

Instructions for Joining & Participating in the Public Neighborhood Meeting for Langer's Sentinel Storage II Site Plan Modification

Virtual Meeting provided via Zoom Webinar

January 6, 2022 at 6:00 PM

Please Register in Advance (a list of attendees will be submitted to the City of Sherwood):

- Go online to https://www.aks-eng.com/langer-storage-2/
- Click on the link provided to complete the online registration form.
- You will receive a confirmation email containing a link to join the Zoom webinar at the scheduled time as well as additional instructions.
- Meeting materials will be available upon request at least 10 days after the meeting concludes.

How to Join the Meeting:

Join by computer, tablet or smartphone

- **This is the preferred method as it allows you to see the Presenter's materials on screen.**
- Click on the "Click this URL join" link provided in your registration confirmation email.
- (If you registered but did not receive a confirmation email, please check your junk/spam folder before contacting the Meeting Administrator.)
- You may be prompted to "download and run Zoom" or to install the App (ZOOM cloud meetings). Follow the prompts or bypass this process by clicking "join from your browser".
- You should automatically be connected to the virtual neighborhood meeting.

Join by telephone

- Dial any of the toll-free Zoom numbers below to connect to the neighborhood meeting:

+ 1-346-248-7799	+ 1-669-900-6833
+ 1-253-215-8782	+ 1-312-626-6799
+ 1-929-205-6099	+ 1-301-715-8592

- If you experience trouble connecting, please pick another number and try again.
- After dialing in, enter this Zoom ID when prompted: **897 8995 3494**
- The Password if needed is: **6151**

MEETING ADMINISTRATOR:
For technical assistance or to submit a question for the meeting:

Email: holladaym@aks-eng.com

During the Meeting

Audio Help

- Meeting attendees will be muted throughout the presentation. This will allow everyone to hear the presentation clearly without added distractions.
- Make sure that the speakers on your device are turned on and not muted.
- If you do not have speakers on your computer, you can join by phone (using the "Join by telephone" instructions) to hear the presentation while watching the presentation on your computer monitor.

Questions & Answers

Your questions are important to us. There will be time reserved during the meeting to take questions, using one of the submission options below. Our presentation team will make their best effort to answer all question(s) during the meeting.

Prior to the Meeting:

- If you cannot attend the meeting, you can email your question(s) in advance to the Meeting Administrator.

Email holladaym@aks-eng.com

During the Meeting:

- ***Preferred Method:*** Participants may ask questions live at the meeting and through the "Chat" button on the bottom of the presentation screen to submit a question in real time.

After the Meeting:

- We will continue to take questions after the meeting has ended. Please submit your question(s) to the Meeting Administrator:

Email holladaym@aks-eng.com

Helpful Hints/Troubleshooting

We want to start on time! Please join the meeting 5-10 minutes prior to the 6:00 PM start time to ensure successful connection.

- You do not need a Zoom account to join the meeting.
- You will need a valid email address at the time of registration to receive the confirmation email and link to join the webinar or receive answers to any questions submitted after the meeting.
- For first-time Zoom users, we recommend downloading and installing the Zoom App well in advance, by clicking on the "Click Here to Join" link in your confirmation email.
- For technical assistance, please contact the Meeting Administrator (contact above).
- If you have difficulties connecting by computer, tablet or smartphone, we suggest disconnecting and instead use the "Join by telephone" instructions to listen in.

Exhibit A



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

FULL SITE EXHIBIT WITH AERIAL PHOTOGRAPH OVERLAY
SENTINEL STORAGE NO. 2 MODIFICATION
21900 SW LANGER FARMS PARKWAY
SHERWOOD, OR

SCALE: 1" = 30 FEET
30 0 15 30
ORIGINAL PAGE SIZE: 22" x 34"

JOB NUMBER:	4668-01
DATE:	10/04/2021
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

AKS DRAWING FILE: 4668-01 PRE-APP.DWG | LAYOUT: LAYOUT 1

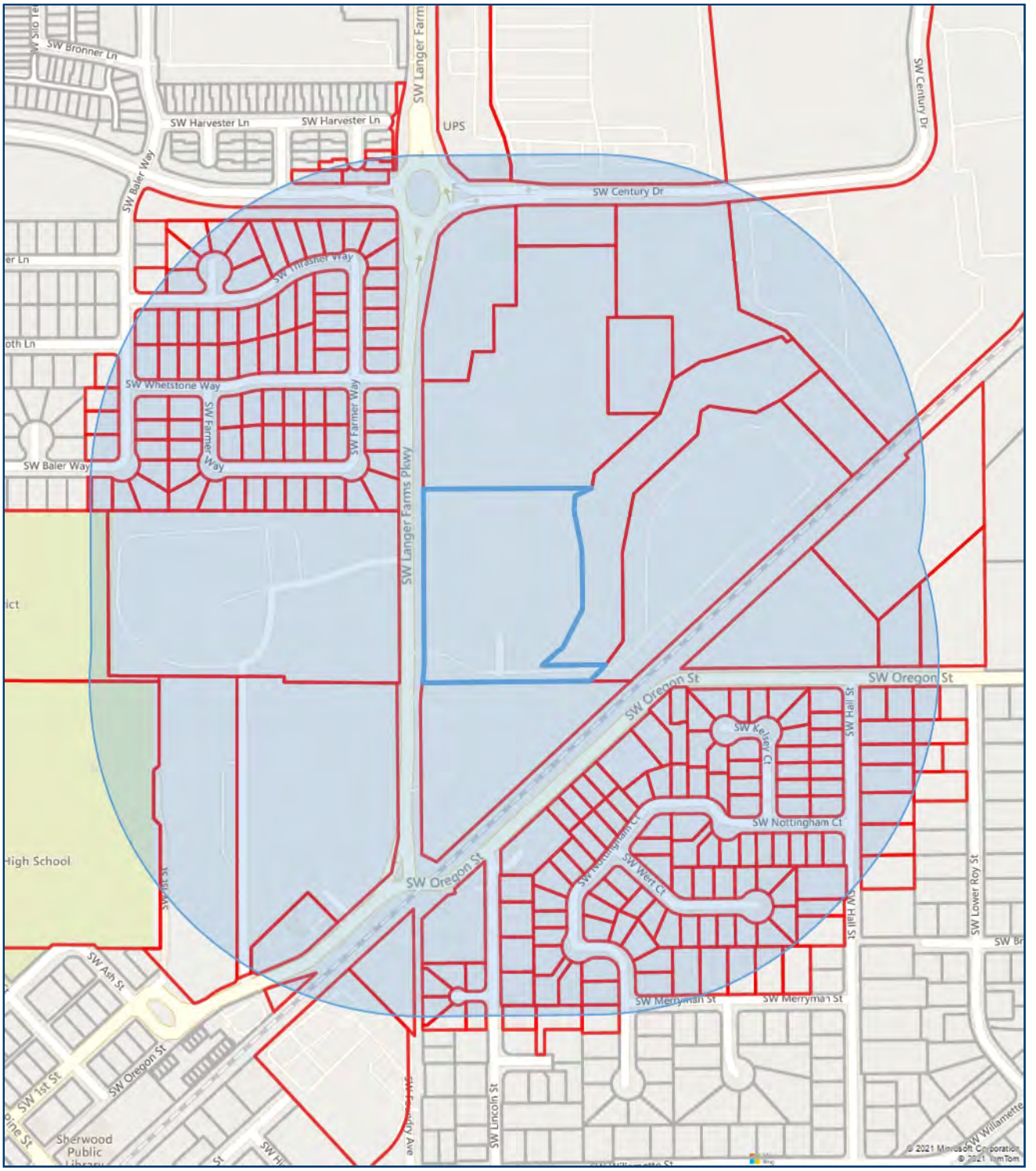
Exhibit G: Public Notice Information

First American Title™

1000 ft Buffer

21900 SW Langer Farms Pkwy, Sherwood, OR 9714

Report Generated: 11/2/2021



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2S129CD-11800
Brannon Yeldell
15534 SW Whetstone Way
Sherwood, OR 97140

2S129CD-11000
Jerome Witler & Mary Knight
1320 Welling Rd
Bellingham, WA 98226

2S132AB-11900
Brian & Shannon Wilkins
22120 SW Kelsey Ct
Sherwood, OR 97140

2S132AA-00405
Robert White Jr
14938 SW Oregon St
Sherwood, OR 97140

2S129CD-07700
Scott & Gail Whitcomb
12919 SW Morgan Rd
Sherwood, OR 97140

2S129DC-00500
Wfg Investments Llc & Grabowski Family
8312 W Northview St STE 120
Boise, ID 83704

2S129CA-15100
Jonathan Wetter
21490 SW Fallow Ter
Sherwood, OR 97140

2S132AB-07600
Teresa & Darrell Wegscheid
15294 SW Oregon St
Sherwood, OR 97140

2S129CD-08600
Don & Charlotte Washington
15774 SW Thrasher Way
Sherwood, OR 97140

2S129CD-10200
Don & Charlotte Washington
15774 SW Thrasher Way
Sherwood, OR 97140

2S129DB-00200
Wal-Mart Real Estate Business Trust
Po Box 8050
Bentonville, AR 72712

2S132AA-00612
Mario & Nicole Vivanco
22117 SW Lower Roy St
Sherwood, OR 97140

2S132AB-14200
Roger Vidal-Roque & Evelyn Castellanos
22260 SW Nottingham Ct
Sherwood, OR 97140

2S129CA-15200
Hector Viay & Maritza Ortiz
21481 SW Fallow Ter
Sherwood, OR 97140

2S129CD-05700
Verboort Barbara A Trust
23905 Butteville Rd NE
Aurora, OR 97002

2S129CD-04800
Christopher & Crystal Ventura
15875 SW Baler Way
Sherwood, OR 97140

2S132AB-03400
Angela & Lao Vaughn
15039 SW Merryman St
Sherwood, OR 97140

2S132AB-05900
Trisha & Dustin Valdez
22451 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-07400
Pedro & Teresa Urzua
22315 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-07700
Stephen & Jennifer Turner
1272 S Pine St
Canby, OR 97013

2S132AB-01200
Tualatin Valley Fire & Rescue
11945 SW 70th Ave
Portland, OR 97223

2S132AB-11600
James & Julie Tone
22105 SW Kelsey Ct
Sherwood, OR 97140

2S129CD-08900
Tilley Zhenya Trust & Tilley Michelle
23334 SW Saint Charles Way
Sherwood, OR 97140

2S129CD-07900
Justin & Tawny Tikkala
15662 SW Thrasher Way
Sherwood, OR 97140

2S132AB-00901
Alice & Daniel Thornton
22324 SW Lincoln St
Sherwood, OR 97140

2S132AB-09801
Gary & Janet Thompson
15224 SW Wert Ct
Sherwood, OR 97140

2S129CD-06300
Joel Theiss & Fred Wiedemann
16627 SW Villa Rd
Sherwood, OR 97140

2S132AB-07500
Todd Tebo & Maki Bishop
15310 SW Oregon St
Sherwood, OR 97140

2S129CD-08500
Tatone Properties Llc
Po Box 576
Condon, OR 97823

2S129CD-11900
Tamarisk Llc
3 Crestwind Dr
Rancho Palos Verdes, CA 90275

2S129CD-12000
William & Marilyn Sykes
15577 SW Farmer Way
Sherwood, OR 97140

2S129CD-09100
Theresa & Erik Strot
15645 SW Whetstone Way
Sherwood, OR 97140

2S129CD-05000
Sasha & Matthew Sten
22820 SW Saunders Dr
Sherwood, OR 97140

2S129CD-04700
St Francis Catholic Churchs
15887 SW Baler Way
Sherwood, OR 97140

2S129CD-12500
St Francis Catholic Church
15651 SW Oregon St
Sherwood, OR 97140

2S132BA-00200
St Francis Catholic Church
15651 SW Oregon St
Sherwood, OR 97140

2S129CD-09300
Charles & Michelle Spencer
15593 SW Whetstone Way
Sherwood, OR 97140

2S129CD-09900
Jeffery & Nicole Smith
15550 SW Farmer Way
Sherwood, OR 97140

2S132AB-08900
Joan & Patrick Smith
15105 SW Wert Ct
Sherwood, OR 97140

2S129CA-00200
Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CA-18500
Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CC-10600
Sherwood School Dist #88J
23295 SW Main St
Sherwood, OR 97140

2S129CD-05500
Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129DC-00300
Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129DC-00400
Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S132AB-01400
Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S132BA-00800
Sherwood School Dist #88J
23295 SW Main St
Sherwood, OR 97140

2S132BA-04100
Sherwood City Of
22560 SW Pine St
Sherwood, OR 97140

2S129CD-05200
Melissa Schweitzer
15821 SW Baler Way
Sherwood, OR 97140

2S132AB-09100
Michael Schafer
22291 SW Hall St
Sherwood, OR 97140

2S132AB-10300
Brent Savage
22348 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-10200
S & P Nottingham Properties Llc
2020 Maltby Rd STE 7
Bothell, WA 98021

2S129CD-07500
Douglas Rux
15532 SW Thrasher Way
Sherwood, OR 97140

2S132AB-13600
Presley & Mark Segoviano
22214 SW Nottingham Ct
Sherwood, OR 97140

2S132AA-00403
Kyle & Traci Rossi
2034 NE Hancock St
Portland, OR 97212

2S132AB-11400
Suphawadee Ross
22137 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-07000
Michael & Faye Roscoe
22331 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-14600
Michael & Linda Rooke
15240 SW Oregon St
Sherwood, OR 97140

2S129CD-12100
Dustyn Rondema
15585 SW Farmer Way
Sherwood, OR 97140

2S132AB-15100
Jarrod & Patrice Rogers
15428 SW Darla Kay Ct
Sherwood, OR 97140

2S132AB-09900
Kimberly Rocha
15246 SW Wert Ct
Sherwood, OR 97140

2S132AB-09500
Travis & Crystal Roberts
15156 SW Wert Ct
Sherwood, OR 97140

2S132AB-10900
Jill & Mark Roberts
22273 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-00203
Sean & Shelley Roark
22235 SW Hall St
Sherwood, OR 97140

2S129CD-07100
Ismael & Alice Rios
15549 SW Thrasher Way
Sherwood, OR 97140

2S132AB-13800
Jon & Emily Rievley
22228 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-07100
Joseph & Imaya Remenak
15352 SW Oregon St
Sherwood, OR 97140

2S132AB-09300
Marcy & John Ratcliff
15118 SW Wert Ct
Sherwood, OR 97140

2S129CD-07000
Rosemary Potter
15561 SW Thrasher Way
Sherwood, OR 97140

2S129CD-03000
Todd & Laura Portinga
15882 SW Baler Way
Sherwood, OR 97140

2S129CD-10600
Daniel & Tami Platt
15618 SW Farmer Way
Sherwood, OR 97140

2S132AA-00603
Michael Peterson
22176 SW Hall St
Sherwood, OR 97140

2S132AB-06200
Sabino & Yeraldy Perez
22393 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-12300
Christopher Peet
22148 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-00902
David & Cindy Parish
5204 Lake Crest Dr
Mckinney, TX 75071

2S129D0-00150
Orwa Sherwood Llc
8320 NE Highway 99
Vancouver, WA 98665

2S132AB-12400
Stephen & Katie Orsolini
22156 SW Kelsey Ct
Sherwood, OR 97140

2S129CD-02800
Galen & Susan Onizuka
15858 SW Baler Way
Sherwood, OR 97140

2S129CD-06900
Wendi & John Oliver
15573 SW Thrasher Way
Sherwood, OR 97140

2S132AB-06100
Scott & Anne Ohman
22401 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-12200
Kim Nickel & Lynne Taffert
22140 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-07200
Vinh Nguyen & Trang Tran
15336 SW Oregon St
Sherwood, OR 97140

2S132AB-15300
Cuong & Marisol Nguyen
15149 SW Darla Kay Ct
Sherwood, OR 97140

2S132AB-03600
Sean Newbury
15083 SW Merryman St
Sherwood, OR 97140

2S132BA-00201
New Life Assembly Of God
Po Box 878
Sherwood, OR 97140

2S132AB-08000
Carrie Nelson
22293 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-14900
Cynthia Nelson
15404 SW Darla Kay Ct
Sherwood, OR 97140

2S132AA-00402
Kerry Neill
22112 SW Hall St
Sherwood, OR 97140

2S132AB-00904
Therese Nair
22443 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-08400
Shannon Myrick
15742 SW Thrasher Way
Sherwood, OR 97140

2S132AB-12600
James & Lindsay Myers
22170 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-11100
Michael & Colette Musselman
22183 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-08500
Alfred & Shirlee Musgrove
15183 SW Wert Ct
Sherwood, OR 97140

2S132BA-04400
Mountain High Apartments Llc & Tsl
401 NE Evans St
Mcminnville, OR 97128

2S129CD-10900
Brenden & Katlyn Motte
15654 SW Farmer Way
Sherwood, OR 97140

2S132AB-00800
Khristina Moore
22282 SW Lincoln St
Sherwood, OR 97140

2S132AB-13500
Derek & Apryl Mires
22206 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-14000
Paul & Rebecca Mickel
22244 SW Nottingham Ct
Sherwood, OR 97140

2S132AA-00500
Robert & Kathleen Michaud-Tradd
Po Box 623
Sherwood, OR 97140

2S129CD-05100
Michael Mckee
15790 SW Thrasher Way
Sherwood, OR 97140

2S129CD-02700
Robert & Hou Mcintyre
15826 SW Springtooth Ln
Sherwood, OR 97140

2S129CD-09800
Andrew & Andrew Mcconnell
10 Antley St
Greenville, SC 29601

2S129CD-09200
Mccauley Anthony V & Christi L Rev Liv
15619 SW Whetstone Way
Sherwood, OR 97140

2S129CD-06400
Jeannine Matteson
15649 SW Thrasher Way
Sherwood, OR 97140

2S129CD-12200
Jose Martinez
15599 SW Farmer Way
Sherwood, OR 97140

2S132AB-00801
Nels & Ruth Martin
22296 SW Lincoln St
Sherwood, OR 97140

2S132AB-10000
David & Mariah Marshall
15268 SW Wert Ct
Sherwood, OR 97140

2S129CD-11400
Michael Maddy
15638 SW Whetstone Way
Sherwood, OR 97140

2S132AA-14300
Calli Luikart
22145 SW Lower Roy St
Sherwood, OR 97140

2S129CD-05800
Lloyd & Lacey Lockhart
21525 SW Grainery Pl
Sherwood, OR 97140

2S132AB-15000
George & Jennifer Lockhart
15416 SW Darla Kay Ct
Sherwood, OR 97140

2S129CD-07800
Wei & Siska Lin
15564 SW Thrasher Way
Sherwood, OR 97140

2S129CA-15000
Colwell Liedtke & Bruce Colwell
3895 SW 185th Ave STE 170
Beaverton, OR 97078

2S132AB-09600
Jiankun Li & Jia Wang
15178 SW Wert Ct
Sherwood, OR 97140

2S132AB-13100
David Schelrman & Deborah Lewis
22151 SW Hall St
Sherwood, OR 97140

2S132AB-14700
Leonard Enterprises Llc
17850 SW Sheppard Ter
Sherwood, OR 97140

2S132AB-14800
Leonard Enterprises Llc
17850 SW Sheppard Ter
Sherwood, OR 97140

2S132AB-08300
Timothy & Susan Lebrun
13275 SW Greenfield Dr
Portland, OR 97223

2S132AB-00702
Randall & Deena Leavitt
22346 SW Lincoln St
Sherwood, OR 97140

2S132AB-15200
Deborah Leake
15431 SW Darla Kay Ct
Sherwood, OR 97140

2S129CD-07300
Langer Family Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S129DB-00300
Langer Gramor Llc
19767 SW 72nd Ave STE 100
Tualatin, OR 97062

2S129DC-00200
Langer Storage Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S129DC-00900
Langer Storage 2 Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S129DC-01100
Langer Parkway South Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S129DC-01200
Langer Parkway South Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S129DC-01300
Langer Entertainment Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S129DC-01400
Langer Parkway South Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S129DC-01500
Langer Parkway South Llc
15585 SW Tualatin Sherwood Rd
Sherwood, OR 97140

2S129CD-10500
Michael & Judith Kulland
15606 SW Farmer Way
Sherwood, OR 97140

2S132AB-03700
Gabriele Kruger
15117 SW Merryman St
Sherwood, OR 97140

2S129CD-09700
Carol King
15530 SW Farmer Way
Sherwood, OR 97140

2S129DC-00800
Killion Real Estate Partnership
11825 SW Katherine St
Portland, OR 97223

2S129CD-10700
Megan & Brandon Kerekes
15630 SW Farmer Way
Sherwood, OR 97140

2S129CD-04500
Erin Kelly
15911 SW Baler Way
Sherwood, OR 97140

2S132AB-11200
Clyde & Anne Keebaugh
22165 SW Kelsey Ct
Sherwood, OR 97140

2S132AA-00602
David & Laura Kaufman
22246 SW Hall St
Sherwood, OR 97140

2S132AB-07800
Kimberly Kaholo
22301 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-09400
Sood & Eddie Eoff
Po Box 1515
Tualatin, OR 97062

2S129CD-10300
Jones Ryan N Rev Trust
1133 Windsor Pl
South Pasadena, CA 91030

2S129CD-11100
Richard Jones & Maria Schmidt
15680 SW Farmer Way
Sherwood, OR 97140

2S129CD-06000
Kelly & Jill Johnson
21552 SW Grainery Pl
Sherwood, OR 97140

2S132AB-06600
Roger Johnson & Maria Ho
1242 Deep Creek Rd
Livermore, CA 94550

2S132AB-13900
Lorrin Johnson
22236 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-11300
Jonathan & Rebekah Suh
15664 SW Whetstone Way
Sherwood, OR 97140

2S132BA-90002
Jdr Llc
23225 NE Dillon Rd
Newberg, OR 97132

2S132AB-12100
Chris & Simone Huff
22134 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-11000
Joseph & Jennifer Hovanic
22269 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-00906
Housing Authority Of Washington County
111 NE Lincoln St # 200-L
Hillsboro, OR 97124

2S129CD-11600
Kassandra Honeywell
7550 SW Mapleleaf St
Portland, OR 97223

2S129CD-12400
Karen Hogue
15623 SW Farmer Way
Sherwood, OR 97140

2S129CD-06600
Steve Hobson
15617 SW Thrasher Way
Sherwood, OR 97140

2S132AB-11500
Dana Hiserote
22113 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-09700
Matthew Hintz
15200 SW Wert Ct
Sherwood, OR 97140

2S132AB-06000
Jamie & Jason Scott
22435 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-07200
Taylor & Robert Hickernell
15537 SW Thrasher Way
Sherwood, OR 97140

2S129CD-04900
Cynthia Herring
15863 SW Baler Way
Sherwood, OR 97140

2S132AB-11800
Travis & Jill Harper
22112 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-00703
Hannah & Matthew Hansen
15355 SW Clifford Ct
Sherwood, OR 97140

2S132AA-14100
George & Loretta Haliski
22159 SW Lower Roy St
Sherwood, OR 97140

2S129CD-11200
Calkins Doman
15692 SW Farmer Way
Sherwood, OR 97140

2S129CD-10800
Andre Hage
15642 SW Farmer Way
Sherwood, OR 97140

2S132AB-12000
Joel & Nancy Griffin
22126 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-14100
Mary Green-Zwemke & Christopher
22252 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-06900
Paul & Rayna Graham
22337 SW Nottingham Ct
Sherwood, OR 97140

2S129DC-00600
Grabowski Family Trust
Po Box 5678
Ketchum, ID 83340

2S129DC-00700
Grabowski Family Trust
Po Box 5678
Ketchum, ID 83340

2S132AB-06400
Godfrey Rev Trust
22377 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-03500
Kalen Garrison & Garrison Lee
15061 SW Merryman St
Sherwood, OR 97140

2S129CD-07400
Lori Gallagher
15520 SW Thrasher Way
Sherwood, OR 97140

2S129CD-08200
Yoonhee & Minho Song
15710 SW Thrasher Way
Sherwood, OR 97140

2S129CD-09000
Aleksandr & Valentina Fursov
15671 SW Whetstone Way
Sherwood, OR 97140

2S132AB-08100
Eli & Olivia Fults
22306 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-01100
Fre 596 Llc
707 Old County Rd
Belmont, CA 94002

2S129CD-04400
Joshua Fravel
15923 SW Baler Way
Sherwood, OR 97140

2S129CD-09400
Elise Fraser
15567 SW Whetstone Way
Sherwood, OR 97140

2S132AB-06500
Terrance Foster
22369 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-06100
Angi Ford
21584 SW Grainery Pl
Sherwood, OR 97140

2S129CD-10400
Sheila & David Fisher
15594 SW Farmer Way
Sherwood, OR 97140

2S132AB-03800
Dennis & Shirley Finch
15149 SW Merryman St
Sherwood, OR 97140

2S129CD-10000
Scott & Sydney Fender
15558 SW Farmer Way
Sherwood, OR 97140

2S132AB-10500
Nancy Falk
22412 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-06700
Zachary & Crystal Englen
22353 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-10100
Thomas & Dawn Ekerson
22334 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-11700
Julia & Eric Ediger
22102 SW Kelsey Ct
Sherwood, OR 97140

2S129CD-09600
Jon & Theresa Easton
15522 SW Farmer Way
Sherwood, OR 97140

2S129CD-06800
Joseph & Jennifer Domingo
15585 SW Thrasher Way
Sherwood, OR 97140

2S132AB-00905
Stacy Dirks
15173 SW Merryman St
Sherwood, OR 97140

2S129CD-02900
Dario Survivors Trust
Po Box 967
Tualatin, OR 97062

2S129CD-08300
Joseph & Kelly Cutler
15726 SW Thrasher Way
Sherwood, OR 97140

2S129CD-07600
David Crawford
15544 SW Thrasher Way
Sherwood, OR 97140

2S132AB-08700
Brian & Jessica Craw
15135 SW Wert Ct
Sherwood, OR 97140

2S132AB-13700
Destiny Cowan
22220 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-05600
Cornejo Gustavo Aguilar & Real Graciela
21589 SW Grainery Pl
Sherwood, OR 97140

2S129CD-10100
Melissa Cooper
15566 SW Farmer Way
Sherwood, OR 97140

2S132AB-08800
Jacob Cooper
15123 SW Wert Ct
Sherwood, OR 97140

2S132AB-13000
Patricia Cole
22165 SW Hall St
Sherwood, OR 97140

2S132AB-07300
Clarke Elizabeth F & Timothy W Liv Trust
22323 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-12500
Carissa Clark & Nicole Harmon
22162 SW Kelsey Ct
Sherwood, OR 97140

2S129CD-06700
Maria Chavez
15601 SW Thrasher Way
Sherwood, OR 97140

2S129CD-04300
Chan Family Trust
19030 SW Chesapeake Dr
Tualatin, OR 97062

2S132AB-14300
Anne Cerling
22268 SW Nottingham Ct
Sherwood, OR 97140

2S132AA-00404
James Catron
14960 SW Oregon St
Sherwood, OR 97140

2S132AB-06300
Francisco & Kelly Catibayan
22385 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-08100
Scott & Stacie Cannon
15694 SW Thrasher Way
Sherwood, OR 97140

2S132AB-12900
Jose Campuzano
22179 SW Hall St
Sherwood, OR 97140

2S132AB-09200
Justin & Katelyn Callistini
15100 SW Wert Ct
Sherwood, OR 97140

2S129CD-12300
Juana Calidonio
15611 SW Farmer Way
Sherwood, OR 97140

2S132AB-12700
Kylie Euscher
22188 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-10700
Maury Hutchins
22428 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-08800
Joshua & Kristin Burnham
15735 SW Whetstone Way
Sherwood, OR 97140

2S132AB-13400
Christie Burks
22109 SW Hall St
Sherwood, OR 97140

2S132AA-00604
Patrick & Adrienne Bridge
22204 SW Hall St
Sherwood, OR 97140

2S132AB-14500
Dion Breshears & Larry Cutshall
15258 SW Oregon St
Sherwood, OR 97140

2S129CD-11500
Harold Bray
15612 SW Whetstone Way
Sherwood, OR 97140

2S129CD-06500
Nolan & Lana Booth
15633 SW Thrasher Way
Sherwood, OR 97140

2S129CD-11700
Daniel & Ilona Bobosh
15560 SW Whetstone Way
Sherwood, OR 97140

2S132AB-08200
Blue Water Holdings Llc
20 Cervantes Cir
Lake Oswego, OR 97035

2S129CD-08000
Alison Bingham
15678 SW Thrasher Way
Sherwood, OR 97140

2S132AB-11300
Carla & Jason Bietz
22159 SW Kelsey Ct
Sherwood, OR 97140

2S132AB-09000
Bradford & Rebecca Bertram
22269 SW Hall St
Sherwood, OR 97140

2S132AB-13200
Tom & Carmen Berger
22137 SW Hall St
Sherwood, OR 97140

2S132AB-10800
George Stavrakis & Stavrakis Nise
22281 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-13300
Terrell & Analia Bennett
22123 SW Hall St
Sherwood, OR 97140

2S132AB-08600
Gaylene Beck
15151 SW Wert Ct
Sherwood, OR 97140

2S129CD-05900
Beatriz Bazan
21520 SW Grainery Pl
Sherwood, OR 97140

2S132AB-10600
Dawn Bambusch
22420 SW Nottingham Ct
Sherwood, OR 97140

2S129CD-09500
Baldoni Darla J Rev Liv Trust
15514 SW Farmer Way
Sherwood, OR 97140

2S132AB-15400
Lisa & Mohammed Baggia
15407 SW Darla Kay Ct
Sherwood, OR 97140

2S129CD-04600
Elisabeth Bacon
15899 SW Baler Way
Sherwood, OR 97140

2S132AB-10400
Randy & Pamela August
22372 SW Nottingham Ct
Sherwood, OR 97140

2S132AB-14400
Aaron & Jo Atkins
22284 SW Nottingham Ct
Sherwood, OR 97140

2S129CA-18400
Arbor Terrace Hoa
,

2S129CA-18600
Arbor Terrace Hoa
,

2S132AB-12800
Eduardo Aragon & Ulma Valenzuela
22193 SW Hall St
Sherwood, OR 97140

2S132AB-06800
Kayla Anderson
16130 SW Holland Ln
Sherwood, OR 97140

2S132AB-08400
Brian & Kori Almquist
15207 SW Wert Ct
Sherwood, OR 97140

2S132AA-00501
Jose Alegria
22148 SW Hall St
Sherwood, OR 97140

2S129CD-08700
Morteza Aleali & Fatemeh Jannesai
15767 SW Whetstone Way
Sherwood, OR 97140

2S129CD-06200
Abdumadzhid Achilov & Galina Achilova
15681 SW Thrasher Way
Sherwood, OR 97140

Exhibit H: Amended and Restated Development Agreement (2010)

CURRENTLY IN-USE 5-4-11

AMENDED AND RESTATED DEVELOPMENT AGREEMENT

PARTIES

The Parties to this Amended and Restated Development Agreement ("Agreement") are the City of Sherwood, Oregon ("City") and Pamela and Clarence Langer, as to Phase 4, and the Langer Family, LLC, as to the remainder of the PUD (collectively, "Langer").

RECITALS

1. On April 26, 1995, the City approved a Preliminary Development Plan for a Planned Unit Development ("PUD") on property owned by Langer. The subject property is located generally southeast of Hwy 99W and south of the Tualatin-Sherwood Road, in the City.

2. The decision approved development of the property in eight (8) separate phases. The decision contemplated and assigned specific uses to each phase, including High Density Residential, Retail/Commercial, and Light Industrial (LI).

3. The portions of the PUD designated LI have not yet developed, except for a portion of Phase 4, which was developed as a mini-warehouse use under the General Retail Trade category of allowed uses in the LI zone. Since the approval of the PUD, the City has amended its list of permitted and conditional uses in the LI zone, subject to the City's Zoning and Community Development Code ("ZCDC") 16.32.020.H, which provides the following: "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."

4. The PUD approval contained conditions of approval including: a requirement for a wetlands delineation prior to development of Phase 8; the construction of Adams Drive at the time of development of Phase 6; and the elimination of the then-proposed extension of Century Drive east of Adams Drive.

5. The Final Development Plan was approved August 3, 1995. Neither the Preliminary Development Plan nor the Final Development Plan approvals related to a site plan. Thus, site plan review is required for each phase as development is proposed for that phase.

6. Phases 1 through 3 and 5 have been developed, and a portion of Phase 4 was developed as above-described and is anticipated for future redevelopment. The purpose of this Agreement is to clarify and refine the intent of the Parties regarding the following issues (collectively, the "PUD Issues"):

(a) The allowed uses of Phases 4, 6, 7 and 8 of the PUD, all of which are designated for LI uses;
(b) The timing of related improvements, including the construction of Adams Drive and Century Drive;
(c) The cost-sharing of public improvements, including the construction of Adams Drive and Century Drive; and
(d) Certain related matters.

7. The City and Langer previously set forth their respective commitments relative to the PUD Issues in that certain Development Agreement dated January 3, 2008 ("2008 Agreement"), which was a condition of approval to a companion Minor Change to the PUD approved contemporaneously by the City.

8. Subsequent to entering into the 2008 Agreement, economic conditions have changed such that the Parties find it necessary to re-evaluate their respective commitments under the 2008 Agreement. The City and Langer now desire to amend and restate their commitments relative to the PUD Issues set forth below.

9. This Agreement represents the only Agreement between the City and Langer with respect to the PUD Issues and does not preclude or require any conditions that may arise from a subsequent application for site plan review. It is the intent of the parties that the site plan review conditions should not be inconsistent with this Agreement.

10. This Agreement is only between the City and Langer and does not affect any conditions or improvements that may be required by other jurisdictions.

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.

B. ADAMS DRIVE SOUTH EXTENSION

1. City Commitments. Except as otherwise provided in this section, as soon as reasonably practicable and in any event prior to Langer's construction of any portion of Adams Drive south of the PUD's southern boundary, the City, at the City's sole cost and expense, will take the following actions:

a. Acquire the necessary right-of-way and complete the design and engineering for construction of the extension of Adams Drive ("South Extension") south from its present terminus up to but not including the railroad crossing between the southern PUD boundary and Oregon Street ("Rail Crossing");

b. Obtain all necessary permits for the construction and operation of the South Extension, including without limitation, all permits associated with allowing impacts to wetlands;

c. Provide for the mitigation of any impacts to wetlands related to the alignment and construction of the South Extension; and

d. Pursuant to the City's standard timeline and procedure in such instances, accept Langer's dedication of that portion of the South Extension located within the boundaries of the PUD following final inspection approval and thereupon assume maintenance obligations for all of the South Extension.

2. Langer Commitments. Subsequent to the City's performance of its obligations set forth in Section B.1.a. to B.1.c. of this Agreement but prior to issuance of final occupancy permits for any structures included in Phases 6 or 7, Langer will substantially construct the South Extension, including the traffic circle and island at the intersection with Century Drive and the twelve-foot (12') wide multi-use path extending the length of the South Extension as identified in the City Transportation Systems Plan (the "Path"). The street will be aligned and constructed in a manner consistent with the "90-percent drawings" prepared by Hopper Dennis Jellison, PLLC dated April 2008 and on file with the City (the "South Extension Plans"). Upon completion of the construction of the South Extension, Langer will dedicate and record a public right-of-way easement to the City for Adams Drive south from its present terminus to the southern boundary of the PUD (the "South Extension Right-of-Way").

3. Alternative Commitments.

a. Alternatively, in the event the City has completed the obligations set forth in Section B.1.a. to B.1.c. of this Agreement and the City receives or accrues funding equal to the cost estimate for the construction of the South Extension prior to the time Langer has substantially commenced the obligations set forth in Section B.2. of this Agreement, the City may, in its sole discretion, elect to construct the South Extension, including the traffic circle and island at the intersection with Century Drive, the Path, and if warranted, the traffic signal at Tualatin-Sherwood Road, at the City's sole expense. In the event the City undertakes construction of the South Extension, the City will deliver written notice ("Written Election") to Langer of the City's intent in accordance with Section I.7. of this Agreement prior to undertaking construction of the South Extension.

b. The City will issue a Notice to Proceed to the selected bidder(s) ("Contractor") for completion of the physical construction of the South Extension within ninety (90) days after delivery of the Written Election to Langer ("Commencement Date"). In the event the City fails to issue the Notice to Proceed by the Commencement Date and Langer has obtained final site plan approval for either Phases 6 and/or 7 by said date, the City will forfeit its right to undertake construction of the South Extension, and Langer will re-assume the obligation to substantially construct the South Extension in accordance with Section B.2. of this Agreement, unless Langer agrees in writing to extend the Commencement Date. If the City has not forfeited its right to undertake construction of the South Extension, the City will substantially complete the construction of the South Extension within fourteen (14) months after the Commencement Date ("Completion Date"), and in any event, prior to the issuance of an occupancy permit for any structure included in Phases 6 or 7.

c. To ensure the Completion Date is met, the City will include the required Completion Date and penalties for late completion in the contract ("Contract") the City enters with the Contractor. The penalties shall be an amount calculated to reimburse Langer for any losses incurred by Langer due to Contractor's failure to substantially complete construction by the Completion Date when such failure prevents the reasonable use of Phases 6 or 7 for retail commercial purposes, but in any event not less than $10,000.00 per day Langer is unable to make reasonable use of Phases 6 or 7 for commercial retail purposes. The City shall take all necessary and appropriate action to enforce the penalty provision in the Contract and forward any amounts collected to Langer within 30 days of the date the City receives payment.

d. If the City elects to construct the South Extension under this Section B.3, the City will perform its construction activities in a manner that minimizes obstruction or interference with access to, from, or within the PUD and

Langer's construction, if any, and use of the subject property in accordance with the PUD. The City will mobilize, conduct, and maintain all construction activities, equipment and materials on and around the PUD in such manner to allow use of the South Extension and access between the PUD and the South Extension through all access driveways. The City's agreement to perform its construction activities consistent with this section is a material inducement for Langer to enter this Agreement as it will facilitate Langer's timely completion of the PUD in accordance with Langer's agreement with its end users of the PUD.

e. If the City elects to construct the South Extension, Langer will take the following actions prior to the City's commencement of construction:

(A) Grant the South Extension Right-of-Way to the City, provided the City shall bear the expense of preparing the legal description for the South Extension Right-of-Way.

(B) Grant to the City reasonable temporary construction easement(s) to allow the City to complete its construction commitments, provided Langer's grant of an easement(s) may be conditioned to ensure that the City's use of the PUD property does not unreasonably interfere with Langer's use and development of the PUD.

(C) If Langer has not yet constructed the stormwater facility on Phase 8 as provided in Section F.1 of this Agreement ("Stormwater Facility"), allow temporary location of stormwater detention and treatment from the South Extension on Phase 8 in either a temporary facility ("Temporary Facility") or the existing stormwater facilities located on Phase 7 and Phase 8 ("Existing Facilities"). To the extent that the Temporary Facility or the Existing Facilities will require any expenses for engineering, construction, design, maintenance, or modification to existing land use approvals, the City will bear the expenses. If applicable, Langer and the City shall execute and record appropriate easement documents or amendments to the existing easement for the Existing Facilities to formalize the parties' respective obligations under this subsection (C).

(D) Use reasonable best efforts to avoid damaging the Path during construction and development of the PUD, provided that if Langer causes any such damage, Langer shall, at its sole expense, repair and replace the Path back to its original condition.

C. ADAMS DRIVE NORTH EXTENSION

1. City Commitments. Except as otherwise provided in this section, as soon as reasonably practicable and in any event prior to Langer's construction of any portion of Adams Drive north of the PUD's northern boundary, the City, at the City's sole cost and expense, will take the following actions:

a. Acquire the necessary right-of-way for and complete the surveying, design, and engineering for construction of an extension of Adams Drive ("North Extension") from the north side of the intersection with Tualatin-Sherwood Road, north to the existing stub road connecting to Highway 99W, with the alignment to curve east around the PGE substation and connect to the east end of the Home Depot stub road. The street will be aligned and constructed in a manner consistent with the "60-percent drawings" prepared by Harper Hoff Peterson Righellis Inc, dated February 2010 and on file with the City (the "North Extension Plans"). The right-of-way, design and engineering shall anticipate and include at least 43 p.m. peak-hour vehicle trips per acre from Phase 4 to accommodate redevelopment of Phase 4.

Any substantial changes to the alignment and cross-section shall require an amendment to this Agreement. Such amendment shall only relate to this section of the Agreement, and all other terms and conditions of this Agreement shall remain in full force and effect. A "substantial change" may include but is not limited to an increase in the number of lanes, an increase in the right-of-way width by 10 or more feet, requiring additional landscaping, medians, or pedestrian paths, shifting the alignment east or west by fifty (50) or more feet, and/or any other changes that will substantially increase the cost of construction.

b. Obtain all necessary permits for the construction and operation of the North Extension, including without limitation, all permits associated with impacts to wetlands, all approach and/or signal permits required by the Oregon Department of Transportation for the intersection of Highway 99W and the existing stub road, and all approach permits required by Washington County for the connection of the North Extension and Tualatin-Sherwood Road.

c. Provide for the mitigation of any impacts to wetlands associated with the alignment and construction of the North Extension.

d. Otherwise remove any legal or planning constraints to the construction of the North Extension.

e. Pay any extraordinary labor costs associated with Langer's performance of its obligations under Section C.2., where "extraordinary labor costs" means any

costs required by law to exceed an arms-length privately negotiated rate solely due to the nature of the improvement.

f. Pay any extraordinary construction costs associated with Langer's performance of its obligations under Section C.2. that are attributable to extraordinary environmental or geographic conditions.

g. Pursuant to the City's standard timeline and procedure in such instances, assume maintenance obligations for all of the North Extension following the City's final inspection approval of the North Extension.

h. Permit Langer to assume, for purposes of completing the required traffic study, that the North Extension has been planned and funded for construction prior to development of Phases 6 and 7 pursuant to Langer's alternative commitments to construct the North Extension or make a payment in lieu thereof pursuant to Section C.2. below.

i. Permit Langer to assume, for purposes of completing the required traffic study, that the North Extension has been planned and funded for construction prior to the redevelopment of Phases 4 pursuant to Langer's alternative commitments to construct the North Extension or make a payment in lieu thereof pursuant to Section C.2. below.

j. The City will not require the closure of any residential access to Phase 4 from Tualatin-Sherwood Road until redevelopment of Phase 4. The City will reimburse Langer for the cost of relocating and rebuilding any access to and from the existing commercial uses on Phase 4 resulting from the closure of any access due to the construction of the North Extension, including any necessary relocation of administrative facilities associated with the commercial use.

k. In the event Langer pays a fee in lieu of construction as described in Section C.2. below, the City will:

(A) Place the payment into an existing or newly-created interest-bearing City Trust and Agency Fund;

(B) Grant credits for transportation System Development Charges ("SDC's") otherwise payable by Langer as if Langer had constructed the North Extension; and

(C) Use the payment-in-lieu exclusively for the construction of the North Extension. However, if the City has not entered into a contract for the construction of the North Extension or any portion thereof within five (5) years after Langer deposits the fee with the City, the City shall return the fee-in lieu, together with any interest thereon to Langer, Langer's successor or a

person designated by Langer's successor, minus any amount provided as a credit against transportation SDC's under paragraph (B) above. This Agreement does not constitute a "contract for construction of the North Extension" for purposes of this subsection.

2. Langer Commitments. Langer agrees to take the following actions with respect to the North Extension:

a. Subsequent to the City's performance of its obligations set forth in Section C.1. of this Agreement but prior to issuance of the final occupancy permit for any structure included in the development of Phase 6, Langer will substantially construct the North Extension consistent with the alignment and cross-section described in Section C.1.a. of this Agreement. However, in the event the City exercises its option to construct the South Extension under Section B.3. of this Agreement, Langer will substantially construct the North Extension prior to issuance of the final occupancy permit for any structure included in the development of Phases 6 or 7.

b. Alternatively, in the event the City has not substantially performed the obligations set forth in Section C. 1.a. to C.1.d. of this Agreement by a date that is sixty (60) days after Langer submits construction drawings for public improvements associated with the development of Phase 6 to the City, Langer shall submit a fee in lieu of construction in an amount equal to the cost estimate for the construction of the North Extension prior to the issuance of an occupancy permit for any structure included in the development of Phase 6. Langer's timely deposit of a fee in lieu under this paragraph shall fully satisfy Langer's obligations under Section C.2.a. of this Agreement and shall trigger the City's performance of its commitments under Section C.1.k. of this Agreement. In the event the City exercises its option to construct the South Extension under Section B.3. of this Agreement, the references to "Phase 6" in this subparagraph b. shall be replaced with "Phases 6 or 7."

c. In the event the City refunds the fee-in-lieu as described in Section C.1.k(C) of this Agreement prior to the redevelopment of Phase 4, and subsequent to the performance of the City's other obligations under Section C.1., Langer will substantially construct the North Extension consistent with the alignment and cross-section provided by the City prior to the issuance of an occupancy permit for any structure included in the redevelopment of Phase 4. In the event the City is still in possession of the fee-in-lieu at the time Phase 4 redevelops, the City will refund the fee to Langer, including any interest thereon, or will not require the construction of the North Extension as a condition of redevelopment.

D. RAIL CROSSING

1. City Commitments. As soon as reasonably practicable, the City, at the City's sole cost and expense, will take the following actions with respect to the Rail Crossing:

a. Acquire the necessary right-of-way for the Rail Crossing;

b. Obtain all required crossing or other permits from ODOT Rail and any other applicable agencies associated with the Rail Crossing;

c. Complete the design, engineering, and construction of the Rail Crossing; and

d. Use all reasonable best efforts to complete these actions and connect the South Extension to Oregon Street via the Rail Crossing no later than the date of issuance of occupancy permits for the development of Phases 6 and 7; provided, however, the failure to complete these actions by such date shall not be grounds to deny the issuance of such occupancy permits.

2. Langer Commitments. None.

E. CENTURY DRIVE

1. Langer Commitments. Langer agrees to take the following actions with respect to Century Drive:

a. Prior to issuance of final occupancy permits for any structure located in Phase 6 or Phase 7, design and substantially construct a reasonably direct vehicular connection between the existing terminus of Century Drive on the western boundary of the PUD and existing City right-of-way at the eastern boundary of the PUD ("Century Drive Connection"). The Century Drive Connection shall be constructed to the adjusted street standard described in Section E.2.a. below.

b. Following construction, dedicate a right-of-way easement to the City for the Century Drive Connection.

c. Provide the City with copies of receipts of eligible expenses where "eligible expenses" is defined to include all hard and soft costs of labor and materials associated with all aspects of the design, engineering, and construction, including applicable consultant fees, of the Century Drive Connection that exceed the cost of designing and constructing the Century Drive Connection as a standard parking lot drive aisle ("Eligible Expenses").

2. City Commitments. The City agrees to take the following actions with respect to Century Drive:

a. To work with Langer to achieve an adjustment to the relevant City street standards so that the nature, location, and design of the Century Drive Connection requires the minimum necessary right-of-way to provide a vehicular connection and includes traffic calming measures such as restrictions on through traffic for trucks.

b. Reimburse Langer for all undisputed Eligible Expenses within thirty (30) days after the City receives the receipts described in Section E.1.c.. City will immediately contact Langer regarding any disputed expenses and attempt to resolve the dispute within 90 days of the date the receipt containing the expense is received by the City. Any disputed expense that remains unresolved after 90 days shall be submitted to mediation as provided in Section I.12. of this Agreement; and

c. Pursuant to the City's standard timeline and procedure in such instances, accept Langer's dedication of the Century Drive Connection following final inspection approval and thereafter assume maintenance obligations for same.

F. STORMWATER FACILITY

1. Langer Commitments.

a. Prior to issuance of a final occupancy permit for the first structures located in Phases 6 or 7, Langer will design and substantially construct the "Stormwater Facility on Phase 8 (including any necessary portions of Phase 6), to accommodate existing stormwater detention and treatment for the PUD (including 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 Facilities and any Temporary Facility constructed pursuant to Section B.3.c. of this Agreement, provided the stormwater detention and treatment functions of the Existing Facilities and any Temporary Facility are incorporated into the Stormwater Facility and subject to any written agreements relating to the Existing Facilities. 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.

b. Following construction, Langer will dedicate the Stormwater Facility to the public for use as a stormwater detention and treatment facility.

2. City Commitments.

a. 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, to facilitate any related process for the vacation of any prior public dedications associated with the Existing Facilities, and to modify the existing recorded easement document among Langer and the City relating to the Existing Facilities.

b. The City agrees to accept the dedication of the Stormwater Facility following final inspection approval and thereafter assume the maintenance obligations for same.

G. RENAMING OF ADAMS DRIVE

1. Langer Commitments. Prior to Langer's dedication of any portion of Adams Drive as described in this Agreement, Langer will submit a petition to the City to rename the completed portion of Adams Drive in accordance with the street name standards of ZCDC 16.108.010.4.A-C. Langer agrees to select a single name for Adams Drive from the southern end of the South Extension to the northern end of the North Extension.

2. City Commitments.

a. Provided the petition is submitted in the manner described in ZCDC 16.108.010.3, the City will support a petition received from Langer to rename the completed portion of Adams Drive.

b. If the petition is approved by the City Council, the City shall install standard City street signage identifying Adams Drive by its new name.

H. TRANSPORTATION CHARGES, FEES, AND CREDITS

1. Transportation Development Tax. The calculation and assessment of any Transportation Development Tax ("TDT"), including any TDT credits, will be made according to the Washington County TDT ordinance. Improvements to Tualatin-Sherwood Road will be creditable towards Washington County TDT's as allowed in Washington County's ordinance. It is the parties' mutual understanding that this ordinance provides full TDT credits for turn lanes and 50% or 66.67% for traffic signals for a four- and three-leg intersection, respectively. The City's commitment to this provision is a material inducement for Langer's agreement to complete the various public improvements set forth in this Agreement.

For the purpose of determining the number of weekday trips generated by all commercial land uses in Phases 4, 6, 7, and 8 of the PUD, the land use

category "Shopping Center" from ITE Trip Generation, 7th Edition, shall be applied to the Washington County TDT Ordinance for the calculations of the Washington County TDT.

2. Transportation SDC's.

The City shall calculate and assess the Project with SDC's and credits for SDC's, pursuant to the City's Municipal Code, as it may be amended from time to time, and subject to any resolutions adopted by the City implementing same.

For the purpose of determining the number of weekday trips generated by all commercial land uses in Phases 4, 6, 7, and 8 of the PUD, the land use category "Shopping Center" from ITE Trip Generation, 7th Edition, shall be applied to the City's SDC ordinance for the calculations of the City's SDC's.

3. Credits.

a. Langer shall be entitled to seek SDC credits from the City and TDT credits from Washington County for all qualifying improvements and right-of-way dedications made by Langer, subject to the then applicable provisions of Oregon law and applicable ordinances. To the extent allowed by law, the City shall apportion SDC and TDT charges in the manner that maximizes the beneficial use of any resulting credits for Langer. In the event the City amends its SDC ordinance to eliminate the Transportation SDC prior to Langer's redemption of otherwise valid SDC credits, the City shall exercise good faith and best efforts to provide Langer a financial benefit in an amount equal to the value of any unredeemed credits in a manner consistent with applicable law, provided the City is not obligated to ensure such benefit or other return on the unredeemed credits.

b. The City hereby determines that, for purposes of qualifying for and administering SDC and TDT credits, Langer's construction of public improvements and dedication of right-of-way to the City pursuant to this Agreement are existing condition(s) of approval of the PUD, as it has been modified by the Minor Change approved in 2007.

4. Highway 99W Capacity Allocation Program. For purposes of calculating whether the trips associated with the regulated activities in Phases 6, 7, and 8 of the PUD exceed the trip limit of ZCDC 6.306.D.4, the City shall aggregate the trips and acreage of all such phases. As a result, the trips associated with the regulated activities of a single phase may exceed the trip limit that would otherwise apply if that phase were calculated individually, provided that the trips associated with all regulated activities for Phases 6, 7, and 8 do not exceed the trip limit in the aggregate. At each phase of development of the PUD, the number of reserve trips for the remaining phases will be identified in the applicable Trip Allocation Certificate.

I. TERMS AND CONDITIONS

1. Further Assurances. Each party shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder in good faith, to carry out the intent of the parties hereto.

2. Modification of Amendment. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by the parties hereto.

3. Relationship. Nothing herein shall be construed to create an agency relationship or a partnership or joint venture between the parties.

4. Waiver of Default or Condition. In the event a party defaults in the performance of one or more of its obligations under this Agreement or in the event of the failure of a condition precedent to be satisfied under this Agreement, the nondefaulting party or beneficiary of the condition may, in its discretion, waive, as applicable, the default or satisfaction of condition hereunder and rescind any consequence of such default or failure of a condition, and in case of any such waiver or rescission, the parties shall be restored to their former positions and rights hereunder respectively, but no such waiver or rescission shall extend to or affect any subsequent or other default or condition precedent, or impair any right consequent thereon. No such waiver or rescission shall be in effect unless the same is in writing and signed by the nondefaulting party.

5. Burden and Benefit; Assignment. The covenants and agreements contained herein shall be binding upon and inure to the benefit of the parties and their successors and assigns and shall run with the land. Neither party may assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed.

6. Applicable Law. This Agreement shall be interpreted under the laws of the State of Oregon.

7. Notices. All notices, demands, consents, approvals and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machines,

such notice shall be deemed given at the time and on the date of machine transmittal.

8. Merger. This Agreement contains the entire agreement among the parties hereto with respect to the subject matter hereof and cannot be amended or supplemented except by a written agreement signed by all parties.

9. Rights Cumulative. All rights, remedies, powers and privileges conferred under this Agreement on the parties shall be cumulative of and in addition to, but not restrictive of or in lien of, those conferred by law.

10. No Third Party Beneficiaries. None of the duties and obligations of any party under this Agreement shall in any way or in any manner be deemed to create any rights in, any person or entity other than the parties hereto.

11. Force Majeure. The parties shall use reasonable diligence to accomplish the purpose of this Agreement but shall not be liable to each other, or their successors or assigns, for damages, costs, attorneys' fees (including costs or attorneys' fees on appeal) for breach of contract, or otherwise for failure, suspension, diminution, or other variations of services occasioned by any cause beyond the control and without the fault of the parties. Such causes may include but shall not be limited to acts of God, acts of terrorism or the public enemy, acts of other governments (including regulatory entities or courts) in their sovereign or contractual capacity, fires, floods, epidemics, quarantines, restrictions, strikes, or failure or breakdown of transmission or other facilities ("Force Majeure"). If any party is delayed, hindered, or prevented in or from performing its respective obligations under this Agreement by any occurrence or event of Force Majeure, then the period for such performance shall be extended for that period that such performance is delayed, hindered, or prevented.

12. Mediation. Should the parties arrive at an impasse regarding any of the provisions of this Agreement, the parties agree to submit to the dispute to mediation prior to the commencement of litigation. The mediator shall be an individual mutually acceptable to both parties, but in the absence of agreement, either party may apply to the Presiding Judge, Washington County Circuit for appointment of a mediator. Each party shall share equally in the fees and costs of the mediator. Each party shall be responsible for its own attorneys fees and other expert fees. Mediation shall be at Portland, Oregon unless the parties agree otherwise. Both parties agree to exercise their best effort in good faith to resolve all disputes in mediation. Participation in mediation is a mandatory requirement of both the City and Langer and failure to comply with this requirement is a material breach of this Agreement. The schedule and time allowed for mediation will be mutually acceptable. If the dispute is not resolved by mediation, either party may file a lawsuit to resolve the dispute in a court with proper jurisdiction located in Washington County,

Oregon. Any trial shall be to the court without a jury. In the event of any such mediation or litigation, each party shall bear its own attorneys' fees and costs.

13. Conditions Precedent to Langer's Performance. Langer's commitments set forth in this Agreement are conditioned entirely upon the City's performance of all of its commitments that are precedent to the City's commitments under and in accordance with this Agreement, and the City's timely issuance of a PUD modification for the subject property.

14. Conditions Precedent to City's Performance. City's commitments set forth in this Agreement are conditioned entirely upon Langer's performance of all of its commitments that are precedent to the City's commitments under and in accordance with this Agreement.

15. Nature of Agreement. The City hereby confirms that it has approved and executed this Agreement pursuant to its governing charter and not pursuant to ORS 94.504 *et seq.*, and does further confirm that this Agreement does not constitute or concern the adoption, amendment, or application of the Statewide Planning Goals, a comprehensive plan provision, or a land use regulation, the City and Langer acknowledging and agreeing that any and all land use approvals required for the PUD are to be obtained (or have been obtained) in due course on another date in accordance with all applicable laws and regulations.

16. Amendment and Restatement. The Parties intend that this Agreement acts as a full and amended restatement of the original 2008 Agreement. Upon this Amended and Restated Agreement taking effect, the original 2008 Agreement shall no further force or effect.

17. Duration. This Agreement expires not later than January 1, 2015; provided, however, the expiration date of this Agreement shall be automatically extended to January 1, 2017 in the event that on January 1, 2015, Langer is not in material default of any provisions of this Agreement, has substantially built out Phase 7, and has obtained a certificate of occupancy for at least one (1) structure in Phase 6.

IN WITNESS WHEREOF,

For the City of Sherwood:

James A. Patterson
City Manager
Sherwood, Oregon 97140

Jim Patterson, City Manager

Date: 8/3/2010

For Langer:

Pamela and Clarence Langer, as to Phase 4:

By: Clarence Langer Jr.

Print Name: CLARENCE LANGER Jr.

Date: 8-6-10

By: Pamela A Langer

Print Name: Pamela A. Langer

Date: August 6, 2010

Langer Family, LLC, as to remainder of PUD:

By: Clarence Langer Jr.

Print Name: CLARENCE LANGER Jr.

Title: Manager

Date: 8-6-10

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

SHERWOOD COMPREHENSIVE PLAN PART 3

ZONING & COMMUNITY DEVELOPMENT CODE

Prepared by
City of Sherwood, Oregon
20 NW Washington
Sherwood, OR 97140
(503) 625-5522

February 28, 1995

2.109 GENERAL COMMERCIAL (GC)

2.109.01 Purpose

The GC zoning district provides for wholesale and commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Chapter 8.

2.109.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.

B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.

C. Personal and business services, including day cares, preschools, and kindergartens.

D. Postal substations when located entirely within and incidental to a use permitted outright.

E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.

F. Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.

G. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.

H. Commercial trade schools.

I. Motion picture and live theaters, but excluding drive-ins which are prohibited.

J. Restaurants, taverns, and lounges.

K. Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited.

L. Blueprinting, printing, publishing, or other reproduction services.

M. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service.

N. Wholesale trade, warehousing, commercial storage and mini-warehousing, except as prohibited in Sections 2.110.04E and 2.111.04E.

O. Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing.

P. Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.

Q. Veterinarian offices and animal hospitals.

R. Agricultural uses including but not limited to farming, and wholesale and retail plant nurseries, with customarily associated commercial buildings and structures permitted.

S. Medical, dental, and similar laboratories.

T. Truck and bus yards and terminals.

U. Adult entertainment businesses, subject to Section 2.208.

2.109.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.

B. Radio, television, and similar communication stations, including transmitters.

C. Churches and parsonages.

D. Cemeteries and crematory mausoleums.

E. Public and private utility buildings, including but not limited to telephone exchanges, electric substation, gas regulator stations, treatment plants, water wells, and public works yards.

F. Government offices, including but not limited to administrative office, post offices, and police and fire stations.

G. Public use buildings including but not limited to libraries, museums, community centers and senior centers.

H. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.

I. Motels or hotels.

J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.

K. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.

L. Public and private schools providing education at the elementary school level or higher.

M. Any incidental business, service, process, storage or display, not otherwise permitted by Section 2.109, that is essential to and customarily associated with any use permitted outright.

2.109.04 Prohibited Uses

The following uses are expressly prohibited:

A. Junkyards and salvage yards.

B. Industrial and manufacturing uses, except as specifically permitted by Sections 2.109.02 and 2.109.03.

C. Any other prohibited use noted in Section 2.109.03.

2.109.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 square feet
2. Lot width at front property line: 70 feet
3. Lot width at building line: 70 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: None, unless the lot abuts a residential zone, then the front yard shall be that required in the residential zone.
2. Side yards: None, unless abutting a residential zone or public park property, then there shall be a minimum of twenty (20) feet.
3. Rear yard: None, unless abutting a residential zone, then there shall be a minimum of twenty (20) feet.
4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.109.06 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 Chapters 5, 8 and 9.

2.109.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.110 LIGHT INDUSTRIAL (LI)

2.110.01 Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

2.110.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

A. Veterinarians offices and animal hospitals.

B. Contractor's offices, and other offices associated with a use permitted in the LI zone.

C. Public and private utilities including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells and public works yards.

D. Glass installation and sales.

E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

F. Automobile, boat, trailer, and recreational vehicle storage.

G. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 2.110.04E.

H. Industrial hand tool and supply sales, primarily wholesaled to other industrial firms or industrial workers.

I. Other similar light industrial uses subject to Section 4.600.

J. Uses permitted outright in the GC zone, Section 2.109.02, except for adult entertainment businesses which are prohibited.

K. Dwelling unit for one (1) security person employed on the premises, and their immediate family.

L. PUDs, subject to the provisions of Section 2.202.

M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.

2.110.03 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300:

A. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 2.110.03.

2. Appliances, including but not limited to, refrigerators, freezers, washing machines, dryers; small electronic motors and generators; heating and cooling equipment; lawn mowers, rototillers, and chain saws; vending machines; and similar products and associated small parts.

3. Cosmetics, drugs, pharmaceutical, toiletries, chemicals and similar products, except as prohibited by Section 2.110.04.

4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.

5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery; ladders; mattresses, doors and windows; signs and display structures; and similar products and associated small parts.

6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and

associated small parts, but excluding motorized equipment unless otherwise permitted by Section 2.110.02 or 2.110.03.

7. Musical instruments, toys and novelties.

8. Pottery and ceramics, limited to products using previously pulverized clay.

9. Textiles and fiber products.

10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.

B. Laundry, dry cleaning, dyeing or rug cleaning plants.

C. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.

D. Offices associated with a use conditionally permitted in the LI Zone.

E. Sawmills.

2.110.04 Prohibited Uses

The following uses are expressly prohibited:

A. Adult Entertainment Businesses.

B. Any use permitted or conditionally permitted under Section 2.111 that is not specifically listed in this Section, and any use listed in Section 2.111.04.

C. Auto wrecking and junk or salvage yards.

D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products of substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:

1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.

2. Ammonia, chlorine, sodium compounds, toxics, and similar chemicals.

3. Celluloid or pyroxylin.

4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.

5. Explosives and radioactive materials.

6. Fertilizer, herbicides and insect poison.

F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.

G. Pulp mills and paper mills.

H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.

I. Leather tanneries.

J. General purpose solid waste landfills, incinerators, and other solid waste facilities.

2.110.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 sq. feet

2. Lot width at front property line: 100 feet

3. Lot width at building line: 100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: Twenty (20) feet, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.

2. Side yards: None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

3. Rear yard: None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

4. Corner lots: Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of the residential zone.

2.110.06 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 Chapters 5, 8 and 9.

2.110.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

Exhibit I: Pre-Application Conference Documentation

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

Pre-Application Conference Notes

File # PAC 2021-012 Sentinel Storage 3
Meeting Date – September 28, 2021
Staff Contact - Eric Rutledge
rutledgee@sherwoodoregon.gov
503-625-4242

Type IV Major Modification

Revised Final Notes dated 12-6-2021

The pre-application conference and notes cannot cover all code requirements and aspects that apply to the proposal. Failure of staff to provide information required by the code does not constitute a waiver of the applicable standards or requirements. It is recommended that a prospective applicant obtain and read the Zoning and Community Development Code and/or ask any questions of City staff relative to code requirements prior to submitting an application.

PROJECT SUMMARY

Proposed Project Name:	Sentinel Storage 3
Proposal Description:	Currently the subject site contains four storage buildings, a recreational vehicle (RV) parking canopy, site landscaping and associated improvements, and driveway access onto a private driveway and SW Langer Farms Parkway. The site is zoned Light Industrial – LI PUD. The applicant is considering removing the existing ±14,250 sf RV parking canopy and replacing it with an enclosed 3-story mini-storage building with a ground floor footprint of ±25,000 sf. The total building area will be approximately 75,000 SF.
Applicant:	Langer Storage 2, LLC 15585 SW Tualatin-Sherwood Rd. Sherwood, OR 97140
Property Owner:	Same as above
Site Address:	21900 SW Langer Farms Parkway
Tax Lot ID:	2S129DC000900
Land Use Designation:	Light Industrial PUD

APPLICATION TYPE, TIMELINE & FEES

Full details on application type, noticing, and public hearing procedures listed under 16.72

Application Type and Hearing Authority

Type IV Major Modification

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

Estimated Approval Timeline

- 30 day completeness review
- 30-45 days for public hearing date after application is deemed complete
- 14 day appeal period for all land use decisions

Land Use Fees

Fees as of July 1, 2021. Please confirm fees with staff prior to submittal as fee schedule is revised annually. Engineering plan review, building permit, and SDC fees separate.

- Major Modification to Approved Site Plan (Type IV) $2,667.12
- Final Site Plan Review $713.13
- Publication and Distribution of Type IV Notice $466

APPLICATION SUBMITTAL REQUIREMENTS

See attached form Land Use Application and Site Plan Review Checklist. A Neighborhood Meeting is required prior to submitting a Type IV land use application. Please see attached Neighborhood Meeting Packet and Virtual Neighborhood Meeting Guidelines.

Note: Applicants are encouraged to submit 4 full and reduced size paper copies and one electronic copy for completeness review. The full number of paper copies and one updated electronic copy will be required after the application is deemed complete

SUMMARY OF APPLICABLE CODE CRITERIA (SZCDC Title 16)

*These sections **must** be addressed in the narrative submitted with the land use application*

Division II. - LAND USE AND DEVELOPMENT		**Division VI. - PUBLIC INFRASTRUCTURE**	
Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS		Chapter 16.104 - GENERAL PROVISIONS	
Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS		Chapter 16.106 - TRANSPORTATION FACILITIES	**X**
Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS	**X**	Chapter 16.108 - IMPROVEMENT PLAN REVIEW	**X**
Chapter 16.36 - INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT		Chapter 16.110 - SANITARY SEWERS	**X**
Chapter 16.38 - SPECIAL USES		Chapter 16.112 - WATER SUPPLY	**X**
Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)		Chapter 16.114 - STORM WATER	**X**
Chapter 16.42 - HOME OCCUPATIONS		Chapter 16.116 - FIRE PROTECTION	**X**
Chapter 16.44 - TOWNHOMES		Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES	**X**
Chapter 16.46 - MANUFACTURED HOMES			
Chapter 16.48 - NON-CONFORMING USES		**Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS**	
Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS		Chapter 16.120 - SUBDIVISIONS	
Chapter 16.52 - ACCESSORY DWELLING UNITS		Chapter 16.122 - LAND PARTITIONS	
Chapter 16.54 - ADULT ENTERTAINMENT		Chapter 16.124 - PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS	
Chapter 16.56 - OTHER LAND USE ACTIONS		Chapter 16.126 - REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS	
Chapter 16.58 - CLEAR VISION AND FENCE STANDARDS		Chapter 16.128 - LAND DIVISION DESIGN STANDARDS	
Chapter 16.60 - YARD REQUIREMENTS			
Chapter 16.62 - CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES		**Division VIII. - ENVIRONMENTAL RESOURCES**	
Chapter 16.64 - DUAL USE OF REQUIRED SPACE		Chapter 16.134 - FLOODPLAIN (FP) OVERLAY	
Chapter 16.66 - TRANSPORTATION FACILITIES AND IMPROVEMENTS		Chapter 16.136 - PROCEDURES	
Chapter 16.68 - INFILL DEVELOPMENT STANDARDS		Chapter 16.138 - MINERAL RESOURCES	
		Chapter 16.140 - SOLID WASTE	
Division III. - ADMINISTRATIVE PROCEDURES		Chapter 16.142 - PARKS, TREES AND OPEN SPACES	
Chapter 16.70 - GENERAL PROVISIONS		Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS	
Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS	**X**	Chapter 16.146 - NOISE	**X**
Chapter 16.76 - APPEALS		Chapter 16.148 - VIBRATIONS	**X**
		Chapter 16.150 - AIR QUALITY	**X**
Division IV. - PLANNING PROCEDURES		Chapter 16.152 - ODORS	**X**
Chapter 16.80 - PLAN AMENDMENTS		Chapter 16.154 - HEAT AND GLARE	**X**
Chapter 16.82 - CONDITIONAL USES		Chapter 16.156 - ENERGY CONSERVATION	**X**
Chapter 16.84 - VARIANCES			
Chapter 16.86 - TEMPORARY USES		**Division IX. - HISTORIC RESOURCES**	
Chapter 16.88 - INTERPRETATION OF SIMILAR USES		Chapter 16.160 - SPECIAL RESOURCE ZONES	
		Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT	
Division V. - COMMUNITY DESIGN		Chapter 16.164 - LANDMARK REVIEW	
Chapter 16.90 - SITE PLANNING	**X**	Chapter 16.166 - LANDMARK DESIGNATION	
Chapter 16.92 - LANDSCAPING	**X**	Chapter 16.168 - LANDMARK ALTERATION 16.168.010 - PROCEDURES	
Chapter 16.94 - OFF-STREET PARKING AND LOADING	**X**	16.168.020 - ALTERATION STANDARDS	
Chapter 16.96 - ON-SITE CIRCULATION	**X**	16.168.030 - VARIANCES TO ALTERATION STANDARDS	
Chapter 16.98 - ON-SITE STORAGE	**X**		
Chapter 16.100 - PERMANENT SIGNS			
Chapter 16.102 - TEMPORARY, PORTABLE AND BANNER SIGNS			

STAFF COMMENTS ON APPLICABLE CRITERIA AND GENERAL REQUIREMENTS

The following comments are based on staff's review of the information provided on the pre-application form and accompanying attachments.

Summary of important issues / information:

Required Land Use Permits

- Type IV Major Modification to Approved Site Plan
  - An increase in the floor area or height proposed for non-residential use by more than ten (10) percent requires a Major Modification.
- Type I Final Site Plan Review

Zoning & Proposed Land Uses

- The proposed land use of self-storage is not permitted in the LI zone under the current development code; however, "mini-warehousing" was a permitted use on the site in 2012 when the subject property was created by subdivision (Case File SUB 12-012). Mini-warehousing or "self-storage" is therefore a permitted use on the site until August 28, 2022 pursuant to ORS 92.040.
  - To avoid the risk of an appeal on the timing of the 10-year vesting period, the applicant is encouraged to obtain a final local decision on the application before August 28, 2022, the expiration date of the 10-year vesting period under ORS 92.040.

Major Modification Site Plan Review

- The scope of review for a Major Modification is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification.
- A Neighborhood Meeting is required prior to submitting a Type III - V application. See attached Neighborhood Meeting and Virtual Neighborhood Meeting packets.
- The development is located along a collector street (SW Langer Farms Pkwy.) and the industrial design standards under SZCDC § 16.90.020(D)(7) apply to portions of the building visible from and within 200 ft. of the street.
  - Based on the preliminary plans a 124 ft. setback is proposed for the three-story building. The existing building height along SW Langer Farms Parkway is approximately 18 ft. and the proposed 3-story building will likely be visible from the street when approached from the north and south. Portions of the building visible from the street shall meet the industrial design standards.

Development Standards

- As proposed in the preliminary site plan, the development meets the development standards for the LI zone. The proposed building appears to be approximately 200 ft. from the nearest residential zone and the height requirement under Footnote 11 does not apply

Development Standards	LI Zone
Lot area - industrial uses:	10,000 SF
Lot area - commercial uses (subject to Section 16.31.050):	10,000 SF
Lot width at front property line:	100 feet
Lot width at building line:	100 feet
Front yard setback[11]	20 ft.
Side yard setback[10]	None
Rear yard setback[11]	None
Corner lot street side[11]	20 ft.
Height[11]	50 feet

[10] When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.
[11] Structures located within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

Landscaping

- The proposal does not appear to impact the on-site landscaping. No changes to the landscaping are required. New parking stalls added to the site would require parking lot landscaping.

Parking, Loading, and Maneuvering Areas

- A parking or loading zone is required outside of the new building to accommodate customers leaving their vehicle on the ground level while accessing the upper floor units. The applicant is encouraged to design a loading zone that meets the demand created by the new building while maintaining adequate emergency vehicle / fire apparatus circulation.

Utilities, Transportation, and Public Improvements

- Utilities, Stormwater, Transportation, and Public Improvement Requirements – please refer to the City of Sherwood Engineering Comments (attached)

AGENCY COMMENTS

City of Sherwood Engineering Comments
Please refer to the attached City of Sherwood Engineering comments from Craig Christensen, P.E. For questions contact christensenc@sherwoodoregon.gov / 503-925-2301

City of Sherwood Building Division
No written comments provided. Please contact Scott McKie, Building Official, with building code questions at mckies@sherwoodoregon.gov / 503-625-4217

Tualatin Valley Fire & Rescue Comments
No written comments provided. Please Contact Ty Darby at ty.darby@tvfr.com / 503-259-1409

APPLICANT QUESTIONS

Land Use
1. Please confirm that the site plan shown is acceptable, given the requirements of the City of Sherwood Zoning and Community Development Code (SZCDC).

The proposed site plan appears to meet the development standards (height, setback, etc.) of the Light Industrial zone.

2. Please discuss the process for a site plan modification of this type (City of Sherwood Local File no. MLP 16-02 and SP16-06).

A Major Modification is required. See details above.

3. Please confirm the existing use (self-storage) is permitted under Oregon Revised Statutes (ORS) 92.040 and the existing site approvals (City of Sherwood Local File No. MLP 16-02 and SP 16-06).

See response in notes above. The proposed use of self-storage is permitted outright on the site until August 28, 2022.

4. Are there any special building construction requirements (per the building code) for the planned ±75,000 sf building, aside from fire sprinklers and aerial apparatus access?

Please contact Scott McKie (Sherwood Building Official) and Ty Darby (Deputy Fire Marshal). No written comments were provided.

5. Please confirm the applicable minimum building setbacks and how they will be applied to the new building shown on the Preliminary Plans.

See comments above.

6. Please confirm the maximum floor area ratio and/or lot coverage requirements, if any.

No FAR or lot coverage standards are applicable.

7. The nature of the land use will remain the same (self-storage) and requires few parking spaces. Please confirm the parking requirements for the project will remain unchanged.

No new parking stalls will be required if adequate loading is provided outside of the new building.

8. Please confirm the existing site elements (trash roll-can service, 30% tree canopy, landscaping, etc.) will continue to be in conformance with City standards.

No issues were identified related to existing site improvements and landscaping.

9. Please let us know if any additional studies or analyses are necessary. Is a transportation impact study (TIS) required for this project?

A photometric plan is required with the land use submittal. A Geotech report may be required with the building permit application submittal (contact Scott McKie). No additional studies are anticipated.

10. Please confirm the applicability of the commercial/industrial design matrices.

The proposed building is within 200 ft. of a collector street and at 3 stories will be visible from the collector street. The building is required to comply with the industrial design standards.

11. Please discuss the anticipated review process and timelines for this application.

See above.

12. Please discuss all application fees (Land Use, SDCs, TDTs, etc.).

See above for land use fees. SDC fees can be determined using the link below. Building permit fees can be determined by contacting the Building Dept. See contact info for Karen Abdill below.

https://www.sherwoodoregon.gov/engineering/page/system-development-charges-sdc

13. Please discuss any future changes to the Zoning and Community Development Code and what impact those Code changes may have on this project.

No changes are anticipated that would impact this project

Street/Transportation/Circulation
14. Please confirm the site circulation (minimum 25-foot drive aisles) as shown on the Preliminary Plans is sufficient and meets City standards.

Two-way industrial drive aisles are required to be 24 ft. wide. The site plan should consider fire apparatus access requirements and any new loading zones to serve the building.

15. Please confirm the existing site access is permitted to remain unchanged.

No changes are anticipated to the access.

Public Services/Utilities/Natural Resources
16. CWS R&O 19-5 lists "*Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) are not included in the definition of development (See 1.03.15.b.2 of R&O 19-5). ORS 92.040(2) reads After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise*." The project site is part of the Langer Farms Subdivision which was submitted on March 30, 2012. The stormwater regulations in effect at the time of the subdivision application, was Clean Water Services R&O 07-20, therefore, R7O 07-20 should govern 'development' on this property. Please confirm the project does not meet the definition of 'development' per CWS R&O 19-5.

Please refer to the City of Sherwood Engineering comments.

17. Are there any special requirements or considerations for connecting to public services?

Please refer to the City of Sherwood Engineering comments.

Contact Information and Helpful Links

PLANNING DEPARTMENT INFORMATION

Colleen Resch, Planning Technician	reschc@sherwoodoregon.gov / 503-625-4223
Eric Rutledge, Associate Planner	rutledgee@sherwoodoregon.gov / 503-625-4242
Joy Chang, Senior Planner	changj@sherwoodoregon.gov / 503-625-4214

Current Project Page:
https://www.sherwoodoregon.gov/projects?tid=All&field_project_status_value=All&field_project_type_tid=93&keys=&=Apply

Planning Applications and Checklists:
https://www.sherwoodoregon.gov/planning/page/land-use-applications-and-checklists

ENGINEERING DEPARTMENT INFORMATION

Jo Guediri, Engineering Program Associate	guedirij@sherwoodoregon.gov / 503-925-2309
Craig Christensen, Civil Engineer P.E.	christensenc@sherwoodoregon.gov / 503-925-2301
Bob Galati, City Engineer P.E.	galatib@sherwoodoregon.gov / 503-925-2303

FOR WATER FLOW INFORMATION: RICH SATTLER sattlerr@sherwoodoregon.gov

Engineering Department Home Page: https://www.sherwoodoregon.gov/engineering

Permit Process Packet: www.sherwoodoregon.gov/engineering/page/eng-permit-process-packet-forms

System Development Charges (SDC) Information:
https://www.sherwoodoregon.gov/engineering/page/system-development-charges-sdc

BUILDING DEPARTMENT INFORMATION

Karen Abdill, Lead Building Permit Specialist	abdillk@sherwoodoreong.gov / 503-625-4226
Scott McKie, Building Official	mckies@sherwoodoregon.gov / 503-625-4217

Building Department Home Page: https://www.sherwoodoregon.gov/building

Building Permit Forms: https://www.sherwoodoregon.gov/building/page/permit-forms

Exhibit J: Washington County Assessor's Map

LU 2022-004 Appeal
Attachment 3

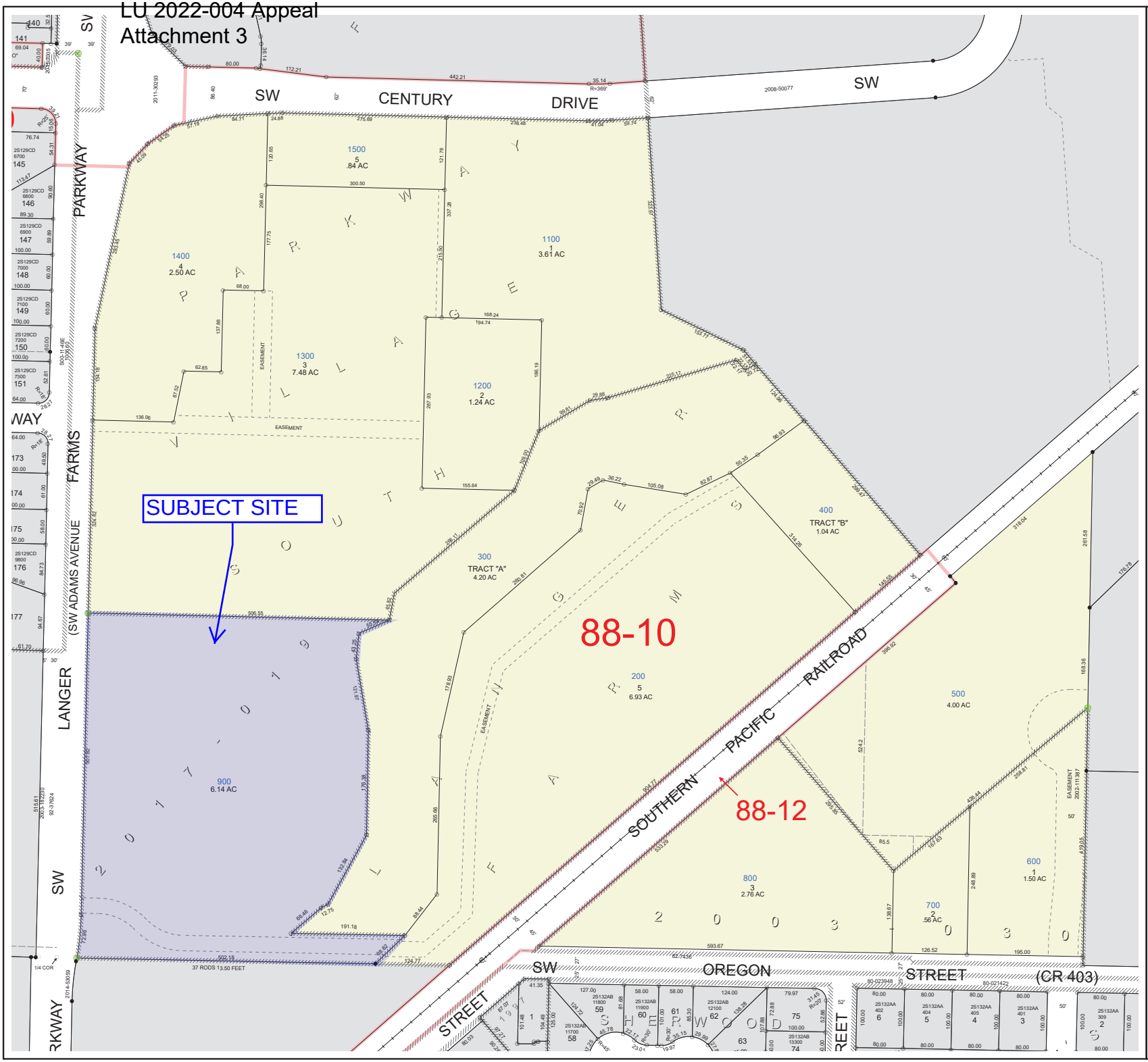
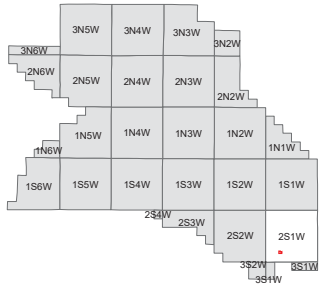


Exhibit A

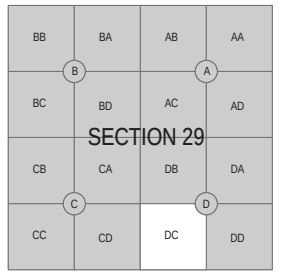
2S129DC



WASHINGTON COUNTY OREGON
SW 1/4 SE 1/4 SECTION 29 T2S R1W W.M.
SCALE 1"= 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S129DC
100,1000,

Feet
0 50 100 200 300

Assessment CARTOGRAPHY Taxation

PLOT DATE: 2/18/2021
Rotation: 0
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

SHERWOOD
2S129DC

Digmap

Exhibit K: Preliminary Stormwater Report

Sentinel Storage Annex II
Site Modification
Sherwood, Oregon

Stormwater Report

Date: February 2022

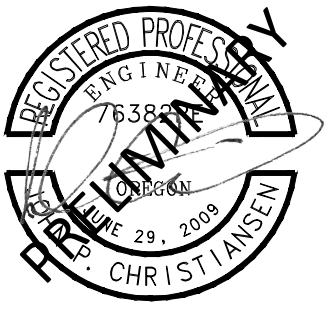
Client: Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Road
Sherwood, OR 97140

Engineering Contact: John Christiansen, PE, CWRE - Principal
(503) 563-6151 | johnc@aks-eng.com

Prepared By: Andreas Collins
(503) 563-6151 | collinsa@aks-eng.com

Engineering Firm: AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

AKS Job Number: 4668-01



AKS ENGINEERING & FORESTRY

www.aks-eng.com

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3.0 Regulatory Design Criteria 2
3.1 Stormwater Quantity 2
3.2 Hydromodification 2
3.3 Stormwater Quality 3
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5.1 Design Storms 4
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5.2.2 Land Use 4
5.3 Soil Type 5
5.4 Post-Developed Site Conditions 5
5.4.1 Site Topography 5
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5.4.3 Description of Off-Site Contributing Basins 5
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Appendix B: Post-Developed Basin Maps
Appendix C: Predeveloped and Post-Developed HydroCAD Analysis
Appendix D: NRCS Soil Resource Report
Appendix E: TR55 Runoff Curve Numbers
Appendix F: Post-Development Catchment Basins Map from Langer Farms Regional Facility Final Stormwater Report, Prepared by AKS Engineering (with annotations)

Preliminary Stormwater Report
SENTINEL STORAGE ANNEX II SITE MODIFICATION
SHERWOOD, OREGON

1.0 Purpose of Report
The purpose of this report is to analyze the effects the proposed development will have on the existing stormwater conveyance system; document the criteria, methodology, and informational sources used to design the proposed stormwater system; and present the results of the preliminary hydraulic analysis.

2.0 Project Location/Description
The proposed improvements are positioned on the western half of Sentinel Storage Annex II, located at 21900 SW Langer Farms Pkwy, Sherwood, Oregon 97140 (Tax Lot 900, Washington County Assessor's Map 2S 1 29DC).

The proposed project consists of the replacement of an existing recreational vehicle storage canopy with an enclosed self-storage building. The site improvements will include the construction of a new stormwater detention facility and associated underground utilities.

The stormwater facility will use a detention pipe and flow control manhole designed to provide detention per the Clean Water Services (CWS) hydromodification standards.

3.0 Regulatory Design Criteria
3.1 Stormwater Quantity
Per *CWS Design and Construction Standards Manual for Sanitary Sewer and Surface Water Management* (R&O 19-5, as amended by R&O 19-22), Section 4.02.1, Mitigation Requirement, the District or City shall determine which of the following techniques may be used:

a. *Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this Chapter; or*

b. *Enlargement or improvement of the downstream conveyance system in accordance with this Chapter and Chapter 5; or*

c. *Payment of a Storm and Surface Water Management System Development Charge (SWM SDC), as provided in CWS Ordinance 28, which includes a water quantity component to meet these requirements. If district or City requires that an on-site detention facility be constructed, the development shall be eligible for a credit against SWM SDC fees, as provided in District Ordinance and Rules.*

Per R&O 19-5, as amended by R&O 19-22, Section 4.02.2, Criteria for Requiring On-Site Detention for Conveyance Capacity, on-site detention is required when any of the following conditions exist:

1. *There is an identified downstream deficiency and the District or City determines that detention rather than conveyance system enlargement is the more effective solution.*

2. *There is an identified regional detention site within the boundary of the development.*

3. *Water quantity facilities are required by District-adopted watershed management plans or subbasin master plans or District- approved subbasin strategy.*

3.2 Hydromodification
Per R&O 19-5, as amended by R&O 19-22, Section 4.03, Hydromodification Approach Requirements, implementing or funding techniques to reduce impacts to the downstream receiving water body is

required when a new development or other activities create or modify 1,000 square feet or more of impervious surfaces or increase the amount or rate of surface water leaving the site. The funding can be directed, or the following techniques can be implemented to reduce impacts to the downstream receiving water body:

a. Construction of permanent LIDA designed in accordance with this Chapter; or

b. Construction of a permanent stormwater detention facility designed in accordance with this Chapter; or

c. Construction or funding of a hydromodification approach that is consistent with a District-approved subbasin strategy; or

d. Payment of a Hydromodification Fee-In-Lieu.

Per R&O 19-5, as amended by R&O 19-22, Section 4.03.3, the receiving reach for this project is Rock Creek. The Risk Level for the receiving reach identified for this project is Low. The Development Class was determined using the Hydromodification Map provided by CWS. The project site is classified as a Developed Area. Per Section 4.08.1, Impervious Area Used in Design, the project site is classified as a Medium Project as it is greater than 12,000 and less than 80,000 square feet. Using these input parameters, per Table 4-2, Hydromodification Approach Project Category Table (shown below), the project falls within Category 2. See details in the appendices of this report for further information.

TABLE 4-2
HYDROMODIFICATION APPROACH PROJECT CATEGORY TABLE

<table>
<tr><th>Development Class/ Risk Level</th><th>Small Project 1,000 – 12,000 SF</th><th>Medium Project >12,000 – 80,000 SF</th><th>Large Project > 80,000 SF</th></tr>
<tr><td>Expansion/High</td><td rowspan="6">Category 1</td><td rowspan="2">Category 3</td><td rowspan="3">Category 3</td></tr>
<tr><td>Expansion/ Moderate</td></tr>
<tr><td>Expansion/ Low</td><td>Category 2</td></tr>
<tr><td>Developed/ High</td><td>Category 3</td></tr>
<tr><td>Developed/ Moderate</td><td rowspan="2">Category 2</td><td rowspan="2">Category 2</td></tr>
<tr><td>Developed/ Low</td></tr>
</table>

Table 4-2 from R&O 19-5, as amended by R&O 19-22

Per R&O 19-5, as amended by R&O 19-22, Section 4.03.5b, Hydromodification Approach Selection – Category 2, any of the following options may be used to address hydromodification:

1. *Infiltration facility, using the Standard LIDA Sizing, described in Section 4.08.5; or*
2. *Peak-Flow Matching Detention, using design criteria described in Section 4.08.6; or*
3. *Combination of Infiltration facility and Peak-Flow Matching Detention, using criteria described in Section 4.08.5 and 4.08.6; or*
4. *Any option listed in Category 3.*

3.3 Stormwater Quality

Per R&O 19-5, as amended by R&O 19-22, Section 4.04, Water Quality Treatment Requirements, implementing or funding a permanent water quality approach is required when a new development or

other activities create or modify 1,000 square feet or more of impervious surfaces, or increase the amount of stormwater runoff or pollution leaving the site. Unless there is a more efficient and effective regional approach within the subbasin that was designed to incorporate the development, or there is an approach in the subbasin which is demonstrated to have the capacity to treat the site.

A drainage report, titled *Langer Farms Regional Stormwater Facility Final Stormwater Report (Regional Facility Report)* and dated May 2013 by AKS Engineering, LLC (AKS), was prepared for the Langer Farms Regional Stormwater Facility (Regional Facility) constructed during the summer of 2013. Based on the information provided in the report, the subject site was included within the planning area of the Regional Facility. The previous report includes an exhibit that shows the "Area to be Treat by Regional Stormwater Facility." An annotated version of this exhibit highlighting the subject site is included in Appendix A of this report. Therefore, the Sentinel Storage Annex II Site Modification will utilize the existing Regional Facility for Stormwater quality management.

4.0 Design Methodology

The Santa Barbara Urban Hydrograph (SBUH) Method was used to analyze stormwater runoff from the site. This method uses the Soil Conservation Service (SCS) Type 1A 24-hour design storm. HydroCAD 10.00-22 computer software aided in the analysis. Representative runoff curve numbers (CN) were obtained from the Natural Resources Conservation Service (NRCS) *Technical Release 55* and are included in the appendices.

5.0 Design Parameters

5.1 Design Storms

Stormwater mains, inlets, and laterals for the site are placed at locations that adequately collect and convey the stormwater for the proposed improvements. Per R&O 19-5, as amended by R&O 19-22, Section 5.05.2, the stormwater analysis used the 24-hour design storm for the evaluation and design of the existing and proposed stormwater facilities. The following 24-hour rainfall intensities from CWS Standard Drawing No. 1280 were used as the design storms for the recurrence interval:

Table 5-1: Rainfall Intensities

Recurrence Interval (Years)	Total Precipitation Depth (Inches)
2	2.50
5	3.10
10	3.45
25	3.90

5.2 Predeveloped Site Conditions

5.2.1 Site Topography

Existing on-site grades generally vary from ±1 to 5 percent, with most of the site draining towards catch basins at local low points on site. The site elevations range from ±203 feet to ±193 feet above mean sea level (AMSL).

5.2.2 Land Use

The existing site consists of mini storage buildings, recreational vehicle storage canopy, asphalt drive isles, and landscaping.

5.3 Soil Type

The soil beneath the project area is classified as Quatama Loam, according to the NRCS Web Soil Survey for Washington County. The following table outlines the Hydrologic Soil Group rating for the soil type:

Table 5-2: Hydrologic Soil Group Ratings

NRCS Map Unit Identification	NRCS Soil Classification	Hydrologic Soil Group Rating
37A	Quatama Loam	C
37B	Quatama Loam	C

Further information on this soil type is included in the NRCS Soil Resource Report located in the appendices of this report.

5.4 Post-Developed Site Conditions

5.4.1 Site Topography

The on-site slopes will remain largely the same but will be modified to accommodate the construction of the new enclosed self-storage building. All stormwater from the modified impervious area will be collected by new or existing stormwater infrastructure and will not impact surrounding properties.

5.4.2 Land Use

The site's land use will remain unchanged.

5.4.3 Description of Off-Site Contributing Basins

The surrounding properties do not direct any stormwater runoff towards the development area.

6.0 Stormwater Analyses

6.1 Proposed Stormwater Conduit Sizing and Inlet Spacing

The proposed storm system pipes will be sized using Manning's equation to convey the peak flows from the 25-year storm event.

6.2 Proposed Stormwater Quality Control Facility

This project is comprised of redevelopment. Therefore, per R&O 19-5, as amended by R&O 19-22, Section 4.08, Stormwater Management Approach Sizing, the impervious area requiring treatment is defined as: "all new impervious and three times the modified impervious surface, up to the total existing impervious surface on the site". A regional facility constructed in 2013 provides water quality treatment for the total onsite impervious area of the Sentinel Storage Annex II. Since this project is comprised entirely of redeveloped impervious area and the regional facility already provides treatment for the total onsite impervious no additional water quality improvements area required.

6.3 Hydromodification

The proposed site improvements will reduce impacts to the downstream receiving water body by implementing an underground detention pipe and flow control manhole designed per CWS standards. Per R&O 19-5, as amended by R&O 19-22, Section 4.03.5b, Hydromodification Approach Selection – Category 2, hydromodification will be met to the fullest potential of the site by peak-flow matching. Post-developed runoff rates from the site will not exceed the predeveloped runoff rates for the 2-year, 5-year, 10-year, and 25-year design storms, when on-site stormwater infrastructure is accounted for.

6.4 Proposed Stormwater Quantity Control Facility

The proposed on-site improvements will use an underground detention pipe to provide detention for runoff from the redeveloped impervious areas, per CWS standards.

Basin 4.3-M and 4.4-M are composed of modified impervious area whose runoff will be collected and detained in the new underground detention pipe. All runoff from Basins 4.3-M and 4.4-M will be detained, with the allowable release meeting stormwater quantity mitigation requirements.

Allowable releases from Basins 4.3-M and 4.4-M will be reduced to or below 50 percent of the 2, 2, 5, 10, and 25-year storm events.

See Equations 1 & 2 for additional information regarding the allowable release rate for each storm event. Equation 1 defines the allowable release for only 50 percent of the 2-year storm event analysis, while Equation 2 defines the allowable release for the remainder of the storm events.

Equation 1: 50 percent of the 2-Year Storm Only

$$Allowable = 4.3E + 4.4E + \frac{4.3M + 4.4M}{2}$$

$$Allowable\ (50\%\ of\ 2\ Year) = 0.35\ cfs + 0.58 + \frac{(0.04\ cfs + 0.05\ cfs)}{2} = 0.98\ cfs$$

Equation 2: 2, 5, 10, and 25-year Storm Events

$$Allowable = 4.3E + 4.4E + 4.3M = 4.4M$$

cubic feet per second = cfs

Basins 4.3E and 4.4E are captured by the same area drains as Basins 4.3M and 4.4M. Therefor they are included in the pre to post flow comparison calculations.

Table 6-1: Stormwater Runoff Flow Summary

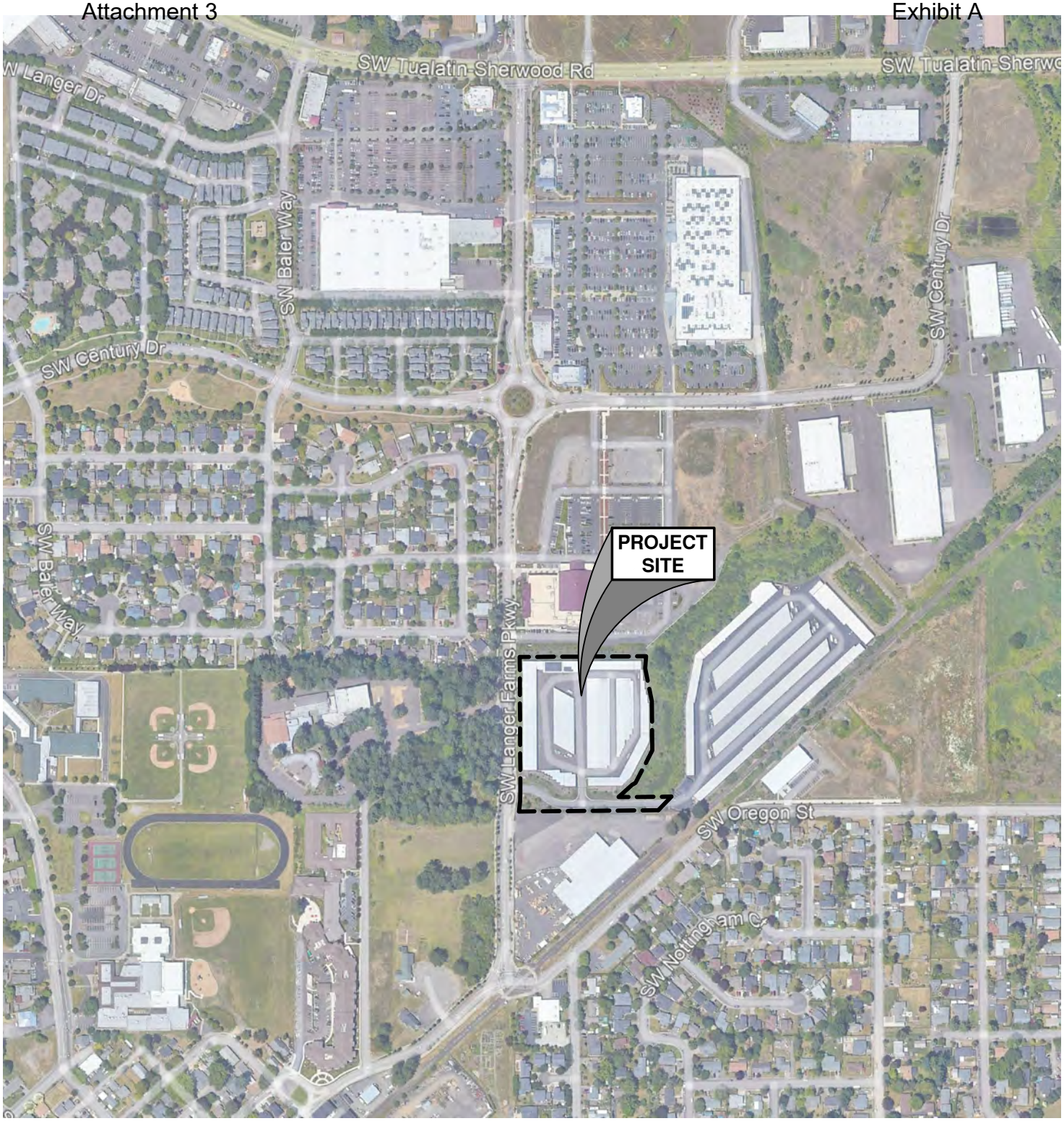
Storm Event	Predeveloped Flows from Areas to be Collected (cfs)	Post-Developed Detained Flows (cfs)	Difference (cfs)
50% of 2-year	0.98	0.98	-0.00
2-year	1.01	0.98	-0.03
5-year	1.33	1.29	-0.04
10-year	1.52	1.46	-0.06
25-year	1.77	1.77	0.00

6.5 Downstream Analysis

On-site detention is being provided, resulting in post-developed release rates that are equal to or less than the predeveloped conditions. Therefore, this development will not increase impacts nor reduce capacities in the downstream system. Consequently, a downstream analysis is not required for the project site.

Before entering the public system, all stormwater runoff for the development area will be detained by a new stormwater detention facility. Stormwater will then be conveyed via the existing stormwater

Appendix A: Vicinity Map



SCALE 1" = 500 FEET

500 0 200 300 400 500

DATE: 02/16/2022

VICINITY MAP	EXHIBIT A
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com	DRWN: APC CHKD: JPC AKS JOB: 4668-01

DWG: 4668-01 VICINITY MAP | VICINITY MAP

Appendix B: Post-Developed Basin Maps

Exhibit A

BASIN LIMITS (TYP)

TAX LOT 900
TAX MAP 2S 1 29DC
EXISTING BUILDING

4.3E

FLOW ARROW (TYP)

4.3M
NEW BUILDING

4.3E

4.4M

1P

EXISTING BUILDING

EXISTING BUILDING

4.4E

EXISTING BUILDING

PRIVATE DRIVE

SW LANGER FARMS PARKWAY

LEGEND

EXISTING CONTOUR (1-FT)	434
EXISTING CONTOUR (5-FT)	435
FINISHED CONTOUR (1-FT)	434
FINISHED CONTOUR (5-FT)	435
SUBBASIN DELINEATION	
SUBBASIN	XX
STORMWATER POND	X
FLOW ARROW	

DATE: 02/16/2022

POST-DEVELOPED SITE STORMWATER CATCHMENT MAP

EXHIBIT **B**

SENTINEL STORAGE ANNEX II MODIFICATION

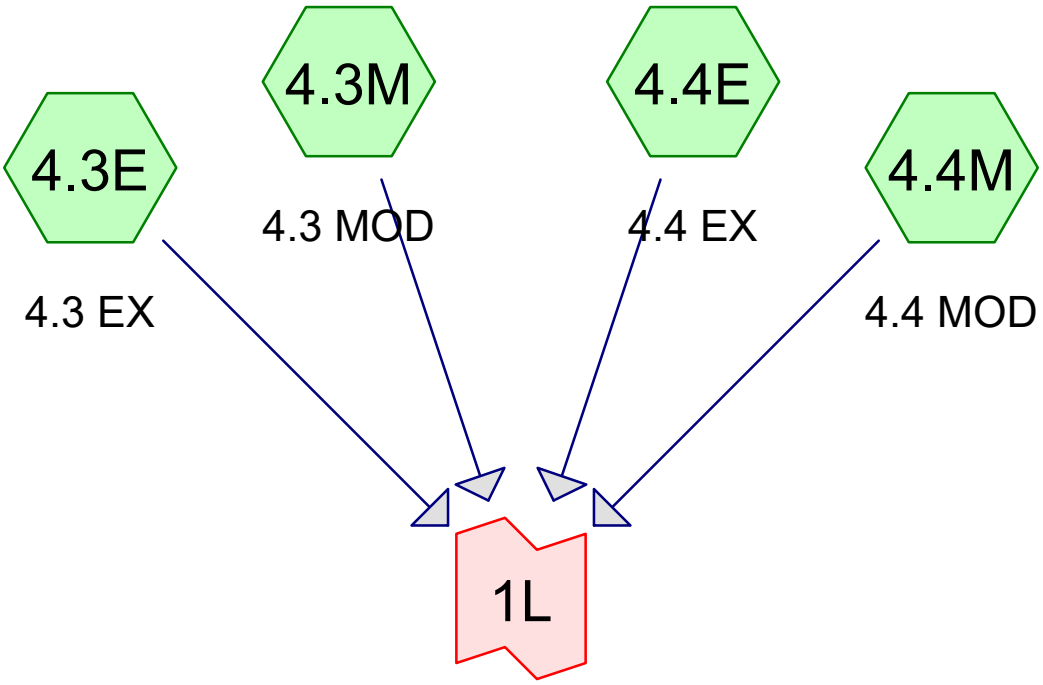
AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
P: 503.563.6151 F: 503.563.6152 aks-eng.com

DRWN: APC
CHKD: JPC
AKS JOB: 4668-01

DWG: 4668-01 POST DEV | P07

Appendix C: Predeveloped and Post-Developed HydroCAD Analysis

Pre-Developed HydroCAD Analysis



Flow Summary

Subcat Reach Pond Link

Routing Diagram for 4668-01 Pre-DEV
Prepared by {enter your company name here}, Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

4668-01 Pre-DEV
Prepared by {enter your company name here} Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
1.610	98	Roof/Drive Aisle (4.3E, 4.4E)
0.890	75	Roof/Drive Aisle (4.3M, 4.4M)
2.500	**90**	**TOTAL AREA**

4668-01 Pre-DEV *Type IA 24-hr 2-YR Rainfall=2.50"*
Prepared by {enter your company name here} Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SBUH method, Split Pervious/Imperv.
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment4.3E: 4.3 EX Runoff Area=26,357 sf 100.00% Impervious Runoff Depth=2.27"
Tc=5.0 min CN=0/98 Runoff=0.35 cfs 0.114 af

Subcatchment4.3M: 4.3 MOD Runoff Area=17,554 sf 0.00% Impervious Runoff Depth=0.65"
Tc=5.0 min CN=75/0 Runoff=0.04 cfs 0.022 af

Subcatchment4.4E: 4.4 EX Runoff Area=43,771 sf 100.00% Impervious Runoff Depth=2.27"
Tc=5.0 min CN=0/98 Runoff=0.58 cfs 0.190 af

Subcatchment4.4M: 4.4 MOD Runoff Area=21,198 sf 0.00% Impervious Runoff Depth=0.65"
Tc=5.0 min CN=75/0 Runoff=0.05 cfs 0.026 af

Link 1L: Flow Summary Inflow=1.01 cfs 0.353 af
Primary=1.01 cfs 0.353 af

Total Runoff Area = 2.500 ac Runoff Volume = 0.353 af Average Runoff Depth = 1.69"
35.59% Pervious = 0.890 ac 64.41% Impervious = 1.610 ac

Summary for Subcatchment 4.3E: 4.3 EX

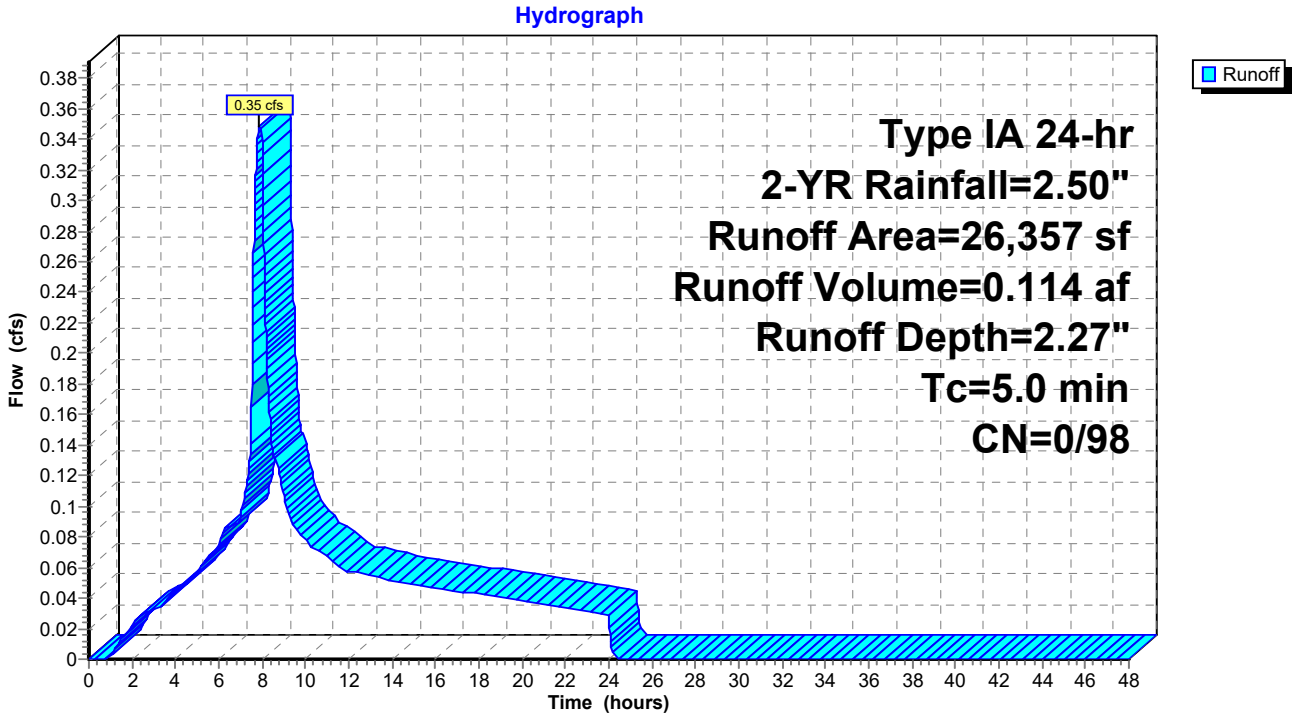
Runoff = 0.35 cfs @ 7.88 hrs, Volume= 0.114 af, Depth= 2.27"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

	Area (sf)	CN	Description
*	26,357	98	Roof/Drive Aisle
	26,357		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3E: 4.3 EX



Summary for Subcatchment 4.3M: 4.3 MOD

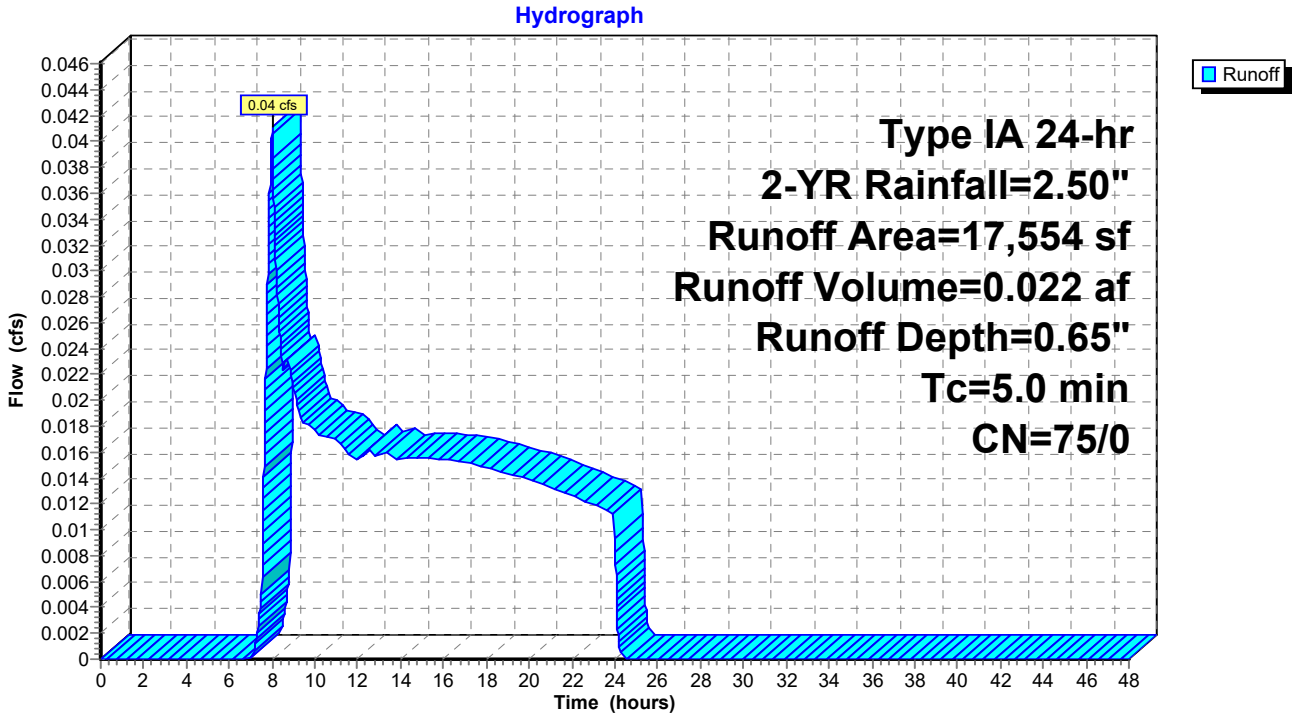
Runoff = 0.04 cfs @ 8.00 hrs, Volume= 0.022 af, Depth= 0.65"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

	Area (sf)	CN	Description
*	17,554	75	Roof/Drive Aisle
	17,554		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3M: 4.3 MOD



Summary for Subcatchment 4.4E: 4.4 EX

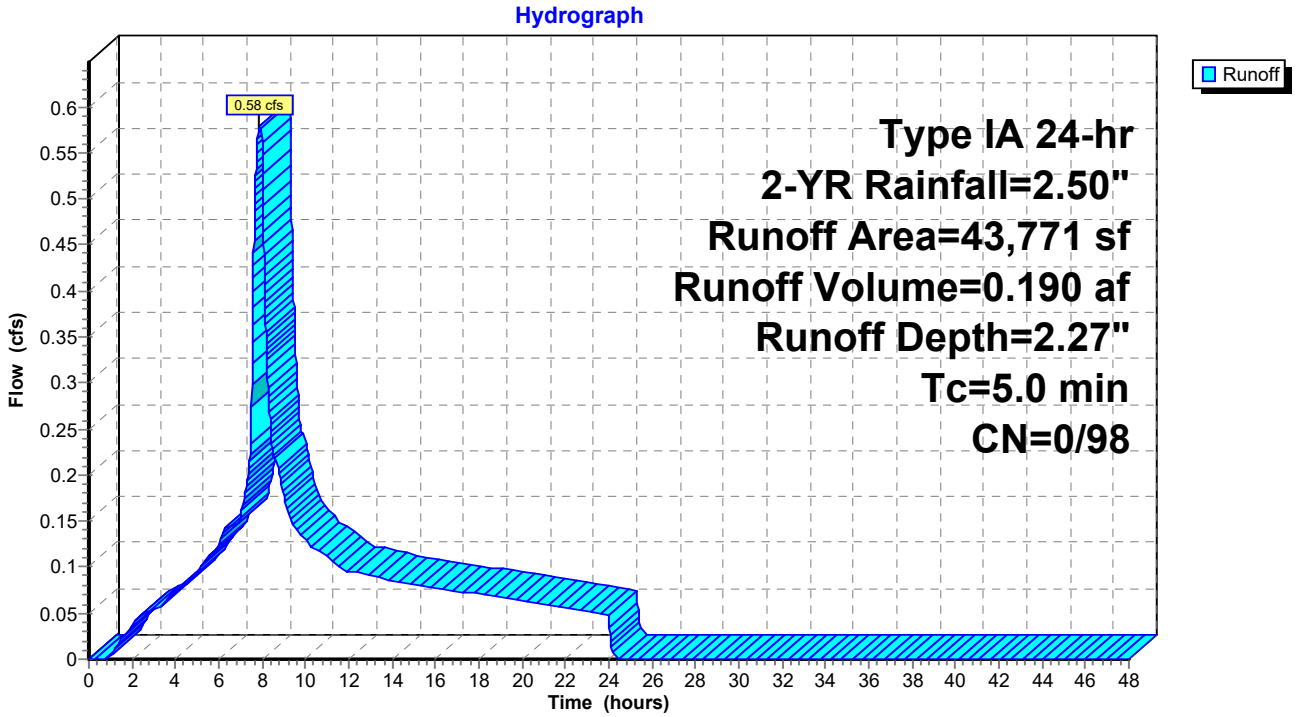
Runoff = 0.58 cfs @ 7.88 hrs, Volume= 0.190 af, Depth= 2.27"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

	Area (sf)	CN	Description
*	43,771	98	Roof/Drive Aisle
	43,771		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4E: 4.4 EX



Summary for Subcatchment 4.4M: 4.4 MOD

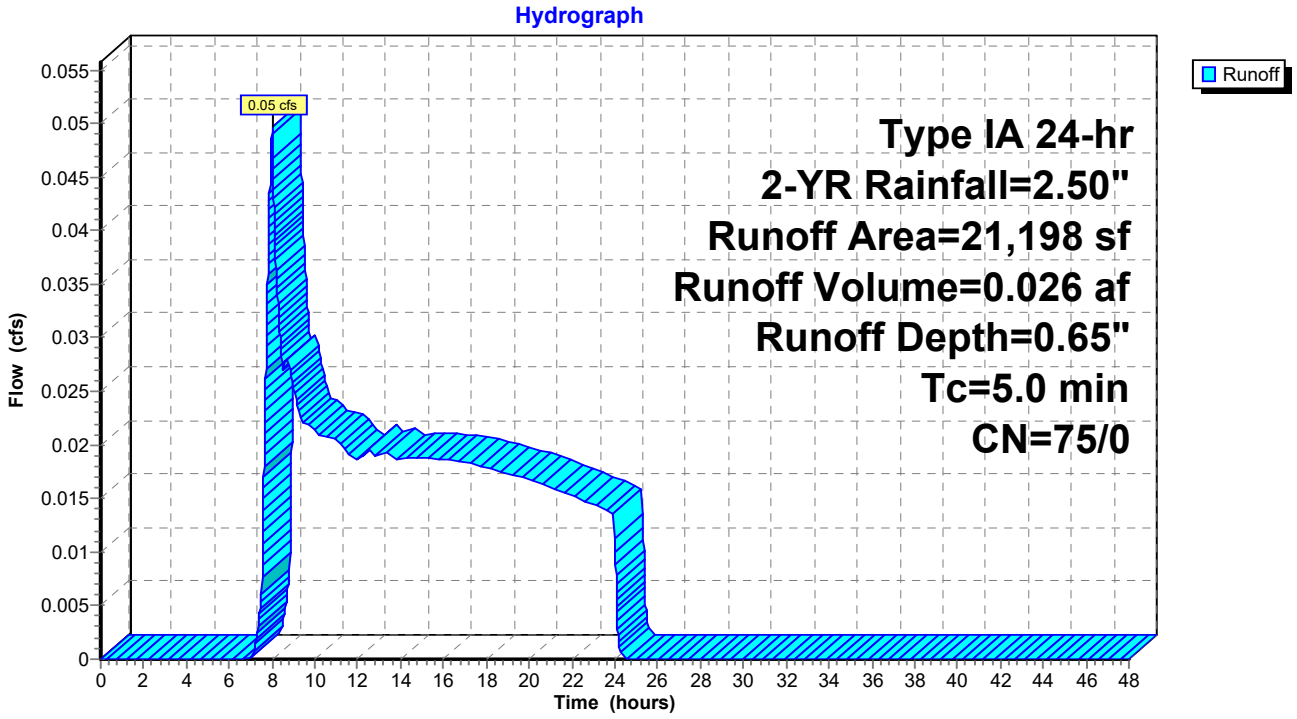
Runoff = 0.05 cfs @ 8.00 hrs, Volume= 0.026 af, Depth= 0.65"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

	Area (sf)	CN	Description
*	21,198	75	Roof/Drive Aisle
	21,198		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4M: 4.4 MOD

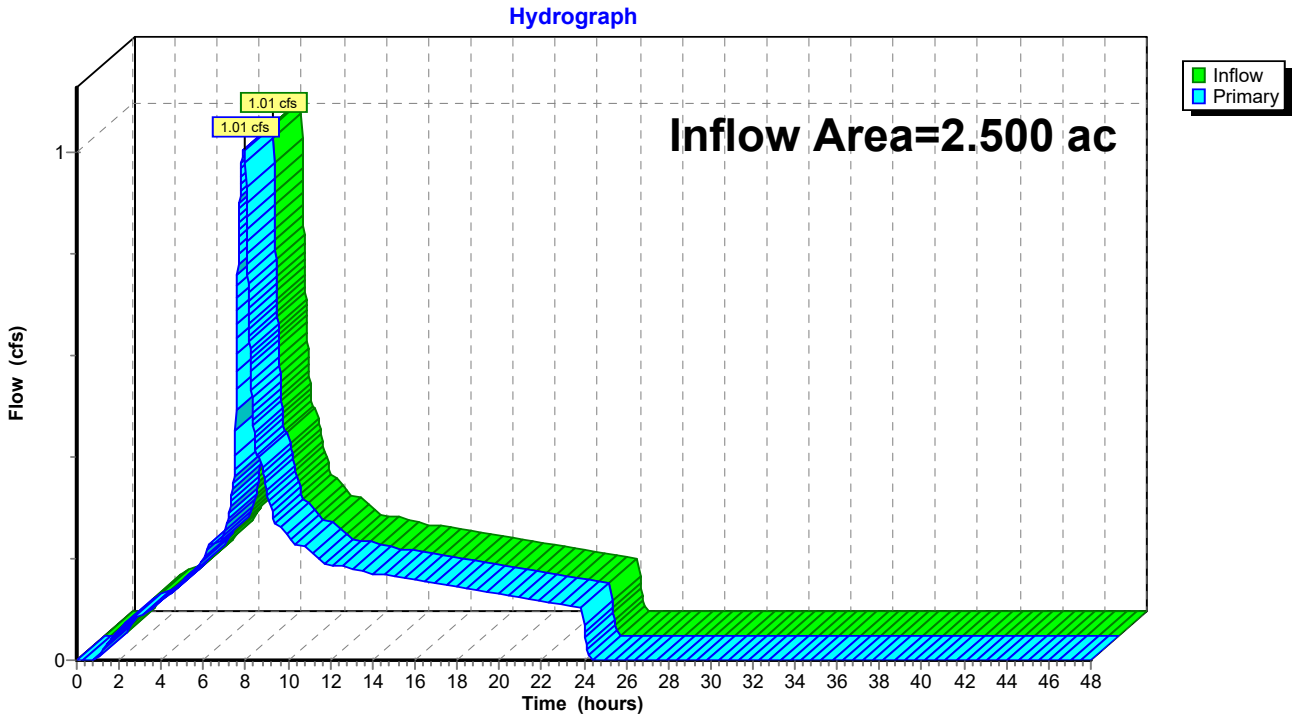


Summary for Link 1L: Flow Summary

Inflow Area = 2.500 ac, 64.41% Impervious, Inflow Depth = 1.69" for 2-YR event
Inflow = 1.01 cfs @ 7.91 hrs, Volume= 0.353 af
Primary = 1.01 cfs @ 7.91 hrs, Volume= 0.353 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 1L: Flow Summary



Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SBUH method, Split Pervious/Imperv.
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment4.3E: 4.3 EX Runoff Area=26,357 sf 100.00% Impervious Runoff Depth=2.87"
Tc=5.0 min CN=0/98 Runoff=0.44 cfs 0.145 af

Subcatchment4.3M: 4.3 MOD Runoff Area=17,554 sf 0.00% Impervious Runoff Depth=1.03"
Tc=5.0 min CN=75/0 Runoff=0.08 cfs 0.034 af

Subcatchment4.4E: 4.4 EX Runoff Area=43,771 sf 100.00% Impervious Runoff Depth=2.87"
Tc=5.0 min CN=0/98 Runoff=0.73 cfs 0.240 af

Subcatchment4.4M: 4.4 MOD Runoff Area=21,198 sf 0.00% Impervious Runoff Depth=1.03"
Tc=5.0 min CN=75/0 Runoff=0.10 cfs 0.042 af

Link 1L: Flow Summary Inflow=1.33 cfs 0.461 af
Primary=1.33 cfs 0.461 af

Total Runoff Area = 2.500 ac Runoff Volume = 0.461 af Average Runoff Depth = 2.21"
35.59% Pervious = 0.890 ac 64.41% Impervious = 1.610 ac

Summary for Subcatchment 4.3E: 4.3 EX

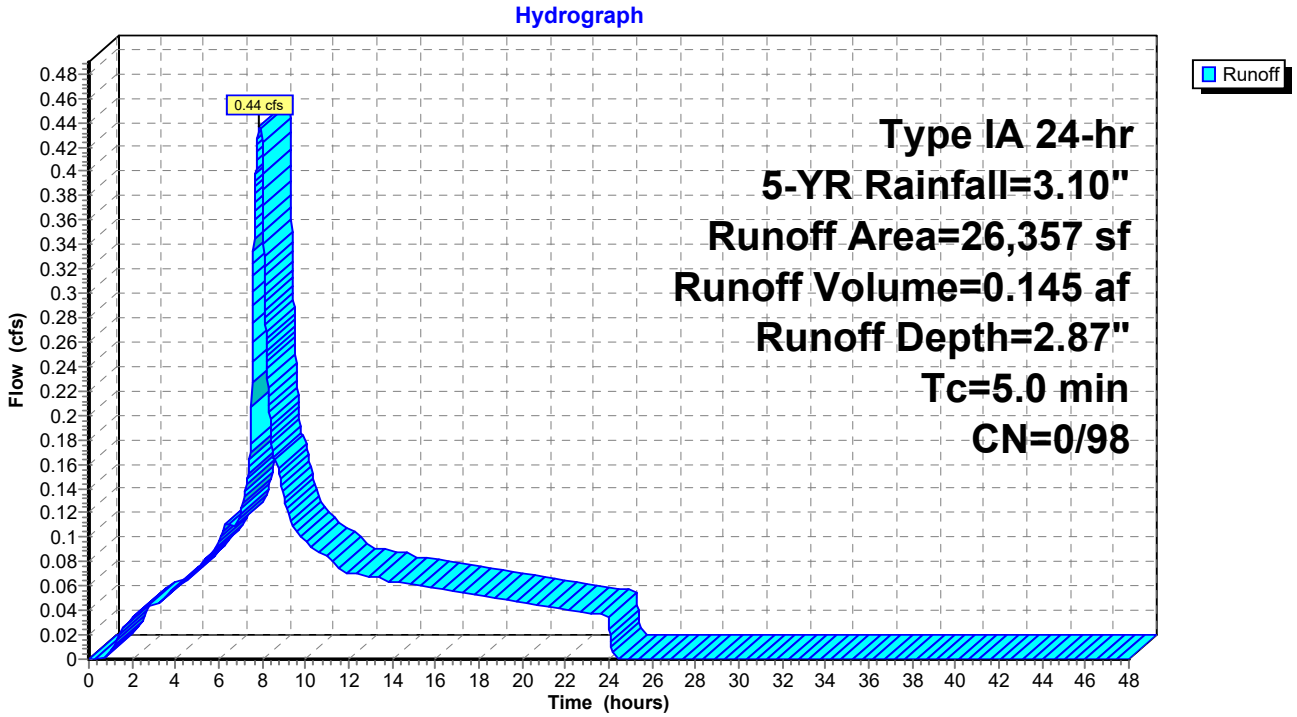
Runoff = 0.44 cfs @ 7.88 hrs, Volume= 0.145 af, Depth= 2.87"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-YR Rainfall=3.10"

	Area (sf)	CN	Description
*	26,357	98	Roof/Drive Aisle
	26,357		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3E: 4.3 EX



Summary for Subcatchment 4.3M: 4.3 MOD

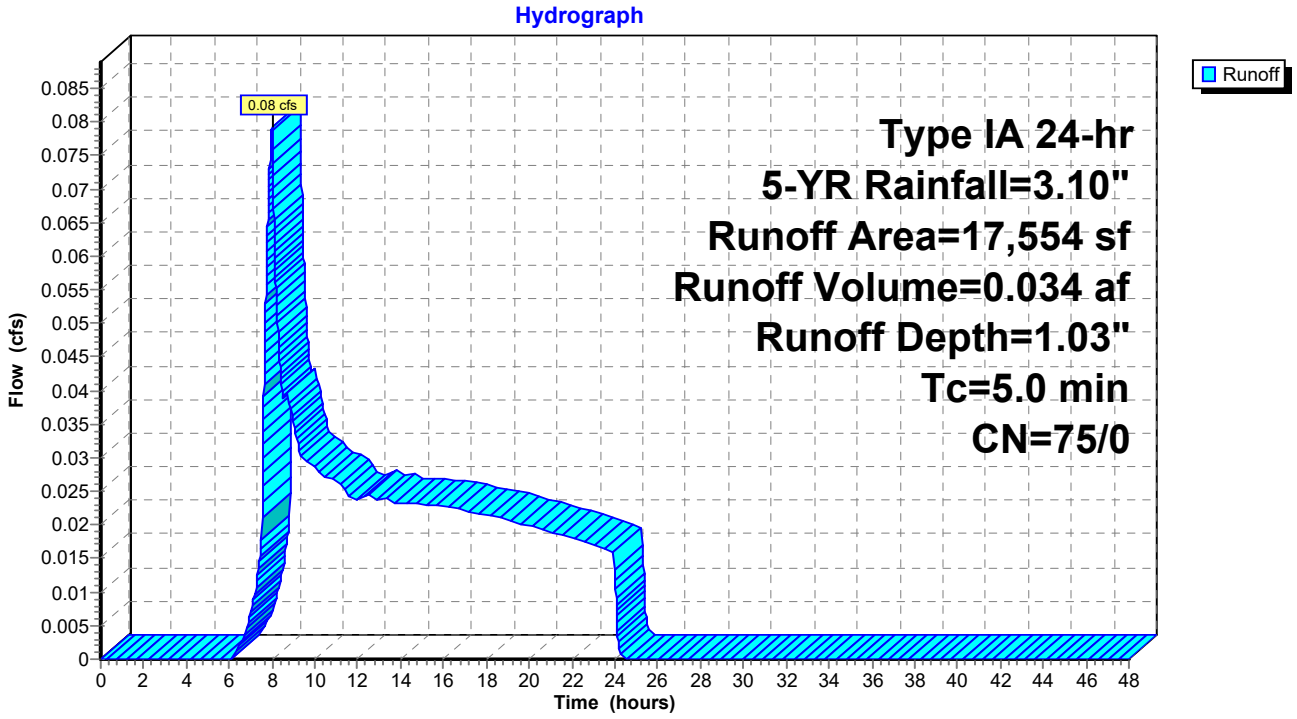
Runoff = 0.08 cfs @ 8.00 hrs, Volume= 0.034 af, Depth= 1.03"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-YR Rainfall=3.10"

	Area (sf)	CN	Description
*	17,554	75	Roof/Drive Aisle
	17,554		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3M: 4.3 MOD



Summary for Subcatchment 4.4E: 4.4 EX

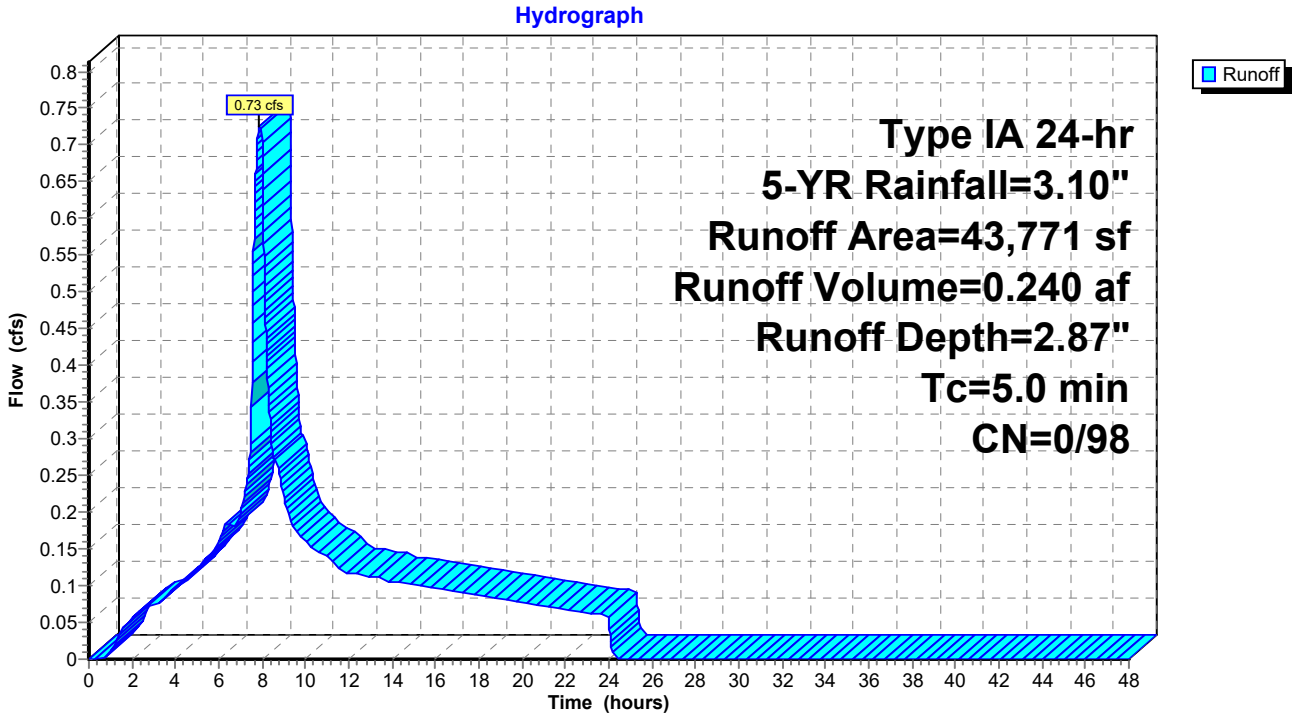
Runoff = 0.73 cfs @ 7.88 hrs, Volume= 0.240 af, Depth= 2.87"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-YR Rainfall=3.10"

	Area (sf)	CN	Description
*	43,771	98	Roof/Drive Aisle
	43,771		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4E: 4.4 EX



Summary for Subcatchment 4.4M: 4.4 MOD

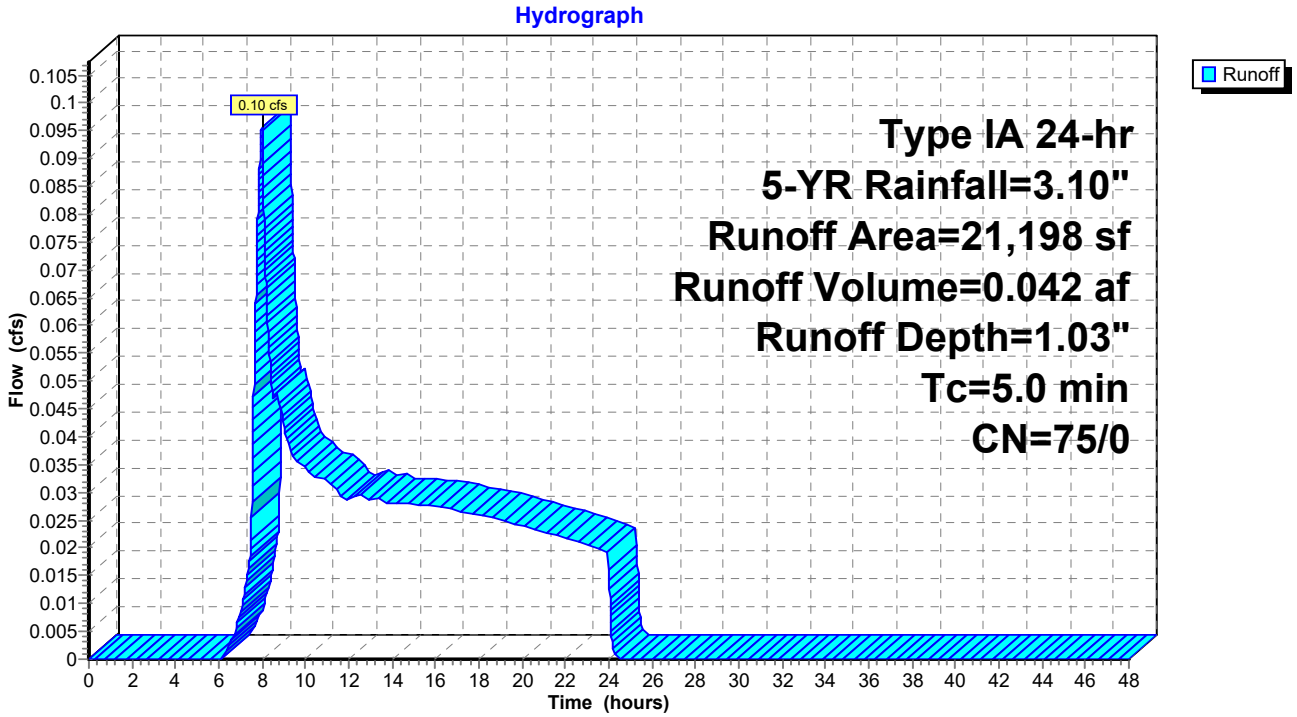
Runoff = 0.10 cfs @ 8.00 hrs, Volume= 0.042 af, Depth= 1.03"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-YR Rainfall=3.10"

	Area (sf)	CN	Description
*	21,198	75	Roof/Drive Aisle
	21,198		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4M: 4.4 MOD

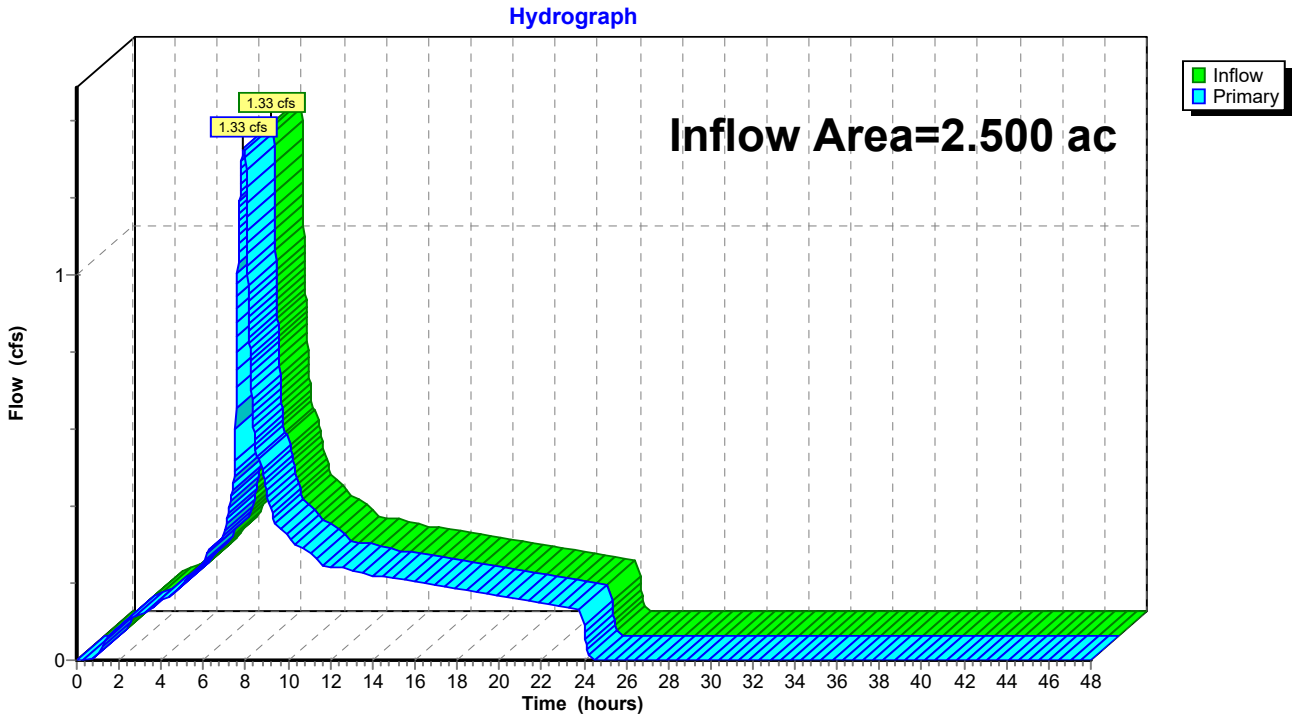


Summary for Link 1L: Flow Summary

Inflow Area = 2.500 ac, 64.41% Impervious, Inflow Depth = 2.21" for 5-YR event
Inflow = 1.33 cfs @ 7.90 hrs, Volume= 0.461 af
Primary = 1.33 cfs @ 7.90 hrs, Volume= 0.461 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 1L: Flow Summary



4668-01 Pre-DEV *Type IA 24-hr 10-YR Rainfall=3.45"*
Prepared by {enter your company name here} Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SBUH method, Split Pervious/Imperv.
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment4.3E: 4.3 EX Runoff Area=26,357 sf 100.00% Impervious Runoff Depth=3.22"
Tc=5.0 min CN=0/98 Runoff=0.49 cfs 0.162 af

Subcatchment4.3M: 4.3 MOD Runoff Area=17,554 sf 0.00% Impervious Runoff Depth=1.27"
Tc=5.0 min CN=75/0 Runoff=0.10 cfs 0.043 af

Subcatchment4.4E: 4.4 EX Runoff Area=43,771 sf 100.00% Impervious Runoff Depth=3.22"
Tc=5.0 min CN=0/98 Runoff=0.81 cfs 0.269 af

Subcatchment4.4M: 4.4 MOD Runoff Area=21,198 sf 0.00% Impervious Runoff Depth=1.27"
Tc=5.0 min CN=75/0 Runoff=0.13 cfs 0.051 af

Link 1L: Flow Summary Inflow=1.52 cfs 0.525 af
Primary=1.52 cfs 0.525 af

Total Runoff Area = 2.500 ac Runoff Volume = 0.525 af Average Runoff Depth = 2.52"
35.59% Pervious = 0.890 ac 64.41% Impervious = 1.610 ac

Summary for Subcatchment 4.3E: 4.3 EX

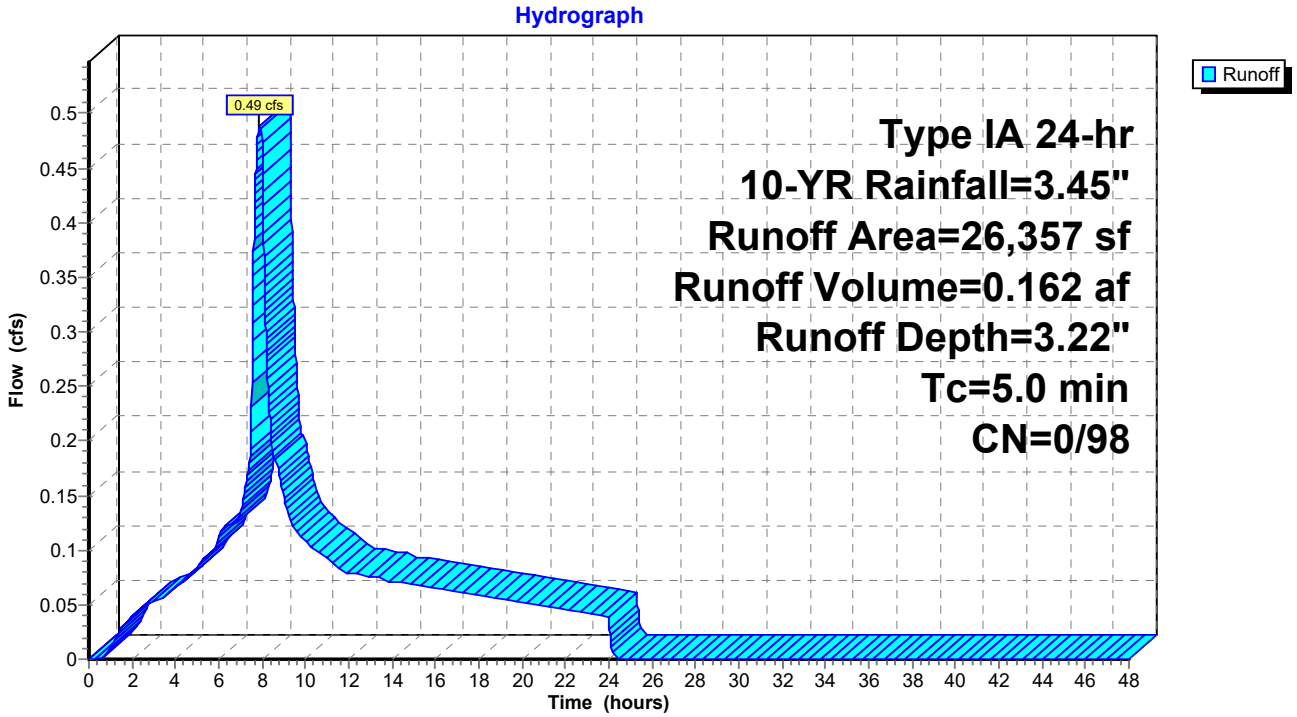
Runoff = 0.49 cfs @ 7.88 hrs, Volume= 0.162 af, Depth= 3.22"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-YR Rainfall=3.45"

	Area (sf)	CN	Description
*	26,357	98	Roof/Drive Aisle
	26,357		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3E: 4.3 EX



Summary for Subcatchment 4.3M: 4.3 MOD

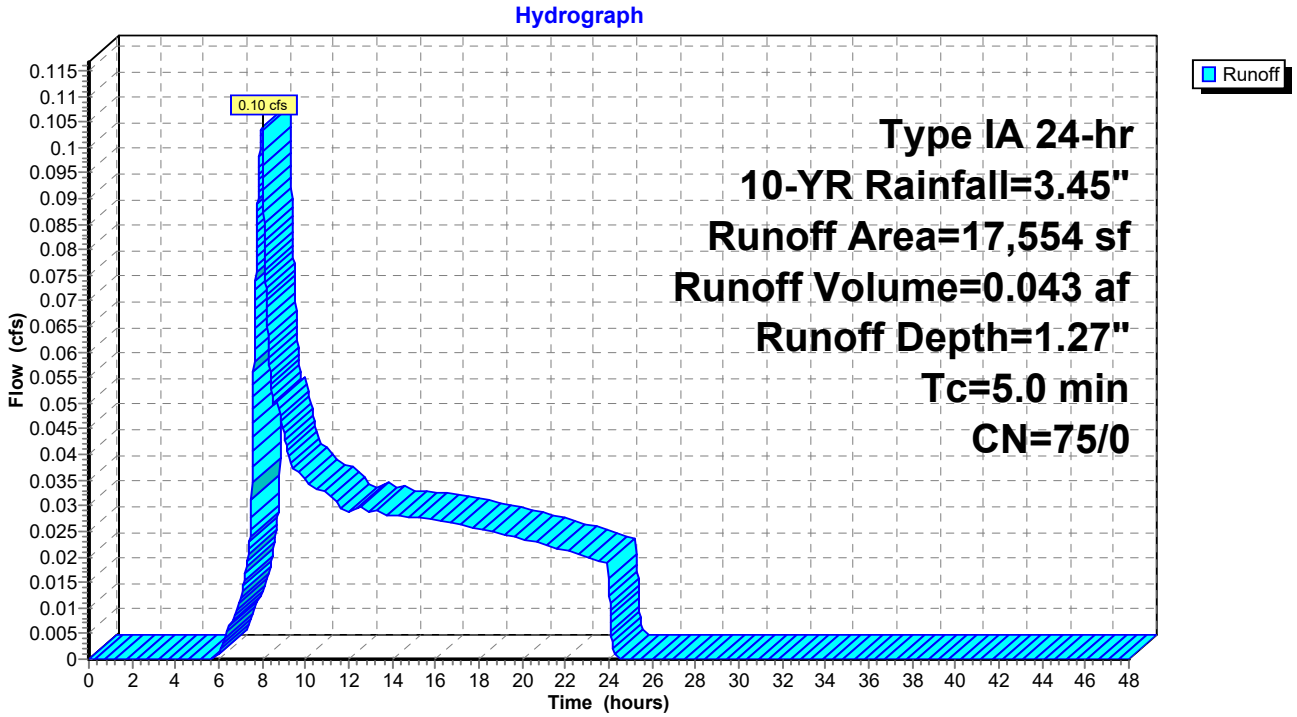
Runoff = 0.10 cfs @ 8.00 hrs, Volume= 0.043 af, Depth= 1.27"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-YR Rainfall=3.45"

	Area (sf)	CN	Description
*	17,554	75	Roof/Drive Aisle
	17,554		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3M: 4.3 MOD



Summary for Subcatchment 4.4E: 4.4 EX

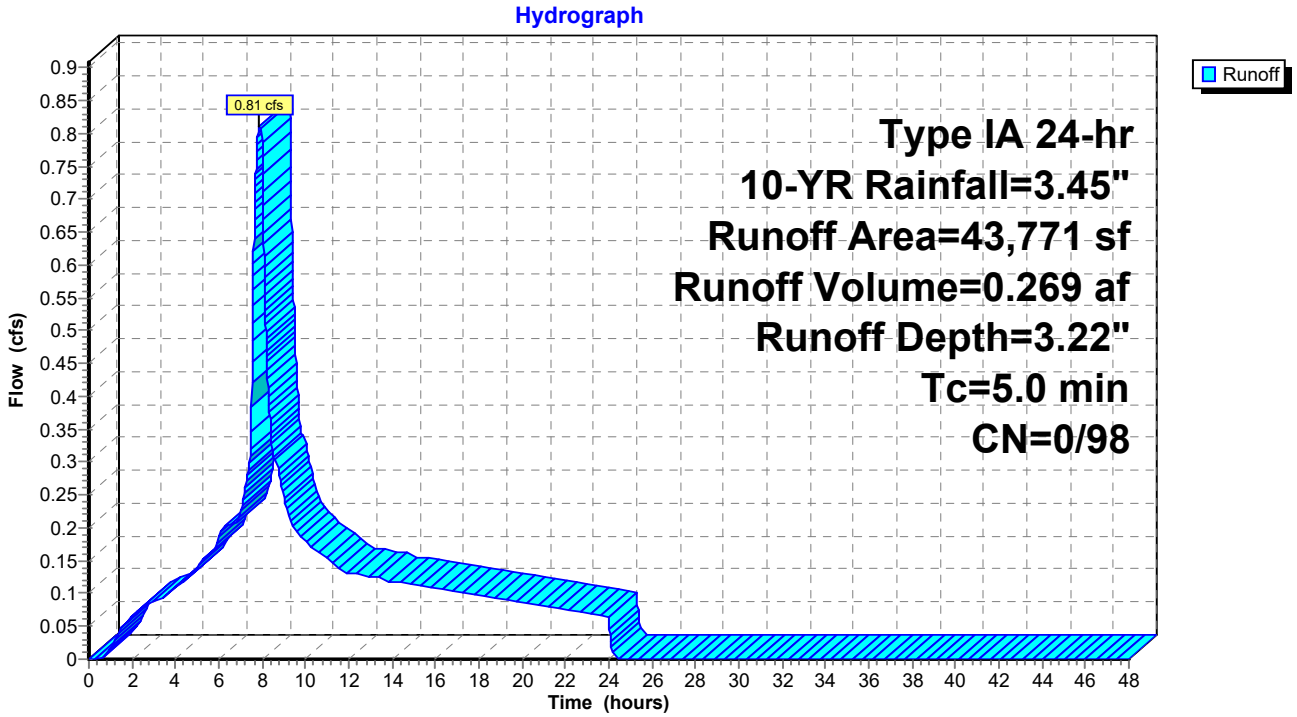
Runoff = 0.81 cfs @ 7.88 hrs, Volume= 0.269 af, Depth= 3.22"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-YR Rainfall=3.45"

	Area (sf)	CN	Description
*	43,771	98	Roof/Drive Aisle
	43,771		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4E: 4.4 EX



Summary for Subcatchment 4.4M: 4.4 MOD

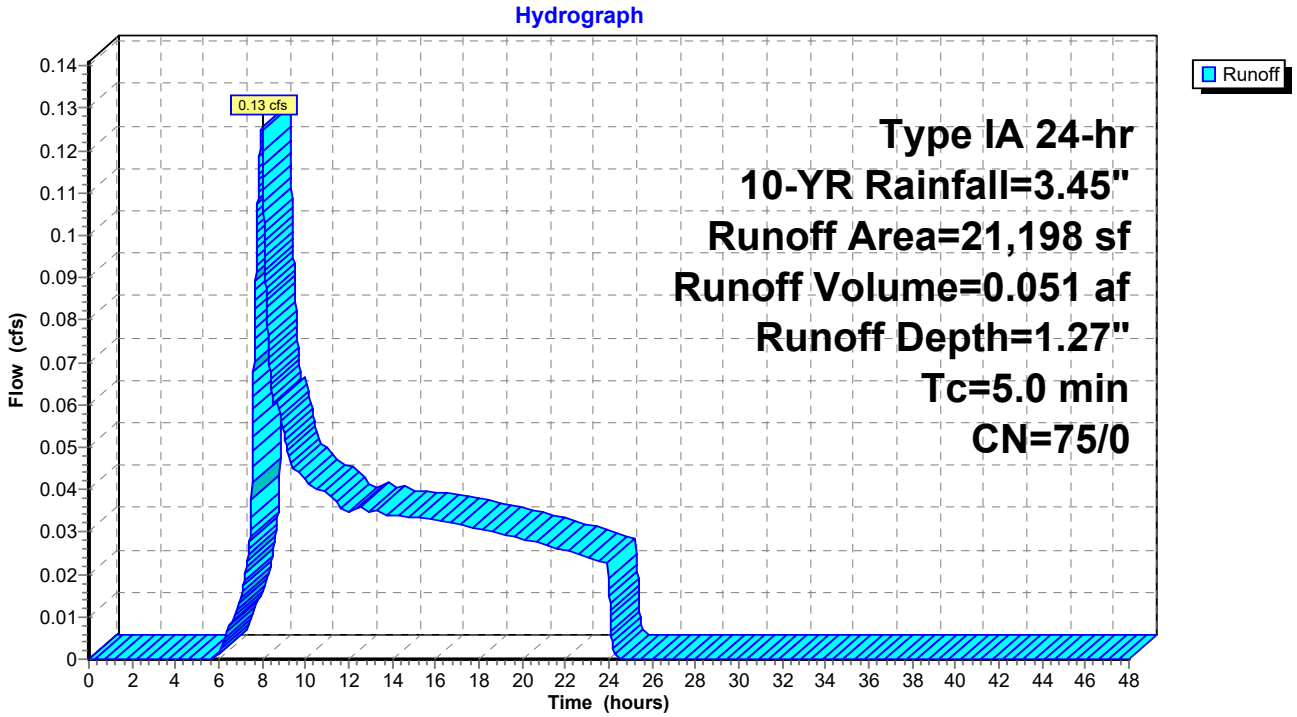
Runoff = 0.13 cfs @ 8.00 hrs, Volume= 0.051 af, Depth= 1.27"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-YR Rainfall=3.45"

	Area (sf)	CN	Description
*	21,198	75	Roof/Drive Aisle
	21,198		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4M: 4.4 MOD

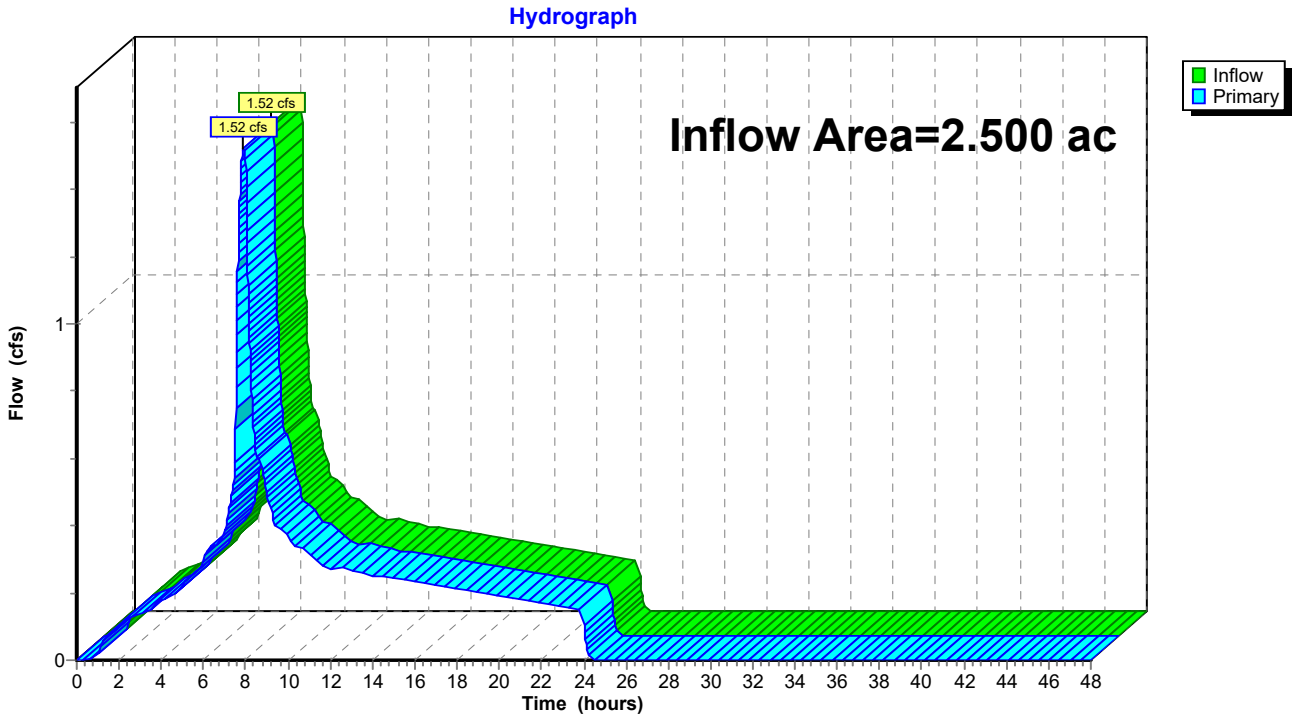


Summary for Link 1L: Flow Summary

Inflow Area = 2.500 ac, 64.41% Impervious, Inflow Depth = 2.52" for 10-YR event
Inflow = 1.52 cfs @ 7.90 hrs, Volume= 0.525 af
Primary = 1.52 cfs @ 7.90 hrs, Volume= 0.525 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 1L: Flow Summary



4668-01 Pre-DEV *Type IA 24-hr 25-YR Rainfall=3.90"*
Prepared by {enter your company name here} Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SBUH method, Split Pervious/Imperv.
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment4.3E: 4.3 EX Runoff Area=26,357 sf 100.00% Impervious Runoff Depth=3.67"
Tc=5.0 min CN=0/98 Runoff=0.55 cfs 0.185 af

Subcatchment4.3M: 4.3 MOD Runoff Area=17,554 sf 0.00% Impervious Runoff Depth=1.59"
Tc=5.0 min CN=75/0 Runoff=0.14 cfs 0.053 af

Subcatchment4.4E: 4.4 EX Runoff Area=43,771 sf 100.00% Impervious Runoff Depth=3.67"
Tc=5.0 min CN=0/98 Runoff=0.92 cfs 0.307 af

Subcatchment4.4M: 4.4 MOD Runoff Area=21,198 sf 0.00% Impervious Runoff Depth=1.59"
Tc=5.0 min CN=75/0 Runoff=0.17 cfs 0.065 af

Link 1L: Flow Summary Inflow=1.77 cfs 0.610 af
Primary=1.77 cfs 0.610 af

Total Runoff Area = 2.500 ac Runoff Volume = 0.610 af Average Runoff Depth = 2.93"
35.59% Pervious = 0.890 ac 64.41% Impervious = 1.610 ac

Summary for Subcatchment 4.3E: 4.3 EX

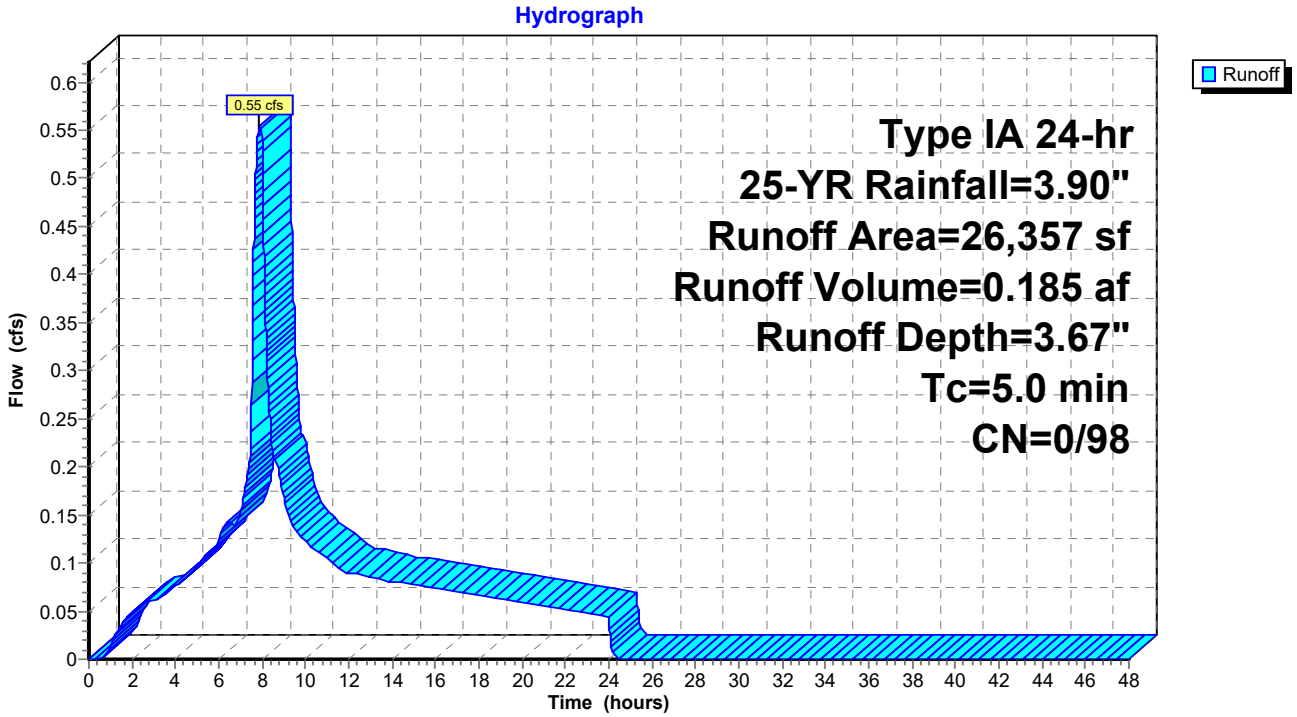
Runoff = 0.55 cfs @ 7.88 hrs, Volume= 0.185 af, Depth= 3.67"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	26,357	98	Roof/Drive Aisle
	26,357		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3E: 4.3 EX



Summary for Subcatchment 4.3M: 4.3 MOD

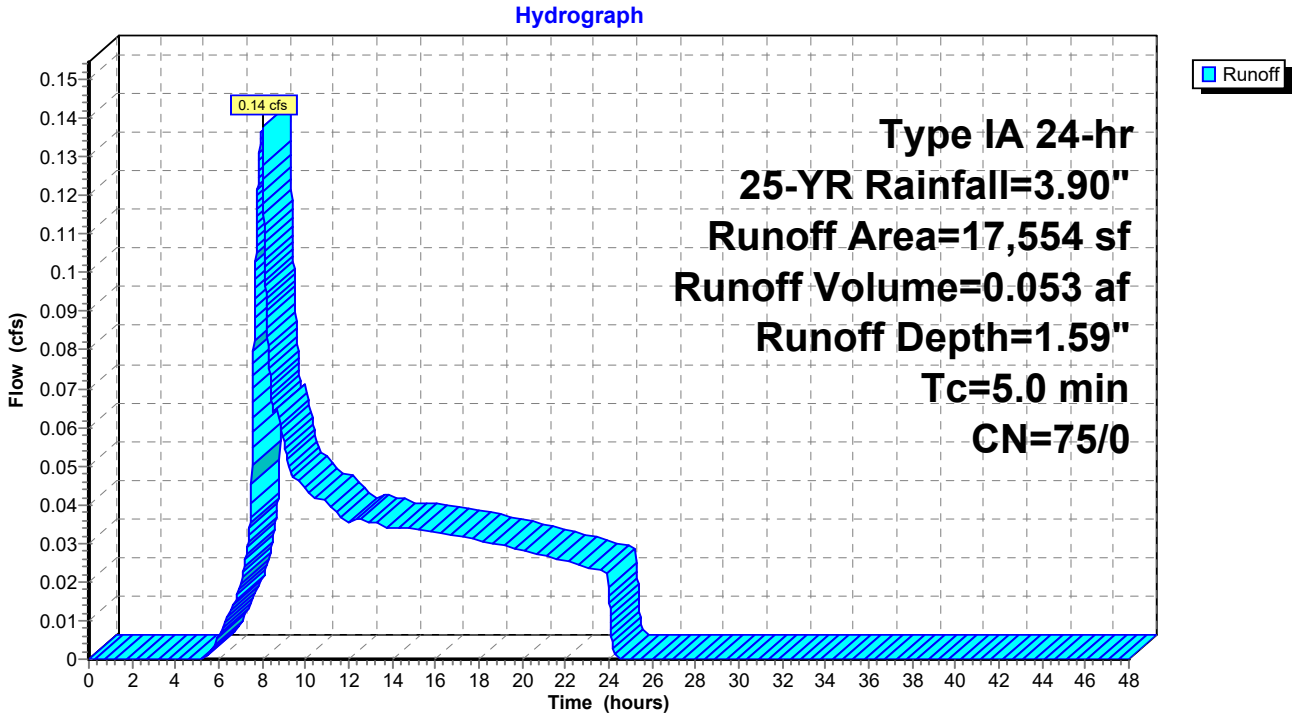
Runoff = 0.14 cfs @ 8.00 hrs, Volume= 0.053 af, Depth= 1.59"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	17,554	75	Roof/Drive Aisle
	17,554		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3M: 4.3 MOD



Summary for Subcatchment 4.4E: 4.4 EX

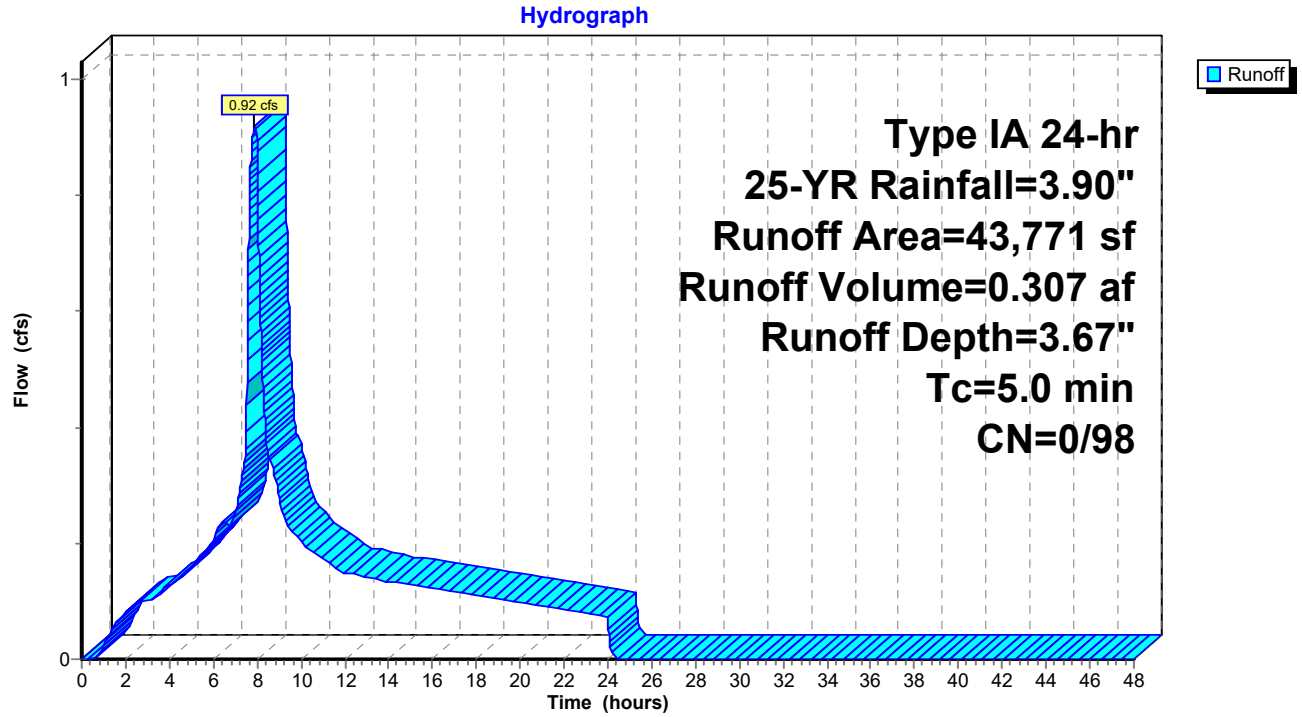
Runoff = 0.92 cfs @ 7.88 hrs, Volume= 0.307 af, Depth= 3.67"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	43,771	98	Roof/Drive Aisle
	43,771		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4E: 4.4 EX



Summary for Subcatchment 4.4M: 4.4 MOD

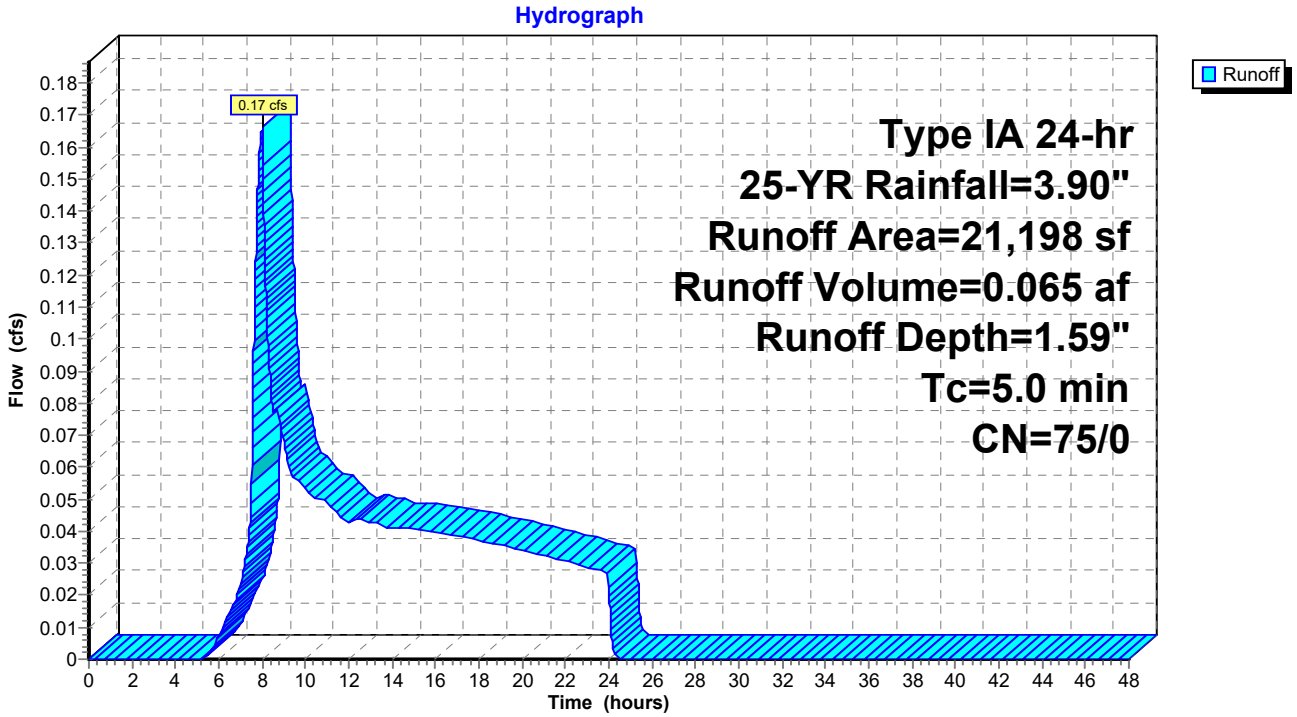
Runoff = 0.17 cfs @ 8.00 hrs, Volume= 0.065 af, Depth= 1.59"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	21,198	75	Roof/Drive Aisle
	21,198		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4M: 4.4 MOD

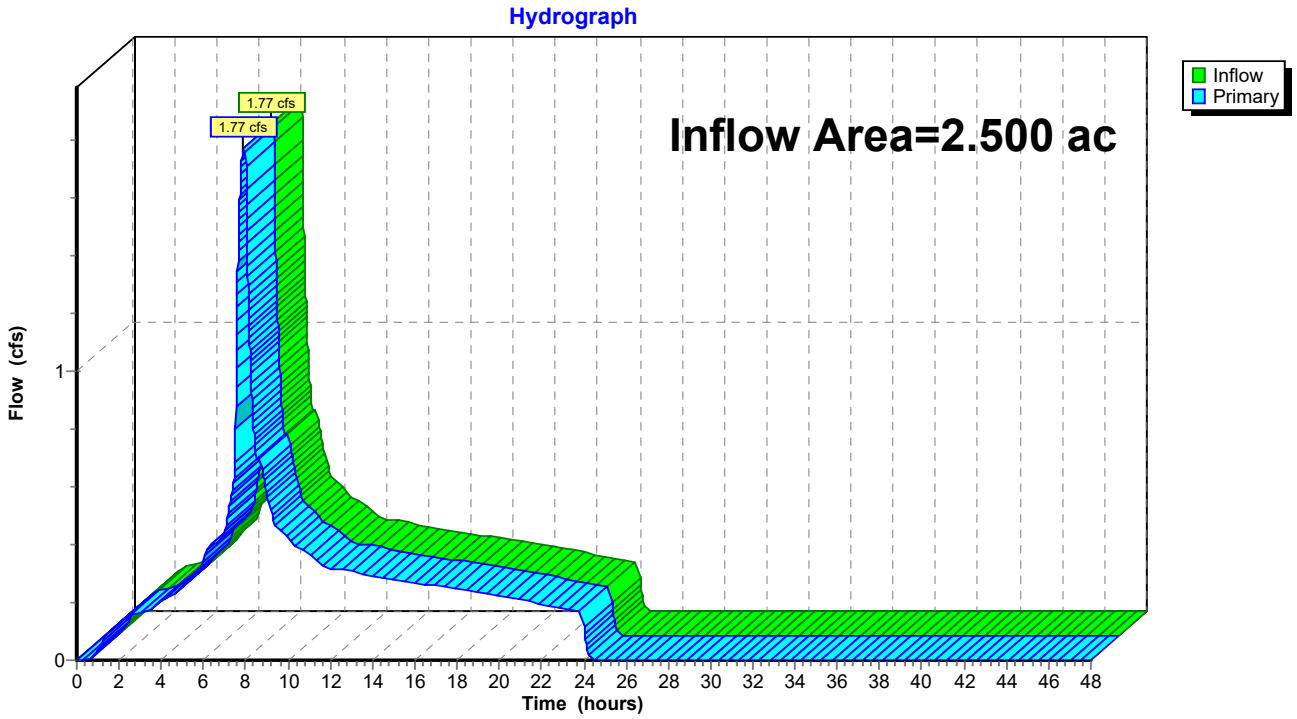


Summary for Link 1L: Flow Summary

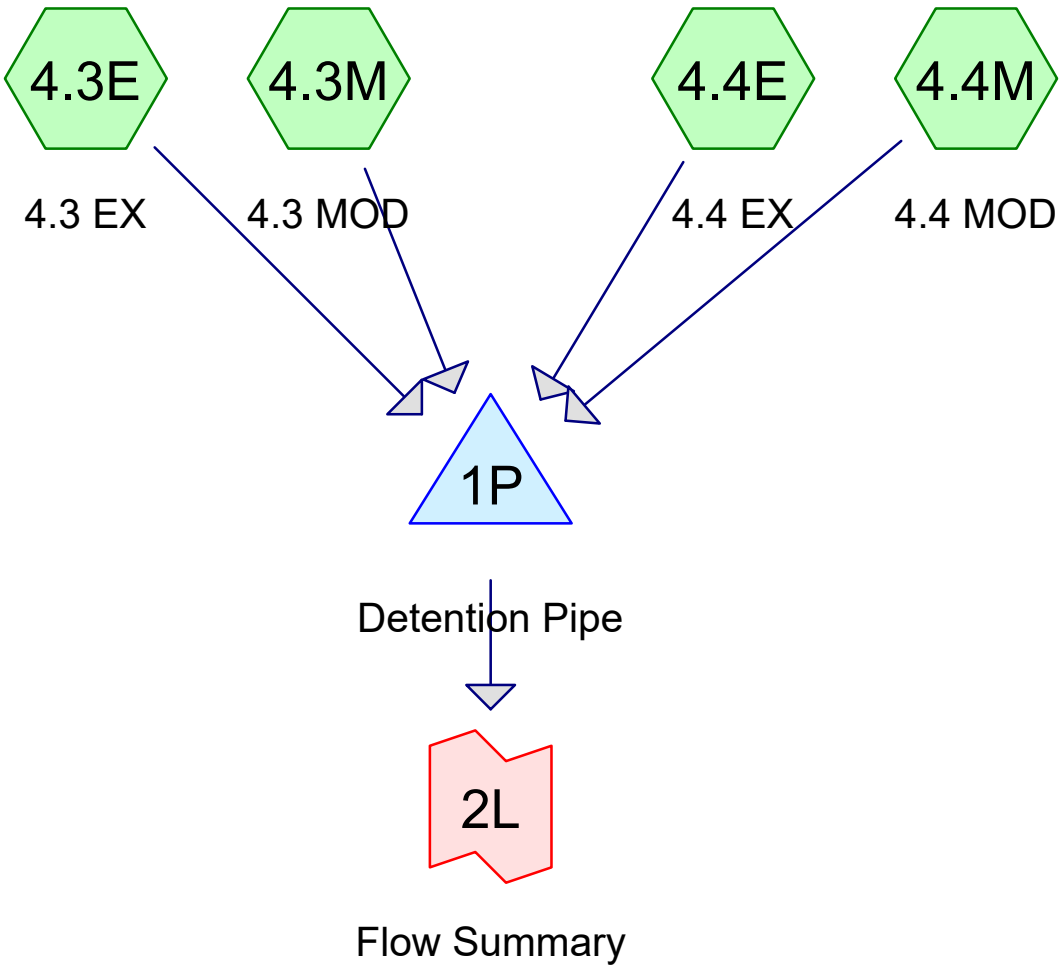
Inflow Area = 2.500 ac, 64.41% Impervious, Inflow Depth = 2.93" for 25-YR event
Inflow = 1.77 cfs @ 7.90 hrs, Volume= 0.610 af
Primary = 1.77 cfs @ 7.90 hrs, Volume= 0.610 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 1L: Flow Summary



Post-Developed HydroCAD Analysis



Subcat Reach Pond Link

Routing Diagram for 4668-01 POST-DEV
Prepared by {enter your company name here}, Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

4668-01 POST-DEV
Prepared by {enter your company name here} Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
2.500	98	Roof/Drive Aisle (4.3E, 4.3M, 4.4E, 4.4M)
2.500	**98**	**TOTAL AREA**

4668-01 POST-DEV *Type IA 24-hr 2-YR Rainfall=2.50"*
Prepared by {enter your company name here} Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SBUH method, Split Pervious/Imperv.
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment4.3E: 4.3 EX Runoff Area=26,357 sf 100.00% Impervious Runoff Depth=2.27"
Tc=5.0 min CN=0/98 Runoff=0.35 cfs 0.114 af

Subcatchment4.3M: 4.3 MOD Runoff Area=17,554 sf 100.00% Impervious Runoff Depth=2.27"
Tc=5.0 min CN=0/98 Runoff=0.23 cfs 0.076 af

Subcatchment4.4E: 4.4 EX Runoff Area=43,771 sf 100.00% Impervious Runoff Depth=2.27"
Tc=5.0 min CN=0/98 Runoff=0.58 cfs 0.190 af

Subcatchment4.4M: 4.4 MOD Runoff Area=21,198 sf 100.00% Impervious Runoff Depth=2.27"
Tc=5.0 min CN=0/98 Runoff=0.28 cfs 0.092 af

Pond 1P: Detention Pipe Peak Elev=193.63' Storage=1,253 cf Inflow=1.44 cfs 0.473 af
Outflow=0.98 cfs 0.473 af

Link 2L: Flow Summary Inflow=0.98 cfs 0.473 af
Primary=0.98 cfs 0.473 af

Total Runoff Area = 2.500 ac Runoff Volume = 0.473 af Average Runoff Depth = 2.27"
0.00% Pervious = 0.000 ac 100.00% Impervious = 2.500 ac

Summary for Subcatchment 4.3E: 4.3 EX

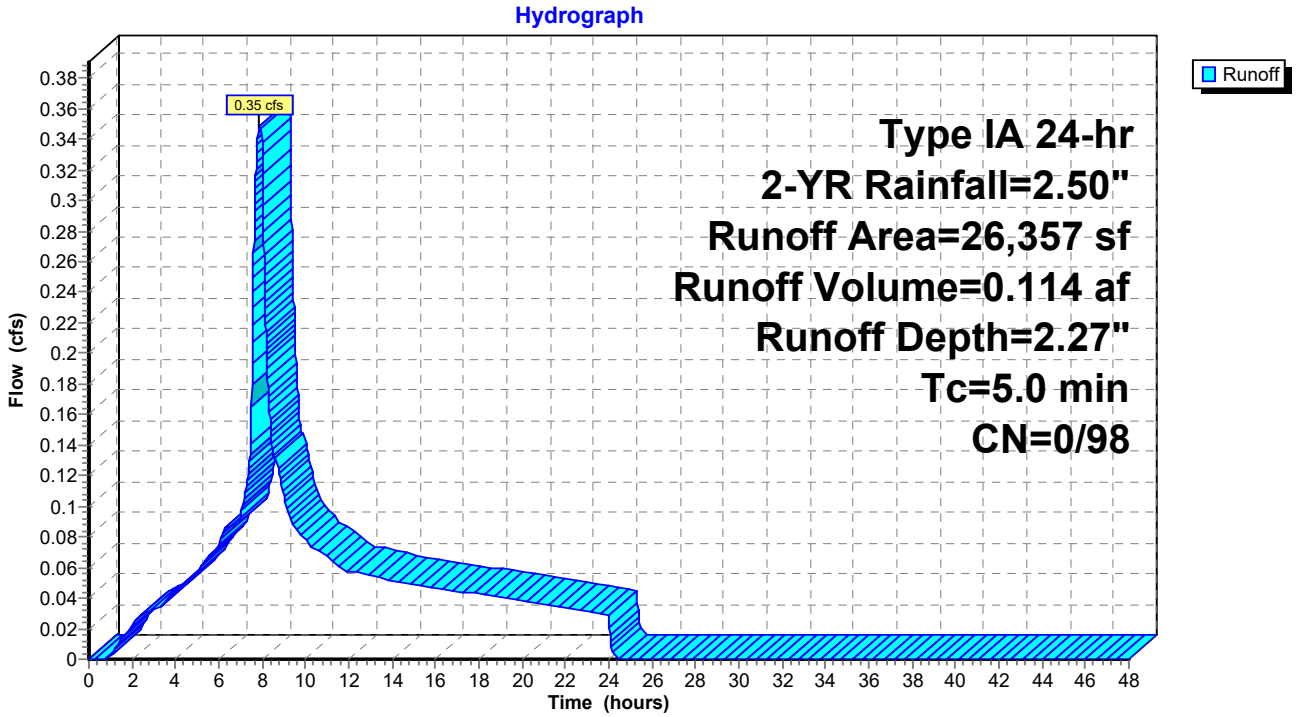
Runoff = 0.35 cfs @ 7.88 hrs, Volume= 0.114 af, Depth= 2.27"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

	Area (sf)	CN	Description
*	26,357	98	Roof/Drive Aisle
	26,357		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3E: 4.3 EX



Summary for Subcatchment 4.3M: 4.3 MOD

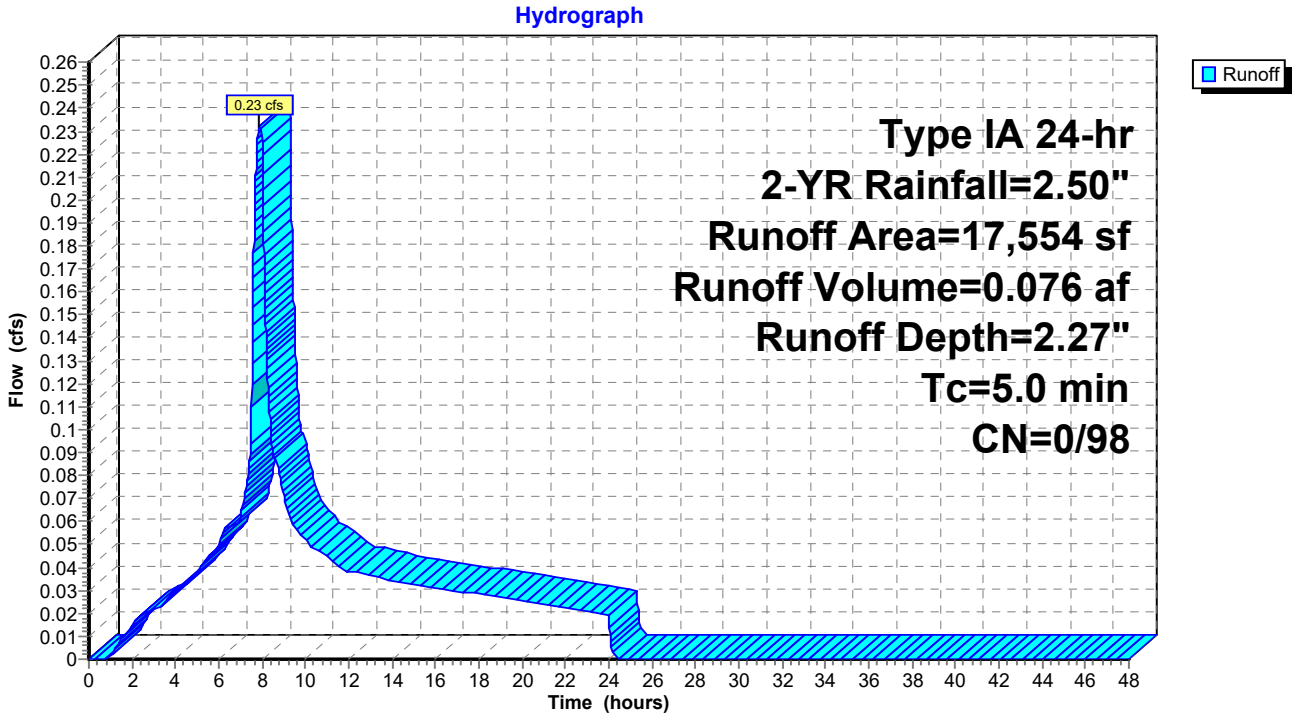
Runoff = 0.23 cfs @ 7.88 hrs, Volume= 0.076 af, Depth= 2.27"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

	Area (sf)	CN	Description
*	17,554	98	Roof/Drive Aisle
	17,554		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3M: 4.3 MOD



Summary for Subcatchment 4.4E: 4.4 EX

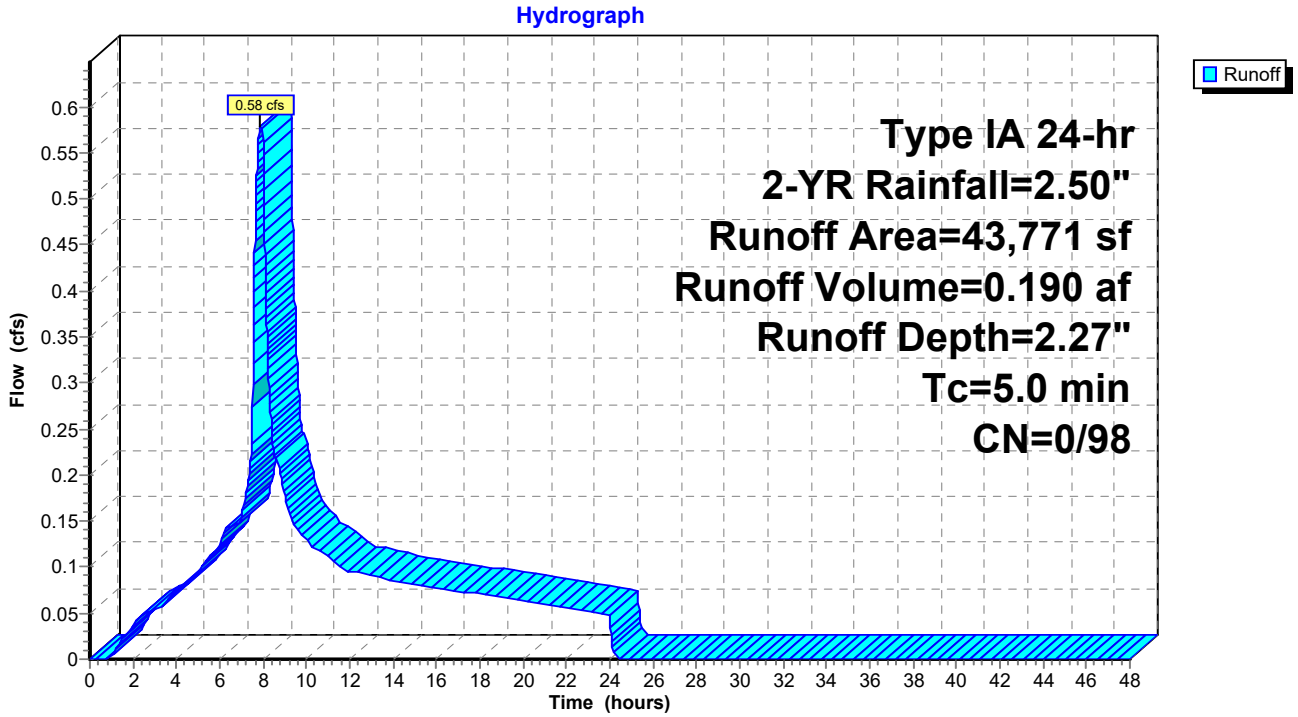
Runoff = 0.58 cfs @ 7.88 hrs, Volume= 0.190 af, Depth= 2.27"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

	Area (sf)	CN	Description
*	43,771	98	Roof/Drive Aisle
	43,771		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4E: 4.4 EX



Summary for Subcatchment 4.4M: 4.4 MOD

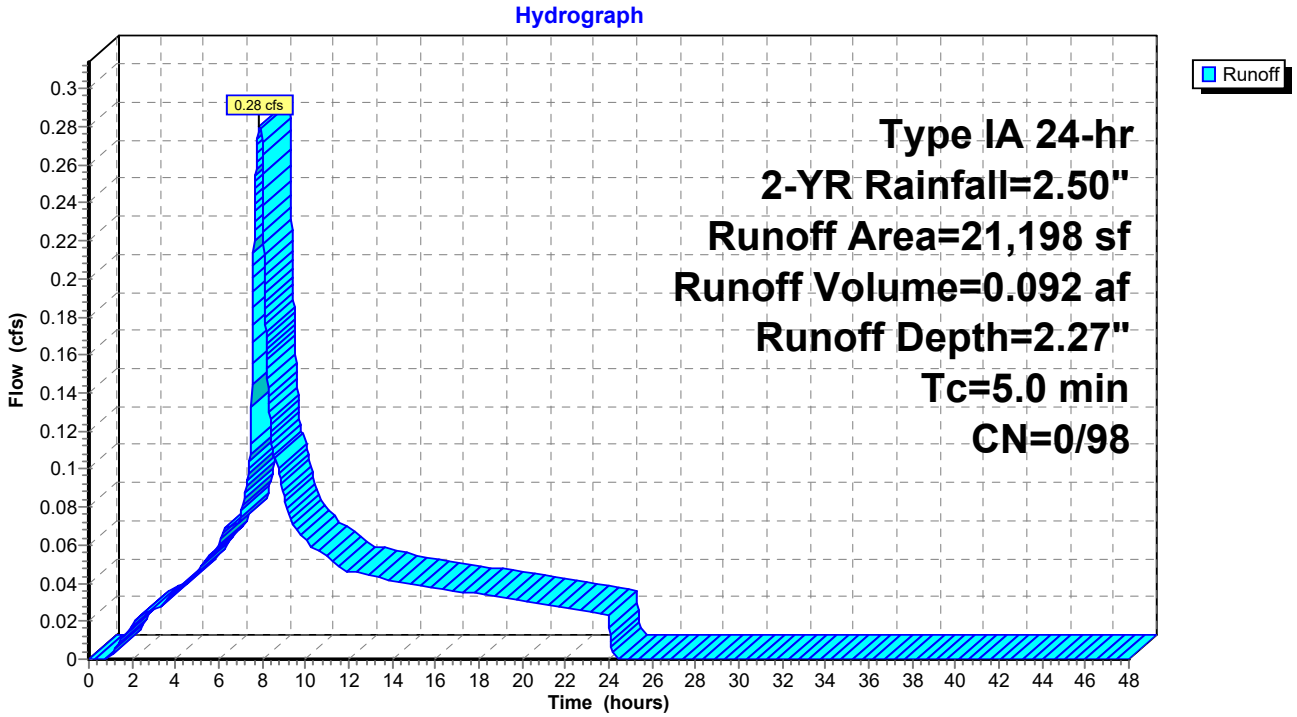
Runoff = 0.28 cfs @ 7.88 hrs, Volume= 0.092 af, Depth= 2.27"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-YR Rainfall=2.50"

	Area (sf)	CN	Description
*	21,198	98	Roof/Drive Aisle
	21,198		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4M: 4.4 MOD



Summary for Pond 1P: Detention Pipe

Inflow Area = 2.500 ac,100.00% Impervious, Inflow Depth = 2.27" for 2-YR event
Inflow = 1.44 cfs @ 7.88 hrs, Volume= 0.473 af
Outflow = 0.98 cfs @ 8.12 hrs, Volume= 0.473 af, Atten= 32%, Lag= 14.6 min
Primary = 0.98 cfs @ 8.12 hrs, Volume= 0.473 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 193.63' @ 8.12 hrs Surf.Area= 599 sf Storage= 1,253 cf

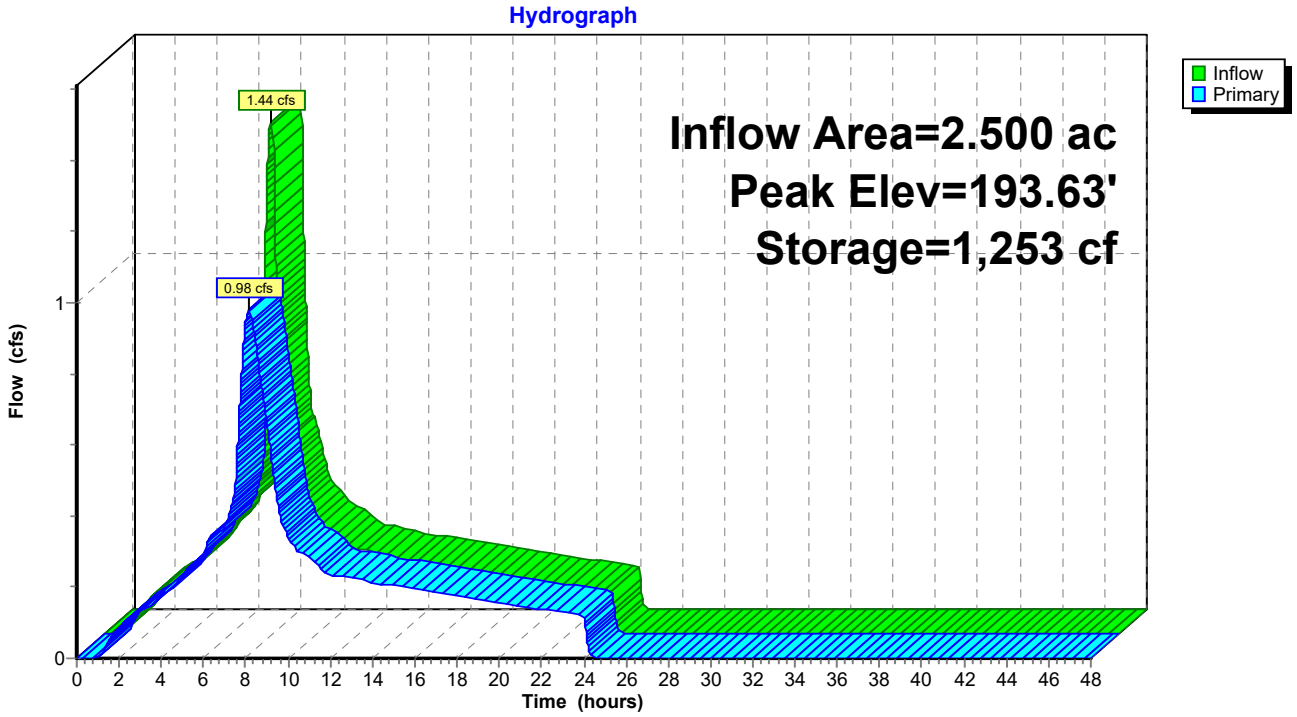
Plug-Flow detention time= 8.1 min calculated for 0.473 af (100% of inflow)
Center-of-Mass det. time= 8.1 min (680.7 - 672.6)

Volume	Invert	Avail.Storage	Storage Description
#1	191.00'	2,356 cf	**60.0" Round Pipe Storage** L= 120.0'

Device	Routing	Invert	Outlet Devices
#1	Primary	191.00'	**8.0" Round Culvert** L= 10.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 191.00' / 190.81' S= 0.0190 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#2	Device 1	191.00'	**4.9" Vert. Orifice/Grate** C= 0.600
#3	Device 1	194.00'	**3.3" Vert. Orifice/Grate** C= 0.600
#4	Primary	195.00'	**2.7" Vert. Orifice/Grate** C= 0.600
#5	Device 1	195.90'	**8.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.98 cfs @ 8.12 hrs HW=193.63' TW=0.00' (Dynamic Tailwater)
- **1=Culvert** (Passes 0.98 cfs of 2.54 cfs potential flow)
  - **2=Orifice/Grate** (Orifice Controls 0.98 cfs @ 7.49 fps)
  - **3=Orifice/Grate** (Controls 0.00 cfs)
  - **5=Orifice/Grate** (Controls 0.00 cfs)
- **4=Orifice/Grate** (Controls 0.00 cfs)

Pond 1P: Detention Pipe

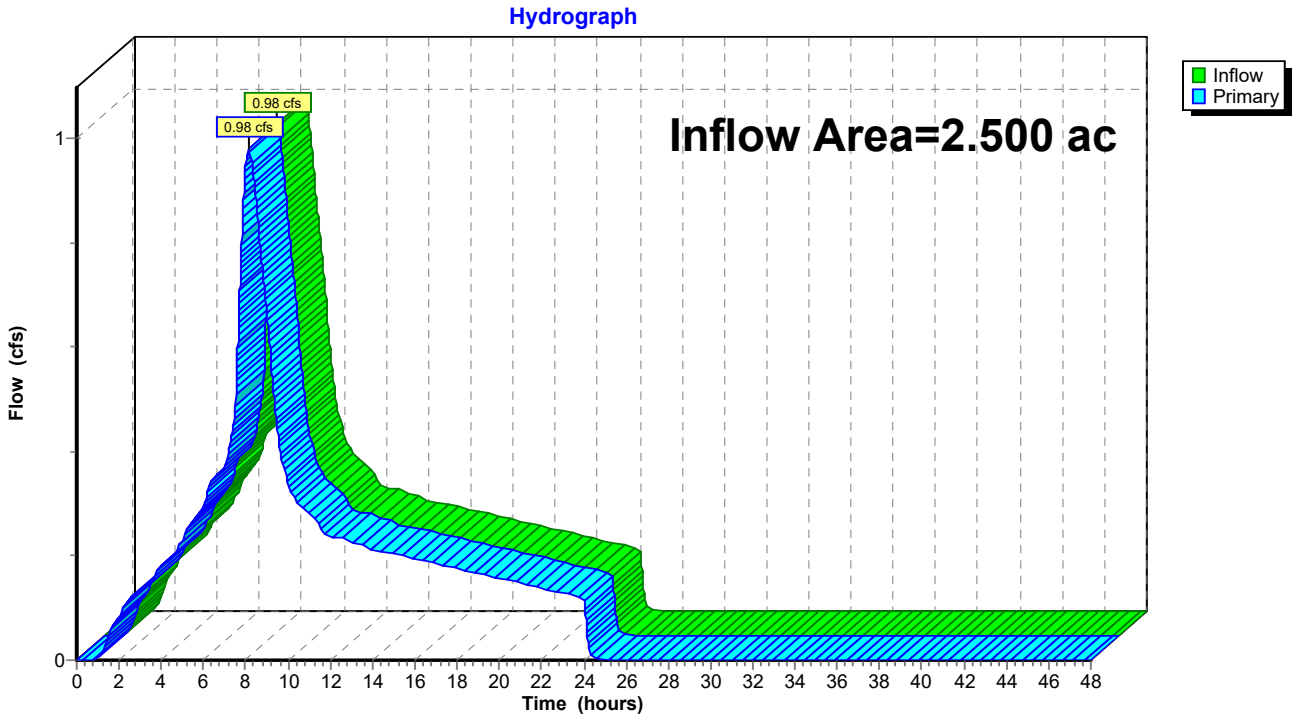


Summary for Link 2L: Flow Summary

Inflow Area = 2.500 ac,100.00% Impervious, Inflow Depth = 2.27" for 2-YR event
Inflow = 0.98 cfs @ 8.12 hrs, Volume= 0.473 af
Primary = 0.98 cfs @ 8.12 hrs, Volume= 0.473 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 2L: Flow Summary



4668-01 POST-DEV *Type IA 24-hr 5-YR Rainfall=3.10"*
Prepared by {enter your company name here} Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SBUH method, Split Pervious/Imperv.
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment4.3E: 4.3 EX Runoff Area=26,357 sf 100.00% Impervious Runoff Depth=2.87"
Tc=5.0 min CN=0/98 Runoff=0.44 cfs 0.145 af

Subcatchment4.3M: 4.3 MOD Runoff Area=17,554 sf 100.00% Impervious Runoff Depth=2.87"
Tc=5.0 min CN=0/98 Runoff=0.29 cfs 0.096 af

Subcatchment4.4E: 4.4 EX Runoff Area=43,771 sf 100.00% Impervious Runoff Depth=2.87"
Tc=5.0 min CN=0/98 Runoff=0.73 cfs 0.240 af

Subcatchment4.4M: 4.4 MOD Runoff Area=21,198 sf 100.00% Impervious Runoff Depth=2.87"
Tc=5.0 min CN=0/98 Runoff=0.35 cfs 0.116 af

Pond 1P: Detention Pipe Peak Elev=194.43' Storage=1,724 cf Inflow=1.81 cfs 0.597 af
Outflow=1.29 cfs 0.597 af

Link 2L: Flow Summary Inflow=1.29 cfs 0.597 af
Primary=1.29 cfs 0.597 af

Total Runoff Area = 2.500 ac Runoff Volume = 0.597 af Average Runoff Depth = 2.87"
0.00% Pervious = 0.000 ac 100.00% Impervious = 2.500 ac

Summary for Subcatchment 4.3E: 4.3 EX

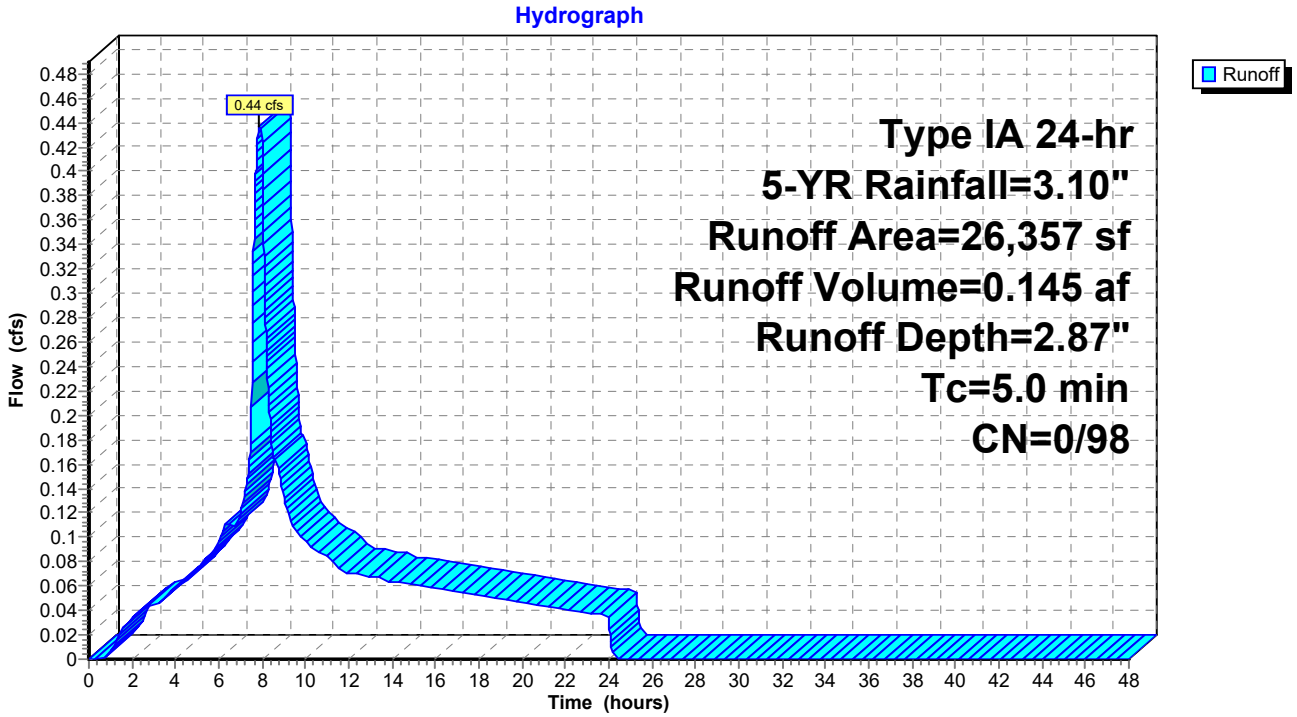
Runoff = 0.44 cfs @ 7.88 hrs, Volume= 0.145 af, Depth= 2.87"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-YR Rainfall=3.10"

	Area (sf)	CN	Description
*	26,357	98	Roof/Drive Aisle
	26,357		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3E: 4.3 EX



Summary for Subcatchment 4.3M: 4.3 MOD

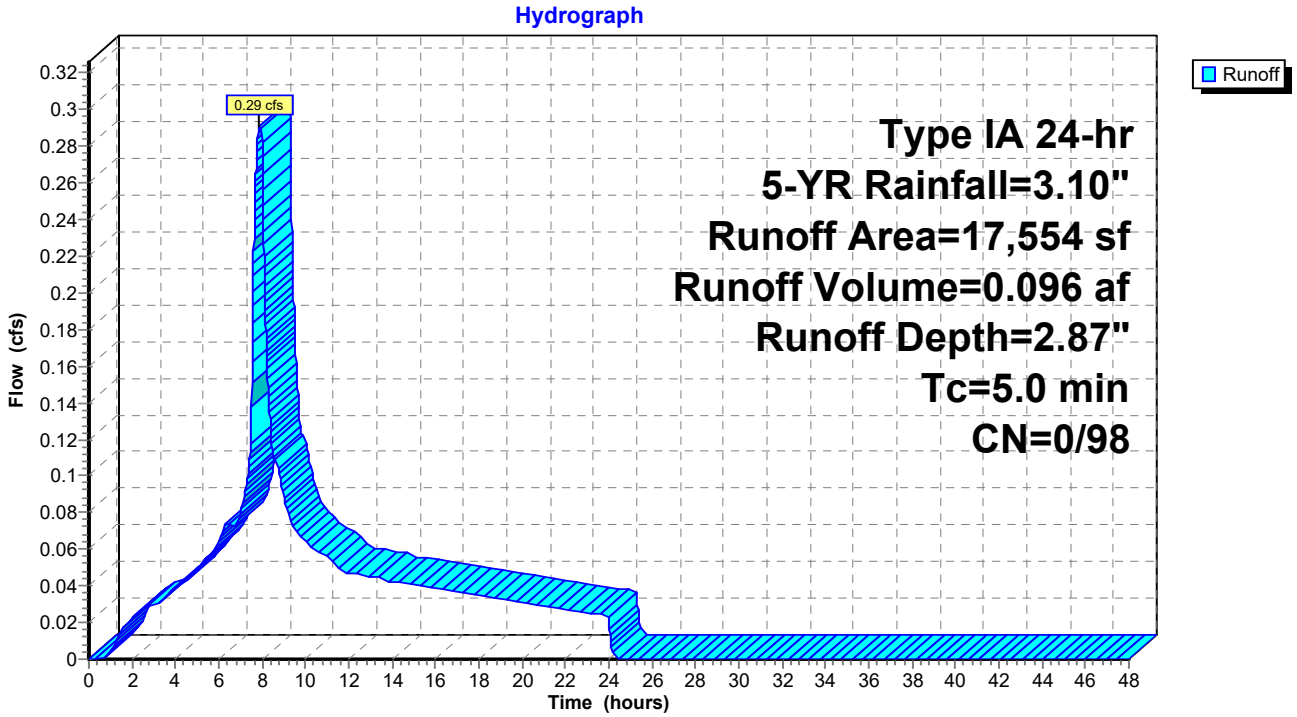
Runoff = 0.29 cfs @ 7.88 hrs, Volume= 0.096 af, Depth= 2.87"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-YR Rainfall=3.10"

	Area (sf)	CN	Description
*	17,554	98	Roof/Drive Aisle
	17,554		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3M: 4.3 MOD



Summary for Subcatchment 4.4E: 4.4 EX

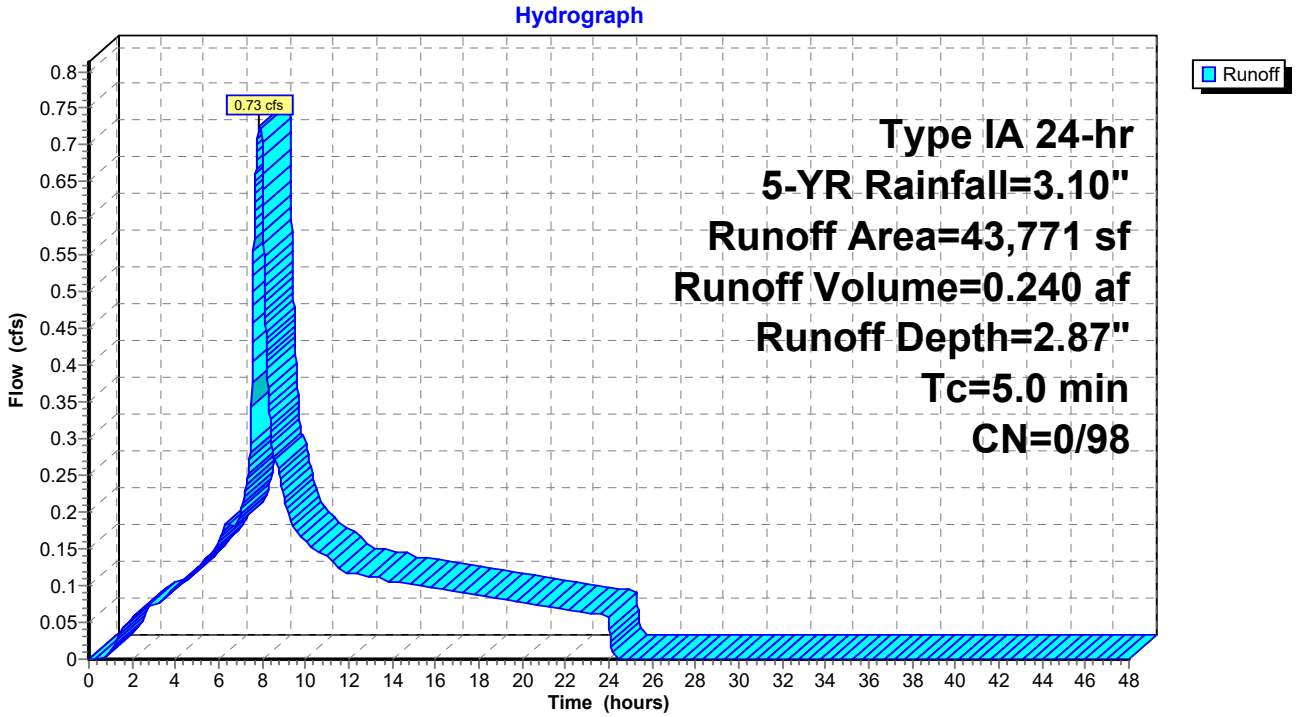
Runoff = 0.73 cfs @ 7.88 hrs, Volume= 0.240 af, Depth= 2.87"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-YR Rainfall=3.10"

	Area (sf)	CN	Description
*	43,771	98	Roof/Drive Aisle
	43,771		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4E: 4.4 EX



Summary for Subcatchment 4.4M: 4.4 MOD

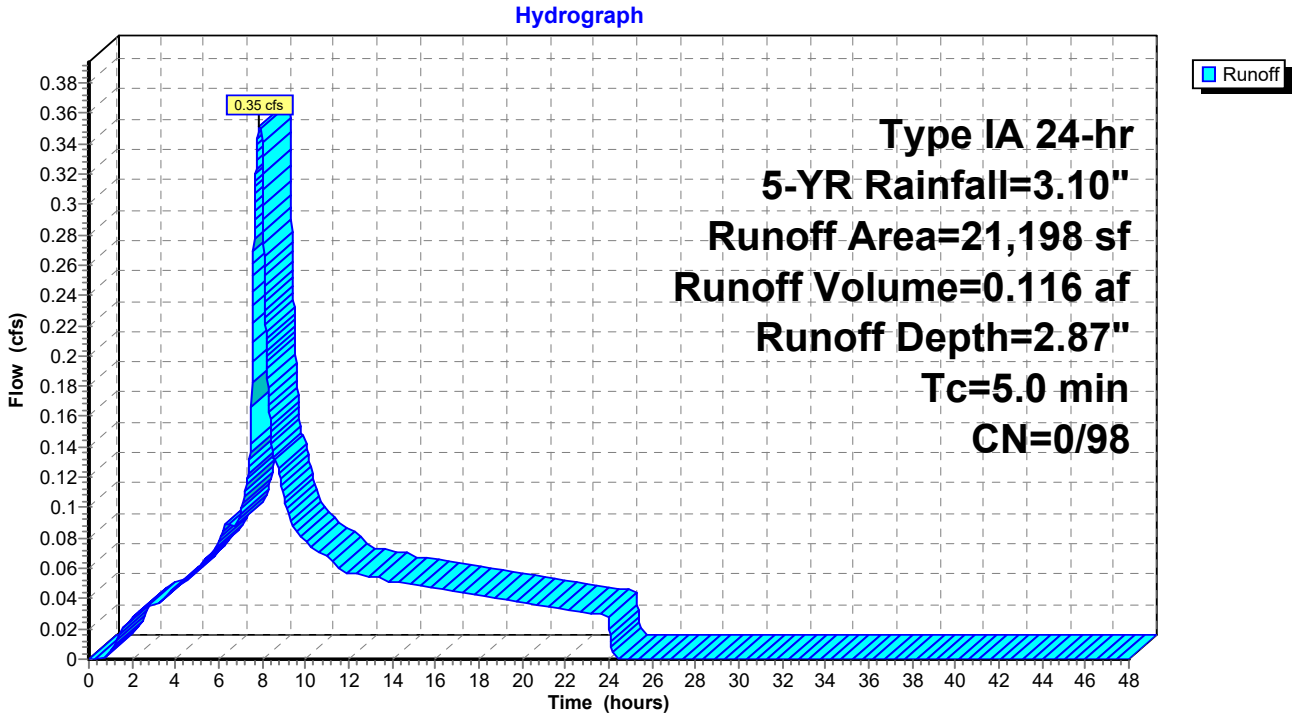
Runoff = 0.35 cfs @ 7.88 hrs, Volume= 0.116 af, Depth= 2.87"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-YR Rainfall=3.10"

	Area (sf)	CN	Description
*	21,198	98	Roof/Drive Aisle
	21,198		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4M: 4.4 MOD



Summary for Pond 1P: Detention Pipe

Inflow Area = 2.500 ac,100.00% Impervious, Inflow Depth = 2.87" for 5-YR event
Inflow = 1.81 cfs @ 7.88 hrs, Volume= 0.597 af
Outflow = 1.29 cfs @ 8.10 hrs, Volume= 0.597 af, Atten= 29%, Lag= 13.5 min
Primary = 1.29 cfs @ 8.10 hrs, Volume= 0.597 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 194.43' @ 8.10 hrs Surf.Area= 557 sf Storage= 1,724 cf

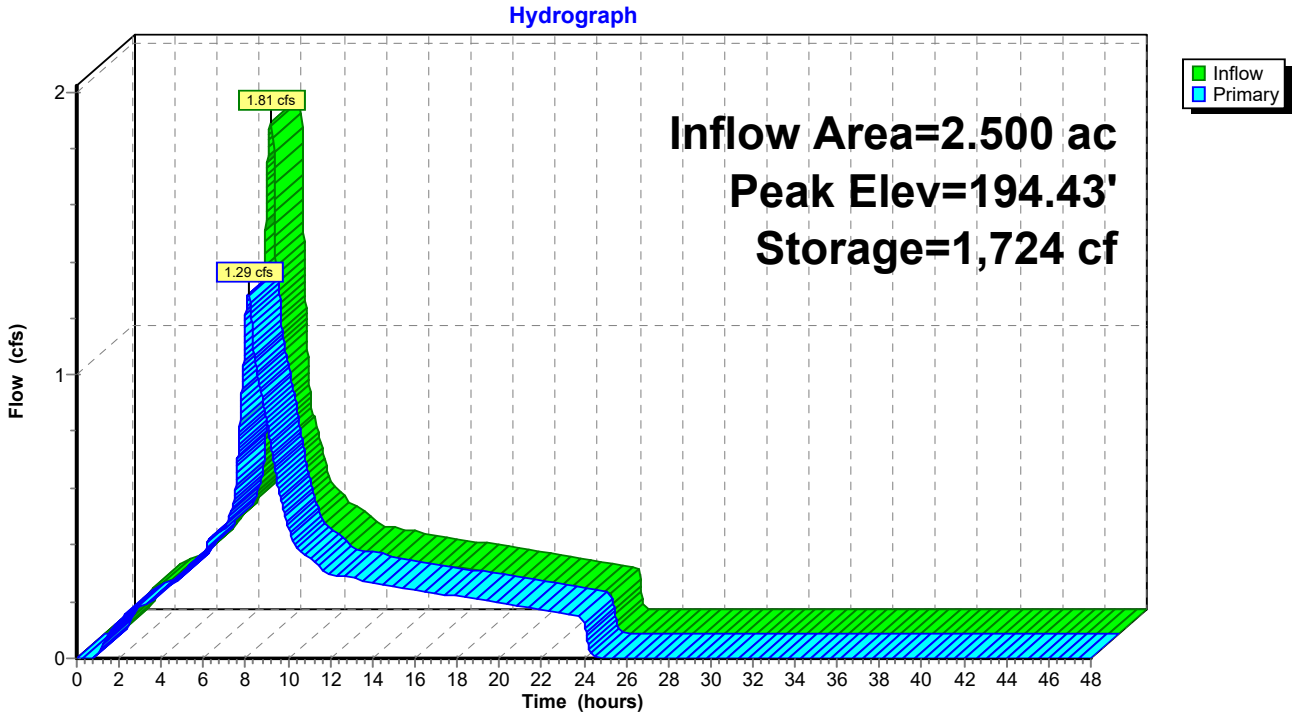
Plug-Flow detention time= 9.3 min calculated for 0.597 af (100% of inflow)
Center-of-Mass det. time= 9.3 min (675.4 - 666.1)

Volume	Invert	Avail.Storage	Storage Description
#1	191.00'	2,356 cf	**60.0" Round Pipe Storage** L= 120.0'

Device	Routing	Invert	Outlet Devices
#1	Primary	191.00'	**8.0" Round Culvert** L= 10.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 191.00' / 190.81' S= 0.0190 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#2	Device 1	191.00'	**4.9" Vert. Orifice/Grate** C= 0.600
#3	Device 1	194.00'	**3.3" Vert. Orifice/Grate** C= 0.600
#4	Primary	195.00'	**2.7" Vert. Orifice/Grate** C= 0.600
#5	Device 1	195.90'	**8.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=1.29 cfs @ 8.10 hrs HW=194.43' TW=0.00' (Dynamic Tailwater)
- **1=Culvert** (Passes 1.29 cfs of 2.96 cfs potential flow)
  - **2=Orifice/Grate** (Orifice Controls 1.13 cfs @ 8.65 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.15 cfs @ 2.61 fps)
  - **5=Orifice/Grate** (Controls 0.00 cfs)
- **4=Orifice/Grate** (Controls 0.00 cfs)

Pond 1P: Detention Pipe

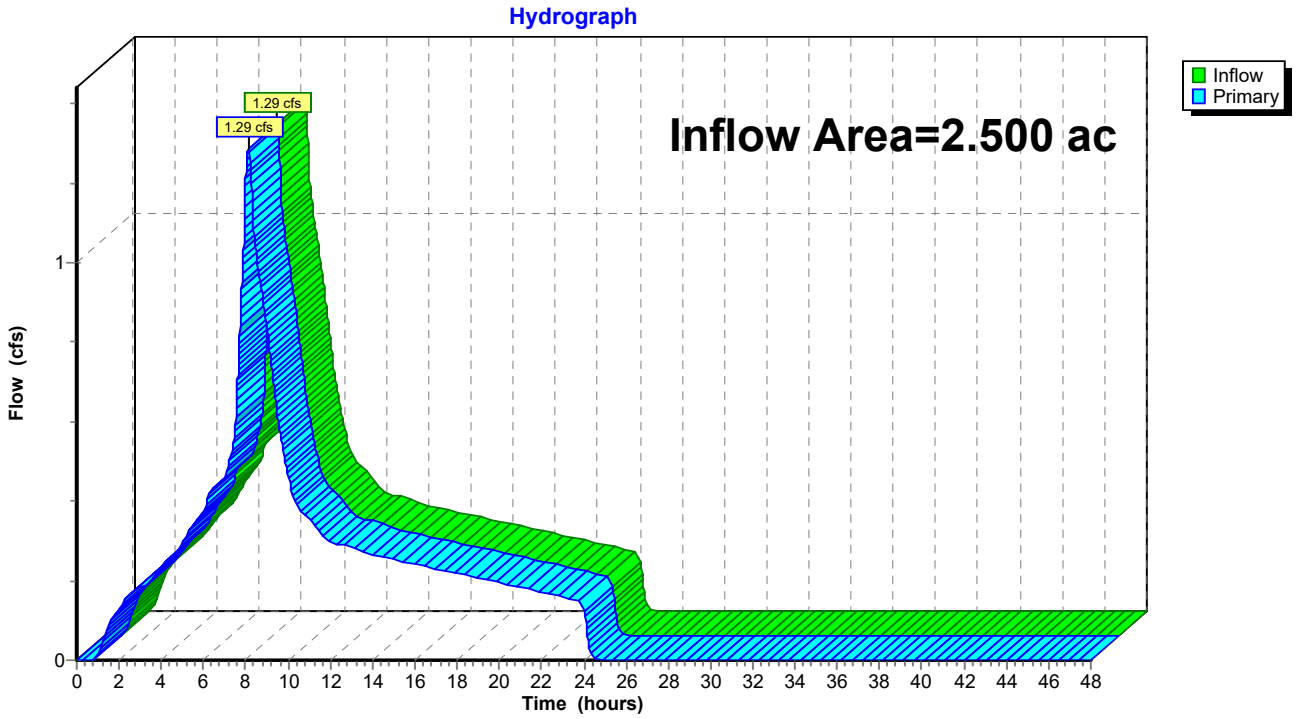


Summary for Link 2L: Flow Summary

Inflow Area = 2.500 ac,100.00% Impervious, Inflow Depth = 2.87" for 5-YR event
Inflow = 1.29 cfs @ 8.10 hrs, Volume= 0.597 af
Primary = 1.29 cfs @ 8.10 hrs, Volume= 0.597 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 2L: Flow Summary



4668-01 POST-DEV *Type IA 24-hr 10-YR Rainfall=3.45"*
Prepared by {enter your company name here} Printed 2/16/2022
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Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SBUH method, Split Pervious/Imperv.
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment4.3E: 4.3 EX Runoff Area=26,357 sf 100.00% Impervious Runoff Depth=3.22"
Tc=5.0 min CN=0/98 Runoff=0.49 cfs 0.162 af

Subcatchment4.3M: 4.3 MOD Runoff Area=17,554 sf 100.00% Impervious Runoff Depth=3.22"
Tc=5.0 min CN=0/98 Runoff=0.33 cfs 0.108 af

Subcatchment4.4E: 4.4 EX Runoff Area=43,771 sf 100.00% Impervious Runoff Depth=3.22"
Tc=5.0 min CN=0/98 Runoff=0.81 cfs 0.269 af

Subcatchment4.4M: 4.4 MOD Runoff Area=21,198 sf 100.00% Impervious Runoff Depth=3.22"
Tc=5.0 min CN=0/98 Runoff=0.39 cfs 0.130 af

Pond 1P: Detention Pipe Peak Elev=194.89' Storage=1,966 cf Inflow=2.02 cfs 0.670 af
Outflow=1.46 cfs 0.670 af

Link 2L: Flow Summary Inflow=1.46 cfs 0.670 af
Primary=1.46 cfs 0.670 af

Total Runoff Area = 2.500 ac Runoff Volume = 0.670 af Average Runoff Depth = 3.22"
0.00% Pervious = 0.000 ac 100.00% Impervious = 2.500 ac

Summary for Subcatchment 4.3E: 4.3 EX

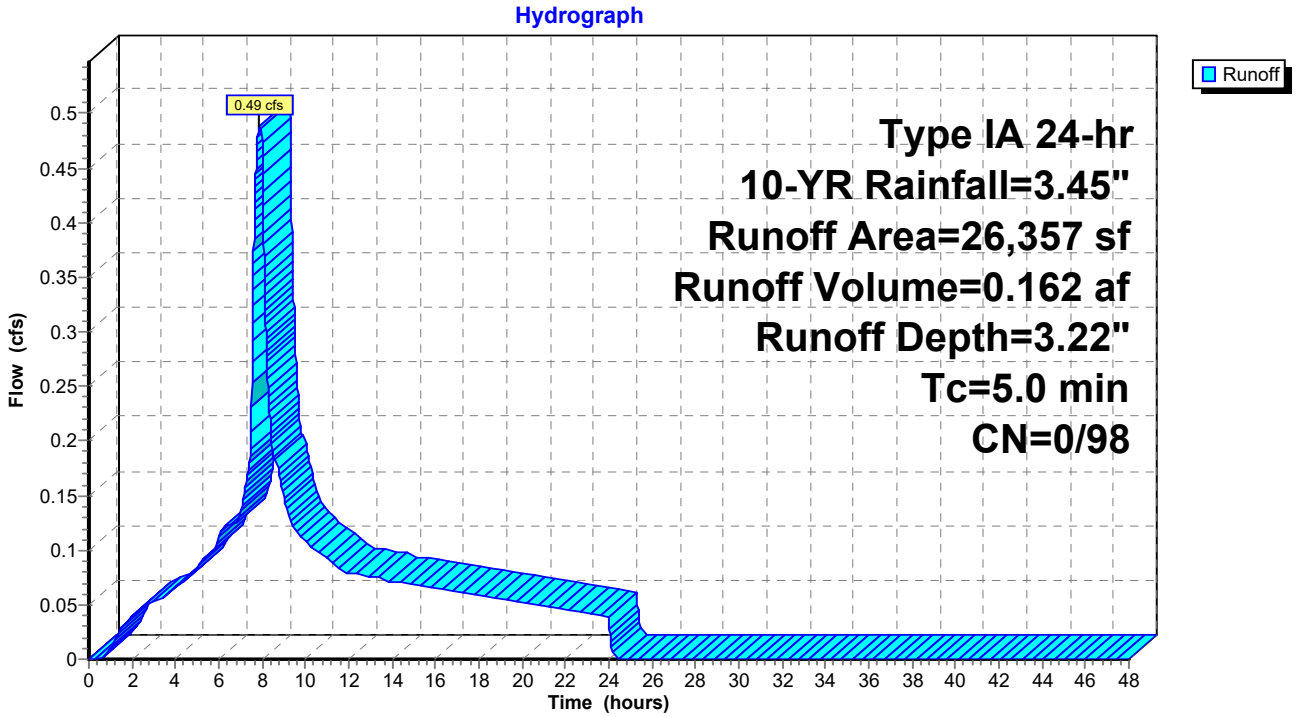
Runoff = 0.49 cfs @ 7.88 hrs, Volume= 0.162 af, Depth= 3.22"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-YR Rainfall=3.45"

	Area (sf)	CN	Description
*	26,357	98	Roof/Drive Aisle
	26,357		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3E: 4.3 EX



Summary for Subcatchment 4.3M: 4.3 MOD

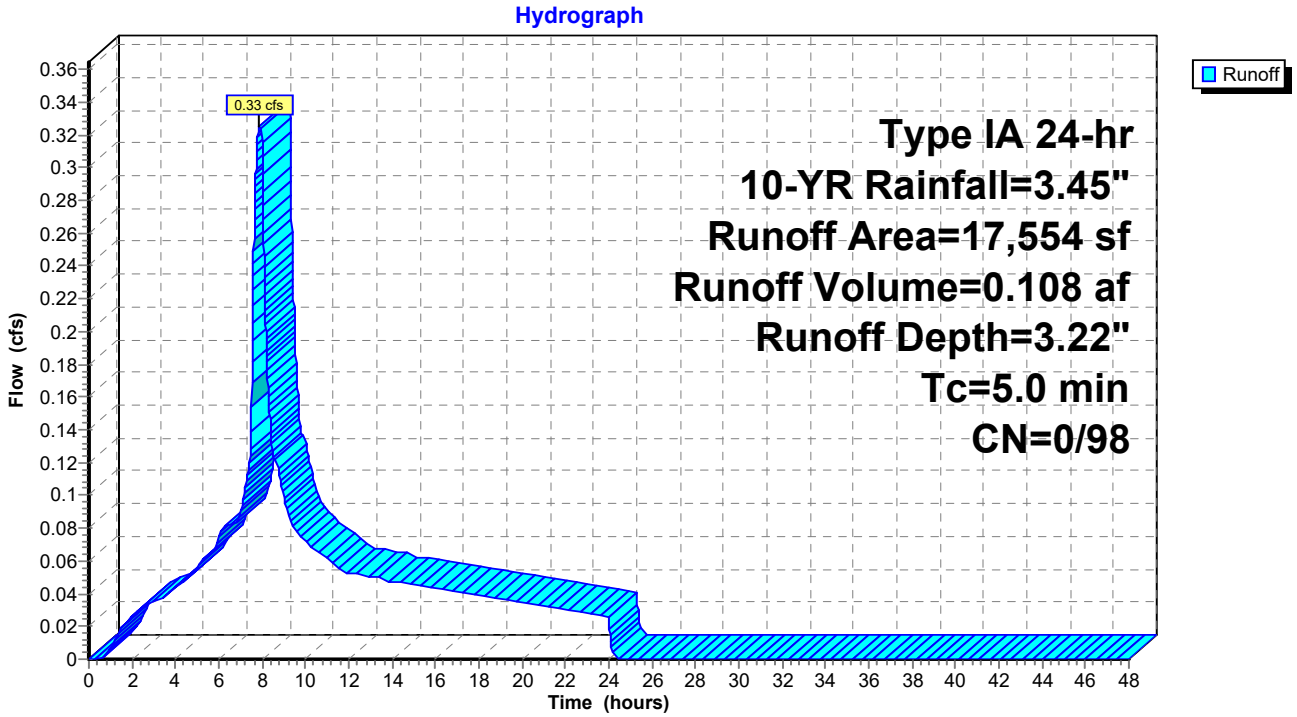
Runoff = 0.33 cfs @ 7.88 hrs, Volume= 0.108 af, Depth= 3.22"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-YR Rainfall=3.45"

	Area (sf)	CN	Description
*	17,554	98	Roof/Drive Aisle
	17,554		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3M: 4.3 MOD



Summary for Subcatchment 4.4E: 4.4 EX

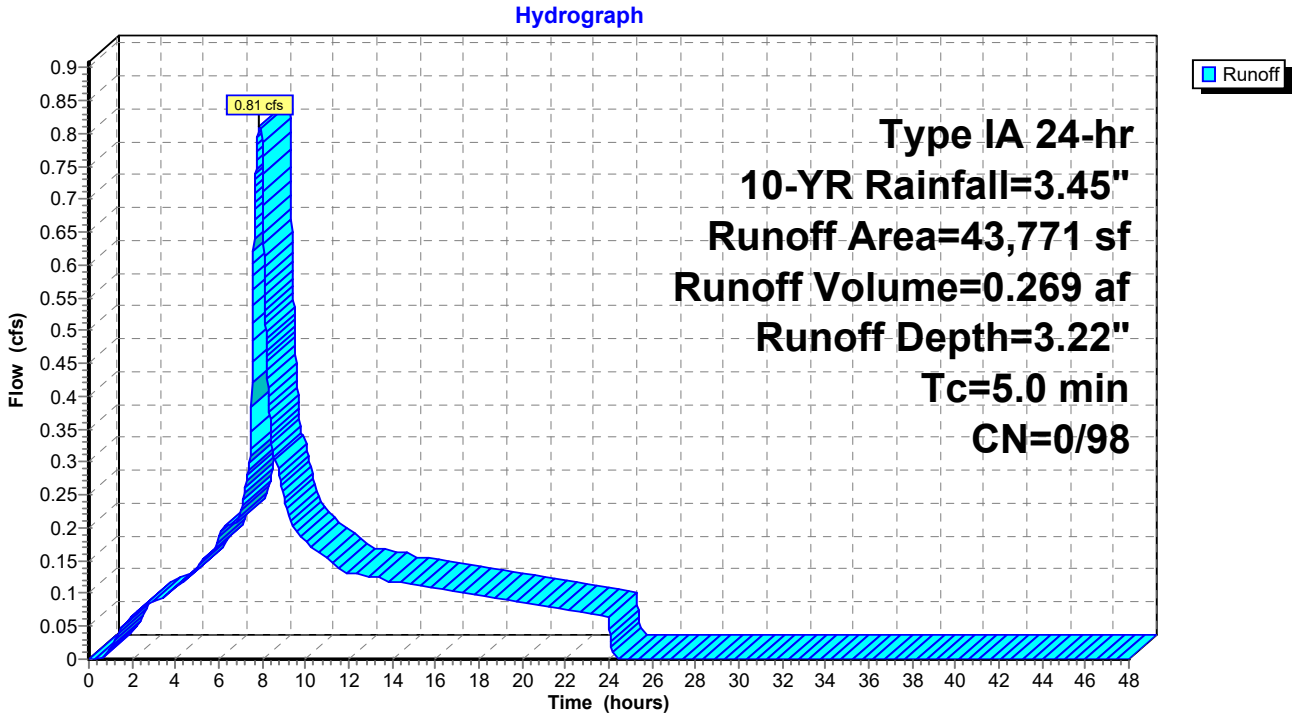
Runoff = 0.81 cfs @ 7.88 hrs, Volume= 0.269 af, Depth= 3.22"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-YR Rainfall=3.45"

	Area (sf)	CN	Description
*	43,771	98	Roof/Drive Aisle
	43,771		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4E: 4.4 EX



Summary for Subcatchment 4.4M: 4.4 MOD

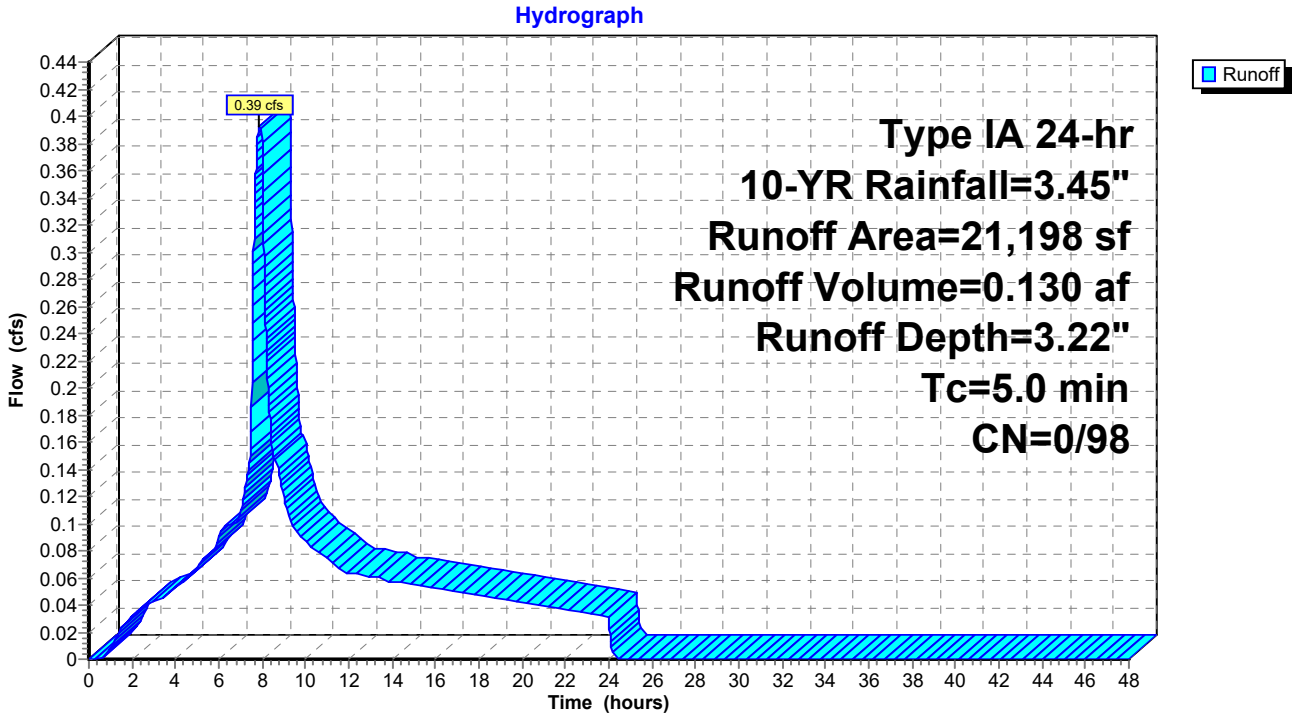
Runoff = 0.39 cfs @ 7.88 hrs, Volume= 0.130 af, Depth= 3.22"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-YR Rainfall=3.45"

	Area (sf)	CN	Description
*	21,198	98	Roof/Drive Aisle
	21,198		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4M: 4.4 MOD



Summary for Pond 1P: Detention Pipe

Inflow Area = 2.500 ac,100.00% Impervious, Inflow Depth = 3.22" for 10-YR event
Inflow = 2.02 cfs @ 7.88 hrs, Volume= 0.670 af
Outflow = 1.46 cfs @ 8.10 hrs, Volume= 0.670 af, Atten= 28%, Lag= 13.2 min
Primary = 1.46 cfs @ 8.10 hrs, Volume= 0.670 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 194.89' @ 8.10 hrs Surf.Area= 499 sf Storage= 1,966 cf

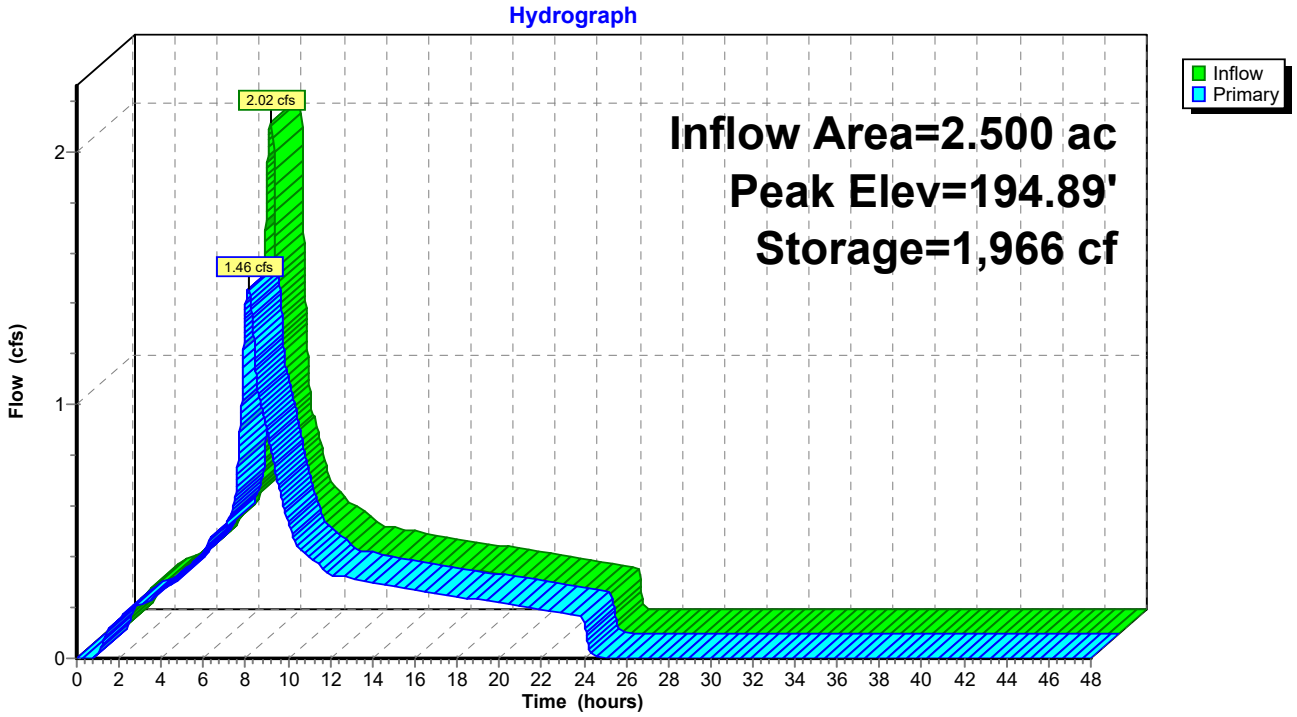
Plug-Flow detention time= 9.9 min calculated for 0.670 af (100% of inflow)
Center-of-Mass det. time= 9.9 min (673.1 - 663.2)

Volume	Invert	Avail.Storage	Storage Description
#1	191.00'	2,356 cf	**60.0" Round Pipe Storage** L= 120.0'

Device	Routing	Invert	Outlet Devices
#1	Primary	191.00'	**8.0" Round Culvert** L= 10.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 191.00' / 190.81' S= 0.0190 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#2	Device 1	191.00'	**4.9" Vert. Orifice/Grate** C= 0.600
#3	Device 1	194.00'	**3.3" Vert. Orifice/Grate** C= 0.600
#4	Primary	195.00'	**2.7" Vert. Orifice/Grate** C= 0.600
#5	Device 1	195.90'	**8.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=1.46 cfs @ 8.10 hrs HW=194.89' TW=0.00' (Dynamic Tailwater)
- **1=Culvert** (Passes 1.46 cfs of 3.17 cfs potential flow)
  - **2=Orifice/Grate** (Orifice Controls 1.21 cfs @ 9.24 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.25 cfs @ 4.17 fps)
  - **5=Orifice/Grate** (Controls 0.00 cfs)
- **4=Orifice/Grate** (Controls 0.00 cfs)

Pond 1P: Detention Pipe

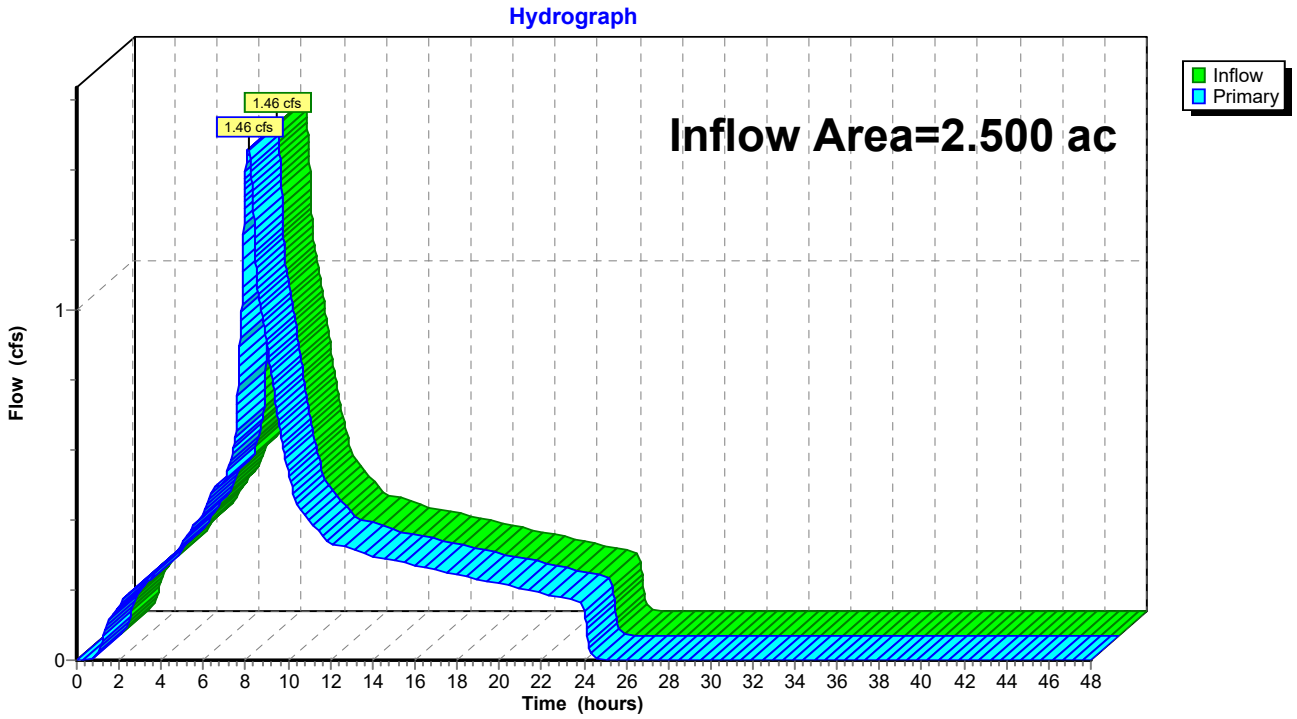


Summary for Link 2L: Flow Summary

Inflow Area = 2.500 ac,100.00% Impervious, Inflow Depth = 3.22" for 10-YR event
Inflow = 1.46 cfs @ 8.10 hrs, Volume= 0.670 af
Primary = 1.46 cfs @ 8.10 hrs, Volume= 0.670 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 2L: Flow Summary



4668-01 POST-DEV *Type IA 24-hr 25-YR Rainfall=3.90"*
Prepared by {enter your company name here} Printed 2/16/2022
HydroCAD® 10.00-22 s/n 01338 © 2018 HydroCAD Software Solutions LLC

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points x 2
Runoff by SBUH method, Split Pervious/Imperv.
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment4.3E: 4.3 EX Runoff Area=26,357 sf 100.00% Impervious Runoff Depth=3.67"
Tc=5.0 min CN=0/98 Runoff=0.55 cfs 0.185 af

Subcatchment4.3M: 4.3 MOD Runoff Area=17,554 sf 100.00% Impervious Runoff Depth=3.67"
Tc=5.0 min CN=0/98 Runoff=0.37 cfs 0.123 af

Subcatchment4.4E: 4.4 EX Runoff Area=43,771 sf 100.00% Impervious Runoff Depth=3.67"
Tc=5.0 min CN=0/98 Runoff=0.92 cfs 0.307 af

Subcatchment4.4M: 4.4 MOD Runoff Area=21,198 sf 100.00% Impervious Runoff Depth=3.67"
Tc=5.0 min CN=0/98 Runoff=0.45 cfs 0.149 af

Pond 1P: Detention Pipe Peak Elev=195.52' Storage=2,242 cf Inflow=2.29 cfs 0.763 af
Outflow=1.77 cfs 0.763 af

Link 2L: Flow Summary Inflow=1.77 cfs 0.763 af
Primary=1.77 cfs 0.763 af

Total Runoff Area = 2.500 ac Runoff Volume = 0.763 af Average Runoff Depth = 3.67"
0.00% Pervious = 0.000 ac 100.00% Impervious = 2.500 ac

Summary for Subcatchment 4.3E: 4.3 EX

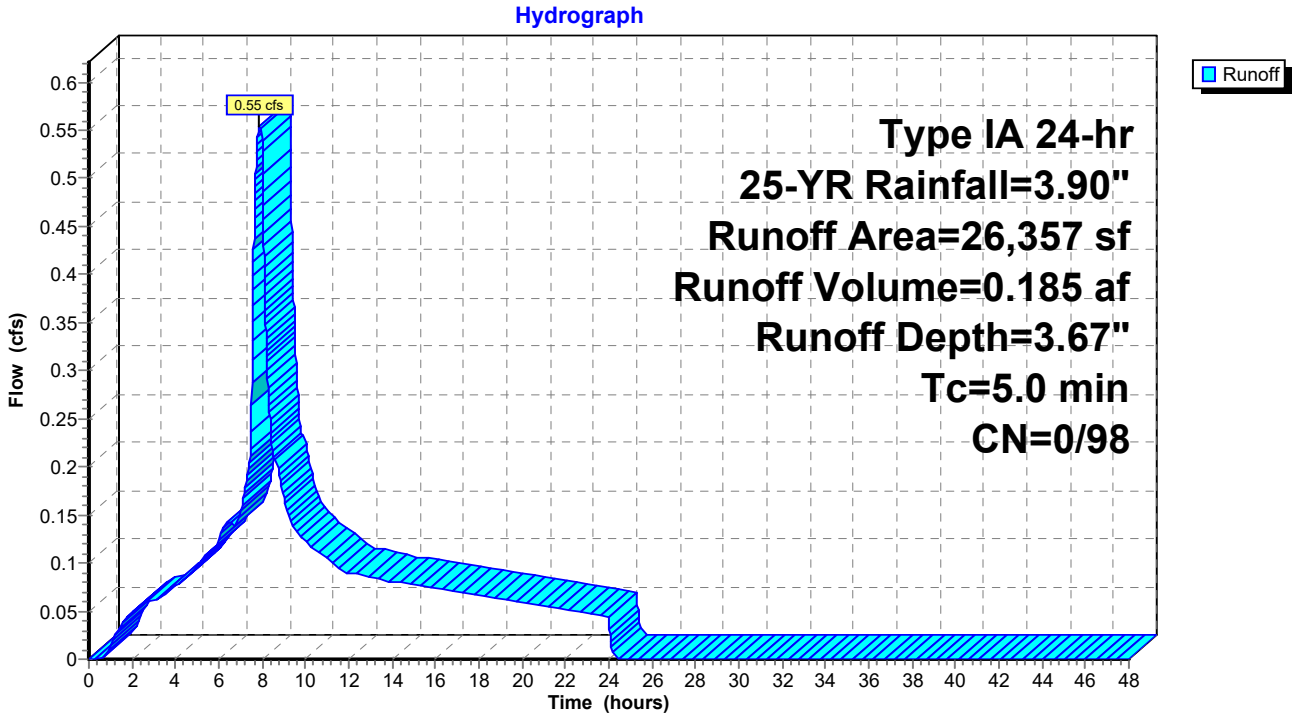
Runoff = 0.55 cfs @ 7.88 hrs, Volume= 0.185 af, Depth= 3.67"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	26,357	98	Roof/Drive Aisle
	26,357		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3E: 4.3 EX



Summary for Subcatchment 4.3M: 4.3 MOD

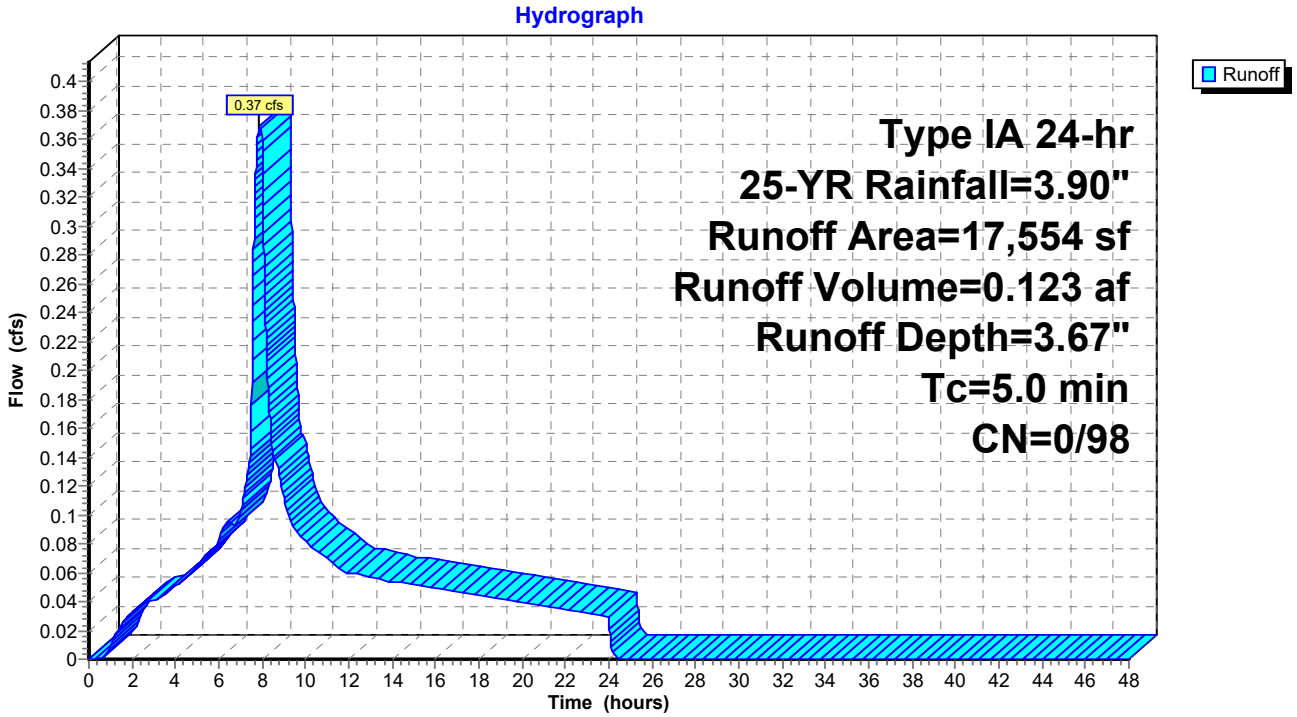
Runoff = 0.37 cfs @ 7.88 hrs, Volume= 0.123 af, Depth= 3.67"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	17,554	98	Roof/Drive Aisle
	17,554		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.3M: 4.3 MOD



Summary for Subcatchment 4.4E: 4.4 EX

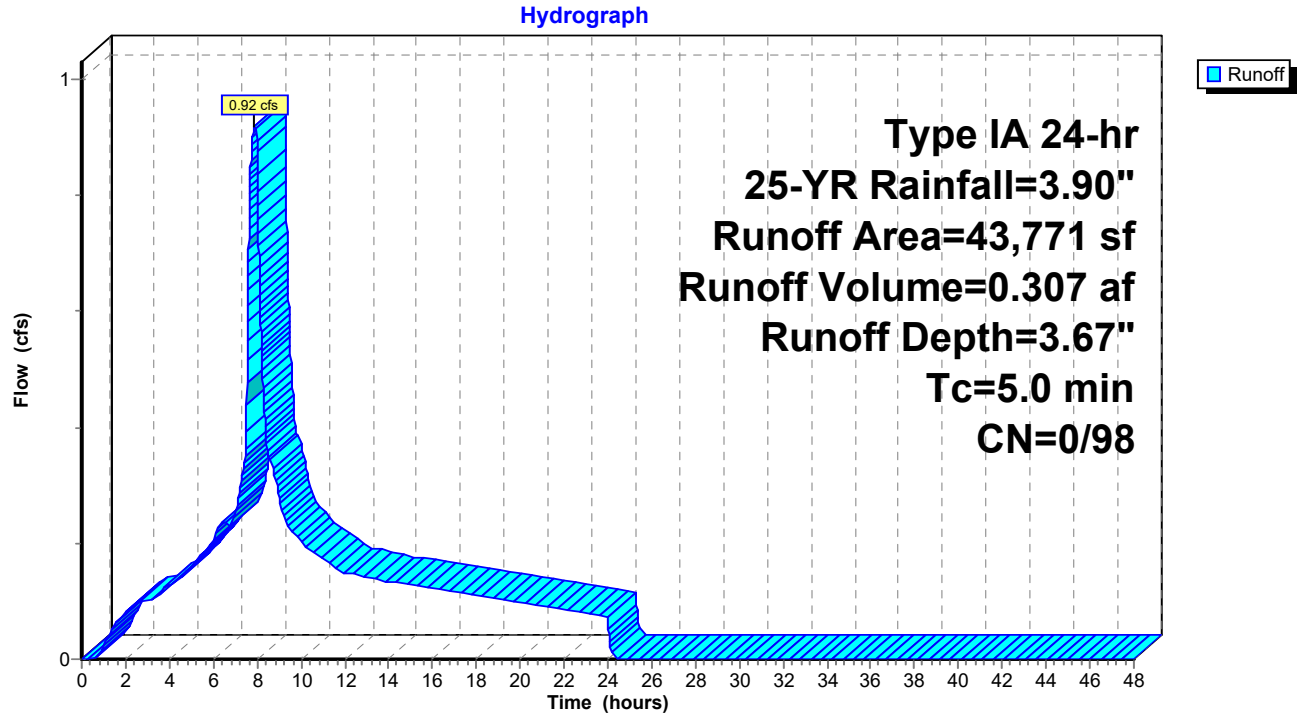
Runoff = 0.92 cfs @ 7.88 hrs, Volume= 0.307 af, Depth= 3.67"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	43,771	98	Roof/Drive Aisle
	43,771		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4E: 4.4 EX



Summary for Subcatchment 4.4M: 4.4 MOD

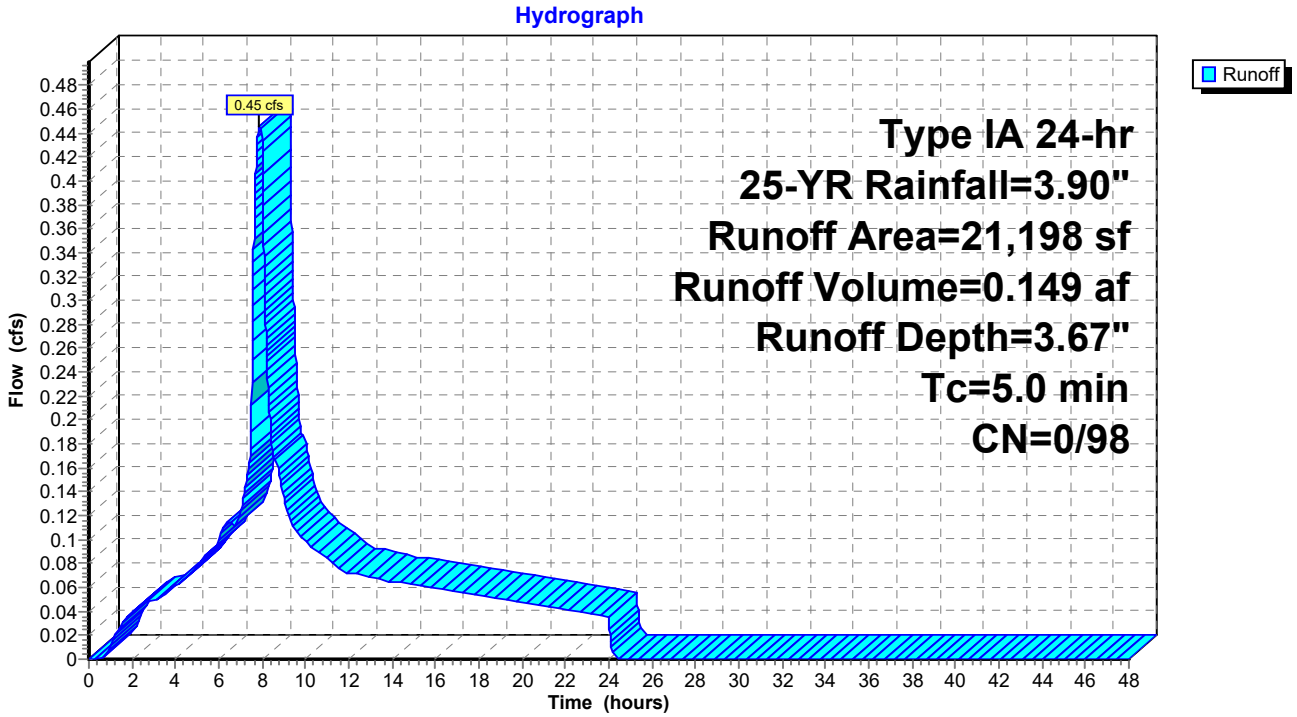
Runoff = 0.45 cfs @ 7.88 hrs, Volume= 0.149 af, Depth= 3.67"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-YR Rainfall=3.90"

	Area (sf)	CN	Description
*	21,198	98	Roof/Drive Aisle
	21,198		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 4.4M: 4.4 MOD



Summary for Pond 1P: Detention Pipe

Inflow Area = 2.500 ac,100.00% Impervious, Inflow Depth = 3.67" for 25-YR event
Inflow = 2.29 cfs @ 7.88 hrs, Volume= 0.763 af
Outflow = 1.77 cfs @ 8.07 hrs, Volume= 0.763 af, Atten= 23%, Lag= 11.7 min
Primary = 1.77 cfs @ 8.07 hrs, Volume= 0.763 af

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 195.52' @ 8.07 hrs Surf.Area= 352 sf Storage= 2,242 cf

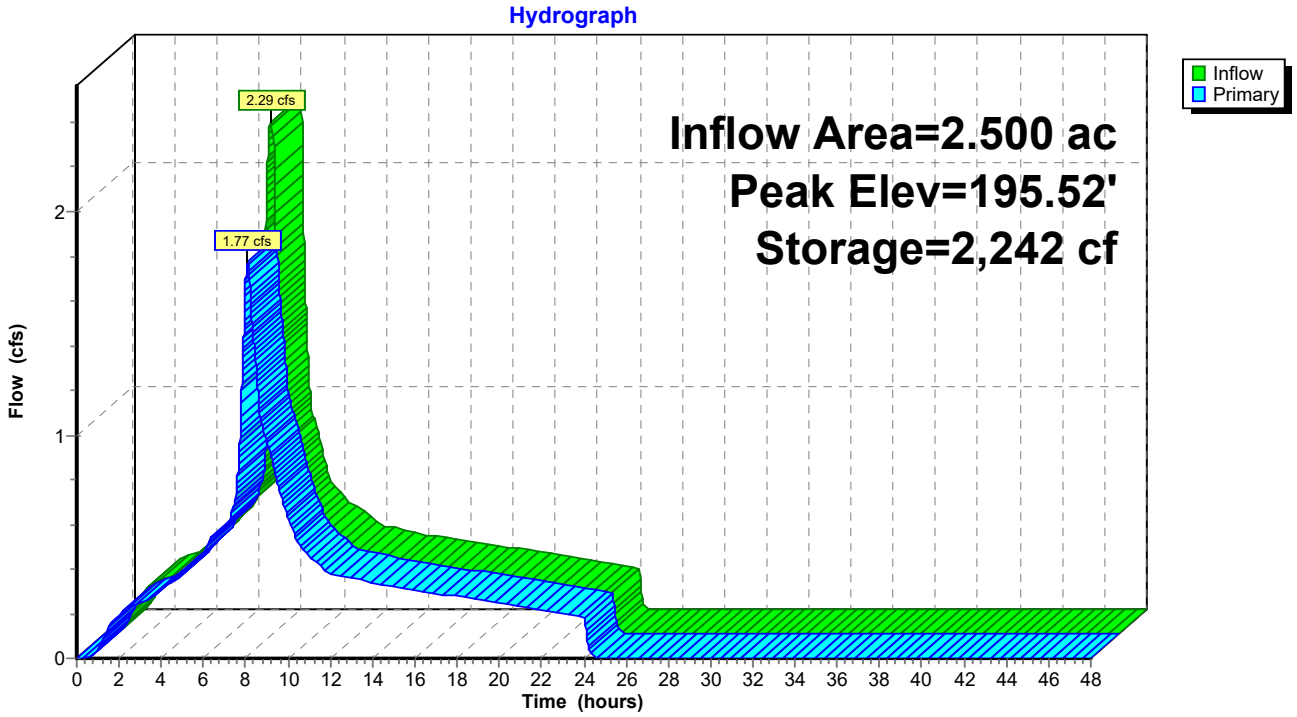
Plug-Flow detention time= 10.5 min calculated for 0.763 af (100% of inflow)
Center-of-Mass det. time= 10.5 min (670.7 - 660.1)

Volume	Invert	Avail.Storage	Storage Description
#1	191.00'	2,356 cf	**60.0" Round Pipe Storage** L= 120.0'

Device	Routing	Invert	Outlet Devices
#1	Primary	191.00'	**8.0" Round Culvert** L= 10.0' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 191.00' / 190.81' S= 0.0190 '/' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#2	Device 1	191.00'	**4.9" Vert. Orifice/Grate** C= 0.600
#3	Device 1	194.00'	**3.3" Vert. Orifice/Grate** C= 0.600
#4	Primary	195.00'	**2.7" Vert. Orifice/Grate** C= 0.600
#5	Device 1	195.90'	**8.0" Horiz. Orifice/Grate** C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=1.77 cfs @ 8.07 hrs HW=195.52' TW=0.00' (Dynamic Tailwater)
- **1=Culvert** (Passes 1.65 cfs of 3.44 cfs potential flow)
  - **2=Orifice/Grate** (Orifice Controls 1.31 cfs @ 10.01 fps)
  - **3=Orifice/Grate** (Orifice Controls 0.34 cfs @ 5.67 fps)
  - **5=Orifice/Grate** (Controls 0.00 cfs)
- **4=Orifice/Grate** (Orifice Controls 0.12 cfs @ 3.08 fps)

Pond 1P: Detention Pipe

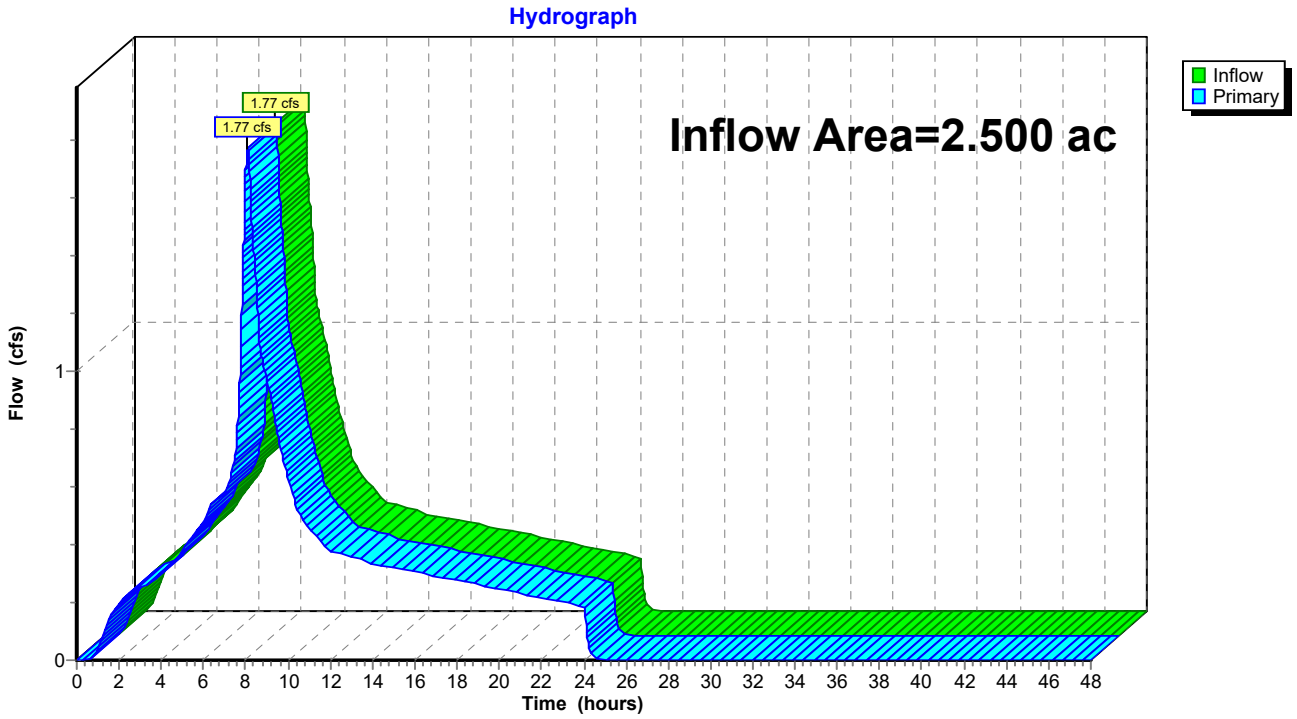


Summary for Link 2L: Flow Summary

Inflow Area = 2.500 ac,100.00% Impervious, Inflow Depth = 3.67" for 25-YR event
Inflow = 1.77 cfs @ 8.07 hrs, Volume= 0.763 af
Primary = 1.77 cfs @ 8.07 hrs, Volume= 0.763 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link 2L: Flow Summary



Appendix D: NRCS Soil Resource Report

Exhibit A

United States Department of Agriculture

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Washington County, Oregon

Sentinel Storage Annex II Mod.



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

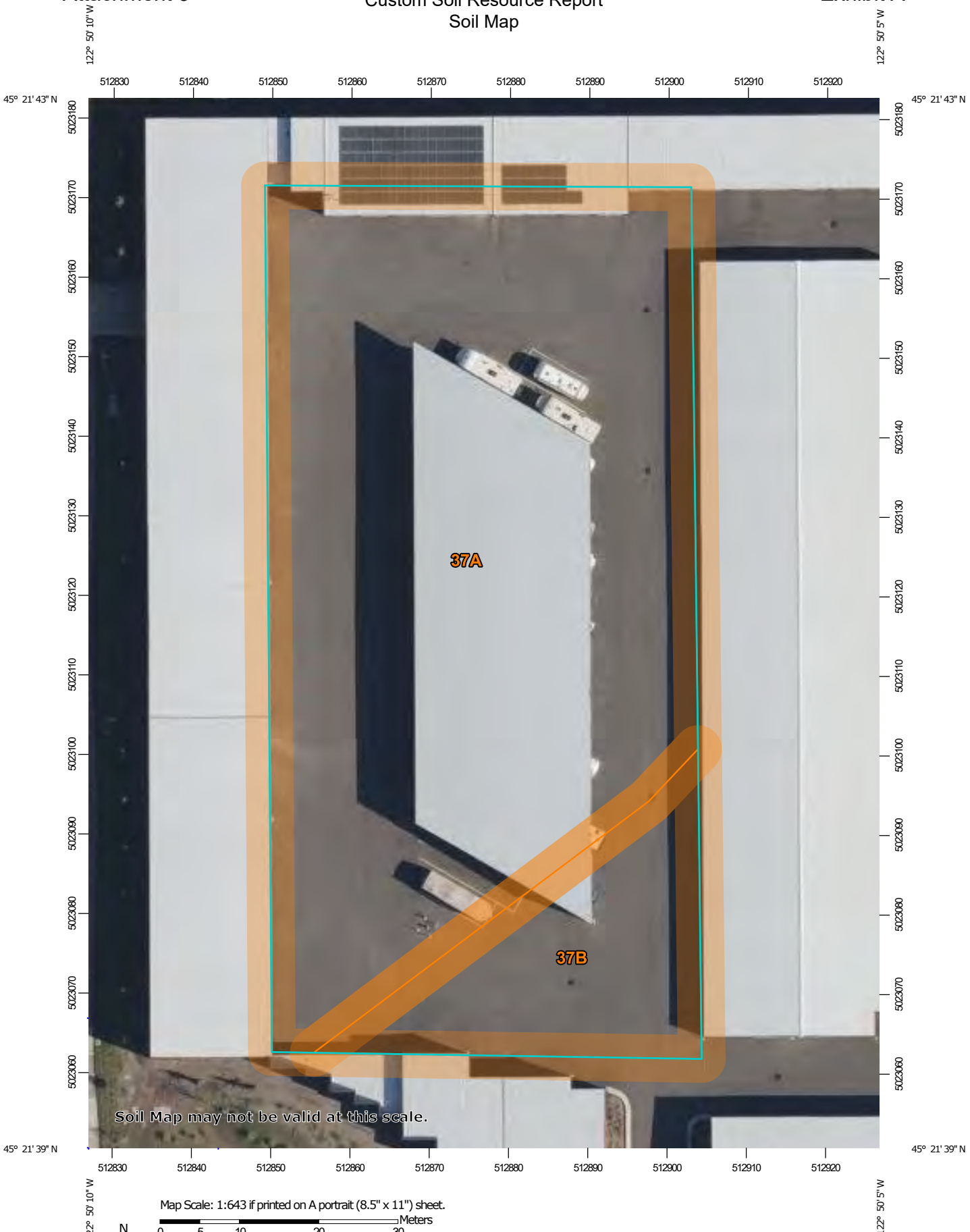
After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map



Map Scale: 1:643 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 5 10 20 30

Feet
0 30 60 120 180

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Oregon
Survey Area Data: Version 21, Oct 27, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 16, 2021—Apr 18, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
37A	Quatama loam, 0 to 3 percent slopes	1.2	84.5%
37B	Quatama loam, 3 to 7 percent slopes	0.2	15.5%
Totals for Area of Interest		**1.5**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Washington County, Oregon

37A—Quatama loam, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 21zl
Elevation: 140 to 250 feet
Mean annual precipitation: 40 to 50 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Quatama and similar soils: 85 percent
Minor components: 4 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Quatama

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium

Typical profile

H1 - 0 to 15 inches: loam
H2 - 15 to 30 inches: clay loam
H3 - 30 to 62 inches: loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 24 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 8.8 inches)

Interpretive groups

Land capability classification (irrigated): 2w
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: C
Ecological site: R002XC008OR - Valley Terrace Group
Forage suitability group: Moderately Well Drained < 15% Slopes (G002XY004OR)
Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
Hydric soil rating: No

Minor Components

Huberly

Percent of map unit: 4 percent

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

37B—Quatama loam, 3 to 7 percent slopes

Map Unit Setting

National map unit symbol: 21zm
Elevation: 140 to 250 feet
Mean annual precipitation: 40 to 50 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Quatama and similar soils: 85 percent
Minor components: 4 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Quatama

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium

Typical profile

H1 - 0 to 15 inches: loam
H2 - 15 to 30 inches: clay loam
H3 - 30 to 62 inches: loam

Properties and qualities

Slope: 3 to 7 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: About 24 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 8.8 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C

Ecological site: R002XC008OR - Valley Terrace Group
Forage suitability group: Moderately Well Drained < 15% Slopes (G002XY004OR)
Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
Hydric soil rating: No

Minor Components

Huberly
Percent of map unit: 4 percent
Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

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Appendix E: TR55 Runoff Curve Numbers

Table 2-2a Runoff curve numbers for urban areas [1/]

Cover description: Cover type and hydrologic condition	Average percent impervious area [2/]	Curve numbers for hydrologic soil group: A	B	C	D
Fully developed urban areas (vegetation established)					
Open space (lawns, parks, golf courses, cemeteries, etc.) [3/]:					
Poor condition (grass cover < 50%)		68	79	86	89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover > 75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)		98	98	98	98
Paved; open ditches (including right-of-way)		83	89	92	93
Gravel (including right-of-way)		76	85	89	91
Dirt (including right-of-way)		72	82	87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) [4/]		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)		96	96	96	96
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
Developing urban areas					
Newly graded areas (pervious areas only, no vegetation) [5/]		77	86	91	94
Idle lands (CN's are determined using cover types similar to those in table 2-2c).					

[1] Average runoff condition, and $I_a = 0.2S$.

[2] The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using figure 2-3 or 2-4.

[3] CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open space cover type.

[4] Composite CN's for natural desert landscaping should be computed using figures 2-3 or 2-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to desert shrub in poor hydrologic condition.

[5] Composite CN's to use for the design of temporary measures during grading and construction should be computed using figure 2-3 or 2-4 based on the degree of development (impervious area percentage) and the CN's for the newly graded pervious areas.

Appendix F: Post-Development Catchment Basins Map from Langer Farms Regional Facility Final Stormwater Report, Prepared by AKS Engineering (with annotations)

Exhibit A

PROPOSED REGIONAL STORMWATER FACILITY

SCALE 1" = 150 FEET

AREA TO BE TREATED BY PROPOSED REGIONAL STORMWATER FACILITY ±110.16 ACRES

TAX LOT 900 (SUBJECT SITE)

AREA TO BYPASS PROPOSED REGIONAL STORMWATER FACILITY ±10.13 ACRES

AREA TO BYPASS PROPOSED REGIONAL STORMWATER FACILITY ±27.65 ACRES

SW CENTURY DR

SW LANGER FARMS PARKWAY

SW OREGON ST

TARGET SITE

BILLET SITE

ST FRANCIS CHURCH SITE

NEW LIFE CHURCH SITE

ARBOR TERRACE NO. 3 SUBDIVISION

ARBOR TERRACE NO. 1 AND NO. 2 SUBDIVISIONS

SHERWOOD VILLAGE NO. 2 AND NO. 3 SUBDIVISIONS

CENTURY DRIVE PARK

POST-DEVELOPMENT CATCHMENT BASINS MAP

LANGER FARMS
REGIONAL STORMWATER FACILITY
SHERWOOD, OREGON

WASHINGTON COUNTY TAX MAP 2S 1 29D
TAX LOT 300

ENGINEERING - PLANNING
SURVEYING - FORESTRY
AKS ENGINEERING & FORESTRY
13910 SW GALBREATH DR., SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

DESIGNED BY:	AHH
DRAWN BY:	QMP
CHECKED BY:	AHH
DRAWING NO.:	2929STM
SCALE:	AS NOTED

PREPARED FOR:
TILAND/SCHMIDT ARCHITECTS
3611 SW HOOD AVE, SUITE 200
PORTLAND, OR 97239

DATE:

JOB NUMBER
2929

SHEET
2 OF 2

GREENLIGHT ENGINEERING
TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

April 14, 2016

Brad Kilby, Planning Manager
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Subject: Sentinel Storage Annex Phase 2

Dear Mr. Kilby

As requested by AKS Engineering and Forestry, Greenlight Engineering has conducted an analysis of the need for a traffic impact analysis for a proposed mini storage/rv/boat storage facility to be located on Langer Farms Parkway north of Oregon Street in Sherwood, Oregon.

The development consists of a 436 unit mini storage/rv/boat storage facility. Access to the site will be provided via an existing driveway to Langer Farms Parkway that is already used by an adjacent storage facility, Sentinel Storage Annex.

According to Section 16.106.080 of the City of Sherwood Zoning and Development Code, a traffic impact analysis is required for a number of different reasons. The development code section is provided below in italics, while our response is in regular typeface.

> *A traffic impact analysis (TIA) shall be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one (1) or more of the following:*
>
> *1. An amendment to the Sherwood Comprehensive Plan or zoning map.*
>
> The proposed development does not require an amendment to the Sherwood Comprehensive Plan or zoning map.
>
> *2. A new direct property approach road to Highway 99W is proposed.*
>
> No direct access to Highway 99W is proposed.
>
> *3. The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.*
>
> Vehicle trip generation rates from the 9th Edition of the ITE Trip Generation Manual were applied in establishing the site's generated trips for the proposed storage facility. Table 1 summarizes these trip generation projections for the site. As established below, far fewer than 50 PM peak hour trips will be generated by the proposed development.

Table 1. Trip Generation

Description & ITE Code	# of Units	Weekday Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
			Total	In	Out	Total	In	Out
Mini-warehouse (#151)	436	109	9	5	4	9	4	5
New Trips		109	9	5	4	9	4	5

Source: Institute of Transportation Engineers *Trip Generation Manual*, 9th Edition

4. *An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.*

The proposed development will not generate ten vehicle trips per day that exceed a twenty thousand-pound gross vehicle weight.

5. *The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.*

The proposed access is via an existing access to the Sentinel Storage Annex facility that will be shared with this new storage facility and has been previously approved by the City of Sherwood. Additionally, the proposed development will be constructed with a long, unobstructed driveway throat and as described as above, has a very low trip generation.

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

See discussion above in criterion #5.

There are no safety issues associated with this proposed development and the requirements of the City of Sherwood can be met. According to the City of Sherwood Zoning and Development Code, a full traffic impact study is not required. Should you have any questions, feel free to contact me at 503-317-4559.

Sincerely,

Rick Nys

Rick Nys, P.E.
Principal Traffic Engineer



Mini-Warehouse
(151)

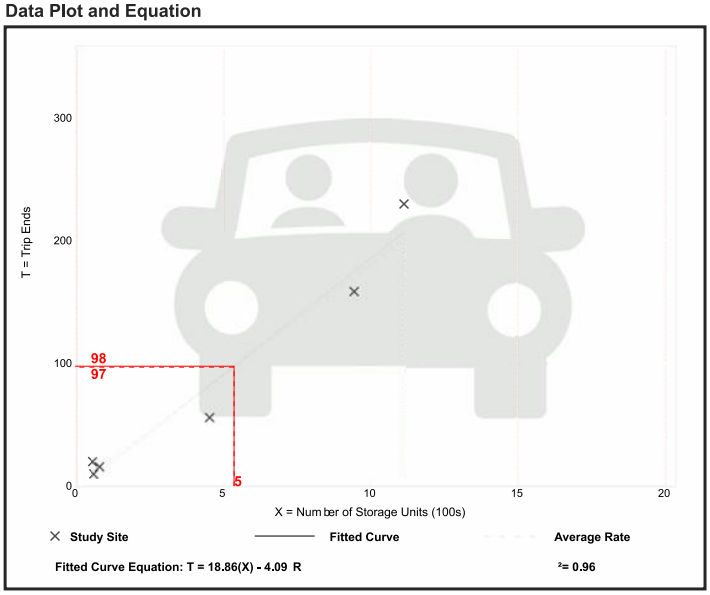
Vehicle Trip Ends vs: Storage Units (100s)
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Number of Storage Units (100s): 5
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Storage Unit (100s)

Average Rate	Range of Rates	Standard Deviation
17.96	2.25 - 33.33	.13

Data Plot and Equation



Fitted Curve Equation: T = 18.86(X) - 4.09 **R² = 0.96**

Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

Mini-Warehouse
(151)

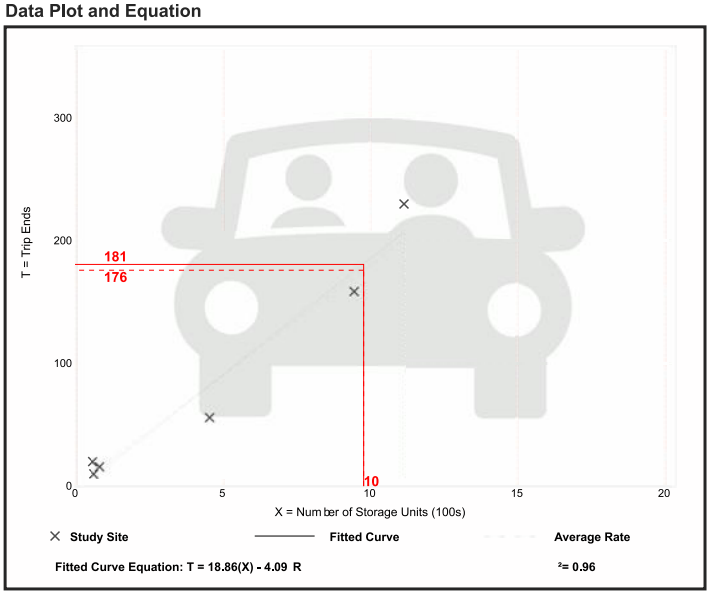
Vehicle Trip Ends vs: Storage Units (100s)
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
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Vehicle Trip Generation per Storage Unit (100s)

Average Rate	Range of Rates	Standard Deviation
17.96	2.25 - 33.33	.13

Data Plot and Equation



Fitted Curve Equation: T = 18.86(X) - 4.09 **R^2 = 0.96**

Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION

Tualatin Valley Fire & Rescue

North Operating Center
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

South Operating Center
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577

REV 6-30-20

Project Information

Applicant Name: John Christiansen
Address: 12965 SW Herman Rd., Suite 100 Tualatin, OR 97062
Phone: 503-563-6151
Email: johnc@aks-eng.com
Site Address: 21900 SW Langer Farms Parkway
City: Sherwood
Map & Tax Lot #: 2S 1 29DC, Tax Lot 900
Business Name: Langer Storage 2, LLC
Land Use/Building Jurisdiction: industrial self-storage facility
Land Use/ Building Permit # TBD by City of Sherwood
Choose from: Sherwood

Project Description

Removal and replacement of an existing RV canopy with a ±75,000-square-foot self-storage building.

Permit/Review Type (check one):

- ☒ Land Use / Building Review - Service Provider Permit
- ☐ Emergency Radio Responder Coverage Install/Test
- ☐ LPG Tank (Greater than 2,000 gallons)
- ☐ Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
  - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- ☐ Explosives Blasting (Blasting plan is required)
- ☐ Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- ☐ Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- ☐ Temporary Haunted House or similar
- ☐ OLCC Cannabis Extraction License Review
- ☐ Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

For Fire Marshal's Office Use Only

TVFR Permit # 2022-0028
Permit Type: SPP
Submittal Date:
Assigned To:
Due Date:
Fees Due:
Fees Paid:

Approval/Inspection Conditions

(For Fire Marshal's Office Use Only)

This section is for application approval only

Ty Darby 3/15/22
Fire Marshal or Designee Date

Conditions:

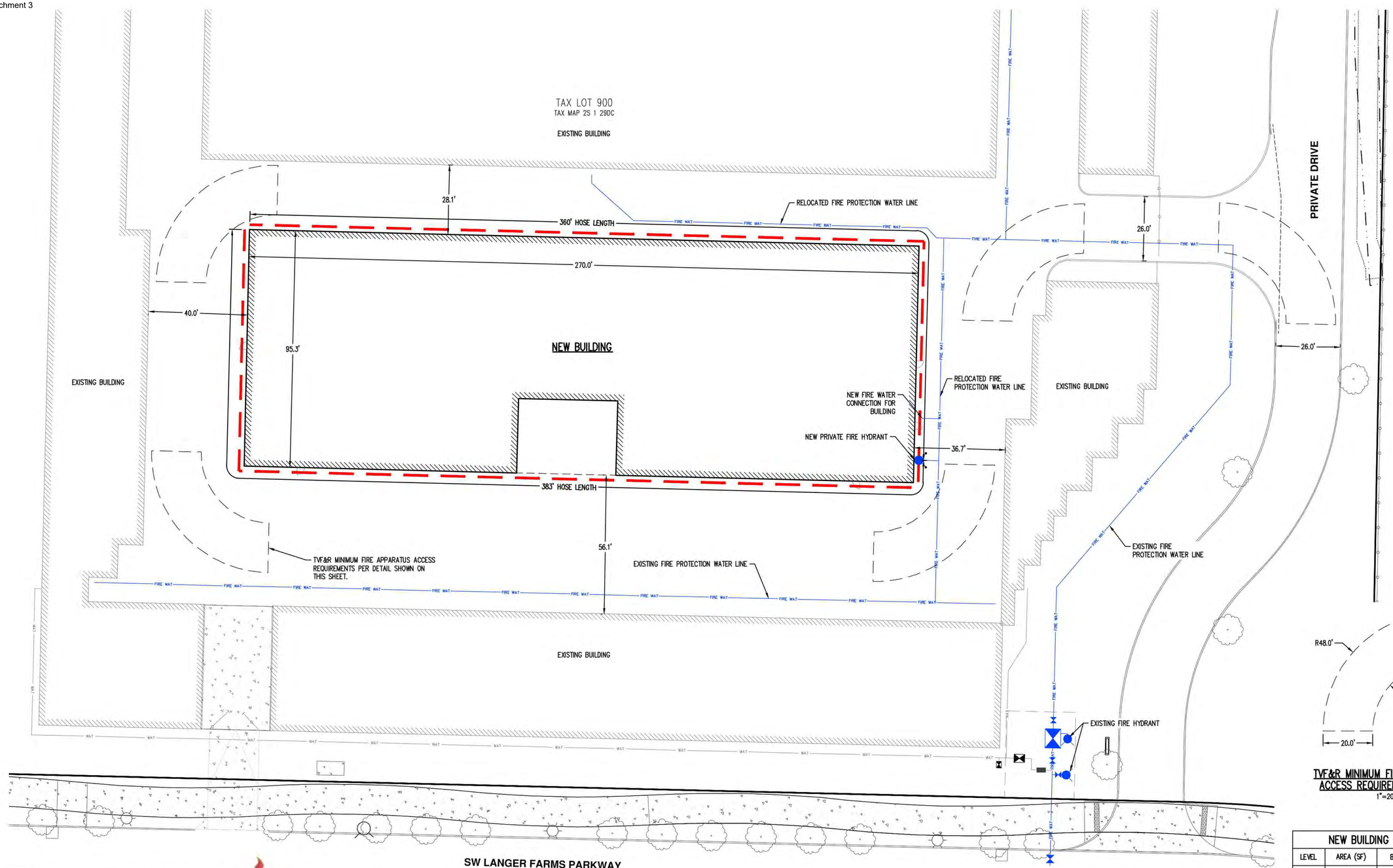
See Attached Conditions: ☐ Yes ☒ No

Site Inspection Required: ☐ Yes ☒ No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID Date



TVF&R MINIMUM FIRE APPARATUS ACCESS REQUIREMENTS DETAIL
1"=20'

NEW BUILDING SUMMARY		
LEVEL	AREA (SF)	BUILDING STORAGE USE
L1	23,897	MINI STORAGE
L2	24,540	MINI STORAGE
L3	25,740	MINI STORAGE
TOTAL	74,177	

Tualatin Valley Fire & Rescue

CONDITIONALLY APPROVED PLANS
(see attached letter)

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

TY DARBY
Deputy Fire Marshal II

SCALE: 1"=20 FEET
20 0 4 10 20
ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151
WWW.AKS-ENG.COM

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

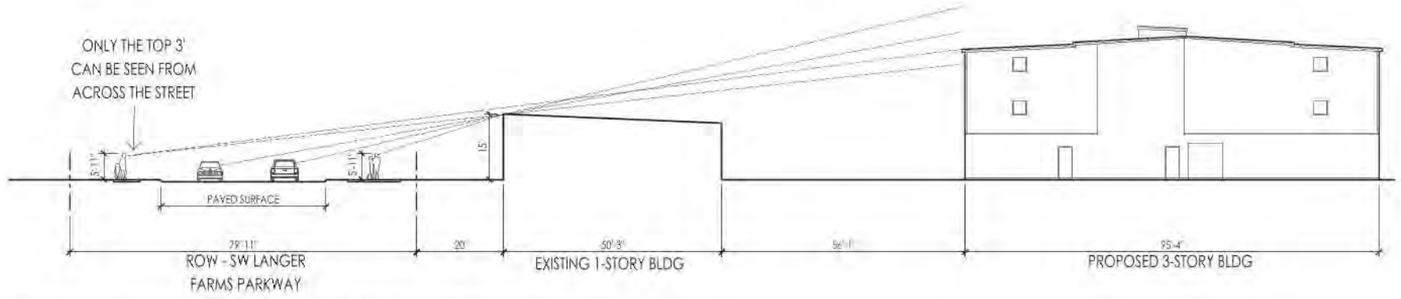
TVF&R SITE PLAN
SENTINEL STORAGE ANNEX II
SITE PLAN MODIFICATION
SHERWOOD, OREGON

JOB NUMBER:	4668-01
DATE:	03/07/2022
DESIGNED BY:	APC
DRAWN BY:	APC
CHECKED BY:	JPC

FS-1

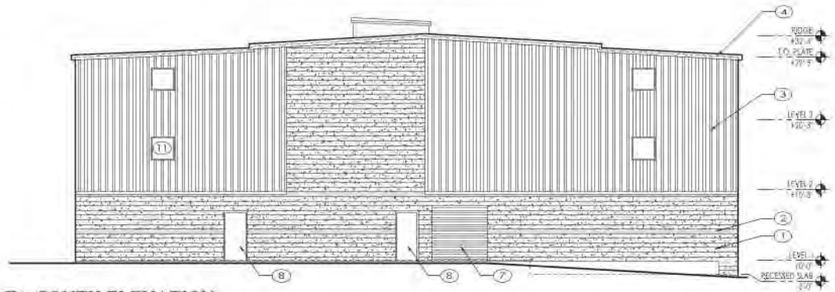
AKS DRAWING FILE: 4668-01 FIRE SPL.DWG | LAYOUT: P04

GENERAL NOTES
1. ARCHITECTURAL ELEMENTS ARE DESIGNED TO MATCH AND COMPLIMENT THE EXISTING FACILITY.
2. THERE WILL BE NO ROOF-MOUNTED EQUIPMENT ON THIS BUILDING.

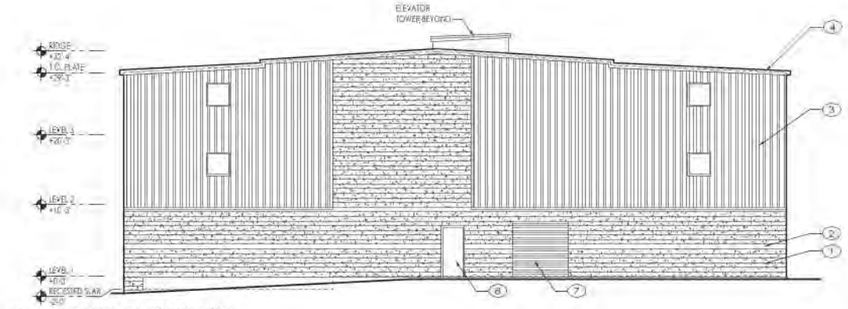


5 VIEW SECTION LOOKING NORTH THROUGH STREET
SCALE: 1/16" = 1'-0"

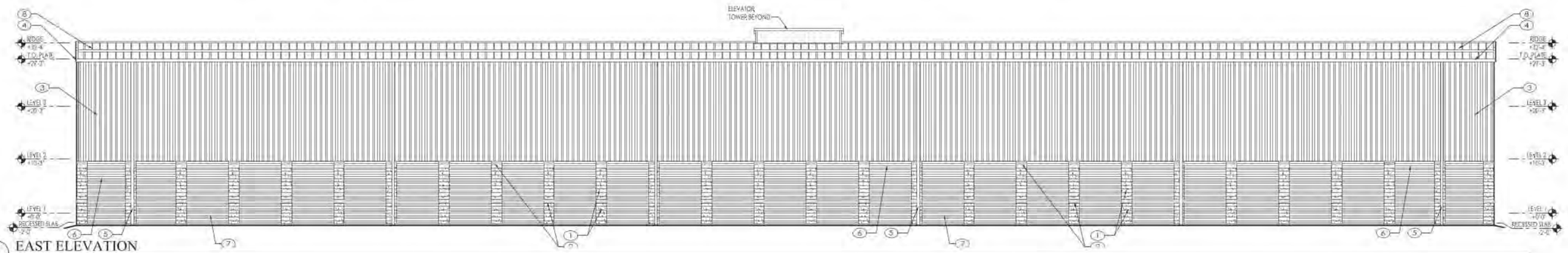
MATERIAL KEY
1. MB FACE CMU (CHARCOAL)
2. SMOOTH FACE CMU BAND (NATURAL)
3. VERT. "MEGA RIB" METAL SIDING (TERRA COTTA)
4. GUTTER / 8" FASCIA COPING (SLATE GRAY)
5. DOWNSPOUT (MATCH SIDING)
6. METAL HEADER PANEL (SLATE GRAY)
7. COIL DOOR (CEDAR RED)
8. GALV. METAL ROOFING
9. P&S EXTERIOR DOOR (BLACK)
10. LED WALL PAK LIGHT
11. ALUM. STOREFRONT WINDOW SYSTEM (DARK BRONZE)



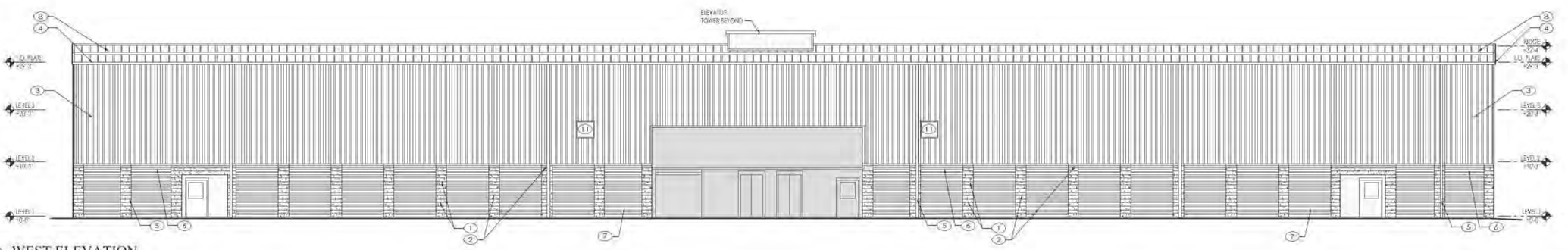
4 SOUTH ELEVATION
SCALE: 1" = 10'-0"



3 NORTH ELEVATION
SCALE: 1" = 10'-0"



2 EAST ELEVATION
SCALE: 1" = 10'-0"



1 WEST ELEVATION
SCALE: 1" = 10'-0"

SENTINEL STORAGE ANNEX 2
SITE PLAN MODIFICATION
21900 SW LANGER FARMS PARKWAY
SHERWOOD, OR 97140

DRAWN BY
SAB

TITLE
EXTERIOR ELEVATIONS

DATE
01 FEBRUARY 2022

ISSUE
SITE PLAN REVIEW SUBMITTAL

SHEET NUMBER
FS-2

Engineering Land Use Application Comments

To:	Eric Rutledge, Associate Planner
From:	Craig Christensen, P.E., Engineering Department
Project:	Sentinel Storage Major Modification (LU 2022-004)
Date:	April 15, 2022

Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

Sanitary Sewer
Currently a public sanitary sewer main exists within SW Langer Farms Parkway along the subject property frontage. No public sanitary sewer main extension is required.

There are no sanitary sewer fixtures proposed with the new building.

Water
Currently there is a public water main existing within SW Langer Farms Parkway along the subject property frontage. No public water main extension is required.

There are no domestic water fixtures proposed with the new building. It appears that the new building will have a fire sprinkler system. Water for the fire sprinkler system will be obtained from the existing on-site fire system.

CONDITION: Prior to Issuance of a Plumbing Permit, water flows calculations (domestic, irrigation and fire) shall be provided by the developer.

CONDITION: Prior to Issuance of a Plumbing Permit, the proposed development shall design for private water lines to be in compliance with the current Oregon Plumbing Specialty Code.

Storm Sewer
Currently a public storm sewer main exists within SW Langer Farms Parkway along the subject property frontage. There is also a public storm sewer line within the south side of the subject property which is where the storm lateral to the subject property is connected. Therefore, no public storm sewer main extension is required.

Storm sewer for the new building will be via the existing on-site storm sewer system.

There is an existing water quality facility which was constructed with the original subdivision. This facility was designed to treat the runoff from the development of the subject property. This water quality facility was not designed to provide hydro-modification to meet the newly adopted Clean Water Services' hydro-modification requirements.

CONDITION: Prior to Issuance of Building/Plumbing Permits, the proposed development shall design to provide hydro-modification in compliance with Clean Water Services' standards.

CONDITION: Prior to Occupancy, private hydro-modification facilities shall be constructed and shall have a recorded Private Stormwater Facility Access and Maintenance Covenant. An Operation and Maintenance Plan for all private hydro-modification facilities is also required to be submitted to the Sherwood Engineering Department.

CONDITION: Prior to Issuance of a Plumbing Permit, the proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

Transportation
The subject property has frontage on SW Langer Farms Parkway (Collector). Since this is redeveloping of the existing property, a driveway already exists for site access.

Due to SW Langer Farms Parkway being fully developed, no street improvements are required. The trip generation data shows that mini-storage units are not a significant generator of peak hour traffic.

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

An erosion control plan and permit is required from the City of Sherwood Engineering Department for all private improvements. The erosion control permit is reviewed, approved and released as part of the public improvement plans.

Although the proposed parcel is less than 1 acre in size, the original development was constructed under a 1200-C, therefore a DEQ NPDES 1200-C permit is required for this development.

CONDITION: Prior to Issuance of Building/Plumbing Permits, a DEQ NPDES 1200-C permit shall be obtained.

Other Engineering Issues:
Clean Water Services has commented that no Service Provider Letter is required for the subject development.

An 8-foot wide PUE exists along the subject property frontage of SW Langer Farms Parkway.

Sherwood Broadband exists along the subject property frontage of SW Langer Drive. Therefore no Sherwood Broadband frontage improvements are required.

CONDITION: Prior to Issuance of Building/Plumbing Permit, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.

END OF COMMENTS.

M E M O R A N D U M

Date: April 19, 2022

To: Eric Rutledge, Associate Planner, City of Sherwood

From: Jackie Sue Humphreys, Clean Water Services (CWS)

Subject: Sentinel Storage II Modification, LU 2022-004 MM, 2S129DC00900

Please include the following comments when writing your conditions of approval:

PRIOR TO ANY WORK ON THE SITE

A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22, or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.

b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.

c. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.

d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5, Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.

e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.

g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.

h. Application may require additional permitting and plan review from CWS Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.

i. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

This Land Use Review does not constitute CWS approval of storm or sanitary sewer compliance to the NPDES permit held by CWS. CWS, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

From: Jon Rievley
To: Eric Rutledge
Subject: LU 2022-004 MM Sentinel Storage Revision
Date: Tuesday, March 29, 2022 3:08:56 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Hi Eric,

We ABSOLUTELY do not want a blocky, ugly 3 story building at this sight. If it were a bit further from the neighborhoods. I don't want to be looking out our living room window at it. The big blue building is bad enough!

Who do I need to speak with further to prevent this from happening? Or is this going to be another situation where our feedback will be ignored?

Thanks,
Jon Rievley
503-516-7729

Sent from my iPhone

LU 2022-004 MM
Sentinel Storage II
Major Modification

Exhibit D1



Date: 3/23/2022 Created by: Eric Rutledge

N

0 100 200 400

Feet

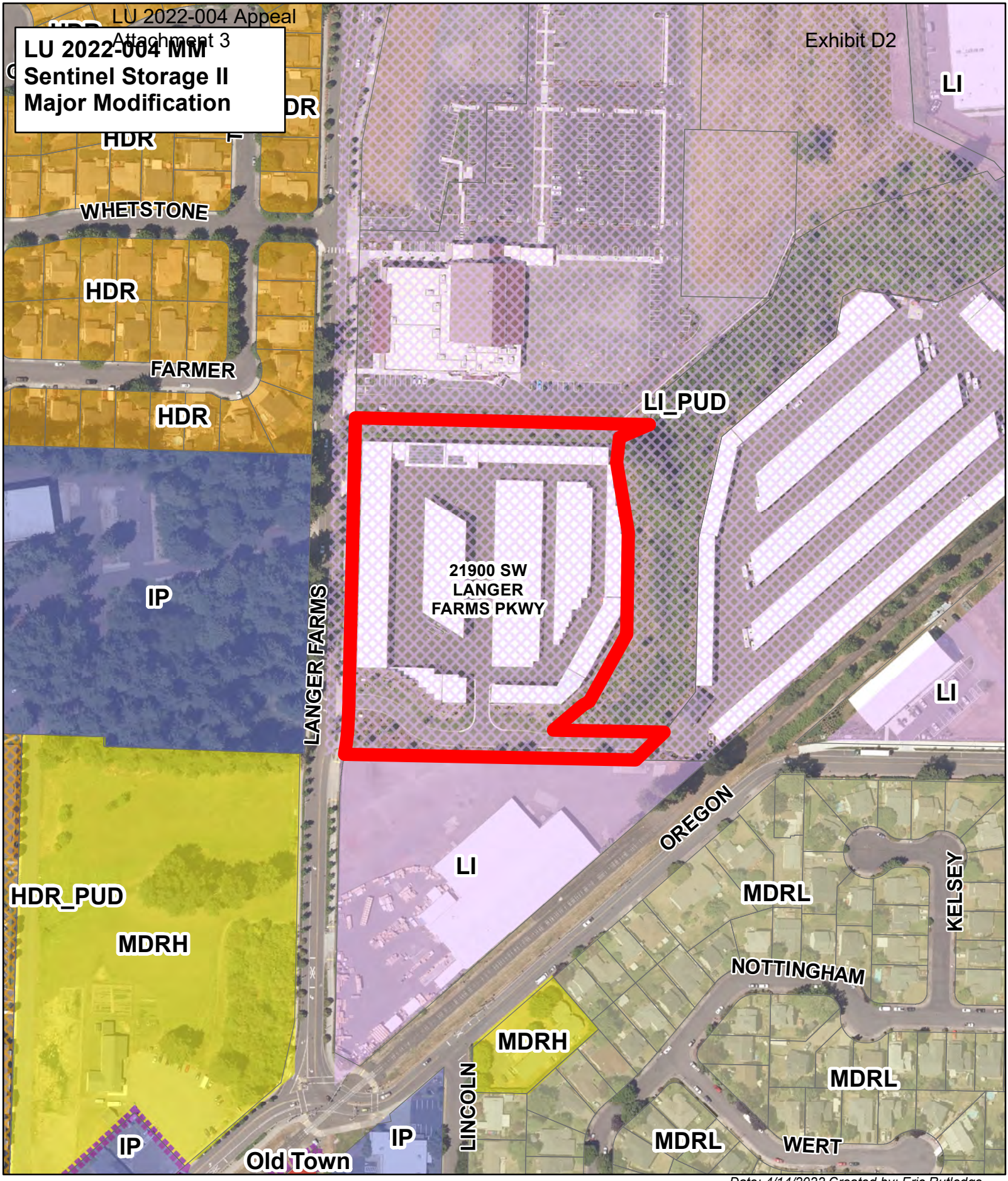
City of Sherwood Oregon

Map data provided by METRO and the City of Sherwood. The City of Sherwood's infrastructure records,drawings, and other documents have been gathered over many years, using many different formats and standards. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not guaranteed.

LU 2022-004 Appeal
Attachment 3

Exhibit D2

LU 2022-004 MM
Sentinel Storage II
Major Modification



Date: 4/14/2022 Created by: Eric Rutledge

N

0 100 200 400

Feet

City of Sherwood Oregon

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Exhibit D3

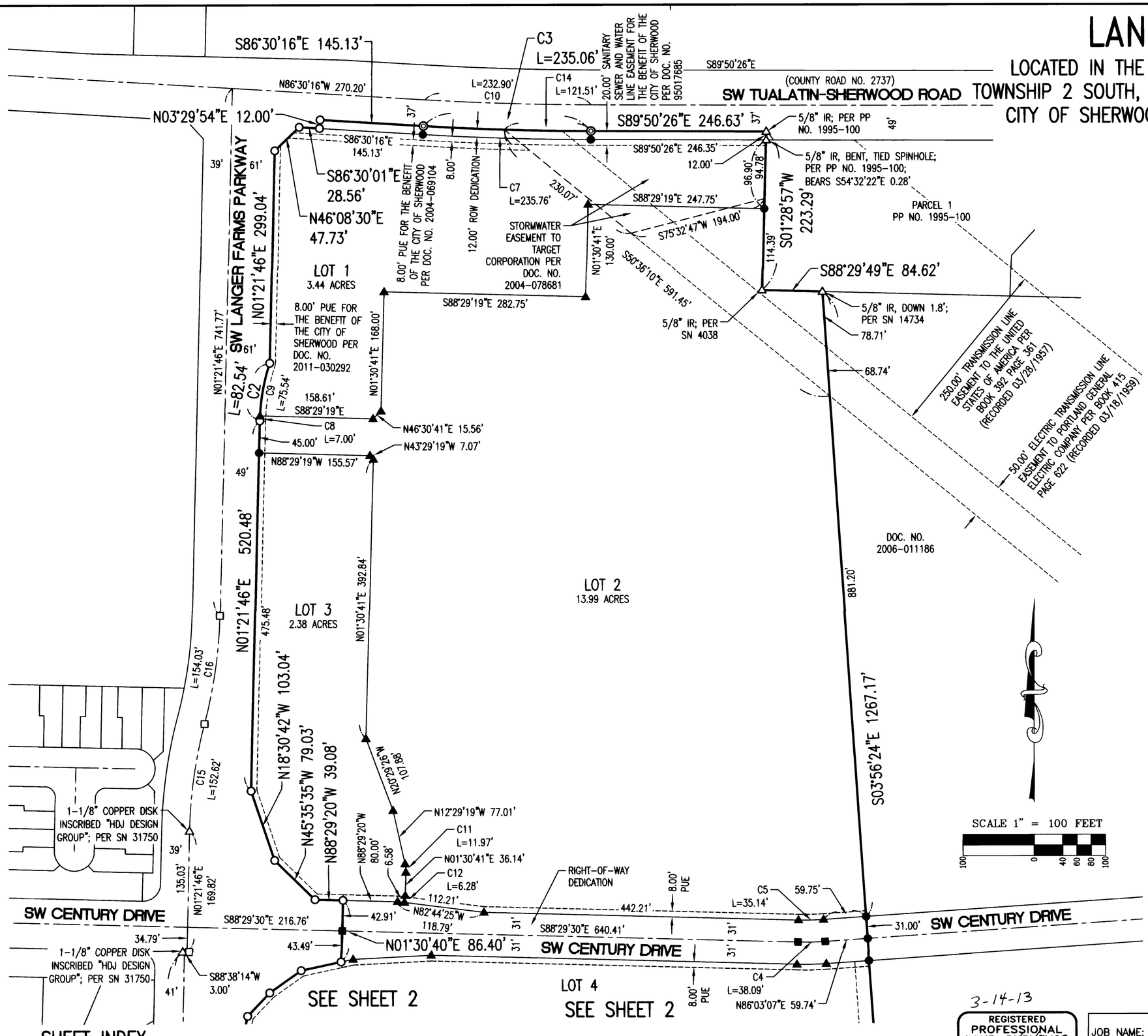
LANGER FARMS

RECORDED AS DOCUMENT NO. 2013025409

SHEET 1 OF 4

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

MARCH 11, 2013



LEGEND

- ▲ SET 5/8" X 30" IRON ROD W/YPC INSCRIBED "AKS ENGR." TO BE SET DURING REMAINING MONUMENTATION ON: 7-19-14
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- ○ FOUND 5/8" IRON ROD W/OPC INSCRIBED "CESNW INC."; PER SN 31760; HELD
- ◎ FOUND 5/8" IRON ROD W/YPC INSCRIBED "G&L LAND SURVEYING INC."; PER SN 30722; HELD
- △ DENOTES FOUND MONUMENT AS NOTED; HELD UNLESS NOTED OTHERWISE

DOC. NO.	DOCUMENT NUMBER PER WASHINGTON COUNTY DEED RECORDS
IR	IRON ROD
W/OPC	WITH AN ORANGE PLASTIC CAP
W/YPC	WITH A YELLOW PLASTIC CAP
PP NO.	PARTITION PLAT NUMBER PER WASHINGTON COUNTY SURVEY RECORDS
SN	SURVEY NUMBER PER WASHINGTON COUNTY SURVEY RECORDS
PUE	PUBLIC UTILITY EASEMENT
ROW	RIGHT-OF-WAY
SF	SQUARE FEET
U.S.B.T.	UNITED STATES BEARING TREE

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C2	281.85'	16°46'45"	82.54'	S09°45'09"W 82.25'
C3	4037.00'	03°20'10"	235.06'	S88°10'21"E 235.03'
C4	400.00'	05°27'23"	38.09'	N88°46'48"E 38.08'
C5	369.00'	05°27'22"	35.14'	N88°46'48"E 35.13'
C7	4049.00'	03°20'10"	235.76'	S88°10'21"E 235.72'
C8	281.85'	01°25'22"	7.00'	S02°04'28"W 7.00'
C9	281.85'	15°21'23"	75.54'	S10°27'50"W 75.31'
C10	4000.00'	03°20'10"	232.90'	S88°10'21"E 232.87'
C11	49.00'	14°00'00"	11.97'	N05°29'19"W 11.94'
C12	19.00'	18°57'04"	6.28'	N10°59'13"E 6.26'
C14	4037.00'	01°43'28"	121.51'	S88°58'42"E 121.50'
C15	647.00'	13°30'55"	152.62'	S08°07'14"W 152.26'
C16	653.00'	13°30'55"	154.03'	N08°07'14"E 153.68'
C17	821.50'	05°04'04"	72.66'	N05°19'14"E 72.64'
C18	821.50'	06°52'08"	98.49'	N01°41'39"W 98.43'

SHEET INDEX

SHEET 1 – LOTS 1–3, BOUNDARY AND EASEMENTS, NARRATIVE, LEGEND, CURVE TABLE
SHEET 2 – LOTS 4–5, BOUNDARY AND EASEMENTS, TRACTS A AND B, LEGEND, CURVE TABLE
SHEET 3 – DETAILS A AND B, LEGEND, CURVE TABLE
SHEET 4 – APPROVALS, DECLARATION, ACKNOWLEDGEMENT, PLAT NOTES, SURVEYOR'S CERTIFICATION

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO SUBDIVIDE AND MONUMENT THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2003-044212, WASHINGTON COUNTY DEED RECORDS. THE BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SURVEY NUMBER 31760, WASHINGTON COUNTY SURVEY RECORDS.

PREPARED FOR

LANGER FAMILY, LLC.
15585 SW TUALATIN-SHERWOOD ROAD
SHERWOOD, OR 97140

3-14-13

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 15, 2003
ALEXANDER H. HURLEY
56539LS

RENEWS: 6/30/13

JOB NAME:	LANGER FARMS
JOB NUMBER:	3048
DRAWN BY:	JOH
CHECKED BY:	RDR
DRAWING NO.:	3048CPLAT

ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE
FORESTRY • SURVEYING
LICENSED IN OR & WA
AKS ENGINEERING & FORESTRY
13910 SW GALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969
OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

Exhibit D3

RECORDED AS DOCUMENT NO. 2013025409
SHEET 2 OF 4

LANGER FARMS

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 29,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
MARCH 11, 2013

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C6	431.00'	05°27'23"	41.04'	N88°46'48"E 41.03'
C13	493.00'	03°16'44"	28.21'	N08°11'54"E 28.21'

*NOTE: SEE SHEET 4 FOR OWNERSHIP AND MAINTENANCE OF ALL TRACTS

LEGEND

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ROW	RIGHT-OF-WAY
SF	SQUARE FEET
U.S.B.T.	UNITED STATES BEARING TREE

SCALE 1" = 100 FEET

PREPARED FOR

LANGER FAMILY, LLC.
15585 SW TUALATIN-SHERWOOD ROAD
SHERWOOD, OR 97140

3-14-13
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 15, 2003
ALEXANDER H. HURLEY
56539LS
RENEWS: 6/30/13

JOB NAME:	LANGER FARMS
JOB NUMBER:	3048
DRAWN BY:	JOH
CHECKED BY:	RDR
DRAWING NO.:	3048CPLAT

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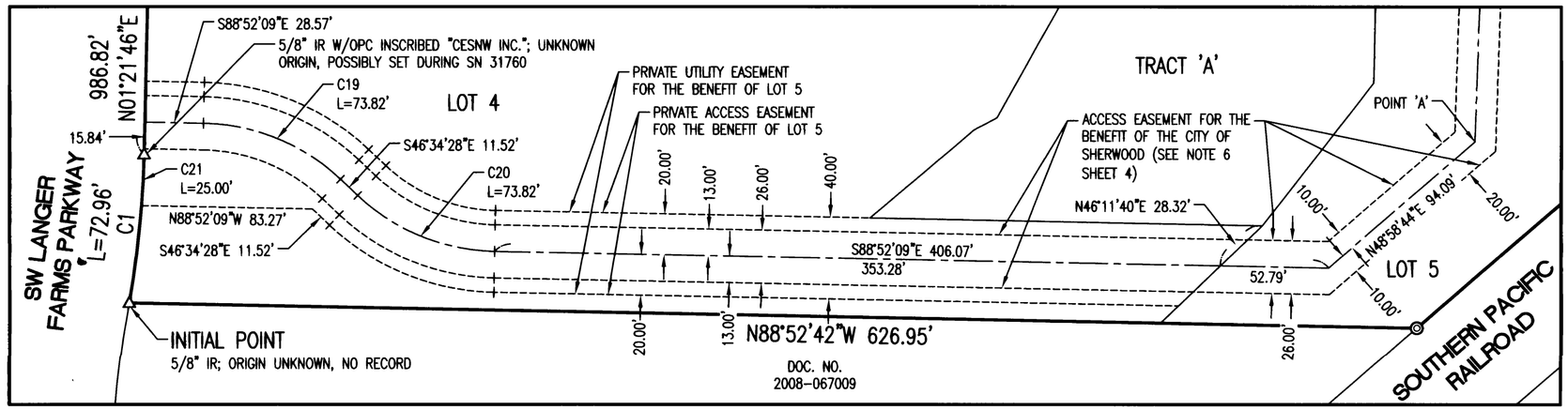
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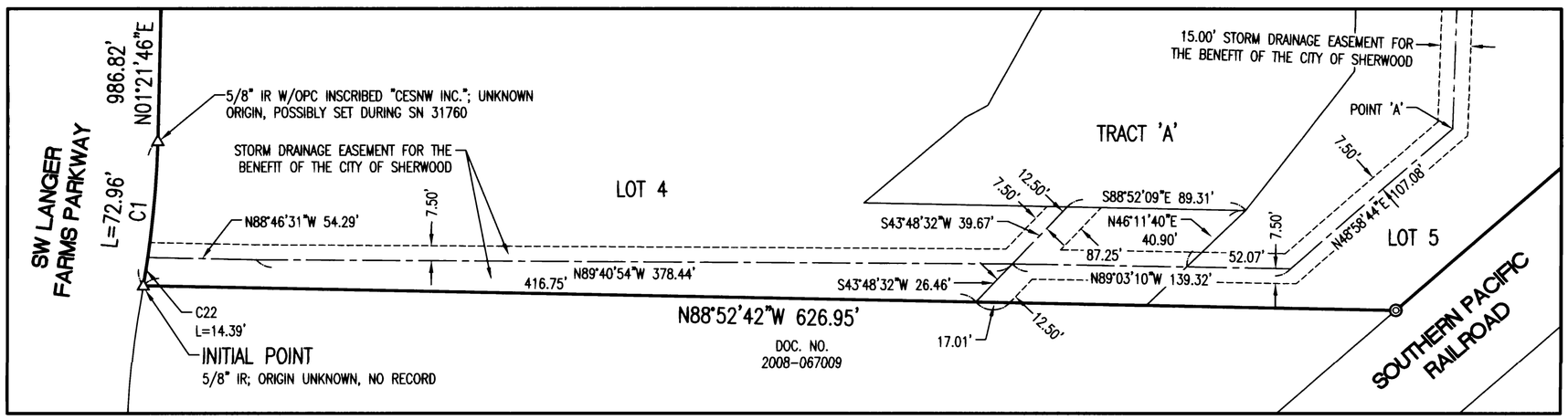
SCALE 1" = 50 FEET

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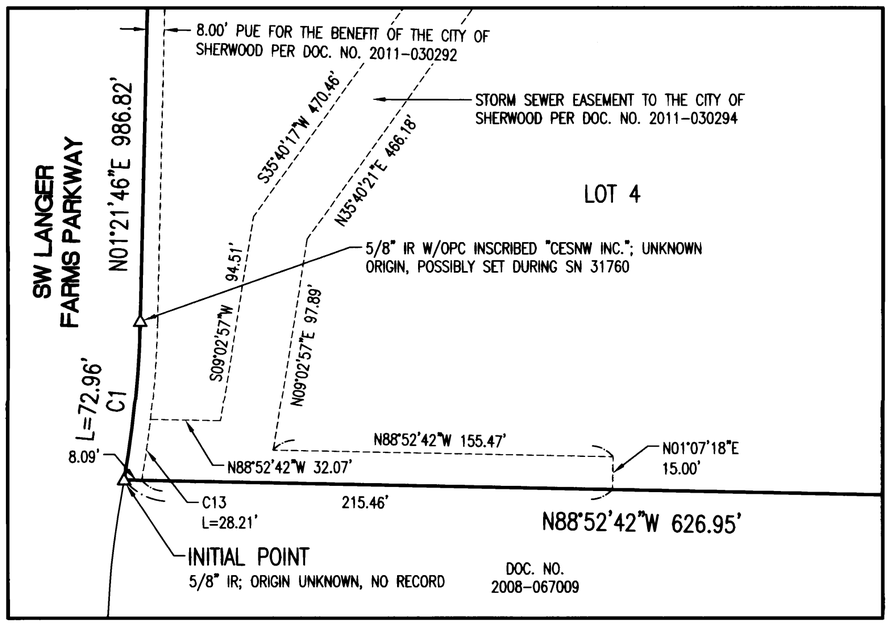
DETAIL A

SCALE: 1"=50'



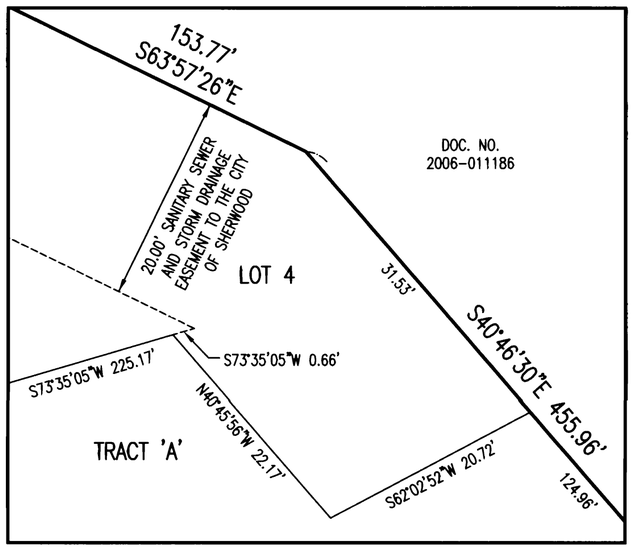
DETAIL B

SCALE: 1"=50'



DETAIL C

SCALE: 1"=50'



DETAIL D

NOT TO SCALE

LEGEND

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C20	100.00'	42°17'42"	73.82'	S67°43'19"E 72.15'
C21	485.00'	02°57'14"	25.00'	N02°50'23"E 25.00'
C22	485.00'	01°41'58"	14.39'	N09°07'57"E 14.38'

PREPARED FOR

LANGER FAMILY, LLC.
15585 SW TUALATIN-SHERWOOD ROAD
SHERWOOD, OR 97140

3-14-13

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 15, 2003
ALEXANDER H. HURLEY
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JOB NAME:	LANGER FARMS
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OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

RECORDED AS DOCUMENT NO. 2013 025409
SHEET 4 OF 4

LANGER FARMS

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 29,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
MARCH 11, 2013

PREPARED FOR

LANGER FAMILY, LLC.
15585 SW TUALATIN-SHERWOOD ROAD
SHERWOOD, OR 97140

APPROVALS

APPROVED THIS 20th DAY OF March, 2013.
CITY OF SHERWOOD COMMUNITY DEVELOPMENT DIRECTOR

BY: _____

APPROVED THIS 20th DAY OF March, 2013.
WASHINGTON COUNTY SURVEYOR

BY: _____

APPROVED THIS 20th DAY OF MARCH, 2013.
DIRECTOR OF ASSESSMENT AND TAXATION
(WASHINGTON COUNTY ASSESSOR)

BY: _____

APPROVED THIS 20th DAY OF March, 2013.
WASHINGTON COUNTY BOARD OF COMMISSIONERS

BY: _____ County Surveyor

ATTEST THIS 21st DAY OF March, 2013.
DIRECTOR OF ASSESSMENT AND TAXATION
EX-OFFICIO COUNTY CLERK

BY: _____
DEPUTY

STATE OF OREGON }
COUNTY OF WASHINGTON } SS

I DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD ON THIS 21st DAY OF March, 2013.

AT 3:14 O'CLOCK P M
AND RECORDED IN THE COUNTY CLERK RECORDS.

_____
DEPUTY COUNTY CLERK

DECLARATION

KNOW ALL PERSONS BY THESE PRESENT THAT LANGER FAMILY LLC, AN OREGON LIMITED LIABILITY COMPANY, IS THE OWNER OF THE LAND SHOWN ON THE ANNEXED MAP AND PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, AND PLATTED INTO LOTS AND TRACTS AS SHOWN ON SAID MAP IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES, AND TO BE DESIGNATED AS "LANGER FARMS" AND DOES HEREBY DEDICATE RIGHTS-OF-WAY AS SHOWN ON SAID MAP, TO THE PUBLIC FOR PUBLIC USE, AND DOES HEREBY GRANT ALL EASEMENTS AS SHOWN OR NOTED. TRACTS A AND B ARE HEREBY CONVEYED TO THE CITY OF SHERWOOD.

_____
CLARENCE LANGER JR.
MANAGER, LANGER FAMILY LLC

ACKNOWLEDGMENT

STATE OF OREGON }
COUNTY OF Washington } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON March 15, 2013, 2013 BY CLARENCE LANGER JR., MANAGER OF LANGER FAMILY LLC.

_____
NOTARY SIGNATURE

Bill P Mc Corkle
NOTARY PUBLIC - OREGON

COMMISSION NO. 449583

MY COMMISSION EXPIRES July 06, 2014

PLAT NOTES

1. THIS PLAT IS SUBJECT TO CONDITIONS OF APPROVAL PER CITY OF SHERWOOD PLANNING CASE FILE NO. SUB 12-02.
2. THERE SHALL BE NO DIRECT MOTOR VEHICLE ACCESS TO OR FROM LOT 1 ONTO SW TUALATIN-SHERWOOD ROAD UNLESS AUTHORIZED BY THE GOVERNING BODY HAVING JURISDICTION OF SAID ROAD.
3. THE WATERLINE EASEMENT PER DOCUMENT NUMBER 96000582 FALLS WITHIN THE DEDICATED RIGHT-OF-WAY AND IS NOT SHOWN.
4. TRACT 'A' SHALL BE OWNED AND MAINTAINED BY THE CITY OF SHERWOOD. SAID TRACT IS SUBJECT TO A STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT TO CLEAN WATER SERVICES OVER IT'S ENTIRETY.
5. TRACT 'B' SHALL BE OWNED AND MAINTAINED BY THE CITY OF SHERWOOD.
6. LOTS 4 AND 5 ARE SUBJECT TO AN ACCESS EASEMENT TO BENEFIT THE CITY OF SHERWOOD. THE PURPOSE OF THIS EASEMENT IS TO PROVIDE ACCESS TO TRACT 'B' FOR MAINTENANCE PURPOSES.

REMAINING CORNER MONUMENTATION

IN ACCORDANCE WITH O.R.S. 92.070, THE REMAINING CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH THE PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN DOCUMENT NO. 2014-050662, WASHINGTON COUNTY DEED RECORDS.

APPROVED THIS 14th DAY OF August 2014,

_____
WASHINGTON COUNTY SURVEYOR

SURVEYOR'S CERTIFICATE

I, ALEXANDER H. HURLEY 56539LS, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS SHOWN ON THE ACCOMPANYING MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8 INCH IRON ROD ON THE EAST RIGHT-OF-WAY OF SW LANGER FARMS PARKWAY, WHICH BEARS SOUTH 88°52'42" EAST 33.52 FEET FROM A 2 INCH BRASS DISK AT THE SOUTH QUARTER CORNER OF SAID SECTION 29; THENCE ALONG SAID EAST RIGHT-OF-WAY ALONG A NON-TANGENT CURVE TO THE LEFT (RADIAL: NORTH 80°01'05" WEST) WITH A RADIUS OF 485.00 FEET, A DELTA OF 08°37'09", A LENGTH OF 72.96 FEET, AND A CHORD OF NORTH 05°40'21" EAST 72.89 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 01°21'46" EAST 986.82 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 11°46'56" EAST 283.45 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 43°23'18" EAST 45.09 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 54°50'47" EAST 54.25 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 77°48'15" EAST 57.19 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 01°30'40" EAST 86.40 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 88°29'20" WEST 39.08 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 45°35'35" WEST 79.03 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 18°30'42" WEST 103.04 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 01°21'46" EAST 520.48 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 281.85 FEET, A DELTA OF 16°46'45", A LENGTH OF 82.54 FEET, AND A CHORD OF NORTH 09°45'09" EAST 82.25 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY NORTH 01°21'46" EAST 299.04 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE NORTH 46°08'30" EAST 47.73 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF SW TUALATIN-SHERWOOD ROAD SOUTH 86°30'01" EAST 28.56 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY NORTH 03°29'54" EAST 12.00 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY SOUTH 86°30'16" EAST 145.13 FEET TO A 5/8 INCH IRON ROD WITH AN YELLOW PLASTIC CAP INSCRIBED "G&L LAND SURVEYING INC."; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 4037.00 FEET, A DELTA OF 03°20'10", A LENGTH OF 235.06 FEET, AND A CHORD OF SOUTH 88°10'21" EAST 235.03 FEET TO A 5/8 INCH IRON ROD WITH AN YELLOW PLASTIC CAP INSCRIBED "G&L LAND SURVEYING INC."; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY SOUTH 89°50'26" EAST 246.63 FEET TO A 5/8 INCH IRON ROD; THENCE ALONG THE WEST LINE OF PARTITION PLAT NUMBER 1995-100 SOUTH 01°28'57" WEST 223.29 FEET TO A 5/8 INCH IRON ROD; THENCE ALONG THE SOUTH LINE OF SAID PARTITION PLAT SOUTH 88°29'49" EAST 84.62 FEET TO A 5/8 INCH IRON ROD; THENCE ALONG THE EAST LINE OF THE TRACT PER DOCUMENT NUMBER 2003-044212 SOUTH 03°56'24" EAST 1267.17 FEET TO A BENT 5/8 INCH IRON ROD; THENCE CONTINUING ALONG SAID EAST LINE SOUTH 63°57'26" EAST 153.77 FEET TO A 5/8 INCH IRON ROD WITH AN ORANGE PLASTIC CAP INSCRIBED "CESNW INC."; THENCE CONTINUING ALONG SAID EAST LINE SOUTH 40°46'30" EAST 455.96 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD (30.00 FEET FROM CENTERLINE), FROM WHICH POINT A 5/8 INCH IRON ROD BEARS NORTH 40°46'30" WEST 0.28 FEET; THENCE ALONG SAID NORTHWEST RIGHT-OF-WAY LINE SOUTH 48°58'01" WEST 1050.32 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "G&L LAND SURVEYING INC."; THENCE ALONG THE SOUTH LINE OF SAID TRACT PER DOCUMENT NUMBER 2003-044212 NORTH 88°52'42" WEST 626.95 FEET TO THE INITIAL POINT.

THE ABOVE DESCRIBED PROPERTY CONTAINS 55.09 ACRES, MORE OR LESS.

AS PER O.R.S. 92.070(2), I ALSO CERTIFY THAT THE POST MONUMENTATION OF THE REMAINING MONUMENTS IN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF PAVING IMPROVEMENTS OR ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST, IN ACCORDANCE WITH O.R.S. 92.060.

3-14-13

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 15, 2003
ALEXANDER H. HURLEY
56539LS
RENEWS: 6/30/13

JOB NAME:	LANGER FARMS
JOB NUMBER:	3048
DRAWN BY:	JOH
CHECKED BY:	RDR
DRAWING NO.:	3048CPLAT

ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE
FORESTRY • SURVEYING
LICENSED IN OR & WA
AKS ENGINEERING & FORESTRY
13910 SW GALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969
OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

Exhibit D3

Washington County, Oregon 2014-050662
08/13/2014 11:17:22 AM
D-AIM Cnt=1 Stn=22 I REED
$10.00 $5.00 $11.00 $20.00 - Total =$46.00

01964729201400506620020023

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

After recording mail to:
Alexander H. Hurley, P.L.S.
AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

REMAINING MONUMENTATION AFFIDAVIT

I, *Alexander H. Hurley*, P.L.S. No. *56539LS*, being duly sworn, did say that I am the surveyor who surveyed the Plat of *Langer Farms*, recorded as Plat Document Number 2013025409, Washington County Plat Records. In accordance with O.R.S. 92.070, the subdivision plat has been correctly surveyed and marked with proper monuments at the remaining corners of the subdivision as noted on the original subdivision plat. The monuments were set on June 25, 2014 – July 19, 2014.

The following changes are necessary and are as follows: **(See attached Exhibit A)**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
ALEXANDER H. HURLEY
56539LS
RENEWS: 6/30/13

Alexander H. Hurley, P.L.S.
AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

NOTARY CERTIFICATE

STATE OF OREGON)
) ss
COUNTY OF WASHINGTON)

Signed and sworn to before me on this 7th day of August, 2014, by *Alexander H. Hurley.*

Notary Public for the State of Oregon

OFFICIAL SEAL
GOLDIE M HAMILTON
NOTARY PUBLIC-OREGON
COMMISSION NO. 468989
MY COMMISSION EXPIRES JUNE 16, 2016

COUNTY SURVEYOR APPROVAL

Approved this 13th day of Aug, 2014, in accordance with ORS 92.070.

James H. Elam, PLS
Washington County Surveyor

Exhibit D3

EXHIBIT A

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

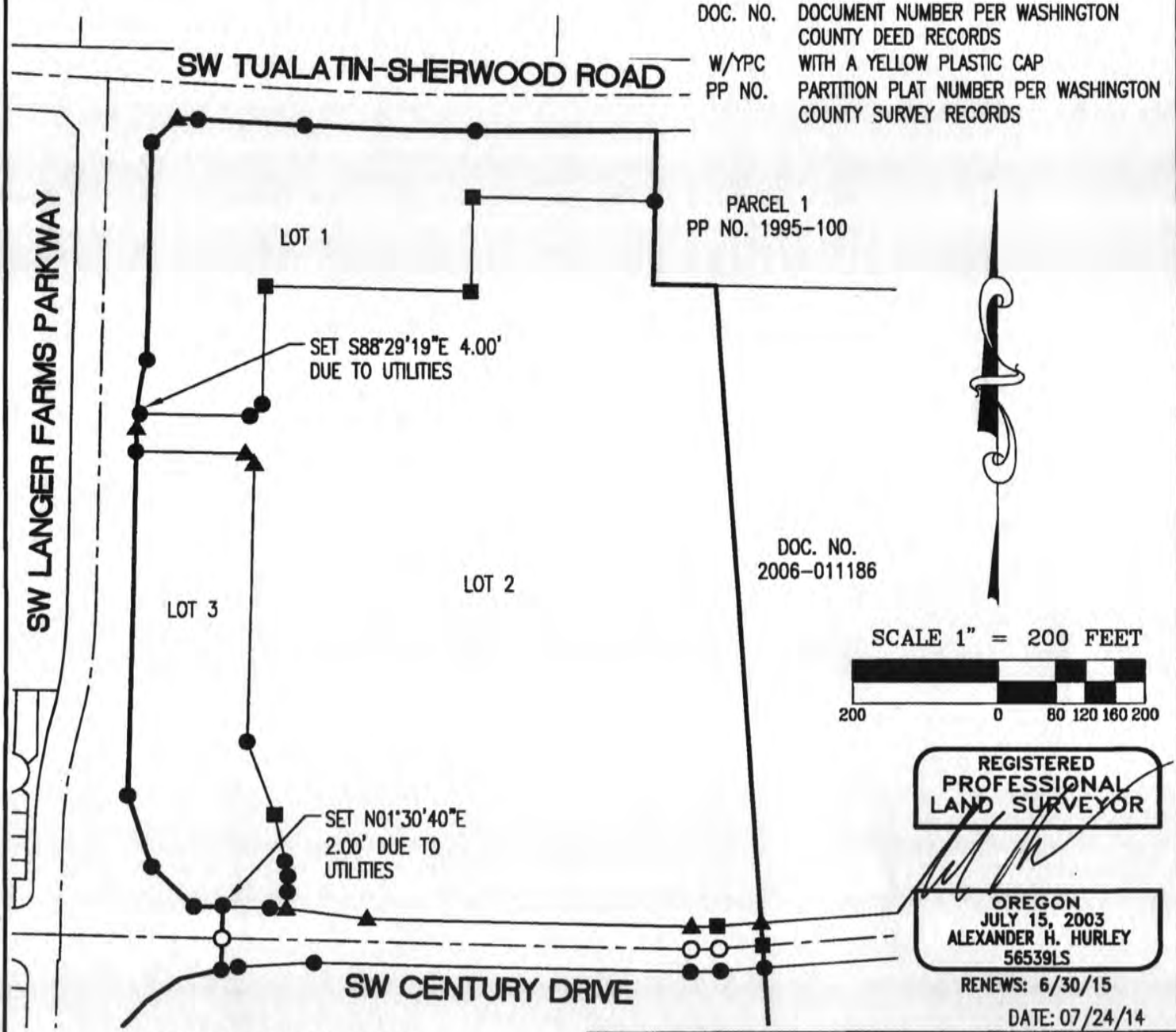
LEGEND

- ● SET 5/8" X 30" IRON ROD W/YPC INSCRIBED "AKS ENGR."
- ○ SET 5/8" X 30" IRON ROD W/YPC INSCRIBED "AKS ENGR." IN MONUMENT BOX
- ■ SET 5/8" X 30" IRON ROD WITH 2" ALUMINUM CAP INSCRIBED "AKS ENGR." IN ASPHALT
- ▲ SET 1-1/8" COPPER DISK INSCRIBED "AKS ENGR." IN CONCRETE

DOC. NO. DOCUMENT NUMBER PER WASHINGTON COUNTY DEED RECORDS

W/YPC WITH A YELLOW PLASTIC CAP

PP NO. PARTITION PLAT NUMBER PER WASHINGTON COUNTY SURVEY RECORDS



SCALE 1" = 200 FEET

200 0 80 120 160 200

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 15, 2003
ALEXANDER H. HURLEY
56539LS

RENEWS: 6/30/15

DATE: 07/24/14

PREPARED FOR

LANGER FAMILY, LLC.
15585 SW TUALATIN-SHERWOOD ROAD
SHERWOOD, OR 97140

LANGER FARMS	3048 CREM MON		
DRAWN BY: JOH	CHECKED BY: AHH	DWG: AFFIDAVIT	JOB: 3048

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD SUITE 100
TUALATIN, OR 97062 www.aks-eng.com
PHONE: 503.563.6151 FAX: 503.563.6152

CITY OF SHERWOOD
Decision

Date: September 28, 2016
File No: MLP 16-02 SP 16-06
Sentinel Self- Storage Annex II

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

Jean Simson, Chair, Sherwood Planning Commission

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

I. BACKGROUND

A. Applicant/Owner:
Langer Family, LLC
15555 SW Tualatin-Sherwood Road
Sherwood, OR 97140

B. Location: The property is located on the south side of SW Langer Farms Parkway. The property is identified as tax lot 100 on Washington County Assessor Map 2S129DC.

C. Parcel Size: The subject property is approximately 21.82 acres in size.

D. Existing Development and Site Characteristics:
The site is currently vacant and has been actively farmed for hay. The site slopes from west to east as well as north to an existing drainage way. The drainage way surrounds this site along the western and northern site boundaries. The site will take access from a private access that connects to SW Langer Farms Parkway via a forty foot access easement which was previously approved through the Langer subdivision (SUB 12-02) approval. The overall site is bound on the northeast by SW Century Blvd., to the north by SW Langer Farms Parkway, to the south and southeast by a natural resource area and regional stormwater facility, and to the west by a pallet manufacturer and distributor. The property is surrounded by other properties located to the south and west by other light industrially zoned and used properties, to the east by an industrially zoned parcel that was developed with the Parkway Village Shopping Center, and to the north by properties that are zoned residential and public/institutional.

E. Site History: The site has been owned and farmed by the Langer family since the late 1800's. This particular piece of property is within phase 8 of the Sherwood Village PUD

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

F. Zoning Classification and Comprehensive Plan Designation: The property is zoned PUD-LI. Mini storage is not currently permitted in this zone, and Automotive, Boat, Trailer, and Recreational Vehicle Storage is permitted conditionally, but as stated above, both uses were permitted when the original PUD was approved, and the uses were vested for a period of 10 years once the subdivision was approved in 2012.

G. Adjacent Zoning and Land Use: The subject site is currently being farmed for hay. Properties to the south and east of the site include lands that are zoned Light Industrial. Billet manufacturing, a pallet manufacturer, is zoned Light Industrial, and located directly south of the site. The site is also adjacent to a regional storm water quality facility to the southeast which was committed to serving this tax lot. The Parkway Village Shopping Center is located directly east of the site, and properties zoned Public/Institutional and Residential are located directly north of the site. Those properties are developed with single-family residences, and a private school (St. Francis).

H. Review Type: According to section 16.72.010.4.c, site plans for developments over 40,000 square feet require a Type IV review with a decision made by the Planning Commission after consideration of public comments. An appeal would be heard by the City of Sherwood City Council so long as the person appealing had provided comments prior to the close of public testimony at the public hearing and has filed an appeal within fourteen 14 days after the decision has been mailed.

I. Neighborhood Meeting: The applicant held a neighborhood meeting on March 31, 2016 at the Fire Station located at 15440 SW Oregon Street. The applicant discussed the proposed development of the site to a single individual who attended from the neighborhood located north of the site. The applicant provided notes, the sign in sheet, and an affidavit of mailing with the application materials.

J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1000 feet, posted on the property and in five locations throughout the City on September 7, 2016. Notice of the hearing was also provided in the September 1st edition of the Sherwood Gazette, and again in the Tigard Times on September 22, 2016 in accordance with the notice provisions of Section 16.72.020 of the SZCDC.

K. Review Criteria: *Code Criteria: Sherwood Zoning and Community Development Code, 16.31 (Light Industrial – LI); 16.40 (Planned Unit Development); 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking and Loading), 16.96 (On-Site Circulation); 16.98 (On-site Storage), All of Division VI - 16.104-16.118 (Public Improvements), 16.122 Land Partitions, 16.128 Land Division Design Standards, 16.142 (Parks and Open Space), 16.144 (Wetland, habitat and Natural Areas), 16.146 (Noise), 16.48 (Vibrations), 16.150 (Air Quality), 16.52 (Odors), 16.154 (Heat and Glare); and 16.156 (Energy Conservation).*

II. PUBLIC COMMENTS

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

III. AGENCY COMMENTS

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

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

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

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

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

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

IV. APPLICABLE CODE STANDARDS

Chapter 16.31 Light Industrial (LI)

A. 16.31.020 Permitted Uses

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

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

16.31.030 Development Standards

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

B. Lot Dimensions

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

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

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

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

4. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

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

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

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

C. 16.31.060 Community Design

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

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

Chapter 16.40 Planned Unit Development

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

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

Chapter 16.58 Clear Vision and Fence Standards

16.58.010 Clear Vision Areas

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

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

C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

1. In all zones, the minimum distance shall be twenty (20) feet.

2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five(25) feet.

3. Where no setbacks are required, buildings may be constructed within the clear vision area.

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

Chapter 16.90 Site Planning

16.90.030.D Required Findings
No site plan approval shall be granted unless each of the following is found:

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

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

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

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

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

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

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

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

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

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

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

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

6. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:

a. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

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

c. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.

d. As an alternative to the above standards 7a—7c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards 7a—7c above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

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

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

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

(1) A minimum 15% window glazing for all frontages facing an arterial or collector.

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

(3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).

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

(5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.

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

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

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

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

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

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

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

16.92 Landscaping

16.92.010 Landscape Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

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

16.92.020 Landscaping Materials

A. Varieties - Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter.

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

FINDING: As discussed above, this standard is met.

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

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

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

C. Non-Vegetative Features

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

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

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

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

16.92.030 Landscaping Standards

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

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

B. Parking and Loading Areas

1. Total Landscaped Area

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

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

2. Adjacent to Public Rights-of-Way

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

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

3. Perimeter Landscaping

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

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

FINDING: As discussed above, this standard is met.

4. Interior Landscaping

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

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

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

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

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

16.94.010 Generally

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

C. Joint Use
Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

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

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

FINDING: This standard is not applicable at this time.

16.94.020 Off-street parking standards

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

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

Chapter 16.96 On-Site Circulation

16.96.010 – On-site pedestrian and bicycle circulation

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

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

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

16.96.010.03 - Connection to Streets

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

FINDING: The proposed development will have access to SW Langer Farms Parkway, a public street. This criterion is satisfied.

Chapter 16.98 On-Site Storage

16.98.010 - Recreational Vehicles and Equipment

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

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

FINDING: This standard is not applicable as discussed above.

16.98.020 - Solid Waste Storage

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

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

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

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

Division VII. Public Infrastructure

16.104 General Provisions

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

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

16.104.020 Future Improvements

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

16.104.030 Improvement Procedures

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

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

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

16.106 Transportation Facilities

16.106.020 Required Improvements

A. Generally

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

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

B. Existing Streets

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

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

16.106.030 Location

A. Generally

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

B. Street Connectivity and Future Street Systems

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

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

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

16.106.040 .J. Transit Facilities
Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:
1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

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

16.110 - Sanitary Sewers

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

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

16.112– Water Supply

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

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

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

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

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

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

16.114 - Storm Water

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

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

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

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

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

16.116 Fire Protection

16.116.020 Standards

A. Capacity

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

B. Fire Flow

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

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

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

The fire department provided general comments for this application.

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

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

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

16.118. – Public and Private Utilities

16.118.020 Standards

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

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

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

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

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

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

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

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

FINDING: This criterion is satisfied by the proposed development.

16.122.020 – Land Partitions

Partitions shall not be approved unless:

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

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

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

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

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

1. Connection to the City water supply system shall be deemed to be adequate water service.

2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.

3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

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

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

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

E. Future Development Ability

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

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

Chapter 16.128 Land Division Design Standards

16.128.010 Blocks

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

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

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

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

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

B. Access
All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.
C. Double Frontage
Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.
D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

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

Chapter 16.142 – Parks and Open Space

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

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

1. **Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the**

trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

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

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

16.142.060 - Trees on Property Subject to Certain Land Use Applications

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

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

Required Tree Canopy - Non-Residential and Multi-family Developments
Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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

	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	30%
Counted Toward the Canopy Requirement	
Street trees included in canopy requirement	No
Landscaping requirements included in canopy requirement	Yes
Existing trees onsite	Yes x 2
Planting new trees onsite	Yes

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

Chapter 16.144 Wetland, habitat, and Natural Areas

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

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

Chapter 16.146 Noise

16.146.020 - Noise Sensitive Uses

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

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

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

Chapter 16.148 Vibrations

16.148.010 - Vibrations

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

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

Chapter 16.150 Air Quality

16.150.010 – Air Quality

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

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

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

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

Chapter 16.152 Odors

16.152.010 - Odors

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

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

Chapter 16.154 Heat and Glare

16.154.010 – Heat and Glare

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

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

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

Chapter 16.156 Energy Conservation

16.156.020 - Standards

A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.

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

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

DECISION

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

VI. CONDITIONS OF APPROVAL

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

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

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

Prior to Final Site Plan Approval:

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

Prior to Issuance of a Building Permit:

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

Prior to Issuance of Certificate of Occupancy:

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

VII. Exhibits

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

VIII. Appeal

Pursuant to SZCDC Section 16.72.01 O.B.3.d, an appeal of the Planning Commission to the City Council must be filed not later than 14 days after the date of mailing of this notice of decision. Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision on this matter. **An appeal of this decision must be filed no later than 5:00PM on October 13, 2016.** This Notice of Decision for Case No. MLP 16-02/SP 16-06 was placed in a U.S. Postal receptacle on September 29, 2016.

Brad Kilby

Brad Kilby, AICP
Planning Manager
City of Sherwood

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2007-081

A RESOLUTION APPROVING PUD 07-01, A MINOR MODIFICATION TO THE LANGER PUD (PUD 95-997) TO MODIFY CONDITIONS OF APPROVAL RELATED TO PHASES 4, 6, 7 AND 8, CLARIFYING THE ALLOWED USES, AND AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH RESPECT TO DEVELOPMENT OF THESE PHASES.

WHEREAS, the City of Sherwood originally approved the Langer PUD (PUD 95-997) April 25, 1995; and

WHEREAS, The decision approved development of the property in eight (8) separate phases and assigned specific uses to each phase, including High Density Residential (HDR), Retail/Commercial (RC), and Light Industrial (LI); and

WHEREAS, The portions of the PUD designated LI have not yet developed, except for a portion of Phase 4, which was developed as a mini-warehouse use under the General Retail Trade category of allowed uses in the LI zone; and

WHEREAS, both the City and the property owner would like to see the property develop in the interest of economic vitality of the City; and

WHEREAS, the City's Zoning and Community Development Code ("ZCDC") 16.32.020.H, provides the following: "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": and

WHEREAS, to help facilitate economic development of Phases 4, 6, 7 and 8 of the original PUD, the City and the property owner have negotiated a Development Agreement, attached Exhibit 2, stipulating commitments for public improvements, clarification of uses and providing clarity on how certain fees would be reviewed and applied as development applications were submitted; and

WHEREAS, upon negotiating the Development Agreement, it was determined that modification to the original conditions of approval was necessary to adjust the timing and requirements in order to be consistent with the Development Agreement; and

WHEREAS, the applicant submitted a request for Minor Modification of the PUD and clarification of allowed uses which has been reviewed in the attached Exhibit 1 and findings made that the proposed modifications in fact meet the minor modification standards; and

WHEREAS, the Council has considered the Development Agreement, the request for clarification of allowed uses and PUD modification as submitted by the applicant, the Staff report, and considered public testimony submitted at the public hearing held on October 16, 2007 and during the written comment period through October 30, 2007 with final applicant statements submitted prior to November 6, 2007; and

WHEREAS, after due consideration of all public comments, applicant response and staff comments, the Council determined that as proposed, the continuation of the PUD would be in the best interest of the public and the City and Citizens of Sherwood.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1. After full consideration of the applicant submittal, the criteria and findings of fact contained in the Staff Report attached as Exhibit A and all related testimony included in the record, the original Langer PUD 95-997 conditions of approval shall be modified as follows:

Modify Finding B. 1. of the July 25, 1995, City staff report, which was adopted by reference in the City's decision to approve the PUD, to delete the following language: "Remove the Century Drive extension of Adams Avenue." Add a new Condition of Approval requiring that Century Drive be extended east of Adams Drive to connect with the existing terminus of Century Drive east of the PUD at the time of the completion of the combined development of Phases 6 and 7.

Modify Condition of Approval 3 to read as follows (new language is underlined): "Adams Avenue shall be constructed from Century Drive north to Tualatin-Sherwood Road prior to completion of Phase 3. These 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 the combined development of Phases 6 and 7, 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."

Modify the Conditions of Approval to add the requirement that Adams Road be extended from Tualatin-Sherwood Road north to the east end of the existing stub road connecting to Highway 99W near Home Depot prior to issuance of occupancy permits for any structures included in the redevelopment of Phase 4.

Modify the Conditions of Approval to add a new condition requiring the applicant and the City to enter into a Development Agreement detailing the parties' respective obligations with respect to the off-site transportation improvements required and memorializing the developer's election pursuant to CDZC 16.32.020.H. to develop Phases 4, 6, 7, and 8 for uses allowed under the LI base zone text applicable on August 3, 1995 (when the City approved the PUD Final Development Plan).

Section 2. The City acknowledges and accepts the applicants decision to elect to develop Phases 4, 6, 7 and 8 under CDZC 16.32.020.H, including the ability to develop those phases for General Retail Trade under Section 2.109.02 of the 1995 CDZC. Accordingly, the City Council interprets that the current provisions of CDZC 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.

Section 3. The City Manager is hereby authorized to sign the Development Agreement attached hereto as Exhibit 2.

Section 4. The City Council determines that, as conditioned, the continuation of the PUD is in the public interest consistent with Sherwood Zoning and Community Development Code 16.40.040.A.2.

Section 5: This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 4th day of December 2007.

Keith S. Mays, Mayor

ATTEST:

Sylvia Murphy, City Recorder

DEVELOPMENT AGREEMENT

PARTIES

The Parties to this Development Agreement ("Agreement") are the City of Sherwood, Oregon ("City") and Pam and Clarence Langer, as to Phase 4, and the Langer Family, LLC, as to the remainder of the PUD (collectively, "Langer").

RECITALS

1. On April 26, 1995, the City approved a Preliminary Development Plan for a Planned Unit Development ("PUD") on property owned by Langer. The subject property is located generally southeast of Hwy 99W and south of the Tualatin-Sherwood Road, in the City.

2. The decision approved development of the property in eight (8) separate phases. The decision contemplated and assigned specific uses to each phase, including High Density Residential, Retail/Commercial, and Light Industrial (LI).

3. The portions of the PUD designated LI have not yet developed, except for a portion of Phase 4, which was developed as a mini-warehouse use under the General Retail Trade category of allowed uses in the LI zone. Since the approval of the PUD, the City has amended its list of permitted and conditional uses in the LI zone, subject to the City's Zoning and Community Development Code ("ZCDC") 16.32.020.H, which provides the following: "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."

4. The PUD approval contained conditions of approval including: a requirement for a wetlands delineation prior to development of Phase 8; the construction of Adams Drive at the time of development of Phase 6; and the elimination of the then-proposed extension of Century Drive east of Adams Drive.

5. The Final Development Plan was approved August 3, 1995. Neither the Preliminary Development Plan nor the Final Development Plan approvals related to a site plan. Thus, site plan review is required for each phase as development is proposed for that phase.

6. Phases 1 through 3 and 5 have been developed, and a portion of Phase 4 was developed as above-described and is anticipated for future redevelopment. The purpose of this Agreement is to clarify and refine the intent of the Parties regarding:

(a) The allowed uses of Phases 4, 6, 7 and 8 of the PUD, all of which are designated for LI uses;
(b) The timing of related improvements, including the construction of Adams Drive and Century Drive;
(c) The cost-sharing of public improvements, including the construction of Adams Drive and Century Drive; and
(d) Certain related matters.

7. In consideration of City's approval of Langer's election to develop the remaining phases of the PUD as set forth in this DA, Langer is making a companion request for Minor Change to the PUD that will increase the number and type of transportation improvements adjacent to those phases of the PUD, in addition to accelerating the timing of the construction of Adams Drive south of Century Drive. This Agreement is a condition of approval for the PUD modification and is made a part of that decision by this reference.

8. This Agreement represents only the agreement between the City and Langer with respect to the PUD modification and does not preclude or require any conditions that may arise from a subsequent application for site plan review. It is the intent of the parties that the site plan review conditions should not be inconsistent with this Agreement.

9. This Agreement is only between the City and Langer and does not affect any conditions or improvements that may be required by other jurisdictions.

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.

B. ADAMS DRIVE SOUTH EXTENSION

1. City Commitments. Except as otherwise provided in this section, as soon as reasonably practicable and in any event prior to Langer's construction of any portion of Adams Drive south of the PUD's southern boundary, the City, at the City's sole cost and expense, will take the following actions:

a. Acquire the necessary right-of-way (except that portion located within the PUD) and complete the design and engineering for construction of the extension of Adams Drive ("South Extension") south from its present terminus up to but not including the railroad crossing between the southern PUD boundary and Oregon Street ("Rail Crossing");

b. Obtain all necessary permits for the construction and operation of the South Extension, including without limitation, all permits associated with allowing impacts to wetlands;

c. Provide for the mitigation of any impacts to wetlands related to the alignment and construction of the South Extension; and

d. Pursuant to the City's standard timeline and procedure in such instances, accept Langer's dedication of that portion of the South Extension located within the boundaries of the PUD following final inspection approval and thereupon assume maintenance obligations for all of the South Extension.

2. Langer Commitments. Subsequent to the City's performance of its obligations set forth in Section B.1. of this Agreement but prior to issuance of final occupancy permits for any structures included in Phase 6 and Phase 7, Langer will substantially construct the South Extension, including the traffic circle and island at the intersection with Century Drive. The street will be aligned and constructed in a manner consistent with the "__-percent drawings" prepared by Hopper Dennis Jellison, PLLC dated _____ and on file with the City. Upon completion of the construction of the South Extension, Langer will dedicate and record a public right-of-way easement to the City for Adams Drive south from its present terminus to the southern boundary of the PUD.

C. ADAMS DRIVE NORTH EXTENSION

1. City Commitments. Except as otherwise provided in this section, as soon as reasonably practicable and in any event prior to Langer's construction of any portion of Adams Drive north of the PUD's northern boundary, the City, at the City's sole cost and expense, will take the following actions:

a. Acquire the necessary right-of-way for and complete the surveying, design, and engineering for construction of an extension of Adams Drive ("North Extension") from the north side of the intersection with Tualatin-Sherwood Road, north to the existing stub road connecting to Highway 99W, with the alignment to curve east around the PGE substation and connect to the east end of the Home Depot stub road. The tentative, non-binding alignment and cross-section of the North Extension are set forth in Attachment B, attached hereto and incorporated herein by reference. The right-of-way, design and engineering shall anticipate and include at least 43 p.m. peak-hour vehicle trips per acre from Phase 4 to accommodate redevelopment of Phase 4.

Any substantial changes to the~~is~~ alignment and cross-section shall require an amendment to this Agreement. Such amendment shall only relate to this section of the Agreement, and all other terms and conditions of this Agreement shall remain in full force and effect. A "substantial change" may include but is not limited to an increase in the number of lanes, an increase in the right-of-way width by 10 or more feet, requiring additional landscaping, medians, or pedestrian paths, shifting the alignment east or west by fifty (50) or more feet, and/or any other changes that will substantially increase the cost of construction.

b. Obtain all necessary permits for the construction and operation of the North Extension, including without limitation, all permits associated with impacts to wetlands, all approach and/or signal permits required by the Oregon Department of Transportation for the intersection of Highway 99W and the existing stub road, and all approach permits required by Washington County for the connection of the North Extension and Tualatin-Sherwood Road.

c. Provide for the mitigation of any impacts to wetlands associated with the alignment and construction of the North Extension.

d. Otherwise remove any legal or planning constraints to the construction of the North Extension.

e. Pay any extraordinary labor costs associated with Langer's performance of its obligations under Section C.2., where "extraordinary labor costs" means any costs required by law to exceed an arms-length privately negotiated rate solely due to the nature of the improvement.

f. Pay any extraordinary construction costs associated with Langer's performance of its obligations under Section C.2. that are attributable to extraordinary environmental or geographic conditions.~~; and~~

g. Pursuant to the City's standard timeline and procedure in such instances, assume maintenance obligations for all of the North Extension following the City's final inspection approval of the North Extension.

h. Permit Langer to assume, for purposes of completing the required traffic study, that the North Extension has been planned and funded for construction prior to development of Phases 6 and 7 pursuant to Langer's alternative commitments to construct the North Extension or make a payment in lieu thereof pursuant to Section C.2. below.

i. Permit Langer to assume, for purposes of completing the required traffic study, that the North Extension has been planned and funded for construction prior to the redevelopment of Phases 4 pursuant to Langer's alternative commitments to construct the North Extension or make a payment in lieu thereof pursuant to Section C.2. below.

j. The City will not require the closure of any residential access to Phase 4 from Tualatin-Sherwood Road until redevelopment of Phase 4. The City will reimburse Langer for the cost of relocating and rebuilding any access to and from the existing commercial uses on Phase 4 resulting from the closure of any access due to the construction of the North Extension, including the relocation of any administrative facilities associated with the commercial use.

k. In the event Langer pays a fee in lieu of construction as described in Section C.2. below, the City will:

(A) Place the payment into an existing or newly-created interest-bearing City Trust and Agency Fund;

(B) Grant credits for transportation System Development Charges ("SDC's") otherwise payable by Langer as if Langer had constructed the North Extension; and

(C) Use the payment-in-lieu exclusively for the construction of the North Adams Extension. However, if the City has not entered into a contract for the construction of the North Adams Extension or any portion thereof within five (5) years after Langer deposits the fee with the City, the City shall return the fee-in lieu, together with any interest thereon to Langer, Langer successor or a person designated by Langer's successor, minus any amount provided as a credit against transportation SDC's under paragraph (B) above. This Agreement does not constitute a "contract for construction of the North Extension" for purposes of this subsection.

2. Langer Commitments. Langer agrees to take the following actions with respect to the North Extension:

a. Subsequent to the City's performance of its obligations set forth in Section C.1. of this Agreement but prior to issuance of the final occupancy permit for any structure included in the ~~redevelopment of Phase 4~~development of Phases 6 and 7, Langer will substantially construct the North Extension consistent with the alignment and cross-section described in Section C.1.a. of this Agreement.

b. Alternatively, in the event the City has not substantially performed the obligations set forth in Section C. 1.a. to d. of this Agreement by a date that is sixty (60) days after Langer submits construction drawings for public improvements associated with the development of Phases 6 and 7 to the City, Langer shall submit a fee in lieu of construction in an amount equal to the cost estimate for the construction of the North Extension prior to the issuance of an occupancy permit for any structure included in the development of Phases 6 and 7. Langer's timely deposit of a fee in lieu under this paragraph shall fully satisfy Langer's obligations under Section C.2.a. of this Agreement and shall trigger the City's performance of its commitments under Section C.1.k of this Agreement.

c. In the event the City refunds the fee-in-lieu as described in Section C.2.k(C) of this Agreement prior to the redevelopment of Phase 4, and subsequent to the performance of the City's other obligations under Section C.1., Langer will substantially construct the North Extension consistent with the alignment and cross-section provided by the City prior to the issuance of an occupancy permit for any structure included in the redevelopment of Phase 4. In the event the City is still in possession of the fee-in-lieu at the time Phase 4 redevelops, the City will refund the fee to Langer, including any interest thereon, or will not require the construction of the North Extension as a condition of redevelopment.

D. RAIL CROSSING

1. City Commitments. As soon as reasonably practicable, the City, at the City's sole cost and expense, will take the following actions with respect to the Rail Crossing:

a. Acquire the necessary right-of-way for the Rail Crossing;

b. Obtain all required crossing or other permits from ODOT Rail and any other applicable agencies associated with the Rail Crossing;

c. Complete the design, engineering, and construction of the Rail Crossing; and

d. Use all reasonable best efforts to complete these actions and connect the South Extension to Oregon Street via the Rail Crossing no later than the date of issuance of occupancy permits for the development of Phases 6 and 7; provided, however, the failure to complete these actions by such date shall not be grounds to deny the issuance of such occupancy permits.

2. Langer Commitments. None.

E. CENTURY DRIVE

1. Langer Commitments. Langer agrees to take the following actions with respect to Century Drive:

a. Prior to issuance of final occupancy permits for any structure located in Phase 6 or Phase 7, design and substantially construct a reasonably direct vehicular connection between the existing terminus of Century Drive on the western boundary of the PUD and existing City right-of-way at the eastern boundary of the PUD ("Century Drive Connection"). The Century Drive Connection shall be constructed to the adjusted street standard described in Section E.2.a. below.

b. Following construction, dedicate a right-of-way easement to the City for the Century Drive Connection.

c. Provide the City with copies of receipts of eligible expenses where "eligible expenses" is defined to include all hard and soft costs of labor and materials associated with all aspects of the design, engineering, and construction, including applicable consultant fees, of the Century Drive Connection that exceed the cost of designing and constructing the Century Drive Connection as a standard parking lot drive aisle ("Eligible Expenses").

2. City Commitments. The City agrees to take the following actions with respect to Century Drive:

a. To work with Langer to achieve an adjustment to the relevant City street standards so that the nature, location, and design of the Century Drive Connection requires the minimum necessary right-of-way to provide a vehicular connection and includes traffic calming measures such as restrictions on through traffic for trucks.

b. Reimburse Langer for all undisputed Eligible Expenses within thirty (30) days after the City receives the receipts described in Section E.1.c.. City will immediately contact Langer regarding any disputed expenses and attempt to resolve the dispute within 90 days of the date the receipt containing the expense is received by the City. Any disputed expense that remains

unresolved after 90 days shall be submitted to mediation as provided in Section I.12. of this Agreement; and

c. Pursuant to the City's standard timeline and procedure in such instances, accept Langer's dedication of the Century Drive Connection following final inspection approval and thereafter assume maintenance obligations for same.

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.

G. RENAMING OF ADAMS DRIVE

1. Langer Commitments. Prior to Langer's dedication of any portion of Adams Drive as described in this Agreement, Langer will submit a petition to the City to rename the completed portion of Adams Drive in accordance with the street name standards of ZCDC 16.108.010.4.A-C. Langer agrees to select a single name for Adams Drive from the southern end of the South Extension to the northern end of the North Extension.

2. City Commitments.

a. Provided the petition is submitted in the manner described in ZCDC 16.108.010.3, the City will support a petition received from Langer to rename the completed portion of Adams Drive.

b. If the petition is approved by the City Council, the City shall install standard City street signage identifying Adams Drive by its new name.

H. TRANSPORTATION CHARGES, FEES, AND CREDITS

1. Transportation Impact Fees. The calculation and assessment of any Transportation Impact Fees, including any TIF credits, will be made according to the current Washington County TIF ordinance. Improvements to Tualatin-Sherwood Road will be creditable towards Washington County TIF's as allowed in Washington County's ordinance. It is the parties' mutual understanding that this ordinance provides full TIF credits for turn lanes and 50% or 66.67% for traffic signals for a four- and three-leg intersection, respectively. The City's commitment to this provision is a material inducement for Langer's agreement to complete the various public improvements set forth in this Agreement.

   For the purpose of determining the number of weekday trips generated by all commercial land uses in Phases 4, 6, 7, and 8 of the PUD, the land use category "Shopping Center" from ITE Trip Generation, 7th Edition, shall be applied to the Washington County TIF Ordinance for the calculations of the Washington County TIF. The shopping center size to determine the trip rate will be based on the total square footage of "Shopping Center" in Phase 6, 7, and 8 combined. The shopping center size to determine the trip rate for Phase 4 will be based on the total square footage of "Shopping Center" in such Phase 4.

2. Transportation SDC's. The City shall calculate and assess the Project with SDC's and credits for SDC's, pursuant to the City's Municipal Code, as it may be amended from time to time, and subject to any resolutions adopted by the City implementing same.

   For the purpose of determining the number of weekday trips generated by all commercial land uses in Phases 4, 6, 7, and 8 of the PUD, the land use category "Shopping Center" from ITE Trip Generation, 7th Edition, shall be applied to the City's SDC ordinance for the calculations of the City's SDC's. The shopping center size to determine the trip rate will be based on the total square footage of "Shopping Center" in Phase 6, 7, and 8 combined. The shopping center size to determine the trip rate for Phase 4 will be based on the total square footage of "Shopping Center" in such Phase 4.

3. Highway 99W Capacity Allocation Program. For purposes of calculating whether the trips associated with the regulated activities in Phases 6, 7, and 8 of the PUD exceed the trip limit of CDZC 6.306.D.4, the City shall aggregate the trips and acreage of all such phases. As a result, the trips associated with the regulated activities of a single phase may exceed the trip limit that would otherwise apply if that phase were calculated individually, provided that the trips associated with all regulated activities for Phases 6, 7, and 8 do not

exceed the trip limit in the aggregate. At each phase of development of the PUD, the number of reserve trips for the remaining phases will be identified in the applicable Trip Allocation Certificate.

I. TERMS AND CONDITIONS

1. Further Assurances. Each party shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder in good faith, to carry out the intent of the parties hereto.

2. Modification of Amendment. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by the parties hereto.

3. Relationship. Nothing herein shall be construed to create an agency relationship or a partnership or joint venture between the parties.

4. Waiver of Default or Condition. In the event a party defaults in the performance of one or more of its obligations under this Agreement or in the event of the failure of a condition precedent to be satisfied under this Agreement, the nondefaulting party or beneficiary of the condition may, in its discretion, waive, as applicable, the default or satisfaction of condition hereunder and rescind any consequence of such default or failure of a condition, and in case of any such waiver or rescission, the parties shall be restored to their former positions and rights hereunder respectively, but no such waiver or rescission shall extend to or affect any subsequent or other default or condition precedent, or impair any right consequent thereon. No such waiver or rescission shall be in effect unless the same is in writing and signed by the nondefaulting party.

5. Burden and Benefit; Assignment. The covenants and agreements contained herein shall be binding upon and inure to the benefit of the parties and their successors and assigns and shall run with the land. Neither party may assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed.

6. Applicable Law. This Agreement shall be interpreted under the laws of the State of Oregon.

7. Notices. All notices, demands, consents, approvals and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall

be deemed given when delivered, three days after mailing by United States Mail or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machines, such notice shall be deemed given at the time and on the date of machine transmittal.

8. Merger. This Agreement contains the entire agreement among the parties hereto with respect to the subject matter hereof and cannot be amended or supplemented except by a written agreement signed by all parties.

9. Rights Cumulative. All rights, remedies, powers and privileges conferred under this Agreement on the parties shall be cumulative of and in addition to, but not restrictive of or in lien of, those conferred by law.

10. No Third Party Beneficiaries. None of the duties and obligations of any party under this Agreement shall in any way or in any manner be deemed to create any rights in, any person or entity other than the parties hereto.

11. Force Majeure. The parties shall use reasonable diligence to accomplish the purpose of this Agreement but shall not be liable to each other, or their successors or assigns, for damages, costs, attorneys' fees (including costs or attorneys' fees on appeal) for breach of contract, or otherwise for failure, suspension, diminution, or other variations of services occasioned by any cause beyond the control and without the fault of the parties. Such causes may include but shall not be limited to acts of God, acts of terrorism or the public enemy, acts of other governments (including regulatory entities or courts) in their sovereign or contractual capacity, fires, floods, epidemics, quarantines, restrictions, strikes, or failure or breakdown of transmission or other facilities ("Force Majeure"). If any party is delayed, hindered, or prevented in or from performing its respective obligations under this Agreement by any occurrence or event of Force Majeure, then the period for such performance shall be extended for that period that such performance is delayed, hindered, or prevented.

12. Mediation. Should the parties arrive at an impasse regarding any of the provisions of this Agreement, the parties agree to submit to the dispute to mediation prior to the commencement of litigation. The mediator shall be an individual mutually acceptable to both parties, but in the absence of agreement, either party may apply to the Presiding Judge, Washington County Circuit for appointment of a mediator. Each party shall share equally in the fees and costs of the mediator. Each party shall be responsible for its own attorneys fees and other expert fees. Mediation shall be at Portland, Oregon unless the parties agree otherwise. Both parties agree to exercise their best effort in good faith to resolve all disputes in mediation. Participation in mediation is a mandatory requirement of both the City and Langer and failure to comply with this requirement is a material breach of this Agreement. The

schedule and time allowed for mediation will be mutually acceptable. If the dispute is not resolved by mediation, either party may file a lawsuit to resolve the dispute in a court with proper jurisdiction located in Washington County, Oregon. Any trial shall be to the court without a jury. In the event of any such mediation or litigation, each party shall bear its own attorneys' fees and costs.

13. Conditions Precedent to Langer's Performance. ~~a.~~ Langer's commitments set forth in this Agreement are conditioned entirely upon the City's performance of all of its commitments that are precedent to the City's commitments under and in accordance with this Agreement, and the City's timely issuance of a PUD modification for the subject property.

~~b. Notwithstanding any other provision of this agreement, Langer shall have the right, in its sole discretion to decide at any time not to construct and install the PUD improvements by giving the City express written notice of such decision, in which event the parties' obligations to perform under this Agreement shall cease and terminate.~~

14. Conditions Precedent to City's Performance. City's commitments set forth in this Agreement are conditioned entirely upon Langer's performance of all of its commitments that are precedent to the City's commitments under and in accordance with this Agreement.

15. Duration. This Agreement expires not later than January 1, 2015.

IN WITNESS WHEREOF,

For the City of Sherwood:

_____
Title

_____
Ross Schultz, City Manager

For Langer:

_____

_____

Date

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2010-033

A RESOLUTION APPROVING AMENDMENTS TO THE DEVELOPMENT AGREEMENT FOR THE LANGER PLANNED UNIT DEVELOPMENT (PUD 95-997) AND RELATED PUBLIC IMPROVEMENTS

WHEREAS, the City of Sherwood originally approved the Langer Planned Unit Development (PUD 95-997) April 25, 1995; and

WHEREAS, The decision approved development of the property in eight (8) separate phases and assigned specific uses to each phase, including High Density Residential (HDR), Retail/Commercial (RC), and Light Industrial (LI); and

WHEREAS, the Langer's subsequently applied for a Minor Modification of the PUD to clarify the allowed uses and adjust the timing, requirements and sequencing of the PUD phases, which was approved by the City on November 6, 2007; and

WHEREAS, at the time the City approved the Minor Modification, the City and the Langers entered into a Development Agreement regarding the development of the Langer property and the surrounding public improvements; and

WHEREAS, the Development Agreement committed the Langers to, among other things, constructing Adams Avenue from Highway 99E south to the intersection with Tualatin-Sherwood Road ("Adams North"), as well as south from Tualatin-Sherwood Road to intersect with Oregon Street.

WHEREAS, the Development Agreement committed the City to related activities including, among other things, completing the planning and zoning for the Adams North area, acquiring right-of-way, preparing design and engineering plans, and obtaining permits to reconstruct the railroad crossing at Oregon Street.

WHEREAS, since the Development Agreement was executed economic conditions for development and public facility financing have changed significantly such that the Parties find it necessary to re-evaluate their respective commitments.

WHEREAS, the City has secured funding sufficient for the construction of Adams South and wishes to move construction forward in a timely manner to complete that section of the roadway.

WHEREAS, the construction of Adams South is vital to development of the PUD and the economic vitality of the City; and

WHEREAS, the proposed amendments to the Development Agreement allow the construction of Adams South in a manner consistent with the Parties obligations under the Development Agreement and existing land use approvals; and

WHEREAS, after due consideration of the Development Agreement, the proposed amendments to the agreement, the existing land use approvals and staff comments, the Council determines that the proposed amendments to the Langer PUD Development Agreement are in the best interest of the public and the City and Citizens of Sherwood.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council approves the Amended and Restated Langer Development Agreement as shown in the attached Exhibit 1.

Section 2. The City Manager is authorized to execute the Amended and Restated Development Agreement on behalf of the City.

Section 3: This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 26th day of July 2010.

Keith S. Mays, Mayor

ATTEST:

Sylvia Murphy, CMC, City Recorder

AMENDED AND RESTATED DEVELOPMENT AGREEMENT

PARTIES

The Parties to this Amended and Restated Development Agreement ("Agreement") are the City of Sherwood, Oregon ("City") and Pamela and Clarence Langer, as to Phase 4, and the Langer Family, LLC, as to the remainder of the PUD (collectively, "Langer").

RECITALS

1. On April 26, 1995, the City approved a Preliminary Development Plan for a Planned Unit Development ("PUD") on property owned by Langer. The subject property is located generally southeast of Hwy 99W and south of the Tualatin-Sherwood Road, in the City.

2. The decision approved development of the property in eight (8) separate phases. The decision contemplated and assigned specific uses to each phase, including High Density Residential, Retail/Commercial, and Light Industrial (LI).

3. The portions of the PUD designated LI have not yet developed, except for a portion of Phase 4, which was developed as a mini-warehouse use under the General Retail Trade category of allowed uses in the LI zone. Since the approval of the PUD, the City has amended its list of permitted and conditional uses in the LI zone, subject to the City's Zoning and Community Development Code ("ZCDC") 16.32.020.H, which provides the following: "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."

4. The PUD approval contained conditions of approval including: a requirement for a wetlands delineation prior to development of Phase 8; the construction of Adams Drive at the time of development of Phase 6; and the elimination of the then-proposed extension of Century Drive east of Adams Drive.

5. The Final Development Plan was approved August 3, 1995. Neither the Preliminary Development Plan nor the Final Development Plan approvals related to a site plan. Thus, site plan review is required for each phase as development is proposed for that phase.

6. Phases 1 through 3 and 5 have been developed, and a portion of Phase 4 was developed as above-described and is anticipated for future redevelopment. The purpose of this Agreement is to clarify and refine the intent of the Parties regarding the following issues (collectively, the "PUD Issues"):

(a) The allowed uses of Phases 4, 6, 7 and 8 of the PUD, all of which are designated for LI uses;
(b) The timing of related improvements, including the construction of Adams Drive and Century Drive;
(c) The cost-sharing of public improvements, including the construction of Adams Drive and Century Drive; and
(d) Certain related matters.

7. The City and Langer previously set forth their respective commitments relative to the PUD Issues in that certain Development Agreement dated January 3, 2008 ("2008 Agreement"), which was a condition of approval to a companion Minor Change to the PUD approved contemporaneously by the City.

8. Subsequent to entering into the 2008 Agreement, economic conditions have changed such that the Parties find it necessary to re-evaluate their respective commitments under the 2008 Agreement. The City and Langer now desire to amend and restate their commitments relative to the PUD Issues set forth below.

9. This Agreement represents the only Agreement between the City and Langer with respect to the PUD Issues and does not preclude or require any conditions that may arise from a subsequent application for site plan review. It is the intent of the parties that the site plan review conditions should not be inconsistent with this Agreement.

10. This Agreement is only between the City and Langer and does not affect any conditions or improvements that may be required by other jurisdictions.

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.

B. ADAMS DRIVE SOUTH EXTENSION

1. City Commitments. Except as otherwise provided in this section, as soon as reasonably practicable and in any event prior to Langer's construction of any portion of Adams Drive south of the PUD's southern boundary, the City, at the City's sole cost and expense, will take the following actions:

a. Acquire the necessary right-of-way and complete the design and engineering for construction of the extension of Adams Drive ("South Extension") south from its present terminus up to but not including the railroad crossing between the southern PUD boundary and Oregon Street ("Rail Crossing");

b. Obtain all necessary permits for the construction and operation of the South Extension, including without limitation, all permits associated with allowing impacts to wetlands;

c. Provide for the mitigation of any impacts to wetlands related to the alignment and construction of the South Extension; and

d. Pursuant to the City's standard timeline and procedure in such instances, accept Langer's dedication of that portion of the South Extension located within the boundaries of the PUD following final inspection approval and thereupon assume maintenance obligations for all of the South Extension.

2. Langer Commitments. Subsequent to the City's performance of its obligations set forth in Section B.1.a. to B.1.c. of this Agreement but prior to issuance of final occupancy permits for any structures included in Phases 6 or 7, Langer will substantially construct the South Extension, including the traffic circle and island at the intersection with Century Drive and the twelve-foot (12') wide multi-use path extending the length of the South Extension as identified in the City Transportation Systems Plan (the "Path"). The street will be aligned and constructed in a manner consistent with the " 90-percent drawings" prepared by Hopper Dennis Jellison, PLLC dated April 2008 and on file with the City (the "South Extension Plans"). Upon completion of the construction of the South Extension, Langer will dedicate and record a public right-of-way easement to the City for Adams Drive south from its present terminus to the southern boundary of the PUD (the "South Extension Right-of-Way").

3. Alternative Commitments.

a. Alternatively, in the event the City has completed the obligations set forth in Section B.1.a. to B.1.c. of this Agreement and the City receives or accrues funding equal to the cost estimate for the construction of the South Extension prior to the time Langer has substantially commenced the obligations set forth in Section B.2. of this Agreement, the City may, in its sole discretion, elect to construct the South Extension, including the traffic circle and island at the intersection with Century Drive, the Path, and if warranted, the traffic signal at Tualatin-Sherwood Road, at the City's sole expense. In the event the City undertakes construction of the South Extension, the City will deliver written notice ("Written Election") to Langer of the City's intent in accordance with Section I.7. of this Agreement prior to undertaking construction of the South Extension.

b. The City will issue a Notice to Proceed to the selected bidder(s) ("Contractor") for completion of the physical construction of the South Extension within ninety (90) days after delivery of the Written Election to Langer ("Commencement Date"). In the event the City fails to issue the Notice to Proceed by the Commencement Date and Langer has obtained final site plan approval for either Phases 6 and/or 7 by said date, the City will forfeit its right to undertake construction of the South Extension, and Langer will re-assume the obligation to substantially construct the South Extension in accordance with Section B.2. of this Agreement, unless Langer agrees in writing to extend the Commencement Date. If the City has not forfeited its right to undertake construction of the South Extension, the City will substantially complete the construction of the South Extension within fourteen (14) months after the Commencement Date ("Completion Date"), and in any event, prior to the issuance of an occupancy permit for any structure included in Phases 6 or 7.

c. To ensure the Completion Date is met, the City will include the required Completion Date and penalties for late completion in the contract ("Contract") the City enters with the Contractor. The penalties shall be an amount calculated to reimburse Langer for any losses incurred by Langer due to Contractor's failure to substantially complete construction by the Completion Date when such failure prevents the reasonable use of Phases 6 or 7 for retail commercial purposes, but in any event not less than $10,000.00 per day Langer is unable to make reasonable use of Phases 6 or 7 for commercial retail purposes. The City shall take all necessary and appropriate action to enforce the penalty provision in the Contract and forward any amounts collected to Langer within 30 days of the date the City receives payment.

d. If the City elects to construct the South Extension under this Section B.3, the City will perform its construction activities in a manner that minimizes obstruction or interference with access to, from, or within the PUD and

Langer's construction, if any, and use of the subject property in accordance with the PUD. The City will mobilize, conduct, and maintain all construction activities, equipment and materials on and around the PUD in such manner to allow use of the South Extension and access between the PUD and the South Extension through all access driveways. The City's agreement to perform its construction activities consistent with this section is a material inducement for Langer to enter this Agreement as it will facilitate Langer's timely completion of the PUD in accordance with Langer's agreement with its end users of the PUD.

e. If the City elects to construct the South Extension, Langer will take the following actions prior to the City's commencement of construction:

(A) Grant the South Extension Right-of-Way to the City, provided the City shall bear the expense of preparing the legal description for the South Extension Right-of-Way.

(B) Grant to the City reasonable temporary construction easement(s) to allow the City to complete its construction commitments, provided Langer's grant of an easement(s) may be conditioned to ensure that the City's use of the PUD property does not unreasonably interfere with Langer's use and development of the PUD.

(C) If Langer has not yet constructed the stormwater facility on Phase 8 as provided in Section F.1 of this Agreement ("Stormwater Facility"), allow temporary location of stormwater detention and treatment from the South Extension on Phase 8 in either a temporary facility ("Temporary Facility") or the existing stormwater facilities located on Phase 7 and Phase 8 ("Existing Facilities"). To the extent that the Temporary Facility or the Existing Facilities will require any expenses for engineering, construction, design, maintenance, or modification to existing land use approvals, the City will bear the expenses. If applicable, Langer and the City shall execute and record appropriate easement documents or amendments to the existing easement for the Existing Facilities to formalize the parties' respective obligations under this subsection (C).

(D) Use reasonable best efforts to avoid damaging the Path during construction and development of the PUD, provided that if Langer causes any such damage, Langer shall, at its sole expense, repair and replace the Path back to its original condition.

C. ADAMS DRIVE NORTH EXTENSION

1. City Commitments. Except as otherwise provided in this section, as soon as reasonably practicable and in any event prior to Langer's construction of any

portion of Adams Drive north of the PUD's northern boundary, the City, at the City's sole cost and expense, will take the following actions:

a. Acquire the necessary right-of-way for and complete the surveying, design, and engineering for construction of an extension of Adams Drive ("North Extension") from the north side of the intersection with Tualatin-Sherwood Road, north to the existing stub road connecting to Highway 99W, with the alignment to curve east around the PGE substation and connect to the east end of the Home Depot stub road. The tentative, non-binding alignment and cross-section of the North Extension are set forth in Attachment B, attached hereto and incorporated herein by reference. The right-of-way, design and engineering shall anticipate and include at least 43 p.m. peak-hour vehicle trips per acre from Phase 4 to accommodate redevelopment of Phase 4.

Any substantial changes to the alignment and cross-section shall require an amendment to this Agreement. Such amendment shall only relate to this section of the Agreement, and all other terms and conditions of this Agreement shall remain in full force and effect. A "substantial change" may include but is not limited to an increase in the number of lanes, an increase in the right-of-way width by 10 or more feet, requiring additional landscaping, medians, or pedestrian paths, shifting the alignment east or west by fifty (50) or more feet, and/or any other changes that will substantially increase the cost of construction.

b. Obtain all necessary permits for the construction and operation of the North Extension, including without limitation, all permits associated with impacts to wetlands, all approach and/or signal permits required by the Oregon Department of Transportation for the intersection of Highway 99W and the existing stub road, and all approach permits required by Washington County for the connection of the North Extension and Tualatin-Sherwood Road.

c. Provide for the mitigation of any impacts to wetlands associated with the alignment and construction of the North Extension.

d. Otherwise remove any legal or planning constraints to the construction of the North Extension.

e. Pay any extraordinary labor costs associated with Langer's performance of its obligations under Section C.2., where "extraordinary labor costs" means any costs required by law to exceed an arms-length privately negotiated rate solely due to the nature of the improvement.

f. Pay any extraordinary construction costs associated with Langer's performance of its obligations under Section C.2. that are attributable to extraordinary environmental or geographic conditions.

g. Pursuant to the City's standard timeline and procedure in such instances, assume maintenance obligations for all of the North Extension following the City's final inspection approval of the North Extension.

h. Permit Langer to assume, for purposes of completing the required traffic study, that the North Extension has been planned and funded for construction prior to development of Phases 6 and 7 pursuant to Langer's alternative commitments to construct the North Extension or make a payment in lieu thereof pursuant to Section C.2. below.

i. Permit Langer to assume, for purposes of completing the required traffic study, that the North Extension has been planned and funded for construction prior to the redevelopment of Phases 4 pursuant to Langer's alternative commitments to construct the North Extension or make a payment in lieu thereof pursuant to Section C.2. below.

j. The City will not require the closure of any residential access to Phase 4 from Tualatin-Sherwood Road until redevelopment of Phase 4. The City will reimburse Langer for the cost of relocating and rebuilding any access to and from the existing commercial uses on Phase 4 resulting from the closure of any access due to the construction of the North Extension, including any necessary relocation of administrative facilities associated with the commercial use.

k. In the event Langer pays a fee in lieu of construction as described in Section C.2. below, the City will:

(A) Place the payment into an existing or newly-created interest-bearing City Trust and Agency Fund;

(B) Grant credits for transportation System Development Charges ("SDC's") otherwise payable by Langer as if Langer had constructed the North Extension; and

(C) Use the payment-in-lieu exclusively for the construction of the North Extension. However, if the City has not entered into a contract for the construction of the North Extension or any portion thereof within five (5) years after Langer deposits the fee with the City, the City shall return the fee-in lieu, together with any interest thereon to Langer, Langer's successor or a person designated by Langer's successor, minus any amount provided as a credit against transportation SDC's under paragraph (B) above. This Agreement does not constitute a "contract for construction of the North Extension" for purposes of this subsection.

2. Langer Commitments. Langer agrees to take the following actions with respect to the North Extension:

a. Subsequent to the City's performance of its obligations set forth in Section C.1. of this Agreement but prior to issuance of the final occupancy permit for any structure included in the development of Phase 6, Langer will substantially construct the North Extension consistent with the alignment and cross-section described in Section C.1.a. of this Agreement. However, in the event the City exercises its option to construct the South Extension under Section B.3. of this Agreement, Langer will substantially construct the North Extension prior to issuance of the final occupancy permit for any structure included in the development of Phases 6 or 7.

b. Alternatively, in the event the City has not substantially performed the obligations set forth in Section C. 1.a. to C.1.d. of this Agreement by a date that is sixty (60) days after Langer submits construction drawings for public improvements associated with the development of Phase 6 to the City, Langer shall submit a fee in lieu of construction in an amount equal to the cost estimate for the construction of the North Extension prior to the issuance of an occupancy permit for any structure included in the development of Phase 6. Langer's timely deposit of a fee in lieu under this paragraph shall fully satisfy Langer's obligations under Section C.2.a. of this Agreement and shall trigger the City's performance of its commitments under Section C.1.k. of this Agreement. In the event the City exercises its option to construct the South Extension under Section B.3. of this Agreement, the references to "Phase 6" in this subparagraph b. shall be replaced with "Phases 6 or 7."

c. In the event the City refunds the fee-in-lieu as described in Section C.1.k(C) of this Agreement prior to the redevelopment of Phase 4, and subsequent to the performance of the City's other obligations under Section C.1., Langer will substantially construct the North Extension consistent with the alignment and cross-section provided by the City prior to the issuance of an occupancy permit for any structure included in the redevelopment of Phase 4. In the event the City is still in possession of the fee-in-lieu at the time Phase 4 redevelops, the City will refund the fee to Langer, including any interest thereon, or will not require the construction of the North Extension as a condition of redevelopment.

D. RAIL CROSSING

1. City Commitments. As soon as reasonably practicable, the City, at the City's sole cost and expense, will take the following actions with respect to the Rail Crossing:

a. Acquire the necessary right-of-way for the Rail Crossing;

b. Obtain all required crossing or other permits from ODOT Rail and any other applicable agencies associated with the Rail Crossing;

c. Complete the design, engineering, and construction of the Rail Crossing; and

d. Use all reasonable best efforts to complete these actions and connect the South Extension to Oregon Street via the Rail Crossing no later than the date of issuance of occupancy permits for the development of Phases 6 and 7; provided, however, the failure to complete these actions by such date shall not be grounds to deny the issuance of such occupancy permits.

2. Langer Commitments. None.

E. CENTURY DRIVE

1. Langer Commitments. Langer agrees to take the following actions with respect to Century Drive:

a. Prior to issuance of final occupancy permits for any structure located in Phase 6 or Phase 7, design and substantially construct a reasonably direct vehicular connection between the existing terminus of Century Drive on the western boundary of the PUD and existing City right-of-way at the eastern boundary of the PUD ("Century Drive Connection"). The Century Drive Connection shall be constructed to the adjusted street standard described in Section E.2.a. below.

b. Following construction, dedicate a right-of-way easement to the City for the Century Drive Connection.

c. Provide the City with copies of receipts of eligible expenses where "eligible expenses" is defined to include all hard and soft costs of labor and materials associated with all aspects of the design, engineering, and construction, including applicable consultant fees, of the Century Drive Connection that exceed the cost of designing and constructing the Century Drive Connection as a standard parking lot drive aisle ("Eligible Expenses").

2. City Commitments. The City agrees to take the following actions with respect to Century Drive:

a. To work with Langer to achieve an adjustment to the relevant City street standards so that the nature, location, and design of the Century Drive Connection requires the minimum necessary right-of-way to provide a vehicular connection and includes traffic calming measures such as restrictions on through traffic for trucks.

b. Reimburse Langer for all undisputed Eligible Expenses within thirty (30) days after the City receives the receipts described in Section E.1.c. City will immediately contact Langer regarding any disputed expenses and attempt to resolve the dispute within 90 days of the date the receipt containing the expense is received by the City. Any disputed expense that remains unresolved after 90 days shall be submitted to mediation as provided in Section I.12. of this Agreement; and

c. Pursuant to the City's standard timeline and procedure in such instances, accept Langer's dedication of the Century Drive Connection following final inspection approval and thereafter assume maintenance obligations for same.

F. STORMWATER FACILITY

1. Langer Commitments.

a. Prior to issuance of a final occupancy permit for the first structures located in Phases 6 or 7, Langer will design and substantially construct the "Stormwater Facility on Phase 8 (including any necessary portions of Phase 6), to accommodate existing stormwater detention and treatment for the PUD (including 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 Facilities and any Temporary Facility constructed pursuant to Section B.3.c. of this Agreement, provided the stormwater detention and treatment functions of the Existing Facilities and any Temporary Facility are incorporated into the Stormwater Facility and subject to any written agreements relating to the Existing Facilities. 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.

b. Following construction, Langer will dedicate the Stormwater Facility to the public for use as a stormwater detention and treatment facility.

2. City Commitments.

a. 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, to facilitate any related process for the vacation of any prior public dedications associated with the Existing Facilities, and to modify the existing recorded easement document among Langer and the City relating to the Existing Facilities.

b. The City agrees to accept the dedication of the Stormwater Facility following final inspection approval and thereafter assume the maintenance obligations for same.

G. RENAMING OF ADAMS DRIVE

1. Langer Commitments. Prior to Langer's dedication of any portion of Adams Drive as described in this Agreement, Langer will submit a petition to the City to rename the completed portion of Adams Drive in accordance with the street name standards of ZCDC 16.108.010.4.A-C. Langer agrees to select a single name for Adams Drive from the southern end of the South Extension to the northern end of the North Extension.

2. City Commitments.

a. Provided the petition is submitted in the manner described in ZCDC 16.108.010.3, the City will support a petition received from Langer to rename the completed portion of Adams Drive.

b. If the petition is approved by the City Council, the City shall install standard City street signage identifying Adams Drive by its new name.

H. TRANSPORTATION CHARGES, FEES, AND CREDITS

1. Transportation Development Tax. The calculation and assessment of any Transportation Development Tax ("TDT"), including any TDT credits, will be made according to the Washington County TDT ordinance. Improvements to Tualatin-Sherwood Road will be creditable towards Washington County TDT's as allowed in Washington County's ordinance. It is the parties' mutual understanding that this ordinance provides full TDT credits for turn lanes and 50% or 66.67% for traffic signals for a four- and three-leg intersection, respectively. The City's commitment to this provision is a material inducement for Langer's agreement to complete the various public improvements set forth in this Agreement.

For the purpose of determining the number of weekday trips generated by all commercial land uses in Phases 4, 6, 7, and 8 of the PUD, the land use category "Shopping Center" from ITE Trip Generation, 7th Edition, shall be applied to the Washington County TDT Ordinance for the calculations of the Washington County TDT.

2. Transportation SDC's.

The City shall calculate and assess the Project with SDC's and credits for SDC's, pursuant to the City's Municipal Code, as it may be amended from time to time, and subject to any resolutions adopted by the City implementing same.

For the purpose of determining the number of weekday trips generated by all commercial land uses in Phases 4, 6, 7, and 8 of the PUD, the land use category "Shopping Center" from ITE Trip Generation, 7th Edition, shall be applied to the City's SDC ordinance for the calculations of the City's SDC's.

3. Credits.

a. Langer shall be entitled to seek SDC credits from the City and TDT credits from Washington County for all qualifying improvements and right-of-way dedications made by Langer, subject to the then applicable provisions of Oregon law and applicable ordinances. To the extent allowed by law, the City shall apportion SDC and TDT charges in the manner that maximizes the beneficial use of any resulting credits for Langer. In the event the City amends its SDC ordinance to eliminate the Transportation SDC prior to Langer's redemption of otherwise valid SDC credits, the City shall exercise good faith and best efforts to provide Langer a financial benefit in an amount equal to the value of any unredeemed credits in a manner consistent with applicable law, provided the City is not obligated to ensure such benefit or other return on the unredeemed credits.

b. The City hereby determines that, for purposes of qualifying for and administering SDC and TDT credits, Langer's construction of public improvements and dedication of right-of-way to the City pursuant to this Agreement are existing condition(s) of approval of the PUD, as it has been modified by the Minor Change approved in 2007.

4. Highway 99W Capacity Allocation Program. For purposes of calculating whether the trips associated with the regulated activities in Phases 6, 7, and 8 of the PUD exceed the trip limit of ZCDC 6.306.D.4, the City shall aggregate the trips and acreage of all such phases. As a result, the trips associated with the regulated activities of a single phase may exceed the trip limit that would otherwise apply if that phase were calculated individually, provided that the trips associated with all regulated activities for Phases 6, 7, and 8 do not exceed the trip limit in the aggregate. At each phase of development of the PUD, the number of reserve trips for the remaining phases will be identified in the applicable Trip Allocation Certificate.

I. TERMS AND CONDITIONS

1. Further Assurances. Each party shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder in good faith, to carry out the intent of the parties hereto.

2. Modification of Amendment. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by the parties hereto.

3. Relationship. Nothing herein shall be construed to create an agency relationship or a partnership or joint venture between the parties.

4. Waiver of Default or Condition. In the event a party defaults in the performance of one or more of its obligations under this Agreement or in the event of the failure of a condition precedent to be satisfied under this Agreement, the nondefaulting party or beneficiary of the condition may, in its discretion, waive, as applicable, the default or satisfaction of condition hereunder and rescind any consequence of such default or failure of a condition, and in case of any such waiver or rescission, the parties shall be restored to their former positions and rights hereunder respectively, but no such waiver or rescission shall extend to or affect any subsequent or other default or condition precedent, or impair any right consequent thereon. No such waiver or rescission shall be in effect unless the same is in writing and signed by the nondefaulting party.

5. Burden and Benefit; Assignment. The covenants and agreements contained herein shall be binding upon and inure to the benefit of the parties and their successors and assigns and shall run with the land. Neither party may assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed.

6. Applicable Law. This Agreement shall be interpreted under the laws of the State of Oregon.

7. Notices. All notices, demands, consents, approvals and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machines, such notice shall be deemed given at the time and on the date of machine transmittal.

8. Merger. This Agreement contains the entire agreement among the parties hereto with respect to the subject matter hereof and cannot be amended or supplemented except by a written agreement signed by all parties.

9. Rights Cumulative. All rights, remedies, powers and privileges conferred under this Agreement on the parties shall be cumulative of and in addition to, but not restrictive of or in lien of, those conferred by law.

10. No Third Party Beneficiaries. None of the duties and obligations of any party under this Agreement shall in any way or in any manner be deemed to create any rights in, any person or entity other than the parties hereto.

11. Force Majeure. The parties shall use reasonable diligence to accomplish the purpose of this Agreement but shall not be liable to each other, or their successors or assigns, for damages, costs, attorneys' fees (including costs or attorneys' fees on appeal) for breach of contract, or otherwise for failure, suspension, diminution, or other variations of services occasioned by any cause beyond the control and without the fault of the parties. Such causes may include but shall not be limited to acts of God, acts of terrorism or the public enemy, acts of other governments (including regulatory entities or courts) in their sovereign or contractual capacity, fires, floods, epidemics, quarantines, restrictions, strikes, or failure or breakdown of transmission or other facilities ("Force Majeure"). If any party is delayed, hindered, or prevented in or from performing its respective obligations under this Agreement by any occurrence or event of Force Majeure, then the period for such performance shall be extended for that period that such performance is delayed, hindered, or prevented.

12. Mediation. Should the parties arrive at an impasse regarding any of the provisions of this Agreement, the parties agree to submit to the dispute to mediation prior to the commencement of litigation. The mediator shall be an individual mutually acceptable to both parties, but in the absence of agreement, either party may apply to the Presiding Judge, Washington County Circuit for appointment of a mediator. Each party shall share equally in the fees and costs of the mediator. Each party shall be responsible for its own attorneys fees and other expert fees. Mediation shall be at Portland, Oregon unless the parties agree otherwise. Both parties agree to exercise their best effort in good faith to resolve all disputes in mediation. Participation in mediation is a mandatory requirement of both the City and Langer and failure to comply with this requirement is a material breach of this Agreement. The schedule and time allowed for mediation will be mutually acceptable. If the dispute is not resolved by mediation, either party may file a lawsuit to resolve the dispute in a court with proper jurisdiction located in Washington County, Oregon. Any trial shall be to the court without a jury. In the event of any such mediation or litigation, each party shall bear its own attorneys' fees and costs.

13. Conditions Precedent to Langer's Performance. Langer's commitments set forth in this Agreement are conditioned entirely upon the City's performance of all of its commitments that are precedent to the City's commitments under and in accordance with this Agreement, and the City's timely issuance of a PUD modification for the subject property.

14. Conditions Precedent to City's Performance. City's commitments set forth in this Agreement are conditioned entirely upon Langer's performance of all of its commitments that are precedent to the City's commitments under and in accordance with this Agreement.

15. Nature of Agreement. The City hereby confirms that it has approved and executed this Agreement pursuant to its governing charter and not pursuant to ORS 94.504 *et seq.*, and does further confirm that this Agreement does not constitute or concern the adoption, amendment, or application of the Statewide Planning Goals, a comprehensive plan provision, or a land use regulation, the City and Langer acknowledging and agreeing that any and all land use approvals required for the PUD are to be obtained (or have been obtained) in due course on another date in accordance with all applicable laws and regulations.

16. Amendment and Restatement. The Parties intend that this Agreement acts as a full and amended restatement of the original 2008 Agreement. Upon this Amended and Restated Agreement taking effect, the original 2008 Agreement shall no further force or effect.

17. Duration. This Agreement expires not later than January 1, 2015; provided, however, the expiration date of this Agreement shall be automatically extended to January 1, 2017 in the event that on January 1, 2015, Langer is not in material default of any provisions of this Agreement, has substantially built out Phase 7, and has obtained a certificate of occupancy for at least one (1) structure in Phase 6.

IN WITNESS WHEREOF,

For the City of Sherwood:

_____
Jim Patterson, City Manager

Date:_____

For Langer:

Pamela and Clarence Langer, as to Phase 4:

By:_____

Print Name:_____

Date:_____

By:_____

Print Name:_____

Date:_____

Langer Family, LLC, as to remainder of PUD:

By:_____

Print Name:_____

Title:_____

Date:_____

2.109 GENERAL COMMERCIAL (GC)

2.109.01 Purpose

The GC zoning district provides for wholesale and commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Chapter 8.

2.109.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.

B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.

C. Personal and business services, including day cares, preschools, and kindergartens.

D. Postal substations when located entirely within and incidental to a use permitted outright.

E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.

F. Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.

G. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.

H. Commercial trade schools.

I. Motion picture and live theaters, but excluding drive-ins which are prohibited.

J. Restaurants, taverns, and lounges.

K. Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited.

L. Blueprinting, printing, publishing, or other reproduction services.

M. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service.

N. Wholesale trade, warehousing, commercial storage and mini-warehousing, except as prohibited in Sections 2.110.04E and 2.111.04E.

O. Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing.

P. Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.

Q. Veterinarian offices and animal hospitals.

R. Agricultural uses including but not limited to farming, and wholesale and retail plant nurseries, with customarily associated commercial buildings and structures permitted.

S. Medical, dental, and similar laboratories.

T. Truck and bus yards and terminals.

U. Adult entertainment businesses, subject to Section 2.208.

2.109.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.

B. Radio, television, and similar communication stations, including transmitters.

C. Churches and parsonages.

D. Cemeteries and crematory mausoleums.

E. Public and private utility buildings, including but not limited to telephone exchanges, electric substation, gas regulator stations, treatment plants, water wells, and public works yards.

F. Government offices, including but not limited to administrative office, post offices, and police and fire stations.

G. Public use buildings including but not limited to libraries, museums, community centers and senior centers.

H. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.

I. Motels or hotels.

J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.

K. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.

L. Public and private schools providing education at the elementary school level or higher.

M. Any incidental business, service, process, storage or display, not otherwise permitted by Section 2.109, that is essential to and customarily associated with any use permitted outright.

2.109.04 Prohibited Uses

The following uses are expressly prohibited:

A. Junkyards and salvage yards.

B. Industrial and manufacturing uses, except as specifically permitted by Sections 2.109.02 and 2.109.03.

C. Any other prohibited use noted in Section 2.109.03.

2.109.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 square feet

2. Lot width at front property line: 70 feet

3. Lot width at building line: 70 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: None, unless the lot abuts a residential zone, then the front yard shall be that required in the residential zone.

2. Side yards: None, unless abutting a residential zone or public park property, then there shall be a minimum of twenty (20) feet.

3. Rear yard: None, unless abutting a residential zone, then there shall be a minimum of twenty (20) feet.

4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.109.06 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 Chapters 5, 8 and 9.

2.109.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.110 LIGHT INDUSTRIAL (LI)

2.110.01 Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

2.110.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

A. Veterinarians offices and animal hospitals.

B. Contractor's offices, and other offices associated with a use permitted in the LI zone.

C. Public and private utilities including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells and public works yards.

D. Glass installation and sales.

E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

F. Automobile, boat, trailer, and recreational vehicle storage.

G. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 2.110.04E.

H. Industrial hand tool and supply sales, primarily wholesaled to other industrial firms or industrial workers.

I. Other similar light industrial uses subject to Section 4.600.

J. Uses permitted outright in the GC zone, Section 2.109.02, except for adult entertainment businesses which are prohibited.

K. Dwelling unit for one (1) security person employed on the premises, and their immediate family.

L. PUDs, subject to the provisions of Section 2.202.

M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.

2.110.03 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300:

A. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 2.110.03.

2. Appliances, including but not limited to, refrigerators, freezers, washing machines, dryers; small electronic motors and generators; heating and cooling equipment; lawn mowers, rototillers, and chain saws; vending machines; and similar products and associated small parts.

3. Cosmetics, drugs, pharmaceutical, toiletries, chemicals and similar products, except as prohibited by Section 2.110.04.

4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.

5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery; ladders; mattresses, doors and windows; signs and display structures; and similar products and associated small parts.

6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and

associated small parts, but excluding motorized equipment unless otherwise permitted by Section 2.110.02 or 2.110.03.

7. Musical instruments, toys and novelties.

8. Pottery and ceramics, limited to products using previously pulverized clay.

9. Textiles and fiber products.

10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.

B. Laundry, dry cleaning, dyeing or rug cleaning plants.

C. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.

D. Offices associated with a use conditionally permitted in the LI Zone.

E. Sawmills.

2.110.04 Prohibited Uses

The following uses are expressly prohibited:

A. Adult Entertainment Businesses.

B. Any use permitted or conditionally permitted under Section 2.111 that is not specifically listed in this Section, and any use listed in Section 2.111.04.

C. Auto wrecking and junk or salvage yards.

D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products of substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:

1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.

2. Ammonia, chlorine, sodium compounds, toxics, and similar chemicals.

3. Celluloid or pyroxylin.

4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.

5. Explosives and radioactive materials.

6. Fertilizer, herbicides and insect poison.

F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.

G. Pulp mills and paper mills.

H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.

I. Leather tanneries.

J. General purpose solid waste landfills, incinerators, and other solid waste facilities.

2.110.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 sq. feet

2. Lot width at front property line: 100 feet

3. Lot width at building line: 100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: Twenty (20) feet, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.

2. Side yards: None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

3. Rear yard: None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

4. Corner lots: Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of the residential zone.

2.110.06 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 Chapters 5, 8 and 9.

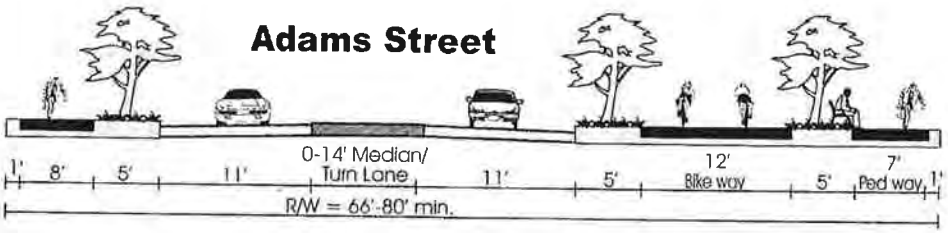
2.110.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

DKS Associates
TRANSPORTATION SOLUTIONS

Exhibit B

Oregon Transportation System Plan



A variance requires demonstration of hardship or other exceptional circumstances resulting from conditions of the property. Variances must meet Sherwood Development Code and TPR criteria.

Collector
Street Design Characteristics

Characteristic	Collectors
Vehicle Lane Widths (Turn Lane - 12-14 ft.) *1	11 ft.
On-Street Parking	8 ft.-Optional
Bicycle Lanes (minimums)	6 ft.
Sidewalks (minimums)	6-8 ft. *2
Landscape Strips	Required
Raised Medians	Optional (Required where 3-lane section used)
Neighborhood Traffic Management (NTM)	Under Special Conditions
Transit	Appropriate
Turn Lanes	When Warranted *3
Access Control	See Later Discussion

P - On-street Parking Lane (except at intersections)

Notes:

1. In constrained conditions on collectors a minimum width of 10 feet may be considered (i.e. for intersection turn lanes).14-feet is desirable for continuous two-way left turn lanes.
2. 8 feet for residential streets, 6 feet in commercial/industrial areas.
3. Turn lane warrants should be reviewed using Highway Research Record No. 211, NCHRP Report No. 279 or other updated/superseding reference.

Figure 8-4
COLLECTOR STREETS
SHERWOOD
STREET CROSS SECTIONS



H DENNIS JELLISON P.L.L.C.
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LANDSCAPE ARCHITECTS
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(503) 924-4005
(360) 695-3488
FAX (503) 924-4091
Internet: www.hdjengineers.com

TO: Sherwood Planning Commission

FROM: R. James Claus

RE: Comments for the Langer Storage 2

Site Plan Modification for the hearing record

DATE: April 26, 2022

The Planning Commission is being led to believe that this is an inconsequential land use act. Look at this in reality—it is not small or inconsequential. By their own admission, the Langers currently own 1,000 storage units between their four storage locations in Sherwood and Herman Road. The annex area in this application has 430 units. With this application, they are proposing another 575 units in a three-story building containing 74,000 square feet.

1000 units x $100 average per month per unit	=	$100,000 monthly
Multiplied by 12 months	=	$1,200,000 annually

Adding the requested 575 units:

575 units x $100 average per month per unit	=	$ 57,500 monthly
Multiplied by 12 months	=	$ 690,000 annually
Annualized combined income	=	$1,890,000 annually

If you assume a 75 percent net after expenses:

1,000 existing units of $1,200,000 annually x 0.75 expenses =	$ 900,000
575 additional units of $690,000 annually x 0.75 expenses =	$ 517,500
TOTAL	$1,417,500 Net Income

With a 6 percent capitalization rate applied, the value is estimated:

$900,000 existing net income / 0.06 cap rate	=	$15,000,000 value
$517,500 additional net income / 0.06 cap rate	=	$ 8,625,000 value
		$23,625,000 Value

Even with this simplified analysis, it is easy to see that millions of dollars of value is being requested by this applicant for an illegal use based on a 27-year-old zoning code that no one can use.

Light industrial zoning in town is supposed is be reserved for living wage jobs. This proposal violates the intent of that, as well as the City Council's goal for attracting living wage jobs for the residents. What a concept for people who live in town and raise their children to actually be able to work in town. With this application, the Langers are not suggesting or providing living wage jobs. They are asking to grossly increase a use that is not even allowed in the light industrial zoning within Sherwood's zoning code. And they are trying to bootstrap their request for the illegal use request by using a 27-year-old zoning code that NO ONE is allowed to use. The Planning Commission prides itself on its ability to study the details of an application.

A simplified benefit-cost analysis shows there is no benefit to granting such a request. This request violates the town's need for living wage jobs in the industrial zones. They are proposing no public infrastructure improvements nor public additions. They are not even providing restrooms in this 74,000-square-foot building they are proposing. The "traffic study" provided suggests no impacts from their request. There is no suggestion that their extra 575-unit increase will create a different pattern and mix of vehicles on Langer Farms Parkway. Remember this "collector" road has only 32 feet curb to curb—one lane each direction and a storage/turn lane in the middle.

As usual, this is a win-win-win situation for the Langers. They want tremendous increased value in their property, they do not want to build any public improvements, and they want an approval to increase a use that is not allowed by the Sherwood zoning code.

Langer Parkway was not funded by the Langer developments. It was paid for out of Sherwood's Urban Renewal Agency funds, grant money from Washington County MSTIP road monies and city road funds. How many gifts should the city continue to give this family, and why?

The first Sherwood Urban Renewal Agency was supposed to be fund a $20 million extensive Arts Center and clean up areas around the old cannery site. Instead, we have a $4 million Arts Center, inadequate clean up, but we have funded more than $10 million in road improvements that should have been funded by the Langer family or their buyer, Walmart, or both.

Why did we do it, then, and why does this family think the residents of Sherwood should underwrite them again? Wouldn't it be nice if everyone in town could get this kind of deal and this kind of favorable zoning and infrastructure treatment?

Thank you for your time.

R. James Claus
22211 SW Pacific Highway
Sherwood, Oregon 97140
FAX 503-625-6051

April 26, 2022

City of Sherwood
Planning Department
22560 SW Pine St.
Sherwood, OR 97140

Re: LU 2022-004 MM
Applicant: Sentinel Storage II
Comments for the land use hearing and record

Planning Commissioners:

I write in opposition to the above-numbered application for a major modification to the existing self-storage development located at 21900 SW Langer Farms Parkway. Please enter this letter into the record of these proceedings.

The applicant proposes to remove the existing RV storage canopy at the site and replace it with a three-story self-storage building. Both the applicant and staff acknowledge that a self-storage facility such as the one being proposed are prohibited on the site based on the existing LI-PUD zoning.

Rather than seeking an amendment to the text and map of the City's Comprehensive Plan and/or Zoning and Development Code, the applicant and staff rely upon ORS 92.040, an Oregon statute which they believe allows the applicant to develop the property based upon the uses authorized by the SZDC standards in effect in 1995, the year in which the City approved the original Planned Unit Development (PUD 95-1) for the subject property.

Respectfully, both staff and the applicant misunderstand the meaning of ORS 92.040. As applied to the facts of this case, the applicant cannot rely upon the statute to authorize a use that the SZDC expressly prohibits, for the reasons that follow. For that reason, I ask that the Commission deny the application.

ORS 92.040 provides:

(1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording. However, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.

(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.

(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government.

Although the Staff Report and applicant's narrative do not set out a clear timeline sufficient to understand the facts in the context of this statute, it appears that the facts needed to properly interpret the statute are as follows:

1. In April, 1995, the City approved the original Planned Unit Development (PUD 95-1), which included the subject property. The subject property was zoned light industrial-PUD (LI-PUD). The LI-PUD zoning remains, although the uses in the zone have changed.
2. In 2008, the City and applicant entered into a Development Agreement specifying that the uses authorized on the subject property were to be determined based upon the uses authorized in the LI-PUD zone under the 1995 SZDC, not the code in effect on the date of the application.

3. In 2010, the City and applicant entered into an Amended and Restated Development Agreement ("Amended Agreement"), which amended the 2008 Development Agreement based upon a "change in economic conditions" since the 2008 Development Agreement was entered into by the parties. See Recital 8 in the 2010 Amended Agreement, attached to the applicant's narrative as Exhibit H.
4. The Amended Agreement restated the desire by the applicant and the City that subsequent uses on the undeveloped LI-PUD zoned property within the PUD (which included the subject property) would be evaluated based upon the uses authorized in the LI-PUD zone under the 1995 SZDC.
5. The Amended Agreement further provided that the right of the applicant to rely upon the terms of the Amended Agreement, including the right to develop the property based upon the uses authorized in the LI-PUD under the 1995 SZDC, would terminate on either January 1, 2015 or January 1, 2017. See paragraph 17 of the Amended Agreement.
6. On March 30, 2012, applicant submitted a subdivision application (SUB 12-02) to subdivide portions of the 1995 PUD property, including the subject property. See the Staff Report & Notice of Decision for File No. SUB 12-02, dated June 21, 2012. The subdivision application did not a proposal to change the agricultural use on the subject property to any of the uses authorized under the 1995 SZDC, so neither staff nor the City Planning Commission evaluated the proposal based upon the uses being proposed, and whether they were consistent with the LI-PUD zoning in effect under the 1995 SZDC. See Staff Report & Notice of Decision for File No. SUB 12-02, dated June 21, 2012 (Sec. IV Findings for SZDC §16.32.020, pg. 9 of 33). SUB 12-02 was approved.
7. At the time of the application for SUB 12-02, §16.32.020(H) of the SZDC contained the following sentence:

> "Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD."

8. Section 16.32.020(H) was repealed on August 7, 2012.
9. On September 28, 2016, the City approved MLP 16-02 and SP 16-06. The decisions authorized the development of a 436 unit storage facility on the subject parcel. The authorized development has been approved and is the subject of this Major Modification application.
10. Mini-storage is not an allowed use in the LI-PUD zone. If the applicant is required to apply with the current SZDC, this application cannot be approved.

ARGUMENT

1. The 2007 and 2010 Agreements Have Expired by Their Terms. Under ORS 92.040(3), the Deadline For the Applicant to Rely Upon the 1995 Code and the Protections

Authorized by ORS 92.040(2) Terminated With the Expiration of the 2007 and 2010 Agreements, Not 10 Years From the Date of the 2012 Approval in SUB 12-02.

As staff acknowledges on page 5 – 6 of the Staff Report, the Amended Agreement between the City and the applicant has expired by its terms. See Exhibit H of the applicant's narrative. Section 17 of the Amended Agreement provides that the terms of the agreement, which includes the language allowing the owner of the subject property to develop the property pursuant to the provisions of the 1995 SZDC, expire on either January 1, 2015 or January 1, 2017. Obviously this application was filed after either of those two dates, meaning any future development of the site, including the right to develop based upon the 1995 SZDC, would not be governed by the terms of the Amended Agreement.

As set forth above, ORS 92.040(3) allows a city to establish a time period for which the protections of ORS 92.040(2) apply. In no event may the time period established by the city exceed 10 years. In other words, ORS 92.040 does not create an automatic protection period of 10 years from the date of a subdivision application. The 10 year time period is the maximum time in which the property owner/developer may rely upon the land use regulations in effect at the time of application, but the local government may limit that time period under ORS 92.040(3), which is exactly what happened in this case.

In this case, both the city and the applicant agreed in 2010 that the right to develop pursuant to the uses authorized by the 1995 SZDC would expire no later than January 1, 2017. The Amended Agreement clearly sets out the agreement between the City and the applicant that the uses allowed under the 1995 SZDC would be authorized on the property, regardless of the existing limitations of the current SZDC. In other words, the Amended Agreement addressed the provisions of 92.040(2). The parties then agreed that the applicant's right to make the uses authorized by the 1995 SZDC terminated no later than January 1, 2017. Under ORS 92.040(3), the Amended Agreement set forth the City's time limit for the applicant to apply the 1995 code to make uses authorized by a subsequent subdivision of the property, as authorized by ORS 92.040(3). That right ended on January 1, 2017. The applicant is no longer entitled to rely upon ORS 92.040(2) to allow uses authorized by the 1995 SZDC. At best, that right terminated on January 1, 2017 under ORS 92.040(3) and the Amended Agreement.

2. The Applicant Waived the Right to Rely On the Applicable Provisions of the SZDC in Effect in 2012 Under ORS 92.040(2) When It Agreed to Terminate the Right to Apply the 1995 SZDC Uses as Part of the Amended Agreement

Even if the Commission were to find that the City did not establish a time period under ORS 92.040(3) for the applicant to rely upon the SZDC provisions in effect in 2012, when the applicant received subdivision approval under SUB 12-02, ORS 92.040(2) allows the applicant to waive the right to rely upon the SZDC provision in effect on the date of the application for approval in SUB 12-02. The subsection creates the right of the subdivision applicant to rely upon the applicable development provisions in effect on the date of the subdivision application, "unless the applicant elects otherwise." By entering into the Amended Agreement and agreeing to a termination date of no later than January 1, 2017, the applicant made a voluntary choice to terminate the right to rely upon the applicable SZDC provisions in effect on the date of application for SUB 12-02. The applicant cannot both 1) rely on the Amended Agreement to utilized the LI-PUD uses allowed in the 1995 SZDC, and 2) attempt to ignore the portions of the Amended Agreement that terminate that right on January 1, 2017. That is what applicant attempts to do here.

3. The Applicant's Position Would Allow an Applicant to Indefinitely Lock In Development Under an Old Version of a City's Land Use Regulations, and Is Contrary to the Intent of ORS 92.040(2)

If the applicant and staff are correct that ORS 92.040(2) authorizes a city to agree with a developer to lock in uses to a certain version of the city's land use regulations, as was done here, then there is nothing that would prohibit a city and a property owner from creating an indefinite right to lock in development based upon land use regulations in effect on a certain date. That is not what the legislature intended with ORS 92.040(2).

Imagine if the City and applicant had not entered a termination date in their 2007 and 2010 agreements. In that situation, if the applicant wished to take advantage of ORS 92.040(2), the applicant could resubmit an application to replat the subdivision at any point in time, and lock in the right to a decision based upon the earlier version of the city's land use regulations, not the existing regulations. That is what the applicant and staff are arguing here.

The original PUD was approved in 1995. In 2007, the applicant and the City struck a deal allowing the applicant to ignore the current land use regulations and make uses authorized by the 1995 SZDC. In 2010, the applicant and the City struck a new deal with those same provisions. If the 2007 and 2010 agreements did not contain a termination clause, what would prevent the applicant from submitting a new subdivision application in 2025, 2030, or 2040 and arguing that they could develop based upon the 1995 SZDC, and that once the subdivision was approved, they had an extra 10 years to develop under that code. If the development didn't occur within the 10 years, they could start again with a replat.

That's not what the legislature intended. The legislature's intent in adopting ORS 92.040(2) is well documented in *Athletic Club of Bend, Inc. v. City of Bend*, 239 Or App 89 (2010). As the Oregon Court of Appeals notes in that decision, the purpose of ORS 92.040(2) is to ensure that for a limited period of time after a subdivision plat is approved, the development as envisioned by that subdivision approval is not changed, so that the applicant may rely upon the land use regulations in place at the time of the development.

There is nothing in the Court of Appeals decision that indicates that the legislature intended ORS 92.040(2) to allow a city and a developer to enter into an agreement locking the city into enforcing land use regulations in effect on a certain date, allowing the applicant to submit a subdivision application at some undetermined point thereafter, and then allowing the applicant to demand that the land use regulations agreed upon would govern development of the subdivision for the next 10 years after approval. That's exactly what staff and the applicant are arguing here. A PUD was approved in 1995. In 2007, 12 years later, the City and the applicant entered into an agreement locking development into what was allowed in 1995.

In 2010, 15 years after the original PUD, the City and the applicant amended the 2007 agreement but retained the right to develop under the 1995 SZDC. In 2012, 17 years later, the applicant submitted a subdivision application based on a 17 year old SZDC, and developed the property in accordance with the subdivision approval. Now, 27 years later, the applicant is submitting an application to amend the 2012 approval based upon a code that is now 27 years old, and citing ORS 92.040(2) as its means of bootstrapping itself in to the right to develop under a 27 year old code. That isn't what ORS 92.040(2) allows.

4. ORS 92.040(2) Does Not Apply to Development That is Different than That Which Was Proposed and Approved by the Applicable Subdivision Application. The 2012 Subdivision Approval (SUB 12-02) Did Not Authorize Any Land Use on the Subject Property. ORS 92.040(2) Does Not Require the City to Allow the Applicant to Apply the 2012 SZDC to a Modification of the Existing, Developed Subdivision

The Oregon Land Use Board of Appeals (LUBA) has also interpreted ORS 92.040(2), in a case that was resolved after the Court of Appeals decision in *Athletic Club of Bend*, discussed above. In *Group B LLC v. City of Corvallis,* LUBA No. 2015-019 (2015), LUBA held that ORS 92.040(2) operates to shield development that is contemplated as part of the subdivision application, but not development that is different than that proposed at the time of the subdivision application. As LUBA noted:

> "However, the city argues the 2006 subdivision applicant submitted a tentative plan that proposed no development of Tract B, and no development of Tract B was evaluated against the applicable criteria or approved in the 2006 decision. Therefore, the city argues, ORS 92.040(2) does not apply to preclude application of post-2006 standards such as LDC 3.6.30 and 4.10.60.01b.
>
> We partially agree with the city. Because the 2006 subdivision applicant did not propose development of Tract B, and the city did not evaluate any development of Tract B against whatever criteria would be applied to proposed development of lots at the tentative plat stage, ORS 92.040(2) would not generally operate to shield future development of Tract B from application of new development standards adopted after 2006 that regulate development of Tract B. However, as explained above, the 2006 subdivision decision did make a significant decision regarding the general location of future development on Tract B, namely that any future development would occur in the flag portion of the site, consistent with whatever maximum building setbacks and frontage standards, if any, which were in effect in 2006. Tract B was clearly not configured with the expectation that future development would occur in the pole portion of the site. On the contrary, the pole portion of the site was presumably sized and configured to allow a driveway and utilities to access the interior of the site, where future development would occur. Because the 2006 decision accomplished that much, ORS 92.040(2) operates to preclude application of different or conflicting post-2006 development standards, specifically the new maximum building setback and frontage standards at LDC 3.6.30 and 4.10.60.01b, because those standards would effective compel development to be located in the pole portion of the site. Accordingly, we agree with petitioner that the city erred to the extent it denied petitioners application for noncompliance with LDC 3.6.30 and 4.10.60.01 b."

The gist of LUBA's decision in *Group B LLC*, as set forth above, is that ORS 92.040(2) shields the subdivision applicant from the application of new city land use regulations that require the applicant to deviate from the development proposed or contemplated at the time of the subdivision application. To the extent that the applicant for the subdivision application does not propose any specific type of development or proposes a development which is then fully developed, ORS 92.040(2) does not shield the applicant from new land use regulations.

In this case, the applicant submitted a subdivision application in 2012 (SUB 12-02) which included no proposed uses. In fact, as the City noted in its Order approving SUB 12-02, the applicant did not propose any changes to the agricultural uses occurring on the subject property, and the City made no effort (and could make no effort) to apply the existing SZDC to

evaluate proposed uses for compliance with the 2012 SZDC provisions then in effect, or the 1995 SZDC provisions contemplated by the Amended Agreement. The uses on the subject property weren't established until 2016, four years after the subdivision, when the applicant n submitted development and partition applications. Based on the 2016 approvals, the applicant fully developed the site. The applicant received the benefit of ORS 92.040(2), as the applicants proposed development was approved in 2016, presumably based upon the 1995 SZDC standards which the City and the applicant agreed to in the Amended Agreement. Had the City made an effort to impose additional land use criteria to the 2016 approvals that did not exist under the 1995 SZDC and that would have prevented the contemplated development, then the applicant might have had an argument at that time that ORS 92.040(2) prevented the application of the new land use regulations enacted after 2012.

But that's not what happened here. The applicant submitted a subdivision application with no proposed land use development, received approval, waited four years, and then submitted and received approval to fully develop the site. The site has been developed. Nothing in ORS 92.040(2) allows the applicant to change its mind in 2022, apply for a different type of development when none was sought as part of the 2012 subdivision application and which differs from that which was built as part of the 2016 approvals, and demand the shield of ORS 92.040(2) for a development that it never intended to make at the time of the 2012 subdivision approval. The applicant in this case did not need to rely upon the shield of ORS 92.040(2), because the City made no effort to apply new laws to the development contemplated by the 2016 land use approval, which was completed and is now operational. The applicant and staff are attempting to change the protections of ORS 92.040(2) from a shield to a sword. That is not what the legislature intended.

As stated above, 1) please enter this letter in the records, 2) please keep the record open for at least 7 days for the introduction of new evidence, and 3) please place a copy of the City's final decision in SUB 12-02 into the record. Thank you.

Sincerely,

Jim Claus

Jim Claus

Enclosures:
2012 SUB 12-02 Staff Report and Notice of Decision
2016 MLP 16-02/SP 16-06 Sentinel Self Storage Annex II
2010 Amended and Restated Development Agreement

CITY OF SHERWOOD
Staff Report & Notice of Decision

Date: June 21, 2012
File No: SUB 12-02
Langer Farms Subdivision

Pre-App. Meeting:	December 12, 2011
App. Submitted:	March 30, 2012
App. Complete:	April 27, 2012
120-Day Deadline:	September 1, 2012

Brad Kilby, Senior Planner

Proposal: The applicant has requested preliminary subdivision approval to divide ± 55.09 acres into five individual lots and two tracts for future development consistent with the Sherwood Village Planned Unit Development, File No. PUD 95-1. The Planned Unit Development was approved in 1995 without a preliminary plat.

I. BACKGROUND

A. Applicant/Owner:

Langer Family, LLC
14958 SW Tualatin-Sherwood Road
Sherwood, OR 97140

Applicant's Representative:
AKS Engineering & Forestry
13910 SW Galbreath Drive
Suite 100
Sherwood, OR 97140

B. Location: The property is located on the south side of SW Langer Farms Parkway, West of Tualatin-Sherwood Road, and east of SW Oregon Street. The property is identified as tax lot 300 on Washington County Assessor Map 2S129D.

C. Parcel Size: The subject property is approximately 55.09 acres in size.

D. Existing Development and Site Characteristics:
The existing use of the site is agriculture. The current crop appears to be a grass or grain crop. The property is generally rectangular in site, and includes a gently rolling landscape. There is a delineated natural resource and buffer area in the southeast portion of the site. The buffer and resources includes some trees and riparian landscape materials. This specific proposal does not include any physical impacts into the resource area.

Bonneville Power Administration (BPA) and Portland General Electric (PGE) have power lines and associated easements through the northeast corner of the site. The subject property has frontage onto SW Tualatin-Sherwood Road, and SW Langer Farms Parkway. SW Century Blvd. stubs into the property from the east and west. Finally, the property contains two existing storm water ponds. One of the ponds is located in the north east portion of the site, and the other is located in the south and west portion of the site. The existing ponds serve off-site developments.

E. Site History: The site has been owned and farmed by the Langer family since the late 1800's. This particular piece of property is made up of phases 6, 7, and 8 of the Sherwood Village PUD that was approved by the Sherwood City Council in 1995. All future development is subject to the conditions of the approved Planned Unit Development and any subsequent amendments.

F. Zoning Classification and Comprehensive Plan Designation: The property is zoned PUD-LI. Although the property carries a Light Industrial zoning designation, the City Council, at the request of the property owner, approved a modification to the PUD in File number PUD 07-01. That decision confirmed that the PUD could elect pursuant to Section 16.32.020.H. of the Sherwood Zoning and Community Development Code (SZCDC), to develop Phases 4, 6, 7, and 8 with uses that would have been allowed under the Light Industrial (LI) base zone text applicable on August 3, 1995 (when the City approved the PUD Final Development Plan). At that time, Retail Commercial (RC) uses were also allowed in the Light Industrial zone. Although no specific land uses are proposed with this subdivision request, the applicant has attended two pre-application conferences with the City about developing the property with commercial uses.

G. Adjacent Zoning and Land Use: The subject site is currently being farmed. Properties to the south and east of the site include lands that are zoned Light Industrial. Billet manufacturing is located directly south of the site, and there are two light industrial uses adjacent to the northeast property line. The remaining properties to the east of the site are zoned LI and are not currently developed. Properties located to the west of the property, on the west side of SW Langer Farms Parkway, include lands developed with commercial, residential and public and institutional uses. Some of the commercial and residentially developed properties to the west were developed in earlier phases of the Langer PUD.

H Review Type: According to section 16.72.010.2.i, subdivisions between 4-10 lots require a Type II review with a decision made by City Staff after consideration of public comments. An appeal would be heard by the City of Sherwood Planning Commission so long as the person appealing had provided comments during the 14-day public comment period, and it is filed within (14) days after the decision has been mailed.

I. 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 April 25, 2012 in accordance with the notice provisions of Section 16.72.020 of the SZCDC.

J. Review Criteria: Sherwood Zoning and Community Development Code, 16.40(Planned Unit Development), 16.58.010 (Clear Vision), 16.70 (Administrative Procedures), Division VI - 16.104-16.118 (Public Infrastructure), Division VII 16.120 (Subdivisions), 16.128 (Land Division Design Standards), and Division VIII 16.144 (Wetland, Habitat and Natural Areas).

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on April 25, 2012. Staff has received the following comments.

R. James Claus of 22211 SW Pacific Highway submitted comments opposing the subdivision proposal. Mr. Claus alleges that the proposed subdivision violates the PUD Code requirements. Specifically, he maintains that the City can only allow changes in the plan that are necessary with the terms of the preliminary approvals, that the code requires that the preliminary subdivision be processed concurrently with the PUD, that the time has passed to allow them to submit a subdivision proposal, that the traffic survey used to gain approval did not contemplate the traffic that could result from future commercial development of the site, that the City has modified the original PUD without citizen input, and that a staff level review is not the correct process for processing the proposed subdivision. A copy of Mr. Claus' full comments is incorporated into the record.

Staff Response: Staff will address each one of the items raised in Mr. Claus' below:

- *The City can only allow changes in the plan that are necessary with the terms of the preliminary approvals…*

Staff Response: Mr. Claus is referring to Code section 2.202.02(E) which is now Section 16.40.020(E), which states, "Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals." This provision is titled the Effect of Decision under the overall heading for Preliminary Development Plan. First, the City is not requiring the proposed subdivision, and the Final Development Plan was approved in 1995. It is unclear why Mr. Claus feels that this is relevant to the proposed development.

- *The code requires that the preliminary subdivision be processed concurrently with the PUD*
- *The time has passed to allow them to submit a subdivision proposal*
- *Staff Level review is not the correct process for processing the proposed subdivision*

Staff Response: This proposal does not constitute a substantial change to the PUD, rather, it is a subdivision of land which routinely happens in commercial and industrial developments. The subdivision was not filed at the same time that the PUD was processed in 1995, but that should not preclude a property owner from dividing their property if it meets the standards the community puts into place. Had there been a subdivision requested at the time the PUD was being considered in 1995, the City would have requested that it be reviewed concurrently.

According to the City Attorney's office, "A PUD decision under 16.40 is a separate and distinct decision from a subdivision decision under 16.120. Section 16.40.020.B.5 states, "If the PUD involves the subdivision of land …" Apparently, this particular PUD did not when it was approved in 1995 – it was a straight PUD that did not include a subdivision. The code section goes on to say that when the PUD also involves a subdivision, the two decisions shall be processed concurrently. This affirms the interpretation that they are separate decisions, albeit when they are proposed concurrently, they need to be processed concurrently. In fact, the City has reviewed other subdivisions within this same PUD since the final development plan was approved.

Furthermore, the PUD approval is an overlay zone that is applied to a property. In this instance, the boundaries of the PUD are not changing, the applicant is not asking for any land use that

would be inconsistent with the prior approvals, and the prior approvals did not identify which land was devoted to a specific use. There is not an increase in density because it is not a residential development. Therefore, this does not constitute a modification to the PUD. It is simply a subdivision of land. According to 16.120.030.1.a, "A subdivision application for 4-10 lots will follow a Type II process." Subdivisions are processed in accordance with the administrative provisions spelled out in Section 16.72.

Therefore, this application does not constitute a major or minor modification to the approved PUD, and the subdivision can be reviewed as a Type II staff level subdivision.

The traffic survey used to gain approval did not contemplate the traffic that could result from future commercial development of the site

Staff Response: All newly proposed developments within the boundaries of the PUD have been required to provide a traffic study, and there is no reason that the City would not require a traffic study for any future proposed developments. This subdivision, in and of itself, does not generate any new traffic. Certainly, future development will be required to provide a traffic study at the time of application consistent with the developers' agreement. Given the pace of growth in the Portland Metro area over the past 20 years, it is highly unlikely that the information provided within the original PUD could still be relied upon.

The City has modified the original PUD without citizen input

Staff Response: The only modification that staff is aware of to this application is file number PUD 07-01. That decision confirmed that commercial uses would be allowed, and spelled out the community's expectations for future improvements associated with the PUD. That application was processed in accordance with the development code Section 16.40.040.B.2 which specifies that minor changes to a Final Development Plan may be approved by the Council **without further public hearing or Commission review**, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses. It is not clear to staff how this is germane to the proposal at hand which is in fact, being made after a public comment period in which one public comment was received on this matter.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on April 25, 2012. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

SHERWOOD ENGINEERING DEPARTMENT:
Engineering staff has reviewed the information provided for the above cited project. Further review will occur with individual land-use applications for the subdivided lots. The project(s) will need to meet the standards established in the City of Sherwood Engineering Design and Standard Details Manual and Clean Water Services (CWS) Design & Construction Standards Manual, in addition to requirements established by other jurisdictional agencies providing land-use comments. City Engineering Department comments are as follows:

Transportation
There are no improvements proposed with the subdivision, although the subdivided lots must have the ability to access public rights-of-way per the development code of the applicable agency prior to recording of the final subdivision plat map. Individual traffic studies will be

required with each subsequent development land-use application. All traffic impact analyses shall address the City of Sherwood Capacity Allocation Program (COS Ordinance 2000-1104 codified by SMC 16.107.070) while considering the Development Agreement as amended and restated by Sherwood Resolution 2010-033. Development Agreement term H.4 (Highway 99W Capacity Allocation Program) states:

For purposes of calculating whether the trips associated with the regulated activities in Phases 6, 7, and 8 of the PUD exceed the trip limit of ZCDC 6.306.D.4 (renumbered as ZCDC 16.107.070), the City shall aggregate the trips and acreage of all such phases. As a result, the trips associated with the regulated activities of a single phase may exceed the trip limit that would otherwise apply if that phase were calculated individually, provided that the trips associated with all regulated activities for Phases 6, 7, and 8 do not exceed the trip limit in the aggregate. At each phase of development of the PUD, the number of reserve trips for the remaining phases will be identified in the applicable Trip Allocation Certificate.

Prior to City approval of the subdivision, the applicant shall submit a plan identifying the separate acreages of PUD Phases 6, 7 and 8, less the 100-year floodplain and the SW Century Drive right-of-way. City staff will use the information shown on the plan to aggregate the CAP trip limit for comparison during future site plan reviews.

It is suggested that the applicant evaluate the intent of and any discrepancies between the original and amended PUD decisions, amended & restated Development Agreement, and the City Transportation System Plan, particularly: the location of public streets, site access points, vehicular and pedestrian circulation, traffic study areas, if subsequent traffic studies for Phases 6/7/8 consider whether the North Extension has been planned or funded prior to development or redevelopment, and editions of the ITE Trip Generation manual.

A public right-of-way and eight foot wide public utility easements shall be shown on the preliminary and final recorded subdivision plat map for the extension of SW Century Drive.

See comments from Washington County DLUT on right-of-way dedications, improvements and access to/from SW Tualatin-Sherwood Road.

Staff Response: Planning staff discussed these comments with Engineering staff, the discrepancy lies in the issue that the approved Final PUD Plan showed three access points from SW Langer Farms Parkway into the site. This proposal shows three access locations, and the extension of SW Century Blvd. The Engineering Division is not opposed to the access locations, but felt that it should be pointed out that there are realistically four accesses into the site. Certainly, the applicant was not aware that the extension of SW Century Blvd was going to be placed into the Transportation System Plan, and there were no specific discussions in any of the staff reports or decisions for the preliminary or final PUD approvals discussing the limitations of the access points along SW Langer Farms Parkway.

Furthermore, there is plenty of language within the PUD file to suggest that many of the decisions related to traffic would be deferred to review of individual development proposals as they were submitted to the City. Since the applicant could not have anticipated the reintroduction of the extension of SW Century Blvd. into the Transportation System Plan (TSP), it is completely understandable that there would be at least three accesses from SW Langer Farms Parkway into the site.

Sanitary Sewer

There are no sanitary improvements being proposed with the subdivision application, although the subdivided lots must have the ability to connect (by gravity) to the public sanitary system when development occurs. All public conveyance easements, if required for gravity service, shall be shown or referenced on the subdivision plat map. Prior to recordation of the final plat map, the applicant shall submit detailed plans that clearly label each lot number's connection to the public system and elevations that show gravity service is achievable.

If retaining walls or slopes are necessary to support the public sanitary system, then wall and/or slope easements shall be granted to the City with actual site development, not with the subdivision plat map.

Staff Response: Sewer service has been stubbed to the parent parcel, so it is available. The developer will be required to determine how to best serve the site with sewer, loop and/or extend the system as necessary as proposals for future development on the site evolve.

Water

There are no water improvements being proposed with the subdivision, although the subdivided lots must have the ability to connect to the public water system when development occurs. The applicant shall submit detailed plans that clearly label each lot number and how it will connect to the public system prior to recordation of the final plat map.

If retaining walls or slopes are necessary to support the public water system, then wall and/or slope easements shall be granted to the City with actual site development, not with the subdivision plat map. Public water easements must be established around water meter and fire flow vaults during site development.

Staff Response: Water service has been stubbed to the parent parcel with the recent completion of SW Langer Farms Parkway, so it is available. The developer will be required to determine how to best serve the site with water, loop and/or extend the system as necessary as proposals for future development on the site evolve.

Storm Sewer

There are no storm improvements being proposed with the subdivision, although the subdivided lots must have the ability to connect to the public storm system (by gravity) when development occurs on any subdivided lot. The preliminary subdivision plat map shows a 15' wide public storm drainage easement over Tract 'A' and Lot 4 for the benefit of existing and future upstream development. The preliminary subdivision plat also shows a 15' wide public storm drainage easement over Lot 1 and a small portion of Lot 2, but has a note 'to be dedicated with development of Lots 1-3'. Development Agreement term F.1.a (Stormwater Facility – Langer Commitments) states:

Prior to issuance of a final occupancy permit for the first structures located in Phases 6 or 7, Langer will design and substantially construct the "Stormwater Facility" on Phase 8 (including any necessary portions of Phase 6), to accommodate existing stormwater detention and treatment for the PUD (including development of Phases 6, 7, and 8), and any detention and treatment associated with the South Extension and Century Drive Connection. In conjunction with this construction, Langer retains the right to terminate use of the Existing Facilities and any Temporary Facility constructed...

In addition, City infrastructure mapping indicates the storm drainage easement shown over Lot 1 and Lot 2 is intended to convey flows from existing upstream development and public rights-of-way.

Based on the materials submitted by the applicant, the Development Agreement, and City infrastructure mapping, the regional storm facility will treat runoff from all of the subdivided lots, proposed rights-of-way, as well as existing upstream development and public rights-of-way. Although construction can be deferred until future site development, all of the tracts, public storm drainage and access easements shown on the preliminary plat map must be dedicated to the City with the subdivision plat.

If retaining walls or slopes are necessary to support the public storm system, then wall and/or slope easements shall be granted to the City with actual site development, not with the subdivision plat map.

Grading and Erosion Control:
No early grading is proposed with this subdivision. Site grading will exceed 5 acres of disturbed area for all phases of development. Therefore, a 1200-C permit is required. The 1200-C permitting process can be initiated through the City of Sherwood Engineering Department. It is likely DEQ (via CWS) will require that all phases of development on and around tax lot 300 be authorized under the same 1200-C permit.

The memorandum from CWS dated May 8, 2012 indicates that a CWS Storm Water Connection Permit (SWCP) must be obtained prior to plat approval and recordation. CWS typically requires a 1200-C permit prior to issuing a SWCP. Contact CWS to obtain a SWCP.

Other Engineering Issues:
The subdivision includes new property lines within Bonneville Power Administration (BPA) and/or Portland General Electric (PGE) transmission line easements. The applicant must coordinate with those entities to determine when they will issue a land use agreement to the developer, prior to final plat approval and recordation or with individual site plan review, or both.

The applicant may be required to install infrastructure for Sherwood Broadband as noted in City Ordinances 2005-17 and 2005-74 during future phases of development, but not with the subdivision plat.

Per CWS requirements, tracts or easements shall be established over wetlands and vegetated corridors with the subdivision plat. See conditions of the CWS Service Provider Letter (SPL) and land-use comments memo dated May 8, 2012.

WASHINGTON COUNTY:

1. The applicant is not proposing access to SW Tualatin-Sherwood Road. **To implement the County's access-spacing standards, the applicant will be required to record a motor vehicle access restriction along the subject site's entire frontage of SW Tualatin-Sherwood Road for the purposes of implementing the access spacing standards.**

2. Consistent with statewide pedestrian circulation/linkage goals of the Transportation Planning Rule and the County's R&O 86-95 (road safety requirements), the County normally requires sidewalk installation as a minimum road safety improvement along site frontage of all County-maintained roads. Sidewalks further establish future street profiles, demarcate County or City right-of-way, and address drainage issues. Sidewalk

requirements are not generally waived, even when sidewalk is not currently present on neighboring properties. Rather, even non-contiguous sidewalk is considered to provide some measure of pedestrian refuge and ideally, makes possible eventual connection of sidewalks (as surrounding development takes place and is likewise conditioned to provide sidewalk). Additionally, the Washington County Road Design and Construction Standards require provision of adequate drainage along a site's frontage of a county road.

The applicant is required to construct a half-street improvement, including illumination, to an A-2 County standard along the subject site's frontage of SW Tualatin-Sherwood Road OR pay a fee-in-lieu (Contact Dan Erpenbach at 503-846-7877).

Note: *For half street improvements, an applicant shall provide street lighting consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.*

3. The statewide Transportation Planning Rule requires provision for adequate transportation facilities in order for development to occur. Accordingly, the County has classified roads and road segments within the County system based upon their function. The current Transportation Plan (regularly updated) contains adequate right-of-way, road width and lane provision standards based upon each roadway's classification. Subject right of way is considered deficient if half-width of the existing right of way does not meet that determined necessary within the County's current transportation plan.

The applicant is required to dedicate additional right-of-way to provide 49 feet from centerline of SW Tualatin-Sherwood Road, including adequate corner radius at the intersection.

Staff Response: The comments from Washington County have been considered, and to the extent that they are applicable to the proposed development, the conditions of approval have been incorporated into this report. The request for a non-access easement along the property's frontage with Tualatin-Sherwood Road, according to Naomi Voegel, Associate Planner with Washington County Operations, is not intended to prevent the existing access location that is used to maintain the water quality facility on the northeast corner of the site. Because that location is provided with a mountable curb, Washington County does not view that as a formal access to the site.

CLEAN WATER SERVICES (CWS):
CWS provided comments that essentially require that a Storm Water Connection Permit Authorization be obtained. The District also requires that the application comply with the requirements of the Amended service provider letter 12-000162.

Staff Response: The CWS conditions of approval have been incorporated into this report where appropriate.

TUALATIN VALLEY FIRE AND RESCUE (TVFR):
TVFR provided comments that do not specifically identify any deficiencies within the proposal, but rather outline the districts expectations for access, the provision of hydrants, and

infrastructure that would aid the district in providing services to the site. The comments are attached to this decision, and to the extent that they apply, the applicant will be required to satisfy the standards of TVFR in final design and construction of the subdivision.

Kinder Morgan Energy, ODOT, Pride Disposal, the Tualatin Valley Water District, NW Natural Gas, and Portland General Electric were all provided an opportunity to comment on this proposal, but did not provide comments. It is incumbent upon the applicant to coordinate the final design of the subdivision with any of the above affected agencies.

IV. APPLICABLE CODE STANDARDS

Chapter 16.32 Light Industrial (LI)

A. 16.32.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII. Incidental retail sales, limited to 10% of the total floor area of a business, may be permitted as a secondary function of a permitted or conditional use, subject to the review and approval of the Hearing Authority.

STAFF ANALYSIS: The property is currently in agricultural use, and the subdivision does not include a proposal to use the land any differently. It should be noted, that staff has been in contact with the applicant, and they have indicated that they do intend to submit an application in the near future for commercial uses on the site. Section 16.32.020.H states, "PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted within the boundaries of the PUD. Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD."

FINDING: At the time that the PUD was approved, general retail uses were permitted within the Light Industrial district, so there would be no reason that the applicant couldn't propose commercial development on the site in the future. Since the subdivision does not include proposals for any new uses on the subject site, the development complies with this section.

B. 16.32.050 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: 10,000 sq ft

2. **Lot width at front property line: 100 feet**
3. **Lot width at building line: 100 feet**

STAFF ANALYSIS: The proposed subdivision creates five lots and two tracts. The tracts, Tract A and Tract B, are for the purposes of protecting the natural resource on site, and to establish an area for a regional water quality facility, and are not buildable lots. Lot 1 is 13.99 acres in size, and has frontage onto three public streets. There are several front lot lines with the proposed lot, but the longest one is approximately 444.21 feet in length. Lot 2 is approximately 3.65 acres and has more than 1,050 feet of frontage onto two public streets. Lot 3 is approximately 2.35 acres in size and has more than 700 feet of frontage onto two public streets. Lot 4 is 21.97 acres in size and has more than 2,000 feet of frontage onto two public streets. Lot 5 is 6.93 acres in size and is provided access through a 40-foot wide access easement. The lot width at the front property line is more than 500 feet.

FINDING: It is feasible that, given the size of the lots, that the lot width at the building lines can be satisfied with future development on every one of the lots. Compliance with setbacks and heights will be verified at the time the properties are developed. The dimensional standards are satisfied to the extent that they apply to this subdivision.

C. 16.32.060 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, it is feasible that future development on the proposed lots would be able to satisfy the standards, and any proposed development will be evaluated against those standards that are found to be applicable.

Chapter 16.40 Planned Unit Development

STAFF ANALYSIS: The subject property has an approved PUD overlay. Initially approved in 1995, development on the property is subject to the provisions of that approval, any approved modifications, and the associated Developers Agreement. There are no approval criteria within Chapter 16.40 that can be directly attributed to this proposal. The standards of this chapter are only applicable to review and approval of the Preliminary Development Plan, the Final Development Plan, and any modifications. In this instance, the property is being subdivided outside of the PUD process, and does not preclude the applicant from satisfying the intent of the PUD, nor relieve them of their commitments to make the public improvements called for in that approval. This constitutes a development action on Phases 6, 7, and 8 of the proposed development. Consistency with the applicable requirements of the approved 2010 Development Agreement is discussed throughout this report. Consistency with the approved development standards and design guidelines apply to proposals for actual physical development of the property, and will be evaluated at such time that those applications are filed.

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.**

STAFF ANALYSIS: The proposed subdivision does not include any physical improvements that would preclude future development on each of the lots from complying with the provisions of this Chapter.

FINDING: It is feasible that the development can comply with the clear vision standards stated above. Compliance with the provisions of this chapter will be evaluated with future development proposals associated with the property.

Chapter 16.70 General Provisions

16.70.010 Pre-Application Conference

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

STAFF ANALYSIS: Although not a requirement, the applicant requested and attended a pre-application conference with City staff on December 12, 2011 to discuss partitioning, subdividing, and developing the property.

16.70.020 Neighborhood Meeting

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

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

STAFF ANALYSIS: The applicant held a neighborhood meeting on February 8, 2012 at St. Francis Church to discuss the overall development of the PUD site including a partition, a subdivision, and potential development of the site. Approximately 25 people attended. Twenty one of the attendees signed the attendance roster, and the applicant has provided a summary of the meeting and the items raised by the public. Concerns included added truck traffic on Langer Farms Parkway, speeding on Langer Farms Parkway, access to Tualatin-Sherwood Road from the extension of Century Drive, a desire for future development to attract store brands that appeal to teenagers, concerns about competition with existing businesses as a result of any commercial development on the property, the amount of existing vacant commercial space in Sherwood, a desire for additional transit service, disruption of wildlife, and disruption of existing views. To the extent that the development code addresses any of the concerns, staff has taken them into consideration in this decision.

It should be noted that SW Langer Farms Parkway is a collector intended to provide another route into Sherwood. Traffic laws on the right-of-way are enforced by the Sherwood Police Department, and currently the right-of-way does not restrict truck traffic. Future development proposals on the site include individual traffic impact reports that will better inform the decision makers on the impacts associated with those specific proposals. If the traffic in some way deteriorates the acceptable functionality of the street systems, then the Engineering Division may impose mitigation measures to help offset those impacts. The property is approved for commercial and light industrial type developments, and will most likely be developed in that manner.

All future development proposals will be required to meet the dimensional requirements including heights, setbacks, and to the extent they apply, the design guidelines that were approved with the Final PUD approval. There are no protected scenic corridors within the City's Comprehensive Plan, so it is likely that any development on the subject site will affect the existing views of those who live adjacent to the site, and have become accustom to the views the existing farmland provides, but that land is within the City limits and is set aside for development.

FINDING: Although not required to host a neighborhood meeting by code, the applicant did in fact hold a neighborhood meeting on February 8, 2012 and provided the materials along with

this application that demonstrate that they complied with the requirements for neighborhood meetings.

Division VI. Public Infrastructure

16.104 General Provisions

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

STAFF ANALYSIS: As agreed to within the approved development agreement, the applicant is required to provide the right-of-way and ultimately construct the extension of SW Century Blvd. from its eastern terminus at the roundabout in SW Langer Farms Parkway to the western terminus at the west property line. The applicant is also required to dedicate the vegetated corridor and Natural Resource in Tract A, and to dedicate and construct the regional storm water facility located in Tract B. As proposed, the applicant is proposing to dedicate all three of these areas, and to defer construction of the improvements until such time that they are constructing improvements with future development.

16.104.020 Future Improvements

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

16.104.030 Improvement Procedures

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

STAFF ANALYSIS: The City of Sherwood completed the extension of SW Langer Farms Parkway in 2012 funded primarily by Washington County Major Streets Transportation Improvement Program (MSTIP). As part of that construction, sewer, water, and access from SW Langer Farms Parkway were stubbed to the property. In accordance with the approved development agreement for the PUD, the right-of-way for the future extension of SW Century

Boulevard will be dedicated to the City with this application. When it is constructed, utilities will be extended through the site to accommodate future development on this site, and the adjacent properties. The specific locations of where and how the utilities will be provided onto the property will be evaluated and approved at such time that proposals for actual development of the lots are submitted and reviewed.

FINDING: The applicant has either proposed, or has been conditioned through prior approvals to provide needed public infrastructure with proposed development of the site. Adequate water, sewer and access are available to the property. Stormwater for all future development on site will be captured and treated in a new regional stormwater facility that the applicant will construct as part of any future development proposal for the site. The applicant will also be responsible for future construction of SW Century Blvd to City standards under the requirements of the approved Developers Agreement. This criterion is satisfied.

16.106 Transportation Facilities

16.106.020 Required Improvements

A. Generally

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

STAFF ANALYSIS: There are no physical improvements being proposed with the subdivision. The proposed subdivision is adjacent to two existing streets, SW Tualatin-Sherwood Road, and SW Langer Farms Parkway. The extension of a third public street, SW Century Blvd is required with future development as a condition of the approved development agreement that is binding upon the PUD. The right-of-way for that street will be dedicated with the subdivision.

FINDING: Since SW Langer Farms Parkway was only recently constructed, it is found to be constructed to standard. The developer will dedicate the right-of-way necessary for the future extension of SW Century Blvd. Improvements to the overall system may be warranted with future development. The development agreement requires the property owner to provide an individual traffic study for each development application. The City Engineer has determined that no improvements to the adjacent City streets are warranted by this proposal.

Tualatin-Sherwood Road is a County facility and therefore subject to restrictions imposed by county regulations. The county recognizes that the applicant is not proposing any access to SW Tualatin-Sherwood Road, but has requested the following conditions to ensure that the County's access-spacing standards, and the Transportation Planning Rule as it applies, through the county's regulations, to developments that front County rights-of- way are enforced.

It should be noted that the first condition would potentially restrict access to an existing driveway used to access a storm water quality facility in the northeast corner of the site. For this reason, the condition that the county has requested be imposed has been modified by City staff in a manner that allows the applicant to discuss the issue with County staff.

Conditions:

1. Prior to final plat approval, the applicant shall dedicate the necessary right-of-way needed to construct SW Century Drive.

2. Prior to final plat approval, the applicant shall establish the public right-of-way and 8' public utility easement for and adjacent to SW Century Drive on the face of the plat.

3. Prior to final plat approval, the following shall be represented on the plat and recorded with Washington County:
   a. Dedication of additional right-of-way to provide 49 feet from centerline of SW Tualatin-Sherwood Road.
   b. Dedication of additional right-of-way to provide adequate corner radius at the intersection of SW Tualatin-Sherwood Road.
   c. Provision of a non-access reservation along SW Tualatin-Sherwood Road frontage, except at the existing access point(s) approved in conjunction with this land use application.

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: Figure 8-8 of the Sherwood Transportation System Plan (TSP) illustrates the future extension of Century Blvd. The approved Developer's Agreement associated with the original PUD calls for the dedication and ultimate construction of Century Blvd. The applicant has proposed to dedicate the right-of-way for Century Drive, and defer final construction plans, financial assurance, permits and construction of the street until such time that specific development proposals are provided for the property. The applicant has provided a preliminary plan and profile, and has demonstrated on Sheet 6, that it is feasible for the construction to occur within the right of way area given that the end points for SW Century Drive are already established by prior construction.

FINDING: The City has evaluated the proposal and agrees that the actual construction of the street can be deferred until such time that physical development of the property occurs given that the right-of-way area is already established, and is agreeable to the applicant's dedication of the right-of-way on the face of the plat.

2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street

Connectivity map contained in the TSP.

a. **A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.**
b. **Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.**
c. **Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.**

STAFF ANALYSIS: The applicant is only proposing to subdivide the property at this point in time. As mentioned previously in this decision, the applicant is proposing to dedicate the right-of-way for SW Century Boulevard. The applicant has provided a Conceptual Circulation Plan that generally demonstrates compliance with the Local Street Connectivity Map in the Sherwood TSP. It will be incumbent upon future development proposals to demonstrate compliance with this section as it applies to future development of proposed lot 4, because the TSP shows a north-south local connection.

FINDING: As proposed, the subdivision would not preclude the owner's ability to provide a connection consistent with the TSP local connectivity map; however, the applicant is not requesting approval of any development within the area of the site that calls for the connection discussed above. It is feasible for future development on the property to satisfy this condition.

3. **Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.**
4. **Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.**
5. **Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.**
6. **Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right- of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.**
7. **Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:**
   a. **Physical or topographic conditions make a street or accessway connection**

impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

STAFF ANALYSIS: This proposal does not include the creation of any new streets not already accounted for by the TSP. There is no identified bicycle or pedestrian connections in the TSP that are not already provided for within the existing right-of-way. It should be noted that the site is limited by the presence of the wetlands in Tract A, a major arterial to the north, a collector to the west, and existing industrial development directly south of the site.

FINDING: Existing site conditions and pre-existing development on adjacent properties may deter full street connectivity on a portion of the site. A conceptual circulation plan is provided with the preliminary plans to illustrate how the site can conceptually meet the standards, however, the site is zoned for light industrial and commercial uses, so it is unlikely that a full street connection would be necessary beyond what is called for in the TSP. It will be incumbent upon the property owner to demonstrate that the existing conditions preclude full connectivity, and if so, how pedestrian or bicycle connections can be made for future proposals for development. These criteria are not applicable to the proposed subdivision.

16.106.040 Design

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

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

A durable sign shall be installed at the applicant's expense. The sign shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."

STAFF ANALYSIS: As discussed previously in this report, the applicant has proposed to dedicate right-of-way that would allow for the construction of a public street that extends from the east terminus of SW Century Drive to the west terminus. Once constructed, this Century Blvd. will be complete.

FINDING: Because the applicant has proposed to dedicate the right-of-way with this application, and the signs called for in the standard above are already in place, this standard is satisfied.

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).**

STAFF ANALYSIS: There are no existing or proposed transit routes adjacent to or near this site. Tri-Met has indicated that due to costs, some of the existing Sherwood transit service will be cut.

FINDING: Transit facilities are not necessary at this site at this time, as there would be no service available. This criterion is not applicable to the proposed subdivision.

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.

STAFF ANALYSIS: There is sanitary sewer service in the adjacent street and available to the subdivision. It will be incumbent upon future development proposals to illustrate how service is provided for each new development proposal.

FINDING: no public sanitary easements are required with the subdivision plat as the service is already stubbed to the lots. When it becomes necessary to provide service to an individual lot or convey existing flows from upstream development the applicant will be required to provide easements to accommodate the construction and maintenance of the line. This criterion is satisfied.

16.112– Water Supply

16.112.010 Required Improvements

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

STAFF ANALYSIS: There is water service in the adjacent street and available to the subdivision. It will be incumbent upon future development proposals to illustrate how service is provided for each new development proposal.

FINDING: Because the public water is stubbed to the property line for future development, there is no need to extend the water or provide easements with the subdivision plat. When it becomes necessary to provide service to an individual lot the applicant will be required to provide easements to accommodate the construction and maintenance of the line.This criterion is satisfied.

16.114 - Storm Water

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

STAFF ANALYSIS: The Preliminary Subdivision Plat map shows a 15' wide public storm drainage easement over Tract 'A' and Lot 4 for the benefit of existing and future upstream development. The Preliminary Subdivision Plat also shows a 15' wide public storm drainage easement over Lot 1 and a small portion of Lot 2, but has a note 'to be dedicated with development of Lots 1-3'. City infrastructure mapping indicates this easement will convey flows from existing upstream development and public rights-of-way, therefore both portions of the 15' public storm easement will be required with the subdivision plat. If public storm easements are required and retaining walls or slopes are necessary to support and the storm infrastructure, then separate wall or slope easements shall be established with the public storm easements, unless approved otherwise by the City Engineer.

Construction of a regional storm water treatment facility is required under the development agreement, and proposed by the applicant during the development of Phase 6, 7 or 8. Construction can be deferred until future site development. The Preliminary Subdivision Plat shows a 'Regional Stormwater Facility' at the east corner of Lot 5 located in Tract 'B', a '20' Wide Storm Drainage and Access Easement' over Lot 5, and '26' Wide Storm Drainage and Access Easement' over Lot 4.

FINDING: Since construction of the regional facility will be required for any development upon Phase 6, 7 or 8, particularly to convey and treat upstream flows from and across Lot 4, Lot 1, Lot 2 and existing public rights-of-way, Tract 'B', the 20' and 26' wide storm and access easements should be included with the subdivision plat.

Individual Storm Water Connection Permits (CWS) will be required with subsequent development, not with the subdivision plat.

16.116 Fire Protection

16.116.020 Standards

A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City

standards, in order to adequately protect life and property in the proposed development.

B. Fire Flow

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

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

STAFF ANALYSIS: As indicated earlier in this decision, water service and hydrants were provided with the construction of SW Langer Farms Parkway. The land is not proposed to be developed at this time, and there are no structures on the existing site at this time.

FINDING: The fire district comments do not indicate that any additional services need to be provided with this proposal. Their comments are incorporated into this decision for reference. It will be incumbent upon applicants to demonstrate compliance with this section with future development proposals. These criteria are satisfied.

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: There is no physical development proposed with this subdivision. There are utilities around the entire site that are readily available for future development of the site. Public utility easements will be provided where required to ensure that there is adequate room for franchise utilities.

FINDING: No new utility extensions are necessary with this request. The applicant is showing an 8-foot public utility easement around the lots as required. Utilities are available to the property and will be extended as future development is proposed on the site.

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

STAFF ANALYSIS: As indicated previously, there is no need for new utilities with this subdivision proposal. All existing and adjacent utilities were placed underground when the SW Langer Farms Parkway was constructed in 2011. There are above ground PGE or BPA powerlines along SW Tualatin-Sherwood Road, that cannot be undergrounded because of the load they carry. If the opportunity arises in the future to underground the facilities, it is likely that those providers will do it themselves.

FINDING: There are overhead utilities on the property, but they carry an electrical load that is not conducive to undergrounding. Future proposals for new development will be required to provide underground facilities when extending utilities where applicable. This criterion is satisfied.

16.120 Subdivisions

16.120.040 Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:
A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

STAFF ANALYSIS: SW Century Drive is conditioned to be constructed through the PUD and the approved Development Agreement. As proposed, the right-of-way for SW Century Drive will be dedicated to the public for future construction. The design and construction of that right-of-way will be consistent with this section to the extent that the provided right- of-way will not preclude the construction of that future street from complying with this standard.

FINDING: Because the right-of-way for SW Century Drive is being dedicated with the plat, SW Langer Farms was recently constructed, and the County has agreed to allow the applicant to either construct improvements or pay a fee in lieu of improvements to Tualatin-Sherwood Road, this criterion can feasibly be satisfied as provided the applicant meets the conditions of this decision.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

STAFF ANALYSIS: As proposed or conditioned, all existing easements are indicated on the preliminary plat as required, and will be checked and verified again prior to the City's approval of the final plat.

FINDING: The plat illustrates all of the existing reservations or restrictions for access to the extent that they are existing. New ones may be established with future development, but for now, this criterion is satisfied.

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

STAFF ANALYSIS: Compliance with these standards have been discussed throughout this decision.

FINDING: As conditioned, the proposed subdivision can comply with the standards including Chapter 16.128, the Land Division Design Standards. It should be noted that this proposal does not include an application for physical development, so some of the standards listed above are not applicable to this proposal, and will need to be satisfied with future proposals for development on the individual lots.

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

STAFF ANALYSIS: Compliance with these standards have been discussed throughout this decision.

FINDING: As discussed earlier in this decision, all public utilities and facilities are available to the site. This criterion is satisfied by the proposed subdivision.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

STAFF ANALYSIS: Approval of this subdivision as proposed, does not preclude any of the adjacent properties from being developed.

FINDING: There are no contiguous properties adjacent to the subject site that are under the same ownership. This criterion is not applicable to the proposed subdivision.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

STAFF ANALYSIS: Approval of this subdivision as proposed, does not preclude any of the adjacent properties from being developed.

FINDING: The proposed subdivision does not affect adjoining land from being provided with access. There are no landlocked parcels of land adjacent to this site. Future construction of SW Century Drive will improve access to the adjacent properties, but they currently have access to a public street. This criterion is satisfied.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

STAFF ANALYSIS: A tree and woodland inventory has not been submitted for this proposal because there is no physical development proposed. It will be incumbent upon the property owner to demonstrate compliance with these standards with future proposals for development on the property.

FINDING: Because there is no physical development associated with this request, this criterion is not applicable.

H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

STAFF ANALYSIS: The proposed preliminary plat illustrates the proposed lot numbers, dedications and easements as required.

FINDING: Because there is no physical development associated with the plat, setbacks are not required to be shown, and will be verified in future proposals for development. To the extent that this criteria applies to the proposal, it is satisfied. Because of the size of the lots, it is feasible for the setbacks to be met with future development.

I. A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome- Standards) or §16.142.020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable. (Ord. No. 2011-011, § 1, 10-4-2011)

STAFF ANALYSIS: Because this property is associated with an existing Planned Unit Development, and is not associated with residential development, this standard is not applicable to the proposed development.

FINDING: This standard is not applicable to the proposed development.

16.128 – Land Division Design Standards
16.128.010 - Blocks

A. Connectivity
1. Block Size
The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.
2. Block Length
Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. **Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.**

STAFF ANALYSIS: This proposal does not include the creation of any new streets not already accounted for by the TSP. There is no identified bicycle or pedestrian connections in the TSP that are not already provided for within the existing right-of-way. It should be noted that the site is limited by the presence of the wetlands in Tract A, a major arterial to the north, a collector to the west, and existing industrial development directly south of the site.

FINDING: Existing site conditions and pre-existing development on adjacent properties may deter full street connectivity on a portion of the site. A conceptual circulation plan is provided with the preliminary plans to illustrate how the site can conceptually meet the standards, however, the site is zoned for light industrial and commercial uses, so it is unlikely that a full street connection would be necessary beyond what is called for in the TSP. It will be incumbent upon the property owner to demonstrate that the existing conditions preclude full connectivity, and if so, how pedestrian or bicycle connections can be made for future proposals for development. These criteria are not applicable to the proposed subdivision.

B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

STAFF ANALYSIS: The proposed subdivision shows the location of all existing utility easements associated with the site. An 8-foot public utility easement was dedicated along the front and side lot lines with document No. 2011-030292, and is illustrated on the plat.

FINDING: The Engineering division has indicated that the easement is of adequate width to accommodate utilities. As new proposals for development come in on the lots, it will be incumbent upon the applicant to ensure that adequate easements are provided to allow access and maintenance to future public utilities. This criterion is satisfied by the proposed subdivision.

C. Drainages
Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to

the alignment and size of the drainage.

STAFF ANALYSIS: The proposed subdivision is traversed by a drainage way; therefore, this criterion is applicable. As proposed, the subdivision includes two tracts. Tract A identifies the location of the drainage way and associated corridor, and Tract B identifies the location for a future regional stormwater treatment facility.

FINDING: The applicant has proposed to dedicate the facilities as is conditioned in the Original PUD and associated Development Agreement. This criterion is satisfied by the proposal.

16.128.020 - Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

STAFF ANALYSIS: There are no cul-de-sacs proposed with this subdivision, and as proposed, it is untimely to evaluate the circulation given that the sizes of the lots are so large. It will be incumbent upon future applications to demonstrate compliance with this standard.

FINDING: As indicated previously in this decision, the site is not subject to this standard until such time that physical development is being proposed on the site.

16.128.030 - Lots

A. Size and Shape

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

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

STAFF ANALYSIS: As previously discussed, the proposed lots meet or exceeds the applicable dimensional standards for lots within the Light Industrial zoning district.

FINDING: The approved PUD did not place any additional lot restrictions on the property. This site is served by public sewer and water. This criterion is satisfied.

B. Access

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

STAFF ANALYSIS: Lots 1-4 directly abut one of the three adjacent public rights-of-way (SW Century Drive will be dedicated with this plat and constructed with future development). Lot 5 has direct public access through a private 40-foot wide access and utility easement as allowed in Chapter 16.68.

FINDING: Because the lots abut a public street, or are served by an easement to a public street, this criterion is satisfied.

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

STAFF ANALYSIS: With the exception of Lots 4 and 5, the side lot lines of each lot run perpendicular to SW Langer Farms Parkway. Lots 4 and 5 are not able to be perpendicular because of the onsite drainage way.

FINDING: To the extent that it is practical, the side lot lines run at right angles to SW Langer Farms Parkway. The proposal has satisfied this criterion.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

1. **Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.**
2. **Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.**

STAFF ANALYSIS: No on-site grading is proposed with this subdivision.

FINDING: Because no grading is associated with the proposed subdivision, it will be incumbent upon future development proposals on the site to comply with this standard. It should be noted that the site is fairly flat, so it is very likely that the amount of future grading on this property will be minimal, and that it is entirely feasible for the standards listed above to be met given the topography. This criterion is not applicable to this proposal.

Division VIII – Environmental Resources

16.142 – Parks and Open Space

STAFF ANALYSIS: The proposed subdivision is on land that is zoned Light Industrial (L-I) with a Planned Unit Development (PUD) overlay. The PUD required the provision of open space that has already occurred for those properties developed with residential uses. The vegetated corridor is being set aside in a tract to be dedicated to the public to meet a condition of the original PUD as it pertains to open space. The following criteria are the only provisions that are applicable in this Chapter to this request.

16.142.030.A Visual Corridors

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

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

3	Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. (Ord. 2006-021)

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.050, shall be planted in the corridor by the developer. The improvements shall be included in the subdivision compliance agreement. (Ord. 2006-021)

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit. (Ord. 2006-021)

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited or trees be removed from within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c). (Ord. 2006-021)

STAFF ANALYSIS: The proposed subdivision does not include any physical development that would mandate the need for a visual corridor. Future development of the lots will be required to comply with the visual corridor standards along it's frontage with SW Langer Farms Parkway, a collector, and SW Tualatin-Sherwood Road, an arterial.

FINDING: Because the applicant is not proposing any physical development of the property at this time, and the City will have the opportunity to impose this requirement on future development proposals, this criterion is not applicable to the proposed subdivision.

16.142.060. Street Trees

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

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

1. **Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.**
2. **Size: Trees shall have a minimum trunk diameter of two (2) 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 until such time that physical improvements of SW Century Blvd and improvements along SW Tualatin-Sherwood Road are constructed. The applicant has proposed to dedicate the rights-of-way and defer improvements until future development occurs. The County has requested that the applicant either make the improvements or pay a fee in-lieu of the improvements prior to final plat. This condition has been incorporated into this decision. Street trees were provided along the sites frontage with SW Langer Farms Parkway with that recent improvement. This criterion is not applicable to the proposed subdivision, but will be required with future development of any of the lots that require the construction or reconstruction of new public streets.

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: This application is for a proposed subdivision, no physical improvements are proposed. This land has been farmed, and the majority of trees on site are located within Tract A. Future development proposals on the lots will be required to satisfy the requirements of this chapter. Because the property is zoned for commercial or light industrial uses, future development will be subject to site development review, and a more detailed analysis of how trees will be affected. This criterion is not applicable to the proposed subdivision.

Chapter 16.144 Wetland, Habitat, and Natural Areas

16.144.020 Standards

A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:

1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.

a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.

b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.

c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.

2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.

B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:

1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).

2. **The facility will comply with applicable requirements of the zone.**

3. **The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.**

4. **The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.**

5. **Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.**

C. When the Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site, the applicant shall provide plans that show the location of resources on the property. If resources are determined to be located on the property, the plans shall show the value of environmentally sensitive areas using the methodologies described in Sections 1 and 2 below.

The Metro Regionally Significant Fish and Wildlife Habitat map shall be the basis for determining the location and value of environmentally sensitive habitat areas. In order to specify the exact locations on site, the following methodology shall be used to determine the appropriate boundaries and habitat values:

FINDING: The applicant has identified the wetlands on site, and has provided staff with a CWS service Provider Letter that spells out all of the requirements for protection as required in the Tualatin River Basin approved HCA. According to the applicant, and as verified by the Service Provider Letter, the area has been delineated in accordance with the requirements of CWS R&O 00-7. Clean Water Services has provided comments in addition to the Service Provider Letter that have been incorporated into this report. The following Condition is warranted to ensure that the applicant continues to comply with the conditions of Service Provider Letter No. 12-000162. It will be incumbent upon future development proposals on proposed Lots 4 and 5 to ensure that their impacts to the protected resources in Tract A meet the requirements of CWS.

CONDITION: Prior to any site work or final plat approval, the applicant shall provide the City with evidence that Clean Water Services has reviewed and approved the final plat, and met the applicable conditions imposed on the letter dated May 8, 2012 from Jackie Sue Humphreys at Clean Water Services.

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 subdivision does not fully comply with the standards but can be conditioned to comply, approves the subdivision request subject to compliance with the following conditions of approval.

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

2. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by AKS Engineering and Forestry, dated April 11, 2012 except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, Tualatin Valley Water District and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.

3. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.

4. **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.

5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.

B. Prior to approval of the public improvement plans:

1. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.

2. Submit the final plat for review to the Planning Department.

C. Prior to Approval of the Final Plat:

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval. In addition, the following specific conditions shall be met prior to approval of the final plat:
2. Prior to final plat approval, the applicant shall dedicate the necessary right-of-way needed to construct SW Century Drive.
3. Prior to final plat approval, the applicant shall establish the public right-of-way and 8' public utility easement for and adjacent to SW Century Drive.
4. Prior to final plat approval, the following shall be represented on the plat and recorded with Washington County:
   a. Dedication of additional right-of-way to provide 49 feet from centerline of SW Tualatin-Sherwood Road.
   b. Dedication of additional right-of-way to provide adequate corner radius at the intersection of SW Tualatin-Sherwood Road.
   c. Provision of a non-access reservation along SW Tualatin-Sherwood Road frontage, except at the existing access point(s) approved in conjunction with this land use application.
5. Prior to any site work or final plat approval, the applicant shall provide the City with evidence that Clean Water Services has reviewed and approved the final plat, and met the applicable conditions imposed on the letter dated May 8, 2012 from Jackie Sue Humphreys at Clean Water Services.
6. Approval of the public improvement plans by the Engineering Department, and signature of a compliance agreement must be complete prior to release of the plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit.
7. The final plat shall show the following:
   a. The Community Development Director as the City's approving authority within the signature block of the final plat.
   b. A 15-foot wide public utility easement for any areas where a single public utility line is located outside a public right-of-way with an increase of five (5) feet for each additional utility line.
   c. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.

CITY OF SHERWOOD
Decision

Date: September 28, 2016
File No: MLP 16-02 SP 16-06
Sentinel Self- Storage Annex II

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

Jean Simson, Chair, Sherwood Planning Commission

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

I. BACKGROUND

A. Applicant/Owner:
Langer Family, LLC
15555 SW Tualatin-Sherwood Road
Sherwood, OR 97140

B. Location: The property is located on the south side of SW Langer Farms Parkway. The property is identified as tax lot 100 on Washington County Assessor Map 2S129DC.

C. Parcel Size: The subject property is approximately 21.82 acres in size.

D. Existing Development and Site Characteristics:
The site is currently vacant and has been actively farmed for hay. The site slopes from west to east as well as north to an existing drainage way. The drainage way surrounds this site along the western and northern site boundaries. The site will take access from a private access that connects to SW Langer Farms Parkway via a forty foot access easement which was previously approved through the Langer subdivision (SUB 12-02) approval. The overall site is bound on the northeast by SW Century Blvd., to the north by SW Langer Farms Parkway, to the south and southeast by a natural resource area and regional stormwater facility, and to the west by a pallet manufacturer and distributor. The property is surrounded by other properties located to the south and west by other light industrially zoned and used properties, to the east by an industrially zoned parcel that was developed with the Parkway Village Shopping Center, and to the north by properties that are zoned residential and public/institutional.

E. Site History: The site has been owned and farmed by the Langer family since the late 1800's. This particular piece of property is within phase 8 of the Sherwood Village PUD

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

F. Zoning Classification and Comprehensive Plan Designation: The property is zoned PUD-LI. Mini storage is not currently permitted in this zone, and Automotive, Boat, Trailer, and Recreational Vehicle Storage is permitted conditionally, but as stated above, both uses were permitted when the original PUD was approved, and the uses were vested for a period of 10 years once the subdivision was approved in 2012.

G. Adjacent Zoning and Land Use: The subject site is currently being farmed for hay. Properties to the south and east of the site include lands that are zoned Light Industrial. Billet manufacturing, a pallet manufacturer, is zoned Light Industrial, and located directly south of the site. The site is also adjacent to a regional storm water quality facility to the southeast which was committed to serving this tax lot. The Parkway Village Shopping Center is located directly east of the site, and properties zoned Public/Institutional and Residential are located directly north of the site. Those properties are developed with single-family residences, and a private school (St. Francis).

H. Review Type: According to section 16.72.010.4.c, site plans for developments over 40,000 square feet require a Type IV review with a decision made by the Planning Commission after consideration of public comments. An appeal would be heard by the City of Sherwood City Council so long as the person appealing had provided comments prior to the close of public testimony at the public hearing and has filed an appeal within fourteen 14 days after the decision has been mailed.

I. Neighborhood Meeting: The applicant held a neighborhood meeting on March 31, 2016 at the Fire Station located at 15440 SW Oregon Street. The applicant discussed the proposed development of the site to a single individual who attended from the neighborhood located north of the site. The applicant provided notes, the sign in sheet, and an affidavit of mailing with the application materials.

J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1000 feet, posted on the property and in five locations throughout the City on September 7, 2016. Notice of the hearing was also provided in the September 1st edition of the Sherwood Gazette, and again in the Tigard Times on September 22, 2016 in accordance with the notice provisions of Section 16.72.020 of the SZCDC.

K. Review Criteria: *Code Criteria: Sherwood Zoning and Community Development Code, 16.31 (Light Industrial -- LI); 16.40 (Planned Unit Development); 16.58.010 (Clear Vision), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking and Loading), 16.96 (On-Site Circulation); 16.98 (On-site Storage), All of Division VI - 16.104-16.118 (Public Improvements), 16.122 Land Partitions, 16.128 Land Division Design Standards, 16.142 (Parks and Open Space), 16.144 (Wetland, habitat and Natural Areas), 16.146 (Noise), 16.48 (Vibrations), 16.150 (Air Quality), 16.52 (Odors), 16.154 (Heat and Glare); and 16.156 (Energy Conservation).*

II. PUBLIC COMMENTS

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

III. AGENCY COMMENTS

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

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

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

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

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

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

IV. APPLICABLE CODE STANDARDS

Chapter 16.31 Light Industrial (LI)

A. 16.31.020 Permitted Uses

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

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

16.31.030 Development Standards

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

B. Lot Dimensions

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

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

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

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

4. **Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

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

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

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

C. 16.31.060 Community Design

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

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

Chapter 16.40 Planned Unit Development

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

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

Chapter 16.58 Clear Vision and Fence Standards

16.58.010 Clear Vision Areas

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

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

C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

1. **In all zones, the minimum distance shall be twenty (20) feet.**

2. **In all zones, the minimum distance from corner curb to any driveway shall be twenty-five(25) feet.**

3. **Where no setbacks are required, buildings may be constructed within the clear vision area.**

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

Chapter 16.90 Site Planning

16.90.030.D Required Findings
No site plan approval shall be granted unless each of the following is found:

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

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

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

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

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

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

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

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

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

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

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

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

6. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:

a. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

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

c. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.

d. As an alternative to the above standards 7a—7c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from standards 7a—7c above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

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

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

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

(1) A minimum 15% window glazing for all frontages facing an arterial or collector.

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

(3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).

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

(5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16.92 Landscaping

16.92.010 Landscape Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which meets the standards of this chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan. Maintenance of existing not-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

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

16.92.020 Landscaping Materials

A. **Varieties - Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter.**

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

FINDING: As discussed above, this standard is met.

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

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

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

C. Non-Vegetative Features

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

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

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

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

16.92.030 Landscaping Standards

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

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

B. Parking and Loading Areas

1. Total Landscaped Area

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

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

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

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

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

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

FINDING: As discussed above, this standard is met.

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

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

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

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

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

16.94.010 Generally

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

C. Joint Use
Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

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

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

FINDING: This standard is not applicable at this time.

16.94.020 Off-street parking standards

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

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

Chapter 16.96 On-Site Circulation

16.96.010 – On-site pedestrian and bicycle circulation

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

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

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

16.96.010.03 - Connection to Streets

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

FINDING: The proposed development will have access to SW Langer Farms Parkway, a public street. This criterion is satisfied.

Chapter 16.98 On-Site Storage

16.98.010 - Recreational Vehicles and Equipment

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

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

FINDING: This standard is not applicable as discussed above.

16.98.020 - Solid Waste Storage

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

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

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

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

Division VII. Public Infrastructure

16.104 General Provisions

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

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

16.104.020 Future Improvements

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

16.104.030 Improvement Procedures

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

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

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

16.106 Transportation Facilities

16.106.020 Required Improvements

A. Generally

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

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

B. Existing Streets

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

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

16.106.030 Location

A. Generally

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

B. Street Connectivity and Future Street Systems

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

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

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

16.106.040 .J. Transit Facilities
Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:
1. **Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
2. **Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
3. **Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**
4. **Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
5. **Provide lighting at a transit stop (if not already existing to transit agency standards).**

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

16.110 - Sanitary Sewers

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

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

16.112– Water Supply

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

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

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

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

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

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

16.114 - Storm Water

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

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

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

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

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

16.116 Fire Protection

16.116.020 Standards

A. Capacity

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

B. Fire Flow

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

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

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

The fire department provided general comments for this application.

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

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

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

16.118. – Public and Private Utilities

16.118.020 Standards

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

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

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

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

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

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

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

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

FINDING: This criterion is satisfied by the proposed development.

16.122.020 – Land Partitions

Partitions shall not be approved unless:

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

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

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

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

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

1. Connection to the City water supply system shall be deemed to be adequate water service.

2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.

3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

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

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

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

E. Future Development Ability

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

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

Chapter 16.128 Land Division Design Standards

16.128.010 Blocks

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

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

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

16.128.030 Lots
A. Size and Shape
Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:
1. **Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.**

B. Access
All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.
C. Double Frontage
Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.
D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

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

Chapter 16.142 – Parks and Open Space

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

16.142.050. Street Trees
A. Installation of Street Trees on New or Redeveloped Property.
Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.
1. **Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the**

trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

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

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

16.142.060 - Trees on Property Subject to Certain Land Use Applications

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

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

Required Tree Canopy - Non-Residential and Multi-family Developments
Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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

	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	30%
Counted Toward the Canopy Requirement	
Street trees included in canopy requirement	No
Landscaping requirements included in canopy requirement	Yes
Existing trees onsite	Yes x 2
Planting new trees onsite	Yes

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

Chapter 16.144 Wetland, habitat, and Natural Areas

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

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

Chapter 16.146 Noise

16.146.020 - Noise Sensitive Uses

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

A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.

B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.

C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

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

Chapter 16.148 Vibrations

16.148.010 - Vibrations

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

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

Chapter 16.150 Air Quality

16.150.010 – Air Quality

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

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

B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.

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

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

Chapter 16.152 Odors

16.152.010 - Odors

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

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

Chapter 16.154 Heat and Glare

16.154.010 – Heat and Glare

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

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

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

Chapter 16.156 Energy Conservation

16.156.020 - Standards

A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.

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

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

DECISION

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

VI. CONDITIONS OF APPROVAL

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

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

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

Prior to Final Site Plan Approval:

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

Prior to Issuance of a Building Permit:

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

Prior to Issuance of Certificate of Occupancy:

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

VII. Exhibits

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

VIII. Appeal

Pursuant to SZCDC Section 16.72.01 O.B.3.d, an appeal of the Planning Commission to the City Council must be filed not later than 14 days after the date of mailing of this notice of decision. Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision on this matter. **An appeal of this decision must be filed no later than 5:00PM on October 13, 2016.** This Notice of Decision for Case No. MLP 16-02/SP 16-06 was placed in a U.S. Postal receptacle on September 29, 2016.

Brad Kilby

Brad Kilby, AICP
Planning Manager
City of Sherwood

Exhibit A

AKS

Exhibit H: Amended and Restated Development Agreement (2010)

Exhibit H: Amended and Restated Development Agreement (2010)

Exhibit A - 2929

CURRENTLY IN-USE 5-4-11

AMENDED AND RESTATED DEVELOPMENT AGREEMENT

PARTIES

The Parties to this Amended and Restated Development Agreement ("Agreement") are the City of Sherwood, Oregon ("City") and Pamela and Clarence Langer, as to Phase 4, and the Langer Family, LLC, as to the remainder of the PUD (collectively, "Langer").

RECITALS

1. On April 26, 1995, the City approved a Preliminary Development Plan for a Planned Unit Development ("PUD") on property owned by Langer. The subject property is located generally southeast of Hwy 99W and south of the Tualatin-Sherwood Road, in the City.

2. The decision approved development of the property in eight (8) separate phases. The decision contemplated and assigned specific uses to each phase, including High Density Residential, Retail/Commercial, and Light Industrial (LI).

3. The portions of the PUD designated LI have not yet developed, except for a portion of Phase 4, which was developed as a mini-warehouse use under the General Retail Trade category of allowed uses in the LI zone. Since the approval of the PUD, the City has amended its list of permitted and conditional uses in the LI zone, subject to the City's Zoning and Community Development Code ("ZCDC") 16.32.020.H, which provides the following: "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."

4. The PUD approval contained conditions of approval including: a requirement for a wetlands delineation prior to development of Phase 8; the construction of Adams Drive at the time of development of Phase 6; and the elimination of the then-proposed extension of Century Drive east of Adams Drive.

5. The Final Development Plan was approved August 3, 1995. Neither the Preliminary Development Plan nor the Final Development Plan approvals related to a site plan. Thus, site plan review is required for each phase as development is proposed for that phase.

6. Phases 1 through 3 and 5 have been developed, and a portion of Phase 4 was developed as above-described and is anticipated for future redevelopment. The purpose of this Agreement is to clarify and refine the intent of the Parties regarding the following issues (collectively, the "PUD Issues"):

(a) The allowed uses of Phases 4, 6, 7 and 8 of the PUD, all of which are designated for LI uses;
(b) The timing of related improvements, including the construction of Adams Drive and Century Drive;
(c) The cost-sharing of public improvements, including the construction of Adams Drive and Century Drive; and
(d) Certain related matters.

7. The City and Langer previously set forth their respective commitments relative to the PUD Issues in that certain Development Agreement dated January 3, 2008 ("2008 Agreement"), which was a condition of approval to a companion Minor Change to the PUD approved contemporaneously by the City.

8. Subsequent to entering into the 2008 Agreement, economic conditions have changed such that the Parties find it necessary to re-evaluate their respective commitments under the 2008 Agreement. The City and Langer now desire to amend and restate their commitments relative to the PUD Issues set forth below.

9. This Agreement represents the only Agreement between the City and Langer with respect to the PUD Issues and does not preclude or require any conditions that may arise from a subsequent application for site plan review. It is the intent of the parties that the site plan review conditions should not be inconsistent with this Agreement.

10. This Agreement is only between the City and Langer and does not affect any conditions or improvements that may be required by other jurisdictions.

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.

Exhibit A

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.

B. ADAMS DRIVE SOUTH EXTENSION

1. City Commitments. Except as otherwise provided in this section, as soon as reasonably practicable and in any event prior to Langer's construction of any portion of Adams Drive south of the PUD's southern boundary, the City, at the City's sole cost and expense, will take the following actions:

a. Acquire the necessary right-of-way and complete the design and engineering for construction of the extension of Adams Drive ("South Extension") south from its present terminus up to but not including the railroad crossing between the southern PUD boundary and Oregon Street ("Rail Crossing");

b. Obtain all necessary permits for the construction and operation of the South Extension, including without limitation, all permits associated with allowing impacts to wetlands;

c. Provide for the mitigation of any impacts to wetlands related to the alignment and construction of the South Extension; and

d. Pursuant to the City's standard timeline and procedure in such instances, accept Langer's dedication of that portion of the South Extension located within the boundaries of the PUD following final inspection approval and thereupon assume maintenance obligations for all of the South Extension.

2. Langer Commitments. Subsequent to the City's performance of its obligations set forth in Section B.1.a. to B.1.c. of this Agreement but prior to issuance of final occupancy permits for any structures included in Phases 6 or 7, Langer will substantially construct the South Extension, including the traffic circle and island at the intersection with Century Drive and the twelve-foot (12') wide multi-use path extending the length of the South Extension as identified in the City Transportation Systems Plan (the "Path"). The street will be aligned and constructed in a manner consistent with the "90-percent drawings" prepared by Hopper Dennis Jellison, PLLC dated April 2008 and on file with the City (the "South Extension Plans"). Upon completion of the construction of the South Extension, Langer will dedicate and record a public right-of-way easement to the City for Adams Drive south from its present terminus to the southern boundary of the PUD (the "South Extension Right-of-Way").

3. Alternative Commitments.

a. Alternatively, in the event the City has completed the obligations set forth in Section B.1.a. to B.1.c. of this Agreement and the City receives or accrues funding equal to the cost estimate for the construction of the South Extension prior to the time Langer has substantially commenced the obligations set forth in Section B.2. of this Agreement, the City may, in its sole discretion, elect to construct the South Extension, including the traffic circle and island at the intersection with Century Drive, the Path, and if warranted, the traffic signal at Tualatin-Sherwood Road, at the City's sole expense. In the event the City undertakes construction of the South Extension, the City will deliver written notice ("Written Election") to Langer of the City's intent in accordance with Section I.7. of this Agreement prior to undertaking construction of the South Extension.

b. The City will issue a Notice to Proceed to the selected bidder(s) ("Contractor") for completion of the physical construction of the South Extension within ninety (90) days after delivery of the Written Election to Langer ("Commencement Date"). In the event the City fails to issue the Notice to Proceed by the Commencement Date and Langer has obtained final site plan approval for either Phases 6 and/or 7 by said date, the City will forfeit its right to undertake construction of the South Extension, and Langer will re-assume the obligation to substantially construct the South Extension in accordance with Section B.2. of this Agreement, unless Langer agrees in writing to extend the Commencement Date. If the City has not forfeited its right to undertake construction of the South Extension, the City will substantially complete the construction of the South Extension within fourteen (14) months after the Commencement Date ("Completion Date"), and in any event, prior to the issuance of an occupancy permit for any structure included in Phases 6 or 7.

c. To ensure the Completion Date is met, the City will include the required Completion Date and penalties for late completion in the contract ("Contract") the City enters with the Contractor. The penalties shall be an amount calculated to reimburse Langer for any losses incurred by Langer due to Contractor's failure to substantially complete construction by the Completion Date when such failure prevents the reasonable use of Phases 6 or 7 for retail commercial purposes, but in any event not less than $10,000.00 per day Langer is unable to make reasonable use of Phases 6 or 7 for commercial retail purposes. The City shall take all necessary and appropriate action to enforce the penalty provision in the Contract and forward any amounts collected to Langer within 30 days of the date the City receives payment.

d. If the City elects to construct the South Extension under this Section B.3, the City will perform its construction activities in a manner that minimizes obstruction or interference with access to, from, or within the PUD and

Langer's construction, if any, and use of the subject property in accordance with the PUD. The City will mobilize, conduct, and maintain all construction activities, equipment and materials on and around the PUD in such manner to allow use of the South Extension and access between the PUD and the South Extension through all access driveways. The City's agreement to perform its construction activities consistent with this section is a material inducement for Langer to enter this Agreement as it will facilitate Langer's timely completion of the PUD in accordance with Langer's agreement with its end users of the PUD.

e. If the City elects to construct the South Extension, Langer will take the following actions prior to the City's commencement of construction:

(A) Grant the South Extension Right-of-Way to the City, provided the City shall bear the expense of preparing the legal description for the South Extension Right-of-Way.

(B) Grant to the City reasonable temporary construction easement(s) to allow the City to complete its construction commitments, provided Langer's grant of an easement(s) may be conditioned to ensure that the City's use of the PUD property does not unreasonably interfere with Langer's use and development of the PUD.

(C) If Langer has not yet constructed the stormwater facility on Phase 8 as provided in Section F.1 of this Agreement ("Stormwater Facility"), allow temporary location of stormwater detention and treatment from the South Extension on Phase 8 in either a temporary facility ("Temporary Facility") or the existing stormwater facilities located on Phase 7 and Phase 8 ("Existing Facilities"). To the extent that the Temporary Facility or the Existing Facilities will require any expenses for engineering, construction, design, maintenance, or modification to existing land use approvals, the City will bear the expenses. If applicable, Langer and the City shall execute and record appropriate easement documents or amendments to the existing easement for the Existing Facilities to formalize the parties' respective obligations under this subsection (C).

(D) Use reasonable best efforts to avoid damaging the Path during construction and development of the PUD, provided that if Langer causes any such damage, Langer shall, at its sole expense, repair and replace the Path back to its original condition.

C. ADAMS DRIVE NORTH EXTENSION

1. City Commitments. Except as otherwise provided in this section, as soon as reasonably practicable and in any event prior to Langer's construction of any portion of Adams Drive north of the PUD's northern boundary, the City, at the City's sole cost and expense, will take the following actions:

a. Acquire the necessary right-of-way for and complete the surveying, design, and engineering for construction of an extension of Adams Drive ("North Extension") from the north side of the intersection with Tualatin-Sherwood Road, north to the existing stub road connecting to Highway 99W, with the alignment to curve east around the PGE substation and connect to the east end of the Home Depot stub road. The street will be aligned and constructed in a manner consistent with the "60-percent drawings" prepared by Harper Hoff Peterson Righellis Inc, dated February 2010 and on file with the City (the "North Extension Plans"). The right-of-way, design and engineering shall anticipate and include at least 43 p.m. peak-hour vehicle trips per acre from Phase 4 to accommodate redevelopment of Phase 4.

Any substantial changes to the alignment and cross-section shall require an amendment to this Agreement. Such amendment shall only relate to this section of the Agreement, and all other terms and conditions of this Agreement shall remain in full force and effect. A "substantial change" may include but is not limited to an increase in the number of lanes, an increase in the right-of-way width by 10 or more feet, requiring additional landscaping, medians, or pedestrian paths, shifting the alignment east or west by fifty (50) or more feet, and/or any other changes that will substantially increase the cost of construction.

b. Obtain all necessary permits for the construction and operation of the North Extension, including without limitation, all permits associated with impacts to wetlands, all approach and/or signal permits required by the Oregon Department of Transportation for the intersection of Highway 99W and the existing stub road, and all approach permits required by Washington County for the connection of the North Extension and Tualatin-Sherwood Road.

c. Provide for the mitigation of any impacts to wetlands associated with the alignment and construction of the North Extension.

d. Otherwise remove any legal or planning constraints to the construction of the North Extension.

e. Pay any extraordinary labor costs associated with Langer's performance of its obligations under Section C.2., where "extraordinary labor costs" means any

costs required by law to exceed an arms-length privately negotiated rate solely due to the nature of the improvement.

f. Pay any extraordinary construction costs associated with Langer's performance of its obligations under Section C.2. that are attributable to extraordinary environmental or geographic conditions.

g. Pursuant to the City's standard timeline and procedure in such instances, assume maintenance obligations for all of the North Extension following the City's final inspection approval of the North Extension.

h. Permit Langer to assume, for purposes of completing the required traffic study, that the North Extension has been planned and funded for construction prior to development of Phases 6 and 7 pursuant to Langer's alternative commitments to construct the North Extension or make a payment in lieu thereof pursuant to Section C.2. below.

i. Permit Langer to assume, for purposes of completing the required traffic study, that the North Extension has been planned and funded for construction prior to the redevelopment of Phases 4 pursuant to Langer's alternative commitments to construct the North Extension or make a payment in lieu thereof pursuant to Section C.2. below.

j. The City will not require the closure of any residential access to Phase 4 from Tualatin-Sherwood Road until redevelopment of Phase 4. The City will reimburse Langer for the cost of relocating and rebuilding any access to and from the existing commercial uses on Phase 4 resulting from the closure of any access due to the construction of the North Extension, including any necessary relocation of administrative facilities associated with the commercial use.

k. In the event Langer pays a fee in lieu of construction as described in Section C.2. below, the City will:

(A) Place the payment into an existing or newly-created interest-bearing City Trust and Agency Fund;

(B) Grant credits for transportation System Development Charges ("SDC's") otherwise payable by Langer as if Langer had constructed the North Extension; and

(C) Use the payment-in-lieu exclusively for the construction of the North Extension. However, if the City has not entered into a contract for the construction of the North Extension or any portion thereof within five (5) years after Langer deposits the fee with the City, the City shall return the fee-in lieu, together with any interest thereon to Langer, Langer's successor or a

person designated by Langer's successor, minus any amount provided as a credit against transportation SDC's under paragraph (B) above. This Agreement does not constitute a "contract for construction of the North Extension" for purposes of this subsection.

2. Langer Commitments. Langer agrees to take the following actions with respect to the North Extension:

a. Subsequent to the City's performance of its obligations set forth in Section C.1. of this Agreement but prior to issuance of the final occupancy permit for any structure included in the development of Phase 6, Langer will substantially construct the North Extension consistent with the alignment and cross-section described in Section C.1.a. of this Agreement. However, in the event the City exercises its option to construct the South Extension under Section B.3. of this Agreement, Langer will substantially construct the North Extension prior to issuance of the final occupancy permit for any structure included in the development of Phases 6 or 7.

b. Alternatively, in the event the City has not substantially performed the obligations set forth in Section C. 1.a. to C.1.d. of this Agreement by a date that is sixty (60) days after Langer submits construction drawings for public improvements associated with the development of Phase 6 to the City, Langer shall submit a fee in lieu of construction in an amount equal to the cost estimate for the construction of the North Extension prior to the issuance of an occupancy permit for any structure included in the development of Phase 6. Langer's timely deposit of a fee in lieu under this paragraph shall fully satisfy Langer's obligations under Section C.2.a. of this Agreement and shall trigger the City's performance of its commitments under Section C.1.k. of this Agreement. In the event the City exercises its option to construct the South Extension under Section B.3. of this Agreement, the references to "Phase 6" in this subparagraph b. shall be replaced with "Phases 6 or 7."

c. In the event the City refunds the fee-in-lieu as described in Section C.1.k(C) of this Agreement prior to the redevelopment of Phase 4, and subsequent to the performance of the City's other obligations under Section C.1., Langer will substantially construct the North Extension consistent with the alignment and cross-section provided by the City prior to the issuance of an occupancy permit for any structure included in the redevelopment of Phase 4. In the event the City is still in possession of the fee-in-lieu at the time Phase 4 redevelops, the City will refund the fee to Langer, including any interest thereon, or will not require the construction of the North Extension as a condition of redevelopment.

D. RAIL CROSSING

1. City Commitments. As soon as reasonably practicable, the City, at the City's sole cost and expense, will take the following actions with respect to the Rail Crossing:

a. Acquire the necessary right-of-way for the Rail Crossing;

b. Obtain all required crossing or other permits from ODOT Rail and any other applicable agencies associated with the Rail Crossing;

c. Complete the design, engineering, and construction of the Rail Crossing; and

d. Use all reasonable best efforts to complete these actions and connect the South Extension to Oregon Street via the Rail Crossing no later than the date of issuance of occupancy permits for the development of Phases 6 and 7; provided, however, the failure to complete these actions by such date shall not be grounds to deny the issuance of such occupancy permits.

2. Langer Commitments. None.

E. CENTURY DRIVE

1. Langer Commitments. Langer agrees to take the following actions with respect to Century Drive:

a. Prior to issuance of final occupancy permits for any structure located in Phase 6 or Phase 7, design and substantially construct a reasonably direct vehicular connection between the existing terminus of Century Drive on the western boundary of the PUD and existing City right-of-way at the eastern boundary of the PUD ("Century Drive Connection"). The Century Drive Connection shall be constructed to the adjusted street standard described in Section E.2.a. below.

b. Following construction, dedicate a right-of-way easement to the City for the Century Drive Connection.

c. Provide the City with copies of receipts of eligible expenses where "eligible expenses" is defined to include all hard and soft costs of labor and materials associated with all aspects of the design, engineering, and construction, including applicable consultant fees, of the Century Drive Connection that exceed the cost of designing and constructing the Century Drive Connection as a standard parking lot drive aisle ("Eligible Expenses").

2. City Commitments. The City agrees to take the following actions with respect to Century Drive:

a. To work with Langer to achieve an adjustment to the relevant City street standards so that the nature, location, and design of the Century Drive Connection requires the minimum necessary right-of-way to provide a vehicular connection and includes traffic calming measures such as restrictions on through traffic for trucks.

b. Reimburse Langer for all undisputed Eligible Expenses within thirty (30) days after the City receives the receipts described in Section E.1.c.. City will immediately contact Langer regarding any disputed expenses and attempt to resolve the dispute within 90 days of the date the receipt containing the expense is received by the City. Any disputed expense that remains unresolved after 90 days shall be submitted to mediation as provided in Section I.12. of this Agreement; and

c. Pursuant to the City's standard timeline and procedure in such instances, accept Langer's dedication of the Century Drive Connection following final inspection approval and thereafter assume maintenance obligations for same.

F. STORMWATER FACILITY

1. Langer Commitments.

a. Prior to issuance of a final occupancy permit for the first structures located in Phases 6 or 7, Langer will design and substantially construct the "Stormwater Facility on Phase 8 (including any necessary portions of Phase 6), to accommodate existing stormwater detention and treatment for the PUD (including 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 Facilities and any Temporary Facility constructed pursuant to Section B.3.c. of this Agreement, provided the stormwater detention and treatment functions of the Existing Facilities and any Temporary Facility are incorporated into the Stormwater Facility and subject to any written agreements relating to the Existing Facilities. 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.

b. Following construction, Langer will dedicate the Stormwater Facility to the public for use as a stormwater detention and treatment facility.

2. City Commitments.

a. 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, to facilitate any related process for the vacation of any prior public dedications associated with the Existing Facilities, and to modify the existing recorded easement document among Langer and the City relating to the Existing Facilities.

b. The City agrees to accept the dedication of the Stormwater Facility following final inspection approval and thereafter assume the maintenance obligations for same.

G. RENAMING OF ADAMS DRIVE

1. Langer Commitments. Prior to Langer's dedication of any portion of Adams Drive as described in this Agreement, Langer will submit a petition to the City to rename the completed portion of Adams Drive in accordance with the street name standards of ZCDC 16.108.010.4.A-C. Langer agrees to select a single name for Adams Drive from the southern end of the South Extension to the northern end of the North Extension.

2. City Commitments.

a. Provided the petition is submitted in the manner described in ZCDC 16.108.010.3, the City will support a petition received from Langer to rename the completed portion of Adams Drive.

b. If the petition is approved by the City Council, the City shall install standard City street signage identifying Adams Drive by its new name.

H. TRANSPORTATION CHARGES, FEES, AND CREDITS

1. Transportation Development Tax. The calculation and assessment of any Transportation Development Tax ("TDT"), including any TDT credits, will be made according to the Washington County TDT ordinance. Improvements to Tualatin-Sherwood Road will be creditable towards Washington County TDT's as allowed in Washington County's ordinance. It is the parties' mutual understanding that this ordinance provides full TDT credits for turn lanes and 50% or 66.67% for traffic signals for a four- and three-leg intersection, respectively. The City's commitment to this provision is a material inducement for Langer's agreement to complete the various public improvements set forth in this Agreement.

For the purpose of determining the number of weekday trips generated by all commercial land uses in Phases 4, 6, 7, and 8 of the PUD, the land use

category "Shopping Center" from ITE Trip Generation, 7th Edition, shall be applied to the Washington County TDT Ordinance for the calculations of the Washington County TDT.

2. Transportation SDC's.

The City shall calculate and assess the Project with SDC's and credits for SDC's, pursuant to the City's Municipal Code, as it may be amended from time to time, and subject to any resolutions adopted by the City implementing same.

For the purpose of determining the number of weekday trips generated by all commercial land uses in Phases 4, 6, 7, and 8 of the PUD, the land use category "Shopping Center" from ITE Trip Generation, 7th Edition, shall be applied to the City's SDC ordinance for the calculations of the City's SDC's.

3. Credits.

a. Langer shall be entitled to seek SDC credits from the City and TDT credits from Washington County for all qualifying improvements and right-of-way dedications made by Langer, subject to the then applicable provisions of Oregon law and applicable ordinances. To the extent allowed by law, the City shall apportion SDC and TDT charges in the manner that maximizes the beneficial use of any resulting credits for Langer. In the event the City amends its SDC ordinance to eliminate the Transportation SDC prior to Langer's redemption of otherwise valid SDC credits, the City shall exercise good faith and best efforts to provide Langer a financial benefit in an amount equal to the value of any unredeemed credits in a manner consistent with applicable law, provided the City is not obligated to ensure such benefit or other return on the unredeemed credits.

b. The City hereby determines that, for purposes of qualifying for and administering SDC and TDT credits, Langer's construction of public improvements and dedication of right-of-way to the City pursuant to this Agreement are existing condition(s) of approval of the PUD, as it has been modified by the Minor Change approved in 2007.

4. Highway 99W Capacity Allocation Program. For purposes of calculating whether the trips associated with the regulated activities in Phases 6, 7, and 8 of the PUD exceed the trip limit of ZCDC 6.306.D.4, the City shall aggregate the trips and acreage of all such phases. As a result, the trips associated with the regulated activities of a single phase may exceed the trip limit that would otherwise apply if that phase were calculated individually, provided that the trips associated with all regulated activities for Phases 6, 7, and 8 do not exceed the trip limit in the aggregate. At each phase of development of the PUD, the number of reserve trips for the remaining phases will be identified in the applicable Trip Allocation Certificate.

Exhibit A

I. TERMS AND CONDITIONS

1. Further Assurances. Each party shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder in good faith, to carry out the intent of the parties hereto.

2. Modification of Amendment. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by the parties hereto.

3. Relationship. Nothing herein shall be construed to create an agency relationship or a partnership or joint venture between the parties.

4. Waiver of Default or Condition. In the event a party defaults in the performance of one or more of its obligations under this Agreement or in the event of the failure of a condition precedent to be satisfied under this Agreement, the nondefaulting party or beneficiary of the condition may, in its discretion, waive, as applicable, the default or satisfaction of condition hereunder and rescind any consequence of such default or failure of a condition, and in case of any such waiver or rescission, the parties shall be restored to their former positions and rights hereunder respectively, but no such waiver or rescission shall extend to or affect any subsequent or other default or condition precedent, or impair any right consequent thereon. No such waiver or rescission shall be in effect unless the same is in writing and signed by the nondefaulting party.

5. Burden and Benefit; Assignment. The covenants and agreements contained herein shall be binding upon and inure to the benefit of the parties and their successors and assigns and shall run with the land. Neither party may assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed.

6. Applicable Law. This Agreement shall be interpreted under the laws of the State of Oregon.

7. Notices. All notices, demands, consents, approvals and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machines,

such notice shall be deemed given at the time and on the date of machine transmittal.

8. Merger. This Agreement contains the entire agreement among the parties hereto with respect to the subject matter hereof and cannot be amended or supplemented except by a written agreement signed by all parties.

9. Rights Cumulative. All rights, remedies, powers and privileges conferred under this Agreement on the parties shall be cumulative of and in addition to, but not restrictive of or in lien of, those conferred by law.

10. No Third Party Beneficiaries. None of the duties and obligations of any party under this Agreement shall in any way or in any manner be deemed to create any rights in, any person or entity other than the parties hereto.

11. Force Majeure. The parties shall use reasonable diligence to accomplish the purpose of this Agreement but shall not be liable to each other, or their successors or assigns, for damages, costs, attorneys' fees (including costs or attorneys' fees on appeal) for breach of contract, or otherwise for failure, suspension, diminution, or other variations of services occasioned by any cause beyond the control and without the fault of the parties. Such causes may include but shall not be limited to acts of God, acts of terrorism or the public enemy, acts of other governments (including regulatory entities or courts) in their sovereign or contractual capacity, fires, floods, epidemics, quarantines, restrictions, strikes, or failure or breakdown of transmission or other facilities ("Force Majeure"). If any party is delayed, hindered, or prevented in or from performing its respective obligations under this Agreement by any occurrence or event of Force Majeure, then the period for such performance shall be extended for that period that such performance is delayed, hindered, or prevented.

12. Mediation. Should the parties arrive at an impasse regarding any of the provisions of this Agreement, the parties agree to submit to the dispute to mediation prior to the commencement of litigation. The mediator shall be an individual mutually acceptable to both parties, but in the absence of agreement, either party may apply to the Presiding Judge, Washington County Circuit for appointment of a mediator. Each party shall share equally in the fees and costs of the mediator. Each party shall be responsible for its own attorneys fees and other expert fees. Mediation shall be at Portland, Oregon unless the parties agree otherwise. Both parties agree to exercise their best effort in good faith to resolve all disputes in mediation. Participation in mediation is a mandatory requirement of both the City and Langer and failure to comply with this requirement is a material breach of this Agreement. The schedule and time allowed for mediation will be mutually acceptable. If the dispute is not resolved by mediation, either party may file a lawsuit to resolve the dispute in a court with proper jurisdiction located in Washington County,

Oregon. Any trial shall be to the court without a jury. In the event of any such mediation or litigation, each party shall bear its own attorneys' fees and costs.

13. Conditions Precedent to Langer's Performance. Langer's commitments set forth in this Agreement are conditioned entirely upon the City's performance of all of its commitments that are precedent to the City's commitments under and in accordance with this Agreement, and the City's timely issuance of a PUD modification for the subject property.

14. Conditions Precedent to City's Performance. City's commitments set forth in this Agreement are conditioned entirely upon Langer's performance of all of its commitments that are precedent to the City's commitments under and in accordance with this Agreement.

15. Nature of Agreement. The City hereby confirms that it has approved and executed this Agreement pursuant to its governing charter and not pursuant to ORS 94.504 *et seq.*, and does further confirm that this Agreement does not constitute or concern the adoption, amendment, or application of the Statewide Planning Goals, a comprehensive plan provision, or a land use regulation, the City and Langer acknowledging and agreeing that any and all land use approvals required for the PUD are to be obtained (or have been obtained) in due course on another date in accordance with all applicable laws and regulations.

16. Amendment and Restatement. The Parties intend that this Agreement acts as a full and amended restatement of the original 2008 Agreement. Upon this Amended and Restated Agreement taking effect, the original 2008 Agreement shall no further force or effect.

17. Duration. This Agreement expires not later than January 1, 2015; provided, however, the expiration date of this Agreement shall be automatically extended to January 1, 2017 in the event that on January 1, 2015, Langer is not in material default of any provisions of this Agreement, has substantially built out Phase 7, and has obtained a certificate of occupancy for at least one (1) structure in Phase 6.

Exhibit A

IN WITNESS WHEREOF,

For the City of Sherwood:

James A. Patterson
City Manager
Sherwood, Oregon 97140

Jim Patterson, City Manager

Date: 8/3/2010

For Langer:

Pamela and Clarence Langer, as to Phase 4:

By: Clarence Langer Jr.

Print Name: CLARENCE LANGER Jr.

Date: 8-6-10

By: Pamela A Langer

Print Name: Pamela A. Langer

Date: August 6, 2010

Langer Family, LLC, as to remainder of PUD:

By: Clarence Langer Jr.

Print Name: CLARENCE LANGER Jr.

Title: Manager

Date: 8-6-10

Exhibit A

City of
Sherwood
Oregon

"Land of the Tualatin River National Wildlife Refuge"

SHERWOOD COMPREHENSIVE PLAN PART 3

ZONING & COMMUNITY DEVELOPMENT CODE

Prepared by:
City of Sherwood, Oregon
20 NW Washington
Sherwood, OR 97140
(503) 625-5522

February 28, 1995

2.109 GENERAL COMMERCIAL (GC)

2.109.01 Purpose

The GC zoning district provides for wholesale and commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Chapter 8.

2.109.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.

B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.

C. Personal and business services, including day cares, preschools, and kindergartens.

D. Postal substations when located entirely within and incidental to a use permitted outright.

E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.

F. Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.

G. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.

H. Commercial trade schools.

I. Motion picture and live theaters, but excluding drive-ins which are prohibited.

J. Restaurants, taverns, and lounges.

K. Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited.

L. Blueprinting, printing, publishing, or other reproduction services.

M. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service.

N. Wholesale trade, warehousing, commercial storage and mini-warehousing, except as prohibited in Sections 2.110.04E and 2.111.04E.

O. Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing.

P. Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.

Q. Veterinarian offices and animal hospitals.

R. Agricultural uses including but not limited to farming, and wholesale and retail plant nurseries, with customarily associated commercial buildings and structures permitted.

S. Medical, dental, and similar laboratories.

T. Truck and bus yards and terminals.

U. Adult entertainment businesses, subject to Section 2.208.

2.109.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.

B. Radio, television, and similar communication stations, including transmitters.

C. Churches and parsonages.

D. Cemeteries and crematory mausoleums.

E. Public and private utility buildings, including but not limited to telephone exchanges, electric substation, gas regulator stations, treatment plants, water wells, and public works yards.

F. Government offices, including but not limited to administrative office, post offices, and police and fire stations.

G. Public use buildings including but not limited to libraries, museums, community centers and senior centers.

H. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.

I. Motels or hotels.

J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.

K. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.

L. Public and private schools providing education at the elementary school level or higher.

M. Any incidental business, service, process, storage or display, not otherwise permitted by Section 2.109, that is essential to and customarily associated with any use permitted outright.

2.109.04 Prohibited Uses

The following uses are expressly prohibited:

A. Junkyards and salvage yards.

B. Industrial and manufacturing uses, except as specifically permitted by Sections 2.109.02 and 2.109.03.

C. Any other prohibited use noted in Section 2.109.03.

2.109.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 square feet
2. Lot width at front property line: 70 feet
3. Lot width at building line: 70 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: None, unless the lot abuts a residential zone, then the front yard shall be that required in the residential zone.
2. Side yards: None, unless abutting a residential zone or public park property, then there shall be a minimum of twenty (20) feet.
3. Rear yard: None, unless abutting a residential zone, then there shall be a minimum of twenty (20) feet.
4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.109.06 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 Chapters 5, 8 and 9.

2.109.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.110 LIGHT INDUSTRIAL (LI)

2.110.01 Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

2.110.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

A. Veterinarians offices and animal hospitals.

B. Contractor's offices, and other offices associated with a use permitted in the LI zone.

C. Public and private utilities including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells and public works yards.

D. Glass installation and sales.

E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

F. Automobile, boat, trailer, and recreational vehicle storage.

G. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 2.110.04E.

H. Industrial hand tool and supply sales, primarily wholesaled to other industrial firms or industrial workers.

I. Other similar light industrial uses subject to Section 4.600.

J. Uses permitted outright in the GC zone, Section 2.109.02, except for adult entertainment businesses which are prohibited.

K. Dwelling unit for one (1) security person employed on the premises, and their immediate family.

L. PUDs, subject to the provisions of Section 2.202.

M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.

2.110.03 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300:

A. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 2.110.03.

2. Appliances, including but not limited to, refrigerators, freezers, washing machines, dryers; small electronic motors and generators; heating and cooling equipment; lawn mowers, rototillers, and chain saws; vending machines; and similar products and associated small parts.

3. Cosmetics, drugs, pharmaceutical, toiletries, chemicals and similar products, except as prohibited by Section 2.110.04.

4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.

5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery; ladders; mattresses, doors and windows; signs and display structures; and similar products and associated small parts.

6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and

associated small parts, but excluding motorized equipment unless otherwise permitted by Section 2.110.02 or 2.110.03.

7. Musical instruments, toys and novelties.

8. Pottery and ceramics, limited to products using previously pulverized clay.

9. Textiles and fiber products.

10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.

B. Laundry, dry cleaning, dyeing or rug cleaning plants.

C. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.

D. Offices associated with a use conditionally permitted in the LI Zone.

E. Sawmills.

2.110.04 Prohibited Uses

The following uses are expressly prohibited:

A. Adult Entertainment Businesses.

B. Any use permitted or conditionally permitted under Section 2.111 that is not specifically listed in this Section, and any use listed in Section 2.111.04.

C. Auto wrecking and junk or salvage yards.

D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products of substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:

1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.

2. Ammonia, chlorine, sodium compounds, toxics, and similar chemicals.

3. Celluloid or pyroxylin.

4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.

5. Explosives and radioactive materials.

6. Fertilizer, herbicides and insect poison.

F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.

G. Pulp mills and paper mills.

H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.

I. Leather tanneries.

J. General purpose solid waste landfills, incinerators, and other solid waste facilities.

2.110.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 sq. feet

2. Lot width at front property line: 100 feet

3. Lot width at building line: 100 feet

First American Title

Customer Service Department
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.oregon@firstam.com
Date: 4/26/2022

OWNERSHIP INFORMATION

Owner: Sentinel Self Storage LLC
CoOwner:
Site: 15555 SW Tualatin Sherwood Rd Sherwood OR 97140
Mail: 28185 SW Heater Rd Sherwood OR 97140

Parcel #: R547894
Ref Parcel #: 2S129B000900
TRS: 02S / 01W / 29 / NW
County: Washington

PROPERTY DESCRIPTION

Map Grid: 684-G5
Census Tract: 032103 Block: 2009
Neightborhood: Cpo 5 Sherwood-Tualatin N
School Dist: 88J Sherwood
Impr Type: T5 - Public Storage
Subdiv/Plat:
Land Use: 2210
Std Land Use: IPUB - Public Storage, Warehouse
Zoning: Sherwood-LI_PUD - Light Industrial -Pud
Lat/Lon: 45.36925461 / -122.83768257
Watershed: Fanno Creek-Tualatin River
Legal: ACRES 5.04

ASSESSMENT AND TAXATION

Market Land: $1,587,470.00
Market Impr: $3,912,060.00
Market Special: $0.00
Market Total: $5,499,530.00 (2021)
% Improved: 71.00%
Assessed Total: $3,962,880.00 (2021)
Levy Code: 88.10
Tax: $73,275.24 (2021)
Millage Rate: 18.4904
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:		Total SqFt:		Year Built:	1997
Baths, Total:		First Floor:		Eff Year Built:	
Baths, Full:		Second Floor:		Lot Size Ac:	5.04 Acres
Baths, Half:		Basement Fin:		Lot Size SF:	219,542 SqFt
Total Units:		Basement Unfin:		Lot Width:	
# Stories:		Basement Total:		Lot Depth:	
# Fireplaces:		Attic Fin:		Roof Material:	
Cooling:		Attic Unfin:		Roof Shape:	
Heating:		Attic Total:		Ext Walls:	
Building Style:	A0Q - Storage	Garage:		Const Type:	

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
SENTINEL SELF STORAGE LLC	04/19/2021	47799		Lis Pendens		Conv/Unk
SENTINEL SELF STORAGE LLC	11/02/2018	0000075547		Mortgage	$5,450,000.00	Conv/Unk
SENTINEL SELF-STORAGE LLC	03/25/2016	22496		Deed		Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Map



First American Title

Parcel ID: R547894

Site Address: 15555 SW Tualatin Sherwood Rd

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Street Map

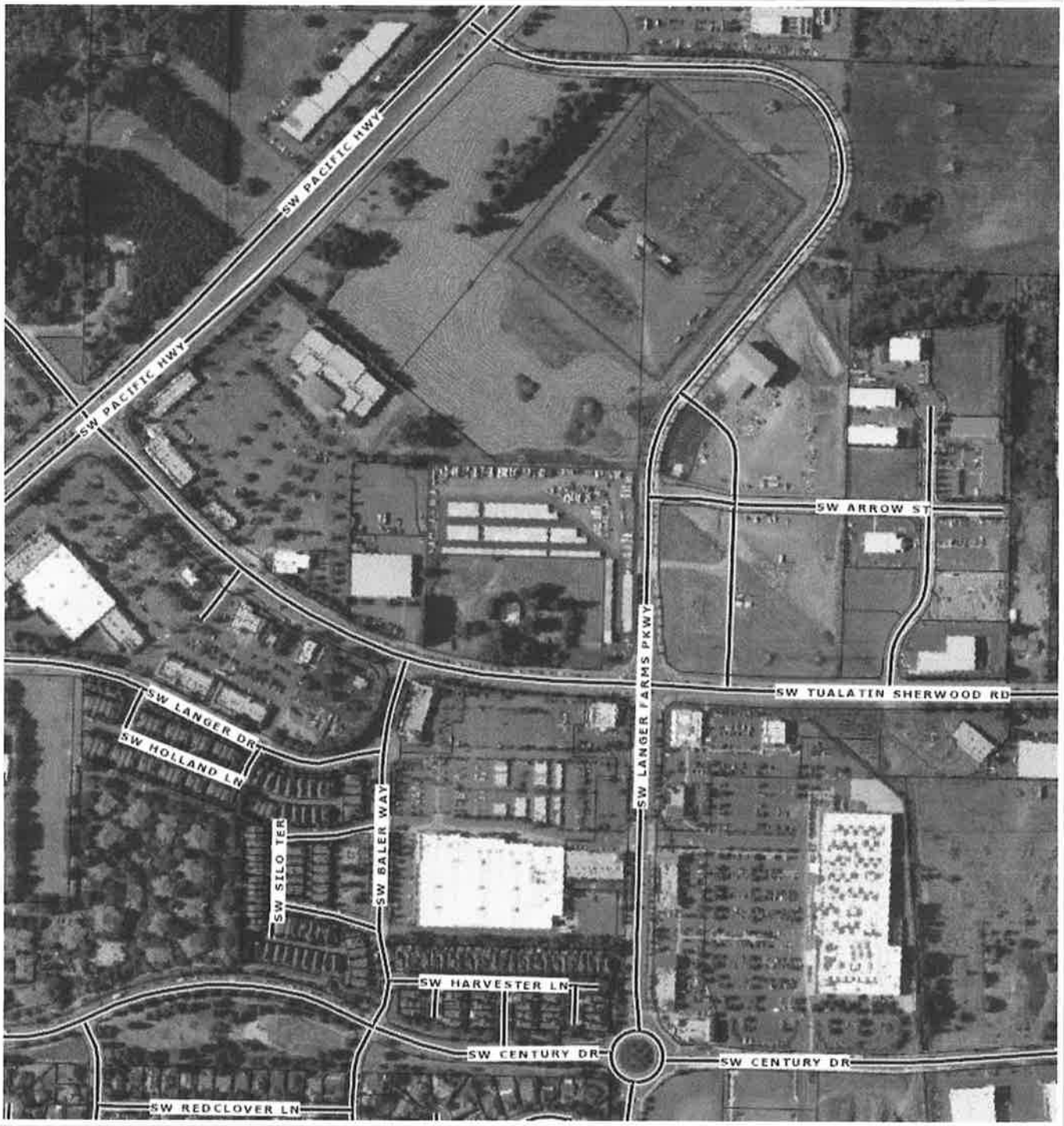


First American Title

Parcel ID: R547894

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Aerial Map

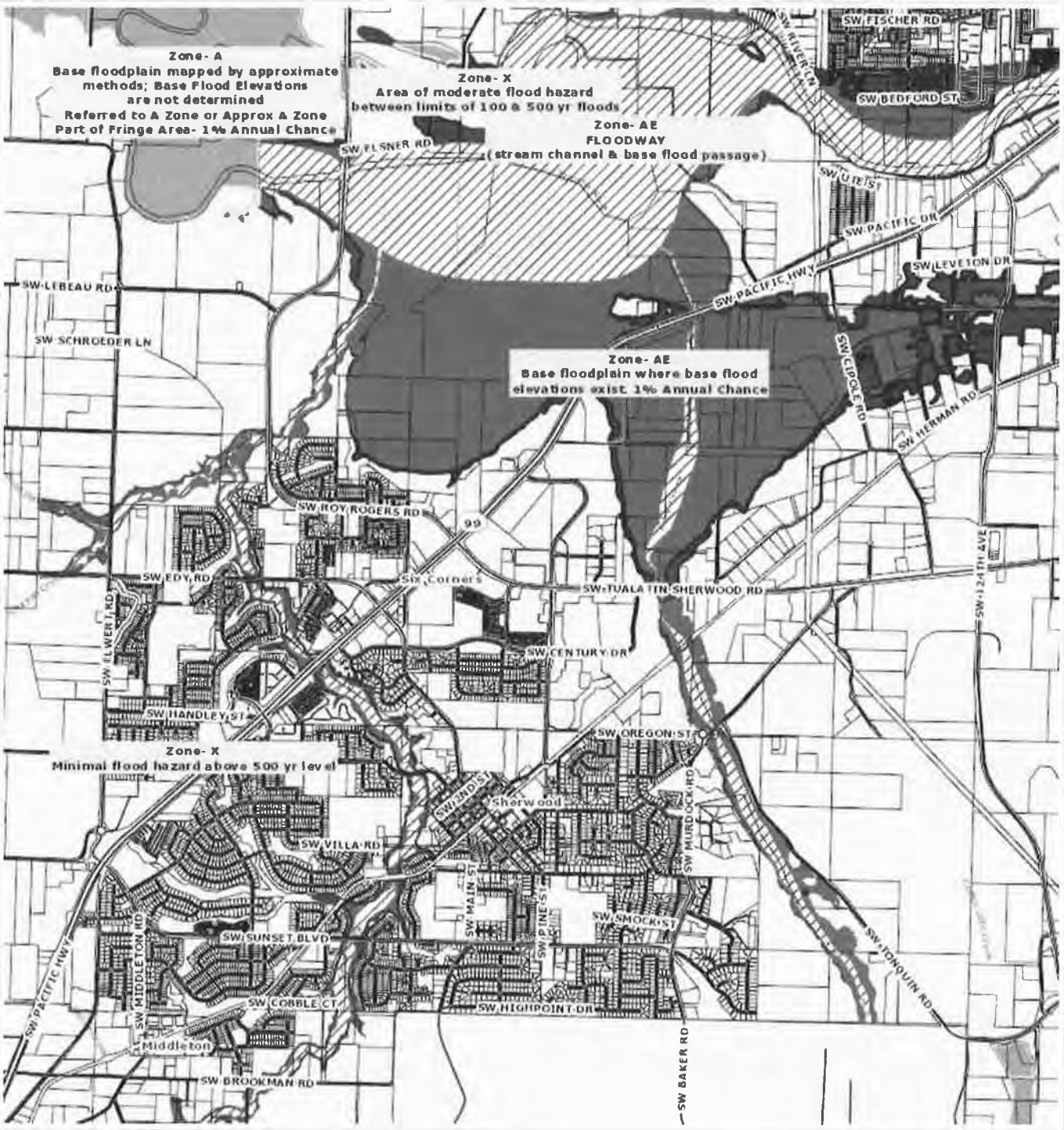


First American Title

Parcel ID: R547894

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Flood Map

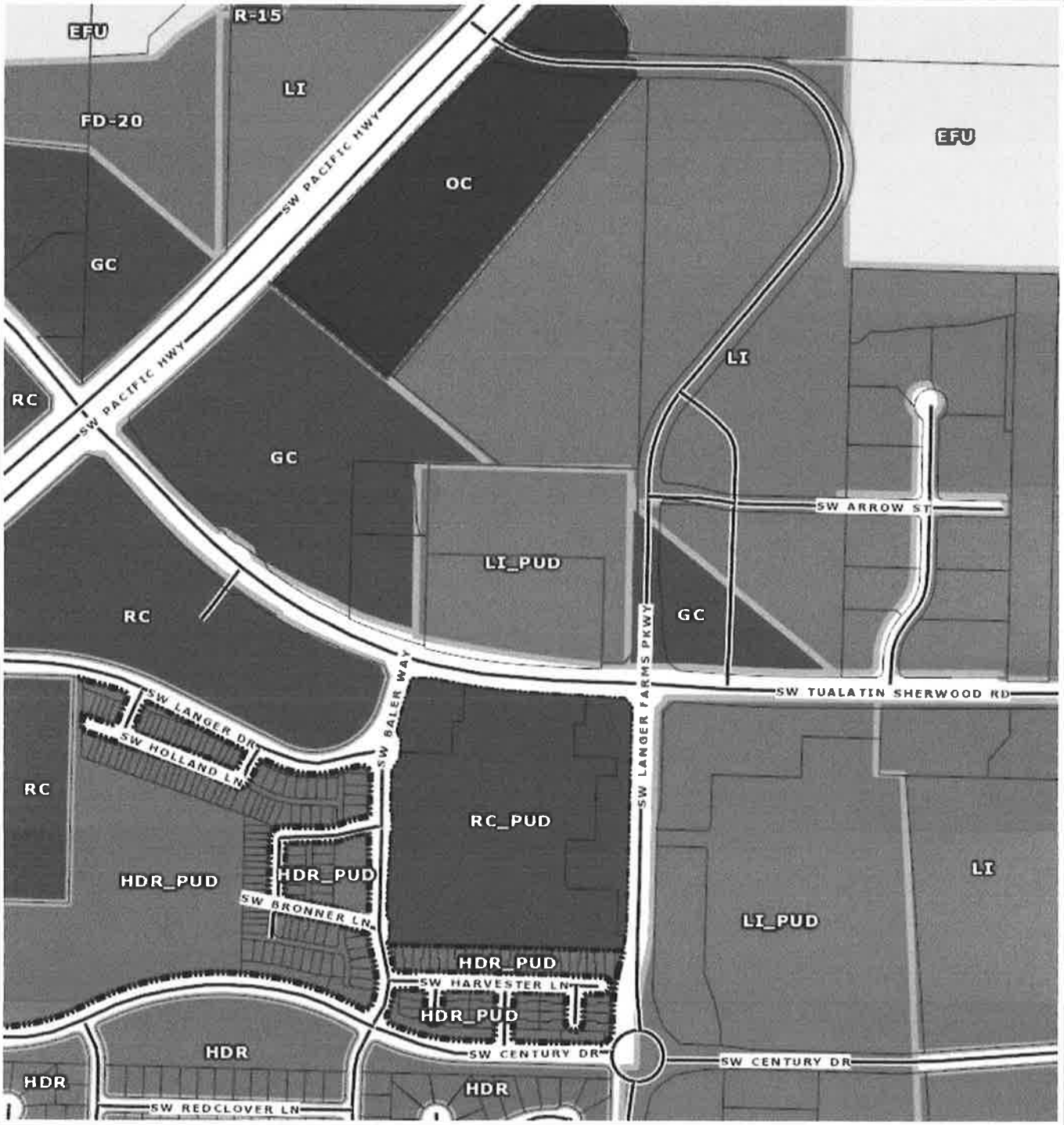


First American Title

Parcel ID: R547894

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Zoning Map



First American Title

Parcel ID: R547894

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Washington County, Oregon	**2016-022496**
D-DBS	
Stn=19 D MOON	**03/25/2016 03:49:29 PM**
$10.00 $11.00 $5.00 $20.00	**$46.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

After recording return to:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204

Send tax statements to:

No change

LAWYERS AC 163897

Recorded by Lawyers Title Insurance Corporation as an accommodation only. No liability is accepted for the condition of title or for the validity, sufficiency, or effect of this document.

BARGAIN AND SALE DEED

CLARENCE D. LANGER JR., individually and as trustee of the CLARENCE D. LANGER JR. TRUST dated November 2, 2015, and PAMELA A. LANGER, individually and as trustee of the PAMELA A. LANGER TRUST dated November 2, 2015, Grantors, convey to SENTINEL SELF-STORAGE, LLC, all right, title, and interest in the real property described as:

A tract of land situate in the Southeast quarter of the Southeast quarter of the Northwest quarter of Section 29, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

Beginning at the Northwest corner of said Southeast quarter of the Southeast quarter of the Northwest quarter of Section 29, also being the Northwest corner of that tract of land conveyed in the Deed recorded as Document 80005210, Washington County Deed Records; thence along the West line of said Southeast quarter of the Southeast quarter of the Northwest quarter at Section 29, South 00°19'09" East 286.00 feet; thence leaving said West line, North 89°44'18" East, 560.67 feet; thence South 00°20'46" East 351.36 feet to a point on the North right of way line of Tualatin-Sherwood Road (County Road No. 2737, width varies) as shown on Survey Number 25,092, Washington County Survey Records; thence along said North right of way line, North 89°50'08" East, 100.18 feet to the East line of said Southeast quarter of the Southeast quarter of the Northwest quarter of Section 29, being also the East line of that tract of land conveyed in the Deed recorded in Book 947, Page 418, Deed Records of Washington County; thence along said East line, North 0°20'46" West, 637.53 feet, to the North line of the said Southeast quarter of the Southeast quarter of the Northwest quarter at Section 29; thence along said North line, South 89°44'17" West, 660.71 feet to the point of beginning.

The property is otherwise known as 15555 SW Tualatin-Sherwood Road, Sherwood, Washington County, Oregon 97140. The true consideration for this conveyance is other than monetary consideration. This deed corrects the conveyance in document 2015-092372 recorded November 3, 2015.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN

VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated January 14, 2016.

CLARENCE D. LANGER JR., Individually and as Trustee of the CLARENCE D. LANGER JR. TRUST dated November 2, 2015

PAMELA A. LANGER, Individually and as Trustee of the PAMELA A. LANGER TRUST dated November 2, 2015

STATE OF OREGON)
) ss.
County of Multnomah)

Subscribed and sworn to before me on January 14, 2016, by CLARENCE D. LANGER JR., individually and as trustee of the CLARENCE D. LANGER JR. TRUST dated November 2, 2015, and PAMELA A. LANGER, individually and as trustee of the PAMELA A. LANGER TRUST dated November 2, 2015.

Notary Public – State of Oregon

OFFICIAL SEAL
SHEILA D SZYPLINSKI
NOTARY PUBLIC-OREGON
COMMISSION NO. 466795
MY COMMISSION EXPIRES APRIL 07, 2016

CHICAGO TITLE 472518004405 - CT50 - CM

Washington County, Oregon	**2018-075547**
D-M	
Stn=16 M LOPEZ	**11/02/2018 02:48:57 PM**
$50.00 $11 00 $5.00 $60.00	**$126.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio

RECORDATION REQUESTED BY:
First Technology Federal Credit Union
Commercial Lending
PO Box 2100
Beaverton, OR 97075

WHEN RECORDED MAIL TO:
First Technology Federal Credit Union
Commercial Lending
PO Box 2100
Beaverton, OR 97075

SEND TAX NOTICES TO:
Sentinel Self Storage, LLC
15555 SW Tualatin Sherwood Rd
Sherwood, OR 97140-8255

FOR RECORDER'S USE ONLY

DEED OF TRUST

THIS DEED OF TRUST is dated November 1, 2018, among Sentinel Self Storage, LLC, an Oregon Limited Liability company, whose address is 15555 SW Tualatin Sherwood Rd, Sherwood, OR 97140 ("Grantor"); First Technology Federal Credit Union, whose address is Commercial Lending, PO Box 2100, Beaverton, OR 97075 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Chicago Title Company of Oregon, whose address is 1211 SW Fifth Avenue, Suite 2130, Portland, OR 97204 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, represented in the Note dated November 1, 2018, in the original principal amount of $5,450,000.00, from Grantor to Lender, Grantor conveys to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, **(the "Real Property") located in Washington County, State of Oregon:**

See Exhibit "A", which is attached to this Deed of Trust and made a part of this Deed of Trust as if fully set forth herein.

The Real Property or its address is commonly known as 15555 SW Tualatin Sherwood Road, Sherwood, OR 97140. The Real Property tax identification number is R547894. Map No. 2S129B-00900.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Grantor shall pay to Lender all amounts secured by this Deed of Trust as they become due, and shall strictly and in a timely manner perform all of Grantor's obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Deed of Trust. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify, defend, and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Deed of Trust or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Grantor's ownership or interest in the Property, whether or not the same was or should have been known to Grantor. The provisions of this section of the Deed of Trust, including the obligation to indemnify and defend, shall survive the payment of the Indebtedness and the satisfaction and reconveyance of the lien of this Deed of Trust and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.

Nuisance, Waste. Grantor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to the Property or any portion of the Property. Without limiting the generality of the foregoing, Grantor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), coal, clay, scoria, soil, gravel or rock products without Lender's prior written consent.

Removal of Improvements. Grantor shall not demolish or remove any Improvements from the Real Property without Lender's prior written consent. As a condition to the removal of any Improvements, Lender may require Grantor to make arrangements satisfactory to Lender to replace such Improvements with Improvements of at least equal value.

Lender's Right to Enter. Lender and Lender's agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Real Property for purposes of Grantor's compliance with the terms and conditions of this Deed of Trust.

Compliance with Governmental Requirements. Grantor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Grantor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Grantor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Grantor to post adequate security or a surety bond, reasonably satisfactory to Lender, to protect Lender's interest.

Duty to Protect. Grantor agrees neither to abandon or leave unattended the Property. Grantor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are reasonably necessary to protect and preserve the Property.

DUE ON SALE - CONSENT BY LENDER. Lender may, at Lender's option, declare immediately due and payable all sums secured by this Deed of Trust upon the sale or transfer, without Lender's prior written consent, of all or any part of the Real Property, or any interest in the Real Property. A "sale or transfer" means the conveyance of Real Property or any right, title or interest in the Real Property; whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Real Property, or by any other method of conveyance of an interest in the Real Property. However, this option shall not be exercised by Lender if such exercise is prohibited by federal law or by Oregon law.

TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

Right to Contest. Grantor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Grantor shall within fifteen (15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Grantor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and attorneys' fees, or other charges that could accrue as a result of a foreclosure or sale under the lien. In any contest, Grantor shall defend itself and Lender and shall satisfy any adverse judgment before enforcement against the Property. Grantor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

Evidence of Payment. Grantor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

Notice of Construction. Grantor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialmen's lien, or other lien could be asserted on account of the work, services, or materials. Grantor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Grantor can and will pay the cost of such improvements.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all Improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may reasonably require. Policies shall be written in form, amounts, coverages and basis reasonably acceptable to Lender and issued by a company or companies reasonably acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least thirty (30) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Administrator of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance, if available, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

Application of Proceeds. Grantor shall promptly notify Lender of any loss or damage to the Property. Lender may make proof of loss if Grantor fails to do so within fifteen (15) days of the casualty. Whether or not Lender's security is impaired, Lender may, at Lender's election, receive and retain the proceeds of any insurance and apply the proceeds to the reduction of the Indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If Lender elects to apply the proceeds to restoration and repair, Grantor shall repair or replace the damaged or destroyed Improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Grantor from the proceeds for the reasonable cost of repair or restoration if Grantor is not in default under this Deed of Trust. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Deed of Trust, then to pay accrued interest, and the remainder, if any, shall be applied to the principal balance of the Indebtedness. If Lender holds any proceeds after payment in full of the Indebtedness, such proceeds shall be paid to Grantor as Grantor's interests may appear.

Grantor's Report on Insurance. Upon request of Lender, however not more than once a year, Grantor shall furnish to Lender a report on each existing policy of insurance showing: (1) the name of the insurer; (2) the risks insured; (3) the amount of the policy; (4) the property insured, the then current replacement value of such property, and the manner of determining that value; and (5) the expiration date of the policy. Grantor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Deed of Trust also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title. Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Grantor's title or the interest of Trustee or Lender under this Deed of Trust, Grantor shall defend the action at Grantor's expense. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of Lender's own choice, and Grantor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

Compliance With Laws. Grantor warrants that the Property and Grantor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

Survival of Representations and Warranties. All representations, warranties, and agreements made by Grantor in this Deed of Trust shall survive the execution and delivery of this Deed of Trust, shall be continuing in nature, and shall remain in full force and effect until such time as Grantor's Indebtedness shall be paid in full.

CONDEMNATION. The following provisions relating to condemnation proceedings are a part of this Deed of Trust:

Proceedings. If any proceeding in condemnation is filed, Grantor shall promptly notify Lender in writing, and Grantor shall promptly take such steps as may be necessary to defend the action and obtain the award. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Grantor will deliver or cause to be delivered to Lender such instruments and documentation as may be requested by Lender from time to time to permit such participation.

Application of Net Proceeds. If all or any part of the Property is condemned by eminent domain proceedings or by any proceeding or purchase in lieu of condemnation, Lender may at its election require that all or any portion of the net proceeds of the award be applied to the Indebtedness or the repair or restoration of the Property. The net proceeds of the award shall mean the award after payment of all reasonable costs, expenses, and attorneys' fees incurred by Trustee or Lender in connection with the condemnation.

IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES. The following provisions relating to governmental taxes, fees and charges are a part of this Deed of Trust:

Current Taxes, Fees and Charges. Upon request by Lender, Grantor shall execute such documents in addition to this Deed of Trust and take whatever other action is requested by Lender to perfect and continue Lender's lien on the Real Property. Grantor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Deed of Trust, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Deed of Trust.

Taxes. The following shall constitute taxes to which this section applies: (1) a specific tax upon this type of Deed of Trust or upon all or any part of the Indebtedness secured by this Deed of Trust; (2) a specific tax on Grantor which Grantor is authorized or required to deduct from payments on the Indebtedness secured by this type of Deed of Trust; (3) a tax on this type of Deed of Trust chargeable against the Lender or the holder of the Note; and (4) a specific tax on all or any portion of the Indebtedness or on payments of principal and interest made by Grantor.

Subsequent Taxes. If any tax to which this section applies is enacted subsequent to the date of this Deed of Trust, this event shall have the same effect as an Event of Default, and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Grantor either (1) pays the tax before it becomes delinquent, or (2) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

SECURITY AGREEMENT; FINANCING STATEMENTS. The following provisions relating to this Deed of Trust as a security agreement are a part of this Deed of Trust:

Security Agreement. This instrument shall constitute a Security Agreement to the extent any of the Property constitutes fixtures, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.

Security Interest. Upon request by Lender, Grantor shall take whatever action is requested by Lender to perfect and continue Lender's security interest in the Rents and Personal Property. In addition to recording this Deed of Trust in the real property records, Lender may, at any time and without further authorization from Grantor, file executed counterparts, copies or reproductions of this Deed of Trust as a financing statement. Grantor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Grantor shall not remove, sever or detach the Personal Property from the Property. Upon default, Grantor shall assemble any Personal Property not affixed to the Property in a manner and at a place reasonably convenient to Grantor and Lender and make it available to Lender within three (3) days after receipt of written demand from Lender to the extent permitted by applicable law.

Addresses. The mailing addresses of Grantor (debtor) and Lender (secured party) from which information concerning the security interest granted by this Deed of Trust may be obtained (each as required by the Uniform Commercial Code) are as stated on the first page of this Deed of Trust.

FURTHER ASSURANCES; ATTORNEY-IN-FACT. The following provisions relating to further assurances and attorney-in-fact are a part of this Deed of Trust:

Further Assurances. At any time, and from time to time, upon request of Lender, Grantor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (1) Grantor's obligations under the Note, this Deed of Trust, and the Related Documents, and (2) the liens and security interests created by this Deed of Trust as first and prior liens on the Property, whether now owned or hereafter acquired by Grantor. Unless prohibited by law or Lender agrees to the contrary in writing, Grantor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

Attorney-in-Fact. If Grantor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Grantor and at Grantor's expense. For such purposes, Grantor hereby irrevocably appoints Lender as Grantor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

FULL PERFORMANCE. If Grantor pays all the Indebtedness when due, and otherwise performs all the obligations imposed upon Grantor under this Deed of Trust, Lender shall execute and deliver to Trustee a request for full reconveyance and shall execute and deliver to Grantor suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Any reconveyance fee required by law shall be paid by Grantor, if permitted by applicable law.

EVENTS OF DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

Payment Default. Grantor fails to make any payment when due under the Indebtedness.

Other Defaults. Grantor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Deed of Trust or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any

other agreement between Lender and Grantor.

Compliance Default. Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Default on Other Payments. Failure of Grantor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

False Statements. Any warranty, representation or statement made or furnished to Lender by Grantor or on Grantor's behalf under this Deed of Trust or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Defective Collateralization. This Deed of Trust or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

Death or Insolvency. The dissolution of Grantor's (regardless of whether election to continue is made), any member withdraws from the limited liability company, or any other termination of Grantor's existence as a going business or the death of any member, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor or by any governmental agency against any property securing the Indebtedness. This includes a garnishment of any of Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Breach of Other Agreement. Any breach by Grantor under the terms of any other agreement between Grantor and Lender that is not remedied within any grace period provided therein, including without limitation any agreement concerning any indebtedness or other obligation of Grantor to Lender, whether existing now or later.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any Guarantor of any of the Indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness.

Adverse Change. A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

Insecurity. Lender in good faith believes itself insecure.

RIGHTS AND REMEDIES ON DEFAULT. If an Event of Default occurs under this Deed of Trust, at any time thereafter, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Deed of Trust, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Accelerate Indebtedness. Lender shall have the right at its option without notice to Grantor to declare the entire Indebtedness immediately due and payable, including any prepayment penalty which Grantor would be required to pay.

Foreclosure. With respect to all or any part of the Real Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law. If this Deed of Trust is foreclosed by judicial foreclosure, Lender will be entitled to a judgment which will provide that if the foreclosure sale proceeds are insufficient to satisfy the judgment, execution may issue for the amount of the unpaid balance of the judgment.

UCC Remedies. With respect to all or any part of the Personal Property, Lender shall have all the rights and remedies of a secured party under the Uniform Commercial Code.

Collect Rents. Lender shall have the right, without notice to Grantor to take possession of and manage the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the Indebtedness. In furtherance of this right, Lender may require any tenant or other user of the Property to make payments of rent or use fees directly to Lender. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

Appoint Receiver. Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the Indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the Indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

Tenancy at Sufferance. If Grantor remains in possession of the Property after the Property is sold as provided above or Lender otherwise becomes entitled to possession of the Property upon default of Grantor, Grantor shall become a tenant at sufferance of Lender or the purchaser of the Property and shall, at Lender's option, either (1) pay a reasonable rental for the use of the Property, or (2) vacate the Property immediately upon the demand of Lender.

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or available at law or in equity.

Notice of Sale. Lender shall give Grantor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least fifteen (15) days before the time of the sale or disposition. Any sale of the Personal Property may be made in conjunction with any sale of the Real Property.

Sale of the Property. To the extent permitted by applicable law, Grantor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

Rights of Trustee. Trustee shall have all of the rights and duties of Lender as set forth in this section.

POWERS AND OBLIGATIONS OF TRUSTEE. The following provisions relating to the powers and obligations of Trustee are part of this Deed of Trust:

Powers of Trustee. In addition to all powers of Trustee arising as a matter of law, Trustee shall have the power to take the following actions with respect to the Property upon the written request of Lender and Grantor: (a) join in preparing and filing a map or plat of the Real Property, including the dedication of streets or other rights to the public; (b) join in granting any easement or creating any restriction on the Real Property; and (c) join in any subordination or other agreement affecting this Deed of Trust or the interest of Lender under this Deed of Trust.

Obligations to Notify. Trustee shall not be obligated to notify any other party of a pending sale under any other trust deed or lien, or of any action or proceeding in which Grantor, Lender, or Trustee shall be a party, unless the action or proceeding is brought by Trustee.

Trustee. Trustee shall meet all qualifications required for Trustee under applicable law. In addition to the rights and remedies set forth above, with respect to all or any part of the Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Successor Trustee. Lender, at Lender's option, may from time to time appoint a successor Trustee to any Trustee appointed under this Deed of Trust by an instrument executed and acknowledged by Lender and recorded in the office of the recorder of Washington County, State of Oregon. The instrument shall contain, in addition to all other matters required by state law, the names of the original Lender, Trustee, and Grantor, the book and page where this Deed of Trust is recorded, and the name and address of the successor trustee, and the instrument shall be executed and acknowledged by Lender or its successors in interest. The successor trustee, without conveyance of the Property, shall succeed to all the title, power, and duties conferred upon the Trustee in this Deed of Trust and by applicable law. This procedure for substitution of Trustee shall govern to the exclusion of all other provisions for substitution.

NOTICES. Any notice required to be given under this Deed of Trust, including without limitation any notice of default and any notice of sale shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Deed of Trust. All copies of notices of foreclosure from the holder of any lien which has priority over this Deed of Trust shall be sent to Lender's address, as shown near the beginning of this Deed of Trust. Any party may change its address for notices under this Deed of Trust by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Deed of Trust:

Amendments. This Deed of Trust, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Deed of Trust. No alteration of or amendment to this Deed of Trust shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Annual Reports. If the Property is used for purposes other than Grantor's residence, Grantor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Grantor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.

Caption Headings. Caption headings in this Deed of Trust are for convenience purposes only and are not to be used to interpret or define the provisions of this Deed of Trust.

Merger. There shall be no merger of the interest or estate created by this Deed of Trust with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

First American Title

Customer Service Department
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.oregon@firstam.com

Date: 4/26/2022

OWNERSHIP INFORMATION

Owner: Langer Storage 2 LLC
CoOwner:
Site: 21900 SW Langer Farms Pkwy Sherwood OR 97140
Mail: 15585 SW Tualatin Sherwood Rd Sherwood OR 97140

Parcel #: R2201837
Ref Parcel #: 2S129DC00900
TRS: 02S / 01W / 29 / SE
County: Washington

PROPERTY DESCRIPTION

Map Grid: 684-H6
Census Tract: 032103 Block: 2015
Neightborhood: Cpo 5 Sherwood-Tualatin N
School Dist: 88J Sherwood
Impr Type: T5 - Public Storage
Subdiv/Plat:
Land Use: 2210
Std Land Use: IPUB - Public Storage, Warehouse
Zoning: Sherwood-LI_PUD - Light Industrial -Pud
Lat/Lon: 45.36134205 / -122.83528494
Watershed: Fanno Creek-Tualatin River
Legal: 2017-019 PARTITION PLAT, LOT 1, ACRES 6.14

ASSESSMENT AND TAXATION

Market Land: $2,072,800.00
Market Impr: $3,183,550.00
Market Special: $0.00
Market Total: $5,256,350.00 (2021)
% Improved: 61.00%
Assessed Total: $3,716,850.00 (2021)
Levy Code: 88.10
Tax: $68,726.07 (2021)
Millage Rate: 18.4904
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt: 104,919 SqFt	Year Built:
Baths, Total:	First Floor: 104,919 SqFt	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 6.14 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 267,458 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls:
Building Style: A0Q - Storage	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
LANGER STORAGE 2 LLC	08/21/2018	58023		Deed	$5,530,000.00	Conventional

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Assessor Map



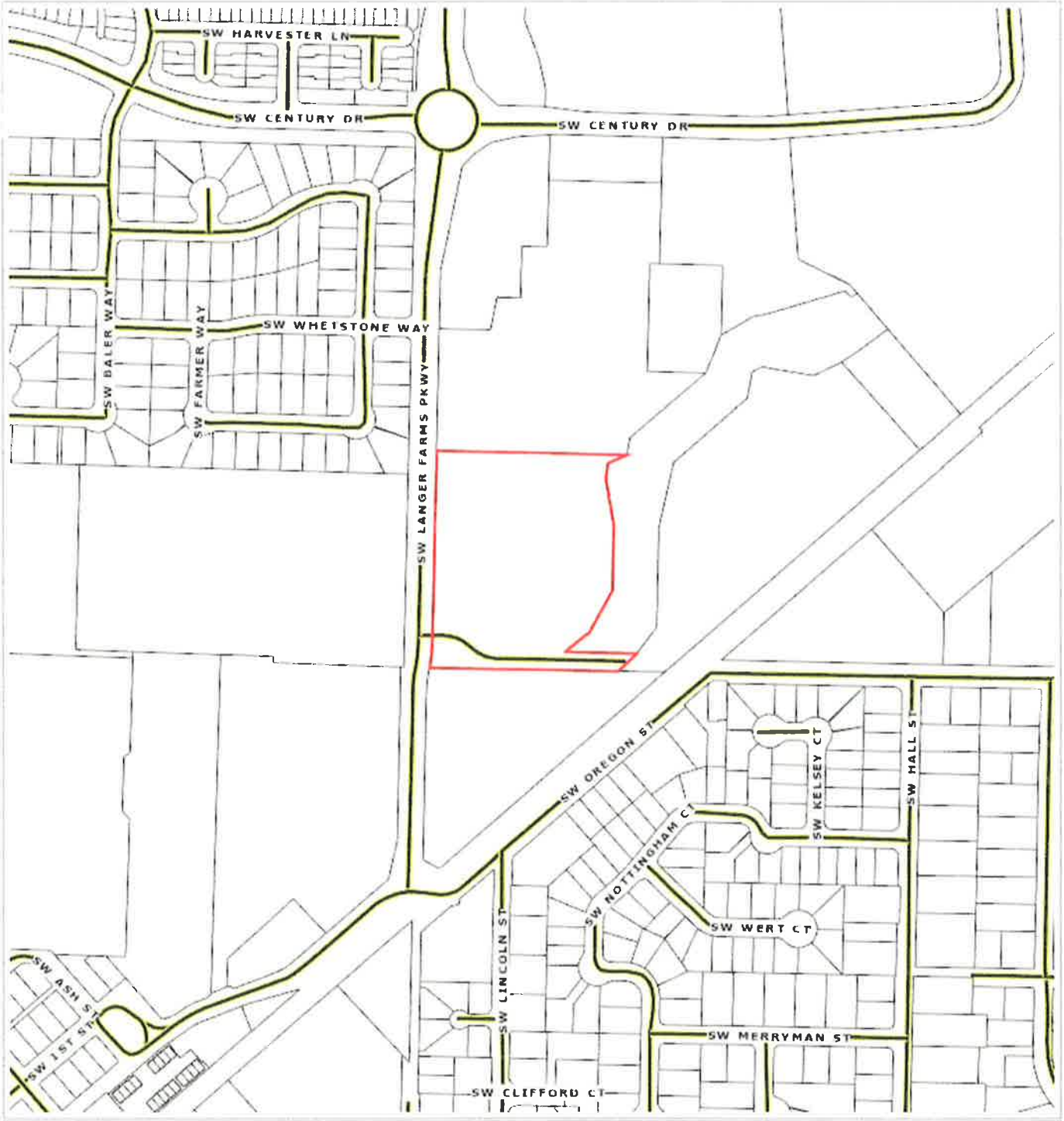
First American Title

Parcel ID: R2201837

Site Address: 21900 SW Langer Farms Pkwy

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Street Map



First American Title

Parcel ID: R2201837

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Aerial Map

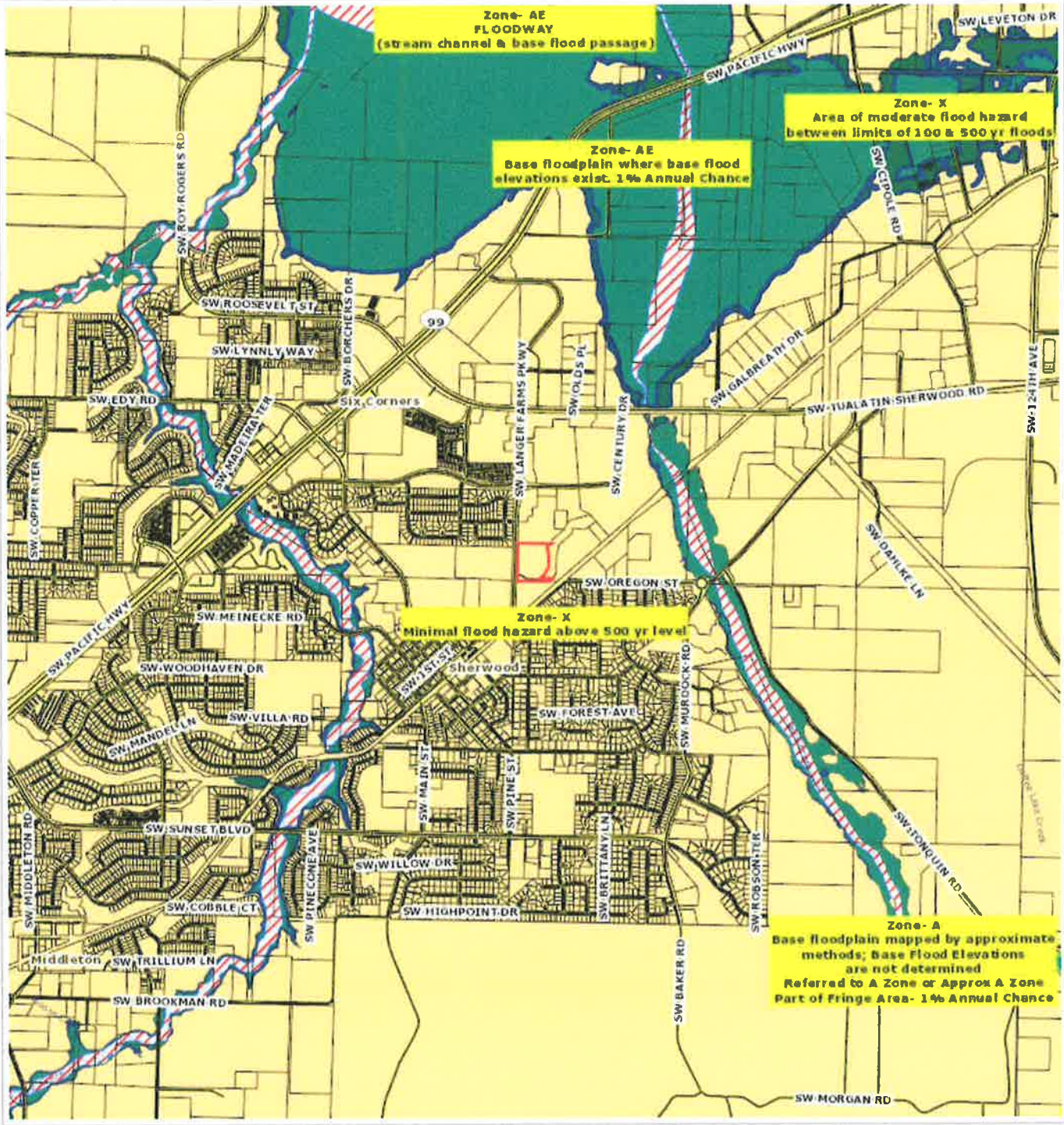


First American Title

Parcel ID: R2201837

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Flood Map

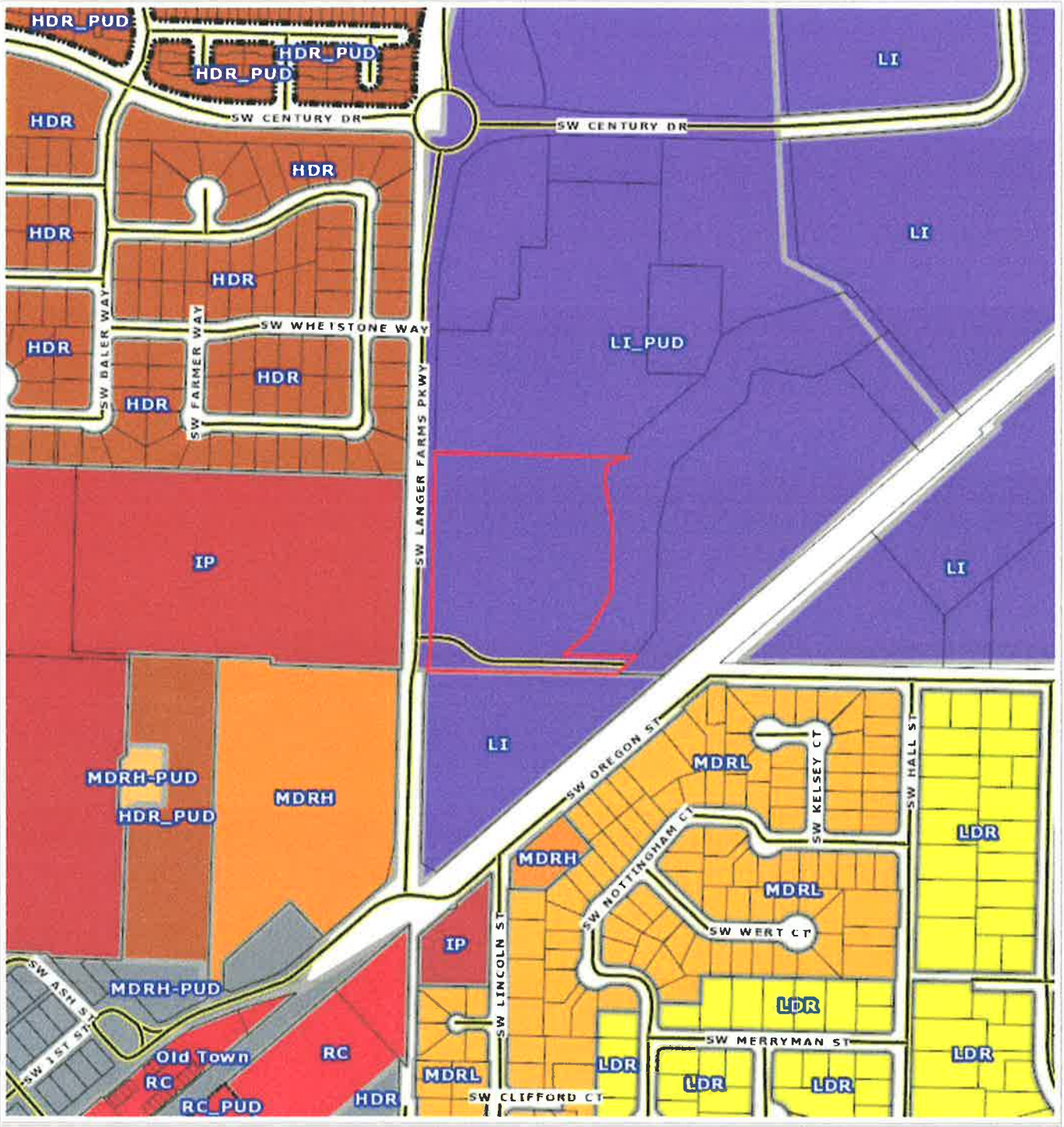


First American Title

Parcel ID: R2201837

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Zoning Map



First American Title

Parcel ID: R2201837

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Washington County, Oregon **2018-058023**
D-DBS
Stn=6 M FERNANDES **08/21/2018 12:44:15 PM**
$10.00 $11.00 $5.00 $60.00 **$86.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

After recording return to:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204

Send tax statements to:
Same as above
No change

LAWYERS TITLE 90180045JB

BARGAIN AND SALE DEED

Langer Family LLC, an Oregon limited liability company, Grantor, conveys to Langer Storage 2 LLC, an Oregon limited liability company, Grantee, all right, title, and interest in the real property described as follows:

> Parcel 1, PARTITION PLAT NO. 2017-019, recorded June 27, 2017, Recorder's No. 2017-050998, in the City of Sherwood, County of Washington and State of Oregon.

The property is otherwise known as 21900 SW Langer Farms Parkway, Sherwood, Oregon 97140. The true consideration for this conveyance is other than monetary consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated as of June 25th, 2018.

Langer Family LLC

By Langer Asset Management, Inc., Manager

By _____
Matthew D. Langer, President

1 – BARGAIN AND SALE DEED
P:\DOCS\LANFAM\45298\DOC\3SM9726.DOC

STATE OF OREGON)
) ss.
County of Washington)

Subscribed and sworn to before me on June 25th, 2018, by Matthew D. Langer, president of Langer Asset Management, Inc., an Oregon corporation, manager of Langer Family LLC, an Oregon limited liability company.

Notary Public – State of Oregon

OFFICIAL STAMP
JENNIFER HEASLEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 955710
MY COMMISSION EXPIRES OCTOBER 19, 2020

2 – BARGAIN AND SALE DEED
P:\DOCS\LANFAM\45298\DOC\3SM9726.DOC

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:58

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1381386-98	DLLC	ACT	OREGON	11-21-2017	11-21-2022	
Entity Name	LANGER STORAGE 2 LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON ST STE 60I0					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	11-21-2017	**Resign Date**	
Name	DEAN	T	SANDOW				
Addr 1	121 SW MORRISON #600						
Addr 2							
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	C/O DEAN T SANDOW - FARLEIGH WADA WITT				
Addr 2	121 SW MORRISON #600				
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER		**Resign Date**	
Of Record	931218-96	LANGER ASSET MANAGEMENT, INC.			
Addr 1	C/O FARLEIGH WADA WITT				
Addr 2	121 SW MORRISON ST STE 600				
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LANGER STORAGE 2 LLC	EN	CUR	11-21-2017	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-23-2021		FI		
	AMENDED ANNUAL REPORT	11-25-2020		FI		
	AMENDED ANNUAL REPORT	12-09-2019		FI		
	AMENDED ANNUAL REPORT	11-27-2018		FI		
	ARTICLES OF ORGANIZATION	11-21-2017		FI	Agent	

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Registry number 1381386-98

FILED
NOV 21 2017
OREGON
SECRETARY OF STATE

ARTICLES OF ORGANIZATION

LANGER STORAGE 2 LLC
an Oregon limited liability company

The undersigned natural person, acting as organizer under the Oregon Limited Liability Company Act, adopts the following articles of organization:

Article 1

The name of the limited liability company is LANGER STORAGE 2 LLC ("Company"), and the Company will be perpetual.

Article 2

The Company will be managed by a manager as provided in an operating agreement.

Article 3

A manager of the Company shall not be personally liable to the Company or its members for monetary damages for conduct as a manager, except for liability of the manager for (a) acts or omissions that involve intentional misconduct or a knowing violation of the law by the manager, (b) conduct that violates ORS 63.235 pertaining to unpermitted distributions to members or loans to managers, or (c) any transaction from which the manager will personally receive a benefit in money, property or services to which the manager is not legally entitled. If the Oregon Limited Liability Company Act is amended to authorize limited liability company action further eliminating or limiting the personal liability of managers, then the liability of a manager of the Company shall be eliminated or limited to the fullest extent permitted by the Oregon Limited Liability Company Act, as amended. Any repeal or modification of this Article by the members of the Company shall not affect adversely any right or protection of a manager of the Company existing at the time of such repeal or modification.

Article 4

The Company shall indemnify each manager as against all liability, damage, or expense resulting from the fact that such person is or was a manager, to the maximum extent and under all circumstances permitted by law, except that the Company shall not indemnify a manager against liability, damage, or expense resulting from the manager's gross negligence.

Article 5

The name of the initial registered agent is Dean T. Sandow, and the address of the initial registered office is 121 SW Morrison #600, Portland, Oregon 97204. The address where the Corporation Division may mail notices is c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 6

The name and address of the organizer is Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

LANGER STORAGE 2 LLC

138138698-18483712 NEWORG

1381386-98

Article 7

The effective date of the Company's existence is the date of filing of these Articles by the Corporation Division.

I, the undersigned organizer, declare under penalties of perjury that I have examined the foregoing, and to the best of my knowledge and belief, these Articles of Organization are true, correct, and complete.

Dated November 20, 2017.

Dean T. Sandow, Organizer

The person to contact about this filing is:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204
503.228.6044
dsandow@fwwlaw.com

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 27, 2018
OREGON SECRETARY OF STATE

REGISTRY NUMBER

138138698

REGISTRATION DATE

11/21/2017

BUSINESS NAME

LANGER STORAGE 2 LLC

BUSINESS ACTIVITY

TO OWN AND OPERATE STORAGE FACILITY

MAILING ADDRESS

C/O DEAN T SANDOW - FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 6010
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

11-27-2018

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 23, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

138138698

REGISTRATION DATE

11/21/2017

BUSINESS NAME

LANGER STORAGE 2 LLC

BUSINESS

TO OWN AND OPERATE STORAGE FACILITY

MAILING ADDRESS

C/O DEAN T SANDOW - FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 6010
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

11-23-2021

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

11-23-2021

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 27, 2018
OREGON SECRETARY OF STATE

REGISTRY NUMBER

138138698

REGISTRATION DATE

11/21/2017

BUSINESS NAME

LANGER STORAGE 2 LLC

BUSINESS ACTIVITY

TO OWN AND OPERATE STORAGE FACILITY

MAILING ADDRESS

C/O DEAN T SANDOW - FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 60I0
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 23, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

138138698

REGISTRATION DATE

11/21/2017

BUSINESS NAME

LANGER STORAGE 2 LLC

BUSINESS

TO OWN AND OPERATE STORAGE FACILITY

MAILING ADDRESS

C/O DEAN T SANDOW - FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 60I0
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

11-27-2018

Registry number 1381386-98

FILED
NOV 21 2017
OREGON
SECRETARY OF STATE

ARTICLES OF ORGANIZATION

LANGER STORAGE 2 LLC
an Oregon limited liability company

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Article 3

A manager of the Company shall not be personally liable to the Company or its members for monetary damages for conduct as a manager, except for liability of the manager for (a) acts or omissions that involve intentional misconduct or a knowing violation of the law by the manager, (b) conduct that violates ORS 63.235 pertaining to unpermitted distributions to members or loans to managers, or (c) any transaction from which the manager will personally receive a benefit in money, property or services to which the manager is not legally entitled. If the Oregon Limited Liability Company Act is amended to authorize limited liability company action further eliminating or limiting the personal liability of managers, then the liability of a manager of the Company shall be eliminated or limited to the fullest extent permitted by the Oregon Limited Liability Company Act, as amended. Any repeal or modification of this Article by the members of the Company shall not affect adversely any right or protection of a manager of the Company existing at the time of such repeal or modification.

Article 4

The Company shall indemnify each manager as against all liability, damage, or expense resulting from the fact that such person is or was a manager, to the maximum extent and under all circumstances permitted by law, except that the Company shall not indemnify a manager against liability, damage, or expense resulting from the manager's gross negligence.

Article 5

The name of the initial registered agent is Dean T. Sandow, and the address of the initial registered office is 121 SW Morrison #600, Portland, Oregon 97204. The address where the Corporation Division may mail notices is c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 6

The name and address of the organizer is Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

LANGER STORAGE 2 LLC

138138698-18483712 NEWORG

1381386-98

Article 7

The effective date of the Company's existence is the date of filing of these Articles by the Corporation Division.

I, the undersigned organizer, declare under penalties of perjury that I have examined the foregoing, and to the best of my knowledge and belief, these Articles of Organization are true, correct, and complete.

Dated November 20, 2017.

Dean T. Sandow, Organizer

The person to contact about this filing is:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204
503.228.6044
dsandow@fwwlaw.com

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Apr 18, 2022
OREGON SECRETARY OF STATE

REGISTRY NUMBER

93119593

REGISTRATION DATE

04/17/2013

BUSINESS NAME

LANGER STORAGE, LLC

BUSINESS

TO OWN, ACQUIRE, SELL, DEVELOP, RENT REAL PROPERTY, AND ANY LAWFUL BUSINESS.

MAILING ADDRESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

04-18-2022

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Mar 20, 2015
OREGON SECRETARY OF STATE

REGISTRY NUMBER

93119593

REGISTRATION DATE

04/17/2013

BUSINESS NAME

LANGER STORAGE, LLC

BUSINESS ACTIVITY

STORAGE

MAILING ADDRESS

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

JURISDICTION

OREGON

REGISTERED AGENT

MATTHEW DEAN LANGER

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

MATTHEW DEAN LANGER

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

MEMBER

NICOLE ANN LANGER

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

MATTHEW DEAN LANGER

TITLE

MANAGER

DATE SIGNED

03-20-2015

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Mar 30, 2014
OREGON SECRETARY OF STATE

REGISTRY NUMBER

93119593

REGISTRATION DATE

04/17/2013

BUSINESS NAME

LANGER STORAGE, LLC

BUSINESS ACTIVITY

STORAGE

MAILING ADDRESS

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

JURISDICTION

OREGON

REGISTERED AGENT

JOHN H DRANEAS

4949 MEADOWS RD SUITE 400
LAKE OSWEGO OR 97035 USA

MANAGER

MATTHEW DEAN LANGER

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

MATTHEW DEAN LANGER

TITLE

MANAGER

DATE SIGNED

03-30-2014

Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200
Fax: (503) 378-4381

FILED
NOV - 2 2015
OREGON
SECRETARY OF STATE For office use only

Complete only the sections that you are updating.

REGISTRY NUMBER: 931195-93

ENTITY TYPE: (●) DOMESTIC ( ) FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

Langer Storage, LLC

2. PRINCIPAL PLACE OF BUSINESS: (Street Address)

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

3. THE REGISTERED AGENT HAS BEEN CHANGED TO:

Dean T. Sandow

4. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:
Must be an Oregon Street Address, which is identical to the registered agent's office.

121 SW Morrison #600

Portland, OR 97204

5. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

6. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

7. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.

The entity has been notified in writing of this change.

NAME(S) AND ADDRESS(ES)OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of the President and Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787).

8. PRESIDENT OR OWNER(S) (MEMBERS): (Names and Street address)

9. SECRETARY OR MANAGER(S): (Names and Street address)

See attached

10. EXECUTION: By my signature, I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

SIGNATURE	PRINTED NAME:	TITLE:
Matthew Langer	MATTHEW LANGER	Pres. & Mgr.

CONTACT NAME: (To resolve questions with this filing)

Dean T. Sandow

PHONE NUMBER: (Include area code)

503-228-6044

LANGER STORAGE, LLC
93119593-16504016 AAR

Information Change (01/15)

93195-93

Attachment to Corporation/Limited Liability Company – Information Change

Section 9: Langer Asset Management, Inc.
Farleigh Wada Witt
c/o 121 SW Morrison #600
Portland, Oregon 97204

ARTICLES OF ORGANIZATION

Corporation Division
www.filinginoregon.com

E-FILED
Apr 17, 2013
OREGON SECRETARY OF STATE

REGISTRY NUMBER

93119593

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

1. ENTITY NAME

LANGER STORAGE, LLC

2. MAILING ADDRESS

4949 MEADOWS RD SUITE 400
LAKE OSWEGO OR 97035 USA

3. NAME & ADDRESS OF REGISTERED AGENT

JOHN H DRANEAS

4949 MEADOWS RD SUITE 400
LAKE OSWEGO OR 97035 USA

4. ORGANIZERS

JOHN H DRANEAS

4949 MEADOWS RD SUITE 400
LAKE OSWEGO OR 97035 USA

5. DURATION

PERPETUAL

6. MANAGEMENT

This Limited Liability Company will be manager-managed by one or more managers

7. OPTIONAL PROVISIONS

Members and Managers of the LLC shall not be liable to the LLC or its Members for monetary damages for conduct as Members and Managers except to the extent that the Oregon Limited Liability Company Act, as it now exists or may hereafter be amended, prohibits elimination or limitation of Member or Manager liability. No repeal or amendment of this provision or of the Oregon Limited Liability Company Act shall adversely affect any right or protection of a Member or Manager for actions or omissions prior to the repeal or amendment.

The LLC shall indemnify each Manager and Member to the fullest extent permissible under Oregon law, as the same exists or may hereafter be amended, against all liability, loss and costs (including, without limitation, attorney fees) incurred or suffered by such Member in connection with the business of the LLC/person by reason of, or arising from, the fact that such person is or was a Manager or Member of the LLC, or is or was serving at the request of the LLC as a manager, director, officer, partner, trustee, employee, or agent of another foreign or domestic limited liability company, corporation, partnership, joint venture, trust, benefit plan, or other enterprise. The

LLC may, by action of the Manager, provide indemnification to employees and agents of the LLC who are not Managers. The indemnification provided in this Article shall not limit any other rights to which any person may be entitled under any statute, bylaw, operating agreement, resolution of Members or Manager, contract or otherwise. No repeal or amendment of this Section or of the Oregon Limited Liability Company Act shall adversely affect any right to indemnification of a Manager or Member for actions or omissions prior to the repeal or amendment.

The company elects to indemnify its members, managers, employees, agents for liability and related expenses under ORS 63.160.

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

JOHN H DRANEAS

Registry # 1160949-96

LO 2022-004 Appeal
Attachment 3

FILED: DEC 31, 2020
OREGON SECRETARY OF STATE

116094996-21757163

LANGER BALER LLC MER

Articles of Merger
with Declarations under ORS 63.494(1)(c)

Six Corners, LLC (an Oregon limited liability company)
and
Langer Baler LLC (an Oregon limited liability company)
into
Langer Family LLC (an Oregon limited liability company)

Article 1

The names, jurisdiction, and types of entities proposing to merge are Six Corners, LLC, an Oregon limited liability company, Langer Baler LLC, an Oregon limited liability company, and Langer Family LLC, an Oregon limited liability company.

Article 2

The surviving entity shall be Langer Family LLC, an Oregon limited liability company, whose principal place of business is 121 SW Morrison #600, Portland, Oregon 97204.

Article 3

The articles of organization for Langer Family LLC were filed with the Oregon Secretary of State on May 4, 1998, as registry number 631905-82. No changes to the articles of organization for Langer Family LLC are required as a result of the merger.

Article 4

The articles of organization for Six Corners, LLC, were filed with the Oregon Secretary of State on March 9, 2007, as registry number 419537-95.

Article 5

The articles of organization for Langer Baler LLC were filed with the Oregon Secretary of State on November 10, 2015, as registry number 1160949-96.

Article 6

The name, street address, and mailing address of the registered agent of Langer Family LLC in Oregon are set forth below:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204

Article 7

A plan of merger ("Plan of Merger") was duly authorized and approved by consent of the members and manager of Six Corners, LLC, as provided in ORS 63.487 and ORS 63.494(1)(c).

Article 8

The Plan of Merger was duly authorized and approved by consent of the members and manager of Langer Baler LLC, as provided in ORS 63.487 and ORS 63.494(1)(c).

Article 9

The Plan of Merger was duly authorized and approved by consent of the voting members and manager of Langer Family LLC, as provided in ORS 63.487 and ORS 63.494(1)(c).

Article 10

The Plan of Merger is on file at 121 SW Morrison #600, Portland, Oregon 97204. The surviving entity will provide any member of any constituent entity with a copy of the Plan of Merger upon written request and at no cost.

Article 11

The name and address of an individual who is a manager, controlling member, or authorized representative with direct knowledge of the operations and business activities of the limited liability company and the principal place of business are as follows:

Matthew D. Langer
c/o 121 SW Morrison #600
Portland, Oregon 97204

Each of the undersigned declares as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers, or agents. This filing has been examined by each of the undersigned and is, to the best of our knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both. This document is dated as of December 31, 2020.

Langer Family LLC

By Langer Asset Management, Inc., Manager

By _____
Matthew D. Langer, President

Six Corners, LLC

By Langer Asset Management, Inc., Manager

By _____
Matthew D. Langer, President

Langer Baler LLC

By Langer Asset Management, Inc., Manager

By _____
Matthew D. Langer, President

Person to contact about this filing:

Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204, 503.228.6044

Registry Number 1160949-96

FILED
NOV 10 2015
OREGON
SECRETARY OF STATE

Articles of Organization

LANGER BALER LLC

The undersigned natural person, acting as organizer under the Oregon Limited Liability Company Act, adopts the following articles of organization:

Article 1

The name of the limited liability company is Langer Baler LLC ("Company"), and the Company will be perpetual.

Article 2

The Company will be managed by one or more managers as provided in an operating agreement.

Article 3

A manager of the Company shall not be personally liable to the Company or its members for monetary damages for conduct as a manager, except for liability of the manager for (a) acts or omissions that involve intentional misconduct or a knowing violation of the law by the manager, (b) conduct that violates ORS 63.235 pertaining to unpermitted distributions to members or loans to managers, or (c) any transaction from which the manager will personally receive a benefit in money, property or services to which the manager is not legally entitled. If the Oregon Limited Liability Company Act is amended to authorize limited liability company action further eliminating or limiting the personal liability of managers, then the liability of a manager of the Company shall be eliminated or limited to the fullest extent permitted by the Oregon Limited Liability Company Act, as amended. Any repeal or modification of this Article by the members of the Company shall not affect adversely any right or protection of a manager of the Company existing at the time of such repeal or modification.

Article 4

The Company shall indemnify each manager as against all liability, damage, or expense resulting from the fact that such person is or was a manager, to the maximum extent and under all circumstances permitted by law, except that the Company shall not indemnify a manager against liability, damage, or expense resulting from the manager's gross negligence.

Article 5

The name of the initial registered agent is Dean T. Sandow, and the address of the initial registered office is 121 SW Morrison #600, Portland, Oregon 97204. The address where the Oregon Corporation Division may mail notices is c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 6

The name and address of the organizer is Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

LANGER BALER LLC

116094996-16523402 NEWORG

Article 7

The effective date of the Company's existence is the date of filing of these Articles by the Oregon Corporation Division.

I, the undersigned organizer, declare under penalties of perjury, that I have examined the foregoing, and to the best of my knowledge and belief, these Articles of Organization are true, correct, and complete.

Dated November 10, 2015

Dean T. Sandow, Organizer

The person to contact about this filing is:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204
503.228.6044
dsandow@fwwlaw.com

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 11, 2016
OREGON SECRETARY OF STATE

REGISTRY NUMBER

116094996

REGISTRATION DATE

11/10/2015

BUSINESS NAME

LANGER BALER LLC

BUSINESS ACTIVITY

TO OWN RENTAL REAL ESTATE AND ENGAGE IN ALL ACTIVITIES REASONABLY NECESSARY AND INCIDENTAL THERETO.

MAILING ADDRESS

C/O DEAN T SANDOW
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

MATTHEW LANGER

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

11-11-2016

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 06, 2017
OREGON SECRETARY OF STATE

REGISTRY NUMBER

116094996

REGISTRATION DATE

11/10/2015

BUSINESS NAME

LANGER BALER LLC

BUSINESS ACTIVITY

TO OWN RENTAL REAL ESTATE AND ENGAGE IN ALL ACTIVITIES REASONABLY NECESSARY AND INCIDENTAL THERETO.

MAILING ADDRESS

C/O DEAN T SANDOW
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

MATTHEW LANGER

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

11-06-2017

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Dec 05, 2019
OREGON SECRETARY OF STATE

REGISTRY NUMBER

116094996

REGISTRATION DATE

11/10/2015

BUSINESS NAME

LANGER BALER LLC

BUSINESS ACTIVITY

TO OWN RENTAL REAL ESTATE AND ENGAGE IN ALL ACTIVITIES REASONABLY NECESSARY AND INCIDENTAL THERETO.

MAILING ADDRESS

C/O DEAN T SANDOW
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST #600
PORTLAND OR 97204 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

12-05-2019

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 13, 2020
OREGON SECRETARY OF STATE

REGISTRY NUMBER

116094996

REGISTRATION DATE

11/10/2015

BUSINESS NAME

LANGER BALER LLC

BUSINESS ACTIVITY

TO OWN RENTAL REAL ESTATE AND ENGAGE IN ALL ACTIVITIES REASONABLY NECESSARY AND INCIDENTAL THERETO.

MAILING ADDRESS

C/O DEAN T SANDOW
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST #600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE SIGNED

11-13-2020

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Oct 09, 2013
OREGON SECRETARY OF STATE

REGISTRY NUMBER

48686083

REGISTRATION DATE

11/14/1995

BUSINESS NAME

LANGER BROS., L.L.C.

BUSINESS ACTIVITY

LIMITED LIABILITY COMPANY

MAILING ADDRESS

CLARENCE LANGER
15585 SW TUALATIN SHERWOOD RD
SHERWOOD OR 97140 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

15585 SW TUALATIN-SHERWOOD RD
SHERWOOD OR 97140 USA

JURISDICTION

OREGON

REGISTERED AGENT

CLARENCE D LANGER JR

15585 SW TUALATIN SHERWOOD RD
15585 SW TUALATIN SHERWOOD RD
SHERWOOD OR 97140 USA

MANAGER

MATTHEW LANGER D LANGER

15585 SW TUALATIN-SHERWOOD RD
SHERWOOD OR 97140 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

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ELECTRONIC SIGNATURE

PAMELA ANN LANGER

TITLE

MEMBER

DATE SIGNED

10-09-2013

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Sep 21, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

136145497

REGISTRATION DATE

09/15/2017

BUSINESS NAME

LANGER ENTERTAINMENT LLC

BUSINESS ACTIVITY

TO OWN AND OPERATE AN ENTERTAINMENT FACILITY AND SUCH OTHER ACTIVITIES AS MAY BE DIRECTED BY THE MANGER FROM TIME TO TIME.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE SIGNED

09-21-2021

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Sep 15, 2020
OREGON SECRETARY OF STATE

REGISTRY NUMBER

136145497

REGISTRATION DATE

09/15/2017

BUSINESS NAME

LANGER ENTERTAINMENT LLC

BUSINESS ACTIVITY

TO OWN AND OPERATE AN ENTERTAINMENT FACILITY AND SUCH OTHER ACTIVITIES AS MAY BE DIRECTED BY THE MANGER FROM TIME TO TIME.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

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MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE SIGNED

09-15-2020

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Sep 25, 2019
OREGON SECRETARY OF STATE

REGISTRY NUMBER

136145497

REGISTRATION DATE

09/15/2017

BUSINESS NAME

LANGER ENTERTAINMENT LLC

BUSINESS ACTIVITY

TO OWN AND OPERATE AN ENTERTAINMENT FACILITY AND SUCH OTHER ACTIVITIES AS MAY BE DIRECTED BY THE MANGER FROM TIME TO TIME.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

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MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

09-25-2019

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Sep 17, 2018
OREGON SECRETARY OF STATE

REGISTRY NUMBER

136145497

REGISTRATION DATE

09/15/2017

BUSINESS NAME

LANGER ENTERTAINMENT LLC

BUSINESS ACTIVITY

TO OWN AND OPERATE AN ENTERTAINMENT FACILITY AND SUCH OTHER ACTIVITIES AS MAY BE DIRECTED BY THE MANGER FROM TIME TO TIME.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

09-17-2018

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:39

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
542154-97	DLLC	ACT	OREGON	08-21-2008	08-21-2022	
Entity Name	BAC SHERWOOD LANGER LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	900 SW 5TH AVE STE 2600			
Addr 2				
CSZ	PORTLAND	OR	97204	**Country** UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	09-04-2013	Resign Date	
Name	BARRY	A	CAIN			
Addr 1	19767 SW 72ND AVE STE 100					
Addr 2						
CSZ	TUALATIN	OR	97062	**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	19767 SW 72ND AVE STE 100			
Addr 2				
CSZ	TUALATIN	OR	97062	**Country** UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Name	BARRY	ALAN	CAIN		
Addr 1	19767 SW 72ND AVE STE 100				
Addr 2					
CSZ	TUALATIN	OR	97062	**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
BAC SHERWOOD LANGER LLC	EN	CUR	08-21-2008	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ANNUAL REPORT PAYMENT	08-04-2021		SYS		
	ANNUAL REPORT PAYMENT	08-10-2020		SYS		
	ANNUAL REPORT PAYMENT	08-06-2019		SYS		
	ANNUAL REPORT PAYMENT	08-06-2018		SYS		
	ANNUAL REPORT PAYMENT	08-08-2017		SYS		
	ANNUAL REPORT PAYMENT	08-02-2016		SYS		
	ANNUAL REPORT PAYMENT	07-29-2015		SYS		
	ANNUAL REPORT PAYMENT	07-22-2014		SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	09-04-2013		FI	Agent	
	ANNUAL REPORT PAYMENT	07-29-2013		SYS		
	ANNUAL REPORT PAYMENT	07-24-2012		SYS		
	ANNUAL REPORT PAYMENT	07-25-2011		SYS		
	ANNUAL REPORT PAYMENT	07-28-2010		SYS		
	AMENDED ANNUAL REPORT	07-28-2009		FI		
	ARTICLES OF ORGANIZATION	08-21-2008		FI	Agent	

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Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone:(503)986-2200
Fax:(503)378-4381
www.filinginoregon.com

2009 ANNUAL REPORT

Registry Number: 542154-97
Date of Organization: 08/21/2008
Fee: $50.00
Due Date: 08/21/2009
Type: DOMESTIC LIMITED LIABILITY COMPANY

RECEIVED
JUL 0 [illegible] 2009
FILED
JUL 28 2009
OREGON
SECRETARY OF STATE

BAC SHERWOOD LANGER LLC
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

GRAMOR DEVELOPMENT (NC.

Name of Domestic Limited Liability Company
BAC SHERWOOD LANGER LLC

Jurisdiction: OREGON

The following information is required by statute. Please complete the entire form. If any of the information is incorrect, you can make changes on this form. Failure to submit this Annual Report and fee by the due date may result in inactivation on our records.

Registered Agent
THOMAS R PAGE
900 SW FIFTH AVE STE 2600
PORTLAND OR 97204

If the Registered Agent has changed, the new Agent has consented to the appointment. Oregon street address required.

1) Type of Business
Real Estate Investment

2) Principal Place of Business (Str. address,city,state,zip)
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

3) Mailing Address (Address,city,state,zip)
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

4) ☐ **Member or** ☒ **Manager (Name & Address)**
Barry Alan Cain
19767 SW 72nd Avenue, Suite 100
Tualatin, OR 97062

5) ☐ **Member or** ☐ **Manager (Name & Address)**

6) Signature

7) Printed Name
Barry Alan Cain

8) Date 7-23-09

9) Daytime Phone Number

Make check payable to "Corporation Division" and mail c
Corporation Division, 255 Capitol ST NE Suite 151, Salen
Note: You can also fax to (503) 378-4381. Filing fees may be
and expiration date on a separate page for your protection.

54215497-11185549

542154-97

ARTICLES OF ORGANIZATION OF BAC SHERWOOD LANGER LLC

An Oregon Limited Liability Company

FILED
AUG 21 2008
OREGON
SECRETARY OF STATE

ARTICLE I

The name of the limited liability company (the "Company") is BAC Sherwood Langer LLC.

ARTICLE II

The Company shall have perpetual existence.

ARTICLE III

The name of the initial registered agent is Thomas R. Page and the address of the initial registered office is 900 SW Fifth Avenue, Suite 2600, Portland, Oregon 97204.

ARTICLE IV

The address where the Division may mail notices is 19767 SW 72nd Avenue, Suite 100, Tualatin, OR 97062.

ARTICLE V

The Company shall be managed by a manager.

ARTICLE VI

The name and address of the organizer of the Company are Thomas R. Page, 900 SW Fifth Avenue, Suite 2600, Portland, Oregon 97204.

ARTICLE VII

To the fullest extent the Oregon Limited Liability Company Act, as it exists on the date hereof or may hereafter be amended, permits the limitation or elimination of liability of managers or members, a manager or member shall not be liable to the Company or the other members for monetary damages for conduct as a manager or member. Any amendment to or repeal of this Article VII shall not adversely affect any right or protection of a manager or member for or with respect to any acts or omissions of such manager or member occurring prior to such amendment or repeal.

DATED this 21st day of August, 2008.

Thomas R. Page, Organizer

Portlnd1-2422550.1 0029924-00046

Change of Registered Agent/Address - Corporations/LLC

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone (503) 986-2200

Check the appropriate box below:

■ CHANGE OF AGENT AND ADDRESS
(Complete only 1, 2, 3, 4, 5, 6)

☐ CHANGE OF ADDRESS ONLY
(Complete only 1, 7, 8, 9, 10)

FILED
SEP 04 2013
OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 542154-97

NOTE: Use this form for Cooperatives or Business Trusts

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in **Black** Ink. Attach Additional Sheet if Necessary

1) **ENTITY NAME:** BAC Sherwood Langer LLC

CHANGE OF REGISTERED AGENT AND OFFICE

2) **THE REGISTERED AGENT HAS BEEN CHANGED TO:**
Barry A. Cain

3) **THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.**

4) **ADDRESS OF THE NEW REGISTERED OFFICE:** (Must be an **Oregon Street Address** which is identical to the registered agent's business office.)
19767 SW 72nd Ave, Suite 100
Tualatin, OR 97062

5) **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

6) **EXECUTION:**
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

(Must be signed by one corporate officer or director for a corporation or a member/manager for a limited liability company.)

Signature: [signature]

Printed Name: By: Barry A. Cain

Title: Manager

CHANGE OF REGISTERED AGENT'S BUSINESS OFFICE ONLY

7) **NEW ADDRESS OF REGISTERED AGENT:** (The business address of the registered agent has changed to the following Oregon Street Address.)

8) **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

9) **NOTIFICATION:**

☐ The entity has been notified in writing of this change.

10) **EXECUTION:**
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

(Must be signed by the registered agent or a corporate officer or director for a corporation or a member/manager for a limited liability company.)

Signature: _____

Printed Name: _____

Title: _____

CONTACT NAME: (To resolve questions with this filing.)

BAC SHERWOOD LANGER LLC

54215497-14590932 ACH

FEES

No Processing Fees

Free copies are available at FilingInOregon.com, using the Business Name Search program

Registry number 136145794

FILED
SEP 15 2017
OREGON
SECRETARY OF STATE

ARTICLES OF ORGANIZATION

C LANGER LLC
an Oregon limited liability company

The undersigned natural person, acting as organizer under the Oregon Limited Liability Company Act, adopts the following Articles of Organization:

Article 1

The name of the limited liability company is C LANGER LLC ("Company"), and the Company will be perpetual.

Article 2

The Company will be managed by managers as provided in an operating agreement.

Article 3

A manager of the Company shall not be personally liable to the Company or its members for monetary damages for conduct as a manager, except for liability of the manager for (a) acts or omissions that involve intentional misconduct or a knowing violation of the law by the manager, (b) conduct that violates ORS 63.235 pertaining to unpermitted distributions to members or loans to managers, or (c) any transaction from which the manager will personally receive a benefit in money, property or services to which the manager is not legally entitled. If the Oregon Limited Liability Company Act is amended to authorize limited liability company action further eliminating or limiting the personal liability of managers, then the liability of a manager of the Company shall be eliminated or limited to the fullest extent permitted by the Oregon Limited Liability Company Act, as amended. Any repeal or modification of this Article by the members of the Company shall not affect adversely any right or protection of a manager of the Company existing at the time of such repeal or modification.

Article 4

The Company shall indemnify each manager as against all liability, damage, or expense resulting from the fact that such person is or was a manager, to the maximum extent and under all circumstances permitted by law, except that the Company shall not indemnify a manager against liability, damage, or expense resulting from the manager's gross negligence.

Article 5

The name of the initial registered agent is Dean T. Sandow, and the address of the initial registered office is 121 SW Morrison #600, Portland, Oregon 97204. The address where the Division may mail notices is c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 6

The name and address of the organizer is Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

C LANGER LLC

136145794-18315811 NEWORG

1360145794

Article 7

The effective date of the Company's existence is the date of filing of these Articles by the Secretary of State.

I, the undersigned organizer, declare under penalties of perjury, that I have examined the foregoing, and to the best of my knowledge and belief, these Articles of Organization are true, correct, and complete.

Dated as of January 1, 2017.

Dean T. Sandow, Organizer

The person to contact about this filing is:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204
503.228.6044
dsandow@fwwlaw.com

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Sep 17, 2018
OREGON SECRETARY OF STATE

REGISTRY NUMBER

136145794

REGISTRATION DATE

09/15/2017

BUSINESS NAME

C LANGER LLC

BUSINESS ACTIVITY

MANAGE COMPANY ASSETS AND PROMOTE HARMONY AMONG THE MEMBERS.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

15585 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

SCOTT LANGER

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

09-17-2018

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Sep 21, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

136145794

REGISTRATION DATE

09/15/2017

BUSINESS NAME

C LANGER LLC

BUSINESS ACTIVITY

MANAGE COMPANY ASSETS AND PROMOTE HARMONY AMONG THE MEMBERS.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

CLARENCE D LANGER JR

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

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ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE SIGNED

09-21-2021

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
18:02

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1361456-95	DLLC	ACT	OREGON	09-15-2017	09-15-2022	
Entity Name	P LANGER LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	121 SW MORRISON ST STE 600					
Addr 2						
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	09-15-2017	**Resign Date**	
Name	DEAN	T	SANDOW				
Addr 1	121 SW MORRISON #600						
Addr 2							
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	121 SW MORRISON #600					
Addr 2						
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER			**Resign Date**	
Name	PAMELA	A	LANGER			
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON ST STE 600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
P LANGER LLC	EN	CUR	09-15-2017	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	09-21-2021		FI		
	AMENDED ANNUAL REPORT	09-15-2020		FI		
	AMENDED ANNUAL REPORT	09-25-2019		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	02-27-2019		FI		
	AMENDED ANNUAL REPORT	09-17-2018		FI		
	ARTICLES OF ORGANIZATION	09-15-2017		FI	Agent	

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AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Sep 21, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

136145695

REGISTRATION DATE

09/15/2017

BUSINESS NAME

P LANGER LLC

BUSINESS ACTIVITY

MANAGE COMPANY ASSETS AND PROMOTE HARMONY AMONG THE MEMBERS.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

PAMELA A LANGER

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE SIGNED

09-21-2021

Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200
Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary. Fax: (503) 378-4381

REGISTRY NUMBER: 1361456-95

ENTITY TYPE: (●) DOMESTIC ( ) FOREIGN

FILED
FEB 27 2019
OREGON
SECRETARY OF STATE

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

P Langer LLC

Complete only the sections that you are updating.

2. BUSINESS ACTIVITY

3. PRINCIPAL PLACE OF BUSINESS: (Street Address)

121 SW Morrison St Ste 600

Portland, Oregon 97204

4. THE REGISTERED AGENT HAS BEEN CHANGED TO:

5. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:
Must be an Oregon Street Address, which is identical to the registered agent's office.

6. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

7. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

8. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.

The entity has been notified in writing of this change.

9. INDIVIDUAL WITH DIRECT KNOWLEDGE (Names and Addresses)
List the name and address of at least one individual who is a director, or controlling shareholder of the corporation (member or manager of the LLC) or an authorized representative with direct knowledge of the operations and business activities of the corporation or LLC.

10. NAME(S) AND ADDRESS(ES) OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS
Corporations list the name and address of one President and one Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787). Please attach a separate sheet of paper if needed.
If making changes to this section, list all current names and addresses. This replaces what is currently on the record.

PRESIDENT OR OWNER(S) (MEMBERS): (Names and Addresses)

SECRETARY OR MANAGER(S): (Names and Addresses)

Pamela A. Langer
c/o Farleigh Wada Witt
121 SW Morrison St Ste 600
Portland, Oregon 97204

11. EXECUTION: I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

SIGNATURE:

PRINTED NAME: Dean T. Sandow

TITLE: Attorney-in-Fact

CONTACT NAME: (To resolve questions with this filing)

Dean T. Sandow

PHONE NUMBER: (Include area code)

503-228-6044

P LANGER LLC
136145695-19816040 AAR

Information Change 12/17)

Registry number 136145695

FILED
SEP 15 2017
OREGON
SECRETARY OF STATE

ARTICLES OF ORGANIZATION

P LANGER LLC
an Oregon limited liability company

The undersigned natural person, acting as organizer under the Oregon Limited Liability Company Act, adopts the following Articles of Organization:

Article 1

The name of the limited liability company is P LANGER LLC ("Company"), and the Company will be perpetual.

Article 2

The Company will be managed by managers as provided in an operating agreement.

Article 3

A manager of the Company shall not be personally liable to the Company or its members for monetary damages for conduct as a manager, except for liability of the manager for (a) acts or omissions that involve intentional misconduct or a knowing violation of the law by the manager, (b) conduct that violates ORS 63.235 pertaining to unpermitted distributions to members or loans to managers, or (c) any transaction from which the manager will personally receive a benefit in money, property or services to which the manager is not legally entitled. If the Oregon Limited Liability Company Act is amended to authorize limited liability company action further eliminating or limiting the personal liability of managers, then the liability of a manager of the Company shall be eliminated or limited to the fullest extent permitted by the Oregon Limited Liability Company Act, as amended. Any repeal or modification of this Article by the members of the Company shall not affect adversely any right or protection of a manager of the Company existing at the time of such repeal or modification.

Article 4

The Company shall indemnify each manager as against all liability, damage, or expense resulting from the fact that such person is or was a manager, to the maximum extent and under all circumstances permitted by law, except that the Company shall not indemnify a manager against liability, damage, or expense resulting from the manager's gross negligence.

Article 5

The name of the initial registered agent is Dean T. Sandow, and the address of the initial registered office is 121 SW Morrison #600, Portland, Oregon 97204. The address where the Division may mail notices is c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 6

The name and address of the organizer is Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

P LANGER LLC

136145695-18315801 NEWORG

136145095

Article 7

The effective date of the Company's existence is the date of filing of these Articles by the Secretary of State.

I, the undersigned organizer, declare under penalties of perjury, that I have examined the foregoing, and to the best of my knowledge and belief, these Articles of Organization are true, correct, and complete.

Dated as of January 1, 2017.

Dean T. Sandow, Organizer

The person to contact about this filing is:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204
503.228.6044
dsandow@fwwlaw.com

Exhibit D9

02/10/2011 4:43PM 000001#0707 0001
BUSINESS REG $100.00

Articles of Amendment/Dissolution - Limited Liability Company

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilinginOregon.com - Phone: (503) 986-2200

Check the appropriate box below:

☐ ARTICLES OF AMENDMENT
(Complete only 1, 2, 3, 6)

☑ ARTICLES OF DISSOLUTION
(Complete only 4, 5, 6)

FILED

FEB 10 2011

OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 198115-95

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

ARTICLES OF AMENDMENT ONLY

1) **ENTITY NAME:**

2) **THE FOLLOWING AMENDMENT(S) TO THE ARTICLES OF ORGANIZATION IS MADE HEREBY:** (State the article number(s) and set forth the article(s) as it is amended to read.)

3) **PLEASE CHECK THE APPROPRIATE STATEMENT:**

☐ This amendment was adopted by the manager(s) without member action. Member action was not required.

Date of adoption of each amendment: _____

☐ This amendment(s) was approved by the members. _____ percent of the members approved the amendment(s).

Date of adoption of each amendment: _____

ARTICLES OF DISSOLUTION ONLY

4) **NAME OF LIMITED LIABILITY COMPANY:** Gramor Langer Farms LLC

5) **DATE OF DISSOLUTION:** May 19, 2006

6) **EXECUTION:** (Must be signed by at least one member or manager.)
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature:	Printed Name:	Title:
	Barry A. Cain	President, Gramor Investments, Inc., Manager of Gramor Langer Farms LLC

CONTACT NAME: (To resolve questions with this filing.)
Margaret B. Kushner

PHONE NUMBER: (Include area code.)
(503) 294-9329

FEES
Required Processing Fee $100

GRAMOR LANGER FARMS LLC

19811595-12470914 DISART

check payable to "Corporation Division."

101 - Articles of Amendment Dissolution - Limited

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:41

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
198115-95	DLLC	INA	OREGON	01-28-2004		
Entity Name	GRAMOR LANGER FARMS LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	19767 SW 72ND AVE STE 100					
Addr 2						
CSZ	TUALATIN	OR	97062		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	01-28-2004	**Resign Date**	
Name	THOMAS	R	PAGE				
Addr 1	900 SW 5TH AVE STE 2600						
Addr 2							
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	19767 SW 72ND STE 100					
Addr 2						
CSZ	TUALATIN	OR	97062		**Country**	UNITED STATES OF AMERICA

Type	MEM	MEMBER			**Resign Date**	
Of Record	201913-91	BAC SHERWOOD LLC				
Addr 1	19767 SW 72ND STE 100					
Addr 2						
CSZ	TUALATIN	OR	97062		**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER			**Resign Date**	
Of Record	587811-89	GRAMOR INVESTMENTS, INC.				
Addr 1	19767 SW 72ND STE 100					
Addr 2						
CSZ	TUALATIN	OR	97062		**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
GRAMOR LANGER FARMS LLC	EN	CUR	01-28-2004	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ARTICLES OF DISSOLUTION	02-10-2011		FI		
	ANNUAL REPORT	01-12-2010		FI		
	ANNUAL REPORT PAYMENT	01-15-2009		SYS		
	REINSTATEMENT STRAIGHT	05-22-2008		FI		
	ADMINISTRATIVE DISSOLUTION	03-28-2008		SYS		
	ANNUAL REPORT	01-10-2007		FI		
	ANNUAL REPORT PAYMENT	12-29-2005		SYS		
	AMENDED ANNUAL REPORT	01-27-2005		FI		
	ARTICLES OF ORGANIZATION	01-28-2004		FI	Agent	

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Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:41

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1361457-94	DLLC	ACT	OREGON	09-15-2017	09-15-2022	
Entity Name	C LANGER LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	121 SW MORRISON ST STE 600					
Addr 2						
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	09-15-2017	**Resign Date**	
Name	DEAN	T	SANDOW				
Addr 1	121 SW MORRISON #600						
Addr 2							
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	121 SW MORRISON #600					
Addr 2						
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER			**Resign Date**	
Name	CLARENCE	D	LANGER	JR		
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON ST STE 600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
C LANGER LLC	EN	CUR	09-15-2017	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	09-21-2021		FI		
	AMENDED ANNUAL REPORT	09-15-2020		FI		
	AMENDED ANNUAL REPORT	09-25-2019		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	02-27-2019		FI		
	AMENDED ANNUAL REPORT	09-17-2018		FI		
	ARTICLES OF ORGANIZATION	09-15-2017		FI	Agent	

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Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:42

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
534473-98	DLLC	ACT	OREGON	07-16-2008	07-16-2022	
Entity Name	GRAMOR SHERWOOD LANGER LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	19767 SW 72ND AVE STE 100					
Addr 2						
CSZ	TUALATIN	OR	97062		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	09-04-2013	**Resign Date**	
Name	BARRY	A	CAIN				
Addr 1	19767 SW 72ND AVE STE 100						
Addr 2							
CSZ	TUALATIN	OR	97062		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	19767 SW 72ND AVE STE 100				
Addr 2					
CSZ	TUALATIN	OR	97062	**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER		**Resign Date**	
Of Record	587811-89	GRAMOR INVESTMENTS, INC.			
Addr 1	19767 SW 72ND AVE STE 100				
Addr 2					
CSZ	TUALATIN	OR	97062	**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
GRAMOR SHERWOOD LANGER LLC	EN	CUR	07-16-2008	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	07-06-2021		SYS		
	ANNUAL REPORT PAYMENT	06-12-2020		SYS		
	ANNUAL REPORT PAYMENT	06-13-2019		SYS		
	ANNUAL REPORT	07-02-2018		FI		
	ANNUAL REPORT PAYMENT	07-03-2017		SYS		
	ANNUAL REPORT PAYMENT	06-29-2016		SYS		
	ANNUAL REPORT PAYMENT	06-17-2015		SYS		
	ANNUAL REPORT PAYMENT	06-18-2014		SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	09-04-2013		FI	Agent	
	ANNUAL REPORT PAYMENT	06-13-2013		SYS		
	ANNUAL REPORT PAYMENT	06-26-2012		SYS		
	ANNUAL REPORT	06-16-2011		FI		
	ANNUAL REPORT	06-23-2010		FI		
	AMENDED ANNUAL REPORT	07-13-2009		FI		
	ARTICLES OF ORGANIZATION	07-16-2008		FI	Agent	

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Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone: (503)986-2200
Fax: (503)378-4381
https://sos.oregon.gov/business/

2021 ANNUAL REPORT

GRAMOR SHERWOOD LANGER LLC

53447398-22348672 RENANA

GRAMOR SHERWOOD LANGER LLC
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

Name of Domestic Limited Liability Company
GRAMOR SHERWOOD LANGER LLC

Jurisdiction: OREGON

The following information is required by statute. Please complete the entire form. Failure to submit this Annual Report and fee by the due date may result in inactivation on our records.

Registered Agent
BARRY A CAIN
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

If the Registered Agent has changed, the new agent has consented to the appointment. Oregon street address required.

1) Type of Business

2) Principal Place of Business (Address,city,state,zip)
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

3) Mailing Address (Address,city,state,zip)
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

4) Member or Manager(Name&Address)
GRAMOR INVESTMENTS, INC.
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

5) Member or Manager (Name&Address)

Execution:
I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any members, managers, employees or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Barry A. Cain, President of Gramor Investments, Inc., Manager of Gramor Sherwood Langer LLC

6) Signature

7) Printed Name

8) Date 6/28/24

9) Phone Number 503-245-1976

Make check payable to "Corporation Division" and mail to the address above.
Note: Filing fees may be paid with a major credit card. Submit the card number and expiration date on a separate page for your protection.

ANRPF1-
06/01/21

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone:(503)986-2200
Fax:(503)378-4381
www.filinginoregon.com

2009 ANNUAL REPORT

Registry Number: 534473-98
Date of Organization: 07/16/2008
Fee: $50.00
Due Date: 07/16/2009
Type: DOMESTIC LIMITED LIABILITY COMPANY

GRAMOR SHERWOOD LANGER LLC
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

RECEIVED

GRAMOR DEVELOPMENT INC.

FILED
JUL 13 2009
OREGON
SECRETARY OF STATE

Name of Domestic Limited Liability Company
GRAMOR SHERWOOD LANGER LLC

Jurisdiction: OREGON

The following information is required by statute. Please complete the entire form. If any of the information is incorrect, you can make changes on this form. Failure to submit this Annual Report and fee by the due date may result in inactivation on our records.

Registered Agent
THOMAS R PAGE
900 SW FIFTH AVE STE 2600
PORTLAND OR 97204

If the Registered Agent has changed, the new Agent has consented to the appointment. Oregon street addres required.

1) Type of Business
Real Estate Investment

2) Principal Place of Business (Str. address,city,state,zip)
19767 SW 72nd Avenue, Suite 100
Tualatin, OR 97062

3) Mailing Address (Address,city,state,zip)
19767 SW 72ND AVE STE 100
TUALATIN OR 97062

4) ☐ **Member or** ☒ **Manager (Name & Address)**
Gramor Investments, Inc.
19767 SW 72nd Avenue, Suite 100
Tualatin, OR 97062

5) ☐ **Member or** ☐ **Manager (Name & Address)**

6) Signature

7) Printed Name
Barry A. Cain, President of
Gramor Investments, Inc.

8) Date
7-2-09

9) Daytime Phone Number
(503) 245-1976

Make check payable to "Corporation D
Corporation Division, 255 Capitol ST N
Note: You can also fax to (503) 378-4381
and expiration date on a separate page fc

53447398-11155586

cretary of State,

lt the card number

534473-98

07/16/2008 3:21PM 00009362 0001
BUSINESS REG $50.00

ARTICLES OF ORGANIZATION
OF
GRAMOR SHERWOOD LANGER LLC
an Oregon Limited Liability Company

FILED
JUL 16 2008
OREGON
SECRETARY OF STATE

ARTICLE I

The name of the limited liability company (the "Company") is Gramor Sherwood Langer LLC.

ARTICLE II

The Company shall have perpetual existence.

ARTICLE III

The name of the initial registered agent is Thomas R. Page and the address of the initial registered office is 900 SW Fifth Avenue, Suite 2600, Portland, Oregon 97204.

ARTICLE IV

The address where the Division may mail notices is 19767 SW 72nd Avenue, Suite 100, Tualatin, OR 97062.

ARTICLE V

The Company shall be managed by a manager.

ARTICLE VI

The name and address of the organizer of the Company are Thomas R. Page, 900 SW Fifth Avenue, Suite 2600, Portland, Oregon 97204.

ARTICLE VII

To the fullest extent the Oregon Limited Liability Company Act, as it exists on the date hereof or may hereafter be amended, permits the limitation or elimination of liability of managers or members, a manager or member shall not be liable to the Company or the other members for monetary damages for conduct as a manager or member. Any amendment to or repeal of this Article VII shall not adversely affect any right or protection of a manager or member for or with respect to any acts or omissions of such manager or member occurring prior to such amendment or repeal.

DATED this 16th day of July, 2008.

Thomas R. Page, Organizer

Change of Registered Agent/Address - Corporations/LLC

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200

Check the appropriate box below:

■ CHANGE OF AGENT AND ADDRESS
(Complete only 1, 2, 3, 4, 5, 6)

☐ CHANGE OF ADDRESS ONLY
(Complete only 1, 7, 8, 9, 10)

FILED
SEP 04 2013
OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 534473-98

NOTE: Use this form for Cooperatives or Business Trusts.

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in **Black** Ink. Attach Additional Sheet if Necessary.

1) **ENTITY NAME:** Gramor Sherwood Langer LLC

CHANGE OF REGISTERED AGENT AND OFFICE

2) **THE REGISTERED AGENT HAS BEEN CHANGED TO:**
Barry A. Cain

3) **THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.**

4) **ADDRESS OF THE NEW REGISTERED OFFICE:** (Must be an Oregon Street Address which is identical to the registered agent's business office.)
19767 SW 72nd Ave, Suite 100
Tualatin, OR 97062

5) **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

6) **EXECUTION:**
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

(Must be signed by one corporate officer/director for a corporation or a member/manager for a limited liability company.)

Signature: [signature]

Printed Name

Title: Barry A. Cain
President of Gramor Investments, Inc., Manager of Gramor Sherwood Langer, LLC

CHANGE OF REGISTERED AGENT'S BUSINESS OFFICE ONLY

7) **NEW ADDRESS OF REGISTERED AGENT:** (The business address of the registered agent has changed to the following Oregon Street Address.)

8) **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

9) **NOTIFICATION:**

☐ The entity has been notified in writing of this change.

10) **EXECUTION:**
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

(Must be signed by the registered agent or a corporate officer or director for a corporation or a member/manager for a limited liability company.)

Signature:

Printed Name:

Title:

CONTACT NAME: (To resolve questions with this filing.)

GRAMOR SHERWOOD LANGER LLC

53447398-14591012 ACH

No Processing Fees

Free copies are available at FilingInOregon.com, using the Business Name Search program

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:45

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
931218-96	DBC	ACT	OREGON	04-17-2013	04-17-2023	
Entity Name	LANGER ASSET MANAGEMENT, INC.					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT			**Start Date**	11-02-2015	**Resign Date**	
Name	DEAN		T	SANDOW				
Addr 1	121 SW MORRISON #600							
Addr 2								
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT			**Resign Date**	
Name	MATTHEW		D	LANGER		
Addr 1	FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Type	SEC	SECRETARY			**Resign Date**	
Name	NICOLE		A	LANGER		
Addr 1	FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LANGER ASSET MANAGEMENT, INC.	EN	CUR	06-27-2013	
LANGER PROPERTY MANAGEMENT, INC.	EN	PRE	04-17-2013	06-27-2013

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	04-18-2022		FI		
	AMENDED ANNUAL REPORT	04-13-2021		FI		
	AMENDED ANNUAL REPORT	04-29-2020		FI		
	AMENDED ANNUAL REPORT	04-19-2019		FI		
	AMENDED ANNUAL REPORT	04-19-2018		FI		
	AMENDED ANNUAL REPORT	05-19-2017		FI		
	AMENDED ANNUAL REPORT	04-21-2016		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	11-02-2015		FI	Agent	
	AMENDED ANNUAL REPORT	03-17-2015		FI	Agent	
	AMENDED ANNUAL REPORT	03-23-2014		FI		
	ARTICLES OF AMENDMENT	06-27-2013		FI	Name	
	ARTICLES OF INCORPORATION	04-17-2013		FI	Agent	

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AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Apr 18, 2022
OREGON SECRETARY OF STATE

REGISTRY NUMBER

93121896

REGISTRATION DATE

04/17/2013

BUSINESS NAME

LANGER ASSET MANAGEMENT, INC.

BUSINESS

MANAGEMENT OF PROPERTIES.

MAILING ADDRESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC BUSINESS CORPORATION

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

PRESIDENT

MATTHEW D LANGER

FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

SECRETARY

NICOLE A LANGER

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, directors, employees or agents of the corporation on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

04-18-2022

Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200 Fax: (503) 378-4381

Complete only the sections that you are updating.

FILED
NOV - 2 2015
OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 931218-96

ENTITY TYPE: (•) DOMESTIC ( ) FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary. For office use only

1. **NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:**

Langer Asset Management, Inc.

2. **PRINCIPAL PLACE OF BUSINESS: (Street Address)**

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

3. **THE REGISTERED AGENT HAS BEEN CHANGED TO:**

Dean T. Sandow

4. **REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:**
Must be an Oregon Street Address, which is identical to the registered agent's office.

121 SW Morrison #600

Portland, OR 97204

5. **ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:**

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

6. **THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.**

7. **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

The entity has been notified in writing of this change.

NAME(S) AND ADDRESS(ES)OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of the President and Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787).

8. **PRESIDENT OR OWNER(S) (MEMBERS):** (Names and Street address)

9. **SECRETARY OR MANAGER(S):** (Names and Street address)

See attached.

10. **EXECUTION:** By my signature, I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

SIGNATURE: Matthew Langer **PRINTED NAME:** MATTHEW LANGER **TITLE:** Pres.

CONTACT NAME: (To resolve questions with this filing)

Dean T. Sandow

PHONE NUMBER: (Include area code)

503-228-6044

LANGER ASSET MANAGEMENT, INC.

93121896-16504002 AAR

Information Change (01/15)

931218-96

Attachment to Corporation/Limited Liability Company – Information Change

Section 8: Matthew D. Langer, President
Farleigh Wada Witt
c/o 121 SW Morrison #600
Portland, Oregon 97204

Section 9: Nicole A. Langer, Secretary
Farleigh Wada Witt
c/o 121 SW Morrison #600
Portland, Oregon 97204

Articles of Amendment - Business/Professional

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilinginOregon.com - Phone: (503) 986-2200

FILED

JUN 27 2013

OREGON
SECRETARY OF STATE

For office use only

REGISTRY NUMBER: 93121896 931218-96

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink.

1) ENTITY NAME: Langer Property Management, Inc.

2) STATE THE ARTICLE NUMBER(S): and set forth the article(s) as it is amended to read. (Attach a separate sheet if necessary.)

1. Entity Name

Langer Asset Management, Inc.

3) THE AMENDMENT WAS ADOPTED ON: 06/05/13

(If more than one amendment was adopted, identify the date of adoption of each amendment.)

4) CHECK THE APPROPRIATE STATEMENT:

☒ Shareholder action was required to adopt the amendment(s).

The vote was as follows:

Class or series of shares	Number of shares outstanding	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST

☐ Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the board of directors without shareholder action.

☐ The corporation has not issued any shares of stock. Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the incorporators or by the board of directors.

5) EXECUTION: (Must be signed by at least one officer or director.)
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature: Matthew Langer

Printed Name: Matthew Langer

Title: President

CONTACT NAME: (To resolve questions with this filing.)

John H. Draneas

LANGER ASSET MANAGEMENT, INC.

93121896-14447426 AMDART

FEES

Required Processing Fee $100

No Fee for President/Secretary Change.

Processing Fees are nonrefundable. Please make check payable to "Corporation Division."

Free copies are available at FilingInOregon.com, using the Business Name Search program.

87

931218-96

ACTION OF THE
SOLE SHAREHOLDER AND DIRECTOR
OF
LANGER PROPERTY MANAGEMENT, INC.

The undersigned, constituting the sole shareholder and director of Langer Property Management, Inc. (the "Company") hereby takes the following action without meeting:

Corporate Name Change. The name of the Company is hereby changed to Langer Asset Management, Inc.

Dated June 6, 2013.

Matthew Langer, Director and Shareholder

(00105172: 1)

ARTICLES OF INCORPORATION

Corporation Division
www.filinginoregon.com

E-FILED
Apr 17, 2013
OREGON SECRETARY OF STATE

REGISTRY NUMBER

93121896

TYPE

DOMESTIC BUSINESS CORPORATION

1. ENTITY NAME

LANGER PROPERTY MANAGEMENT, INC.

2. MAILING ADDRESS

15585 SW TUALATIN SHERWOOD RD
SHERWOOD OR 97140 USA

3. NAME & ADDRESS OF REGISTERED AGENT

JOHN H DRANEAS

4949 MEADOWS ROAD SUITE 400
LAKE OSWEGO OR 97035 USA

4. INCORPORATORS

JOHN H DRANEAS

4949 MEADOWS ROAD SUITE 400
LAKE OSWEGO OR 97035 USA

5. NUMBER OF SHARES

1000

6. OPTIONAL PROVISIONS

No director of the Corporation shall be personally liable to the Corporation or its shareholders for monetary damages for conduct as a director; provided that this Article shall not eliminate the liability of a director for any act or omission for which such elimination of liability is not permitted under the Oregon Business Corporation Act. No amendment to the Oregon Business Corporation Act that further limits the acts or omissions for which elimination of liability is permitted shall affect the liability of a director for any act or omission which occurs prior to the effective date of such amendment.

The Corporation shall indemnify to the fullest extent not prohibited by law a Person who was or is a party or is threatened to be made a party to any Proceeding against all expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by the Person in connection with such Proceeding. Notwithstanding the foregoing, the corporation shall not indemnify any Person from or on account of acts or omissions of such Person of a type for which liability could not be eliminated for a director under ORS 60.047(2)(d).

The corporation elects to indemnify its directors, officers, employees, agents for liability and related expenses under ORS 60.387 to 60.414.

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

JOHN H DRANEAS

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:47

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
631905-82	DLLC	ACT	OREGON	05-04-1998	05-04-2023	
Entity Name	LANGER FAMILY LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON ST STE 600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	05-13-2015	**Resign Date**	
Name	DEAN	T	SANDOW				
Addr 1	FARLEIGH WADA WITT						
Addr 2	121 SW MORRISON ST STE 600						
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON ST STE 600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Type	MEM	MEMBER			**Resign Date**	
Name	MATTHEW	D	LANGER			
Addr 1	C/O 121 SW MORRISON ST #600					
Addr 2	121 SW MORRISON ST #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER			**Resign Date**	
Name	MATTHEW	D	LANGER			
Addr 1	C/O 121 SW MORRISON ST #600					
Addr 2	121 SW MORRISON ST #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LANGER FAMILY LLC	EN	CUR	05-04-1998	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	04-25-2022		FI		
	AMENDED ANNUAL REPORT	05-11-2021		FI		
	ARTICLES OF MERGER	12-31-2020		FI		
	AMENDED ANNUAL REPORT	05-12-2020		FI		
	AMENDED ANNUAL REPORT	05-10-2019		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	10-04-2018		FI		
	AMENDED ANNUAL REPORT	05-04-2018		FI		
	AMENDED ANNUAL REPORT	05-19-2017		FI		
	ARTICLES OF MERGER	02-15-2017		FI		
	AMENDED ANNUAL REPORT	05-14-2016		FI		
	AMENDED ANNUAL REPORT	05-13-2015		FI	Agent	
	ANNUAL REPORT PAYMENT	04-25-2014		SYS		
	ANNUAL REPORT	05-09-2013		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	11-27-2012		FI		
	ANNUAL REPORT	04-30-2012		FI		
	ANNUAL REPORT	05-10-2011		FI		
	ANNUAL REPORT	05-11-2010		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	04-07-2010		FI		
	ANNUAL REPORT PAYMENT	03-24-2009	03-23-2009	SYS		
	ANNUAL REPORT PAYMENT	03-20-2008	03-19-2008	SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	04-03-2007		FI		
	ANNUAL REPORT PAYMENT	03-27-2007		SYS		
	ANNUAL REPORT	03-24-2006	03-23-	SYS		

	PAYMENT		2006			
	ANNUAL REPORT PAYMENT	03-30-2005	03-28-2005	SYS		
	ANNUAL REPORT PAYMENT	03-25-2004	03-24-2004	SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	09-12-2003		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	06-30-2003		FI	Agent	
	REINSTATEMENT AMENDED	06-30-2003		FI		
	INVOL DISSOLUTION	07-01-1999		SYS		
	NB AMENDMENT	10-20-1998		FI		
	NEW FILING	05-04-1998		FI		

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Articles of Amendment - Business/Professional

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200

FILED

JUN 27 2013

OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 93121896 931218-96

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink.

1) ENTITY NAME: Langer Property Management, Inc.

2) STATE THE ARTICLE NUMBER(S): and set forth the article(s) as it is amended to read. (Attach a separate sheet if necessary.)

1. Entity Name

Langer Asset Management, Inc.

3) THE AMENDMENT WAS ADOPTED ON: 06/05/13

(If more than one amendment was adopted, identify the date of adoption of each amendment.)

4) CHECK THE APPROPRIATE STATEMENT:

☒ Shareholder action was required to adopt the amendment(s).

The vote was as follows:

Class or series of shares	Number of shares outstanding	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST

☐ Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the board of directors without shareholder action.

☐ The corporation has not issued any shares of stock. Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the incorporators or by the board of directors.

5) EXECUTION: (Must be signed by at least one officer or director.)
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature: [signature] Printed Name: Matthew Langer Title: President

CONTACT NAME: (To resolve questions with this filing.)

John H. Draneas

LANGER ASSET MANAGEMENT, INC.

93121896-14447426 AMDART

FEES

Required Processing Fee $100

No Fee for President/Secretary Change.

Processing Fees are nonrefundable. Please make check payable to "Corporation Division."

Free copies are available at FilingInOregon.com, using the Business Name Search program.

931218-96

ACTION OF THE
SOLE SHAREHOLDER AND DIRECTOR
OF
LANGER PROPERTY MANAGEMENT, INC.

The undersigned, constituting the sole shareholder and director of Langer Property Management, Inc. (the "Company") hereby takes the following action without meeting:

Corporate Name Change. The name of the Company is hereby changed to Langer Asset Management, Inc.

Dated June 6, 2013.

Matthew Langer, Director and Shareholder

(00105172; 1)

Jun-27-03 01:13P SENTINEL STORAGE 503 625 4164 P.03

Jun-27-2003 15:13 From-SOS INFO CENTER 503-378-4381 T-669 P.001/002 F-627

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone: (503)986-2200
Fax: (503)378-4381
www.sos.state.or.us/corporation/corphp.htm

Ref #2571

Registry Number: 631005-82
Date of Organization: 06/04/1998
Type: DOMESTIC LIMITED LIABILITY COMPANY

06/30/2003

LISA NAGAOKA
FAX: (503) 223-2089

FILED
JUN 30 2003
OREGON
SECRETARY OF STATE

RE: LANGER FAMILY LLC
APPLICATION FOR REINSTATEMENT AMENDED

Please complete and return this letter and any enclosed documents for filing the requested reinstatement/reactivation.

Submit $120.00 for the required fees.

The above entity hereby requests to be active on the records of the Corporation Division. The effective date of administrative dissolution is 7-01-03.

The reason(s) for administrative dissolution has been eliminated or did not exist.

By: Darlene Langer Date: June 27, 2003
(Authorized Signature) (503) 625-7070

Any fees submitted with this document are nonrefundable and will be held for 45 days. If the document is returned for filing within 45 days no additional fees will be due unless otherwise stated in this letter.

Business Registry
Corporation Division
(503) 986-2200

gfee-30

LANGER FAMILY LLC

63190582-6525247

Attachments

LL 2022-004 Appeal

Exhibit D9

Jun-27-03 01:13P SENTINEL STORAGE 503 625 4164 P.04

Jun-26-2003 15:23 From-SOS INFO CENTER 503-378-2381 T-888 P.002/002 F-887

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone:(503)986-2200
Fax:(503)378-4381
www.sos.state.or.us/corporation

REINSTATEMENT ANNUAL REPORT

Registry Number: 631905-82
Date of Organization: 05/04/1988

Type: DOMESTIC LIMITED LIABILITY COMPAI

LANGER FAMILY LLC
RON D FERGUSON
8555 SW TUALATIN RD
TUALATIN OR 97062

FILED
JUN 30 2003
OREGON
SECRETARY OF STATE

Name of Domestic Limited Liability Company
LANGER FAMILY LLC

Registered Agent
RON D FERGUSON
8555 SW TUALATIN RD
TUALATIN OR 97062

Jurisdiction
OREGON

If the Registered Agent has changed, the new Agent has consented to the appointment.

The following information is required by statute. Please complete the entire form.

1) Type of Business
Limited Liability Company

2) Principal Place of Business (Str. address,city,state,zip)
15383 SW Tualatin-Sherwood Highway
Sherwood, Oregon 97140

3) Mailing Address (Address,city,state,zip)
222 SW Columbia Street, Suite 1625
Portland, Oregon 97201-6618

4) ☒ Member ☐ Manager Name & Address
Clarence D. Langer, Jr.
15383 SW Tualatin-Sherwood Highway
Sherwood, Oregon 97140

5) ☐ Member ☐ Manager Name & Address

6) Signature
* Clarence D. Langer Jr.

7) Printed Name
Clarence D. Langer, Jr.

8) Date
* June 27, 2003

9) Daytime Phone Number
* (503) 625-7070

Return the completed form and fee to Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151 Salem, OR 97310-1327. Note: You can also fax to (503) 378-4381. Filing fees may be paid with VISA or MasterCar Submit the card number and expiration date on a separate page for your protection.

DF 6-30

AMRPT1 CSCBOD

Phone: (503) 986-2200
Fax: (503) 378-4381
Secretary of State
Corporation Division
255 Capitol St. NE, Suite 151
Salem, OR 97310-1327

Restated Articles—Limited Liability Company

For office use only

FILED
OCT 20 1998
SECRETARY OF STATE

Registry Number: 631905-82

Attach Additional Sheet If Necessary
Please Type or Print Legibly in Black Ink

1) NAME PRIOR TO AMENDMENT

LANGER FAMILY LLC

2) NEW NAME OF THE LIMITED LIABILITY COMPANY (If changed)

3) RESTATED ARTICLES

[X] A copy of the restated articles is attached.

4) CHECK THE APPROPRIATE STATEMENT

[ ] The restated articles contain amendments which do not require member approval. These amendments were duly adopted by the manager(s).

[X] The restated articles contain amendments which require member approval. The date of adoption of the restated articles was 10/20, 19 98. The amendment(s) was (were) approved by the members. 100 percent of the members approved the amendment(s).

5) EXECUTION (At least one member or manager must sign.)

Printed Name	Signature	Title
Clarence D. Langer, Jr.		Member

6) CONTACT NAME: Mark L. Huglin

DAYTIME PHONE NUMBER: (503) 221-1040

FEES

LANGER FAMILY LLC

63190582-1128106 NBA

CR153 (Rev. 5/96)

FILED
OCT 2 0 1998
SECRETARY OF STATE

RESTATED ARTICLES OF ORGANIZATION

OF

LANGER FAMILY LLC

ARTICLE 1

The name of the LLC is LANGER FAMILY LLC.

ARTICLE 2

The existence of the LLC shall be perpetual.

ARTICLE 3

The address of the registered office of the LLC is 8555 SW Tualatin Road, Tualatin, OR 97062 and the name of its initial registered agent at such address is RON D. FERGUSON.

ARTICLE 4

The LLC's mailing address for notices required by the Oregon Limited Liability Company Act is 8555 SW Tualatin, Tualatin, OR 97062.

ARTICLE 5

The LLC shall be managed by one or more Managers.

ARTICLE 6

Members and Managers of the LLC shall not be liable to the LLC or its Members for monetary damages for conduct as Members and Managers except to the extent that the Oregon Limited Liability Company Act, as it now exists or may hereafter be amended, prohibits elimination or limitation of Member or Manger liability. No repeal or amendment of this ARTICLE 6 or of the Oregon Limited Liability Company Act shall adversely affect any right or protection of a Member or Manager for actions or omissions prior to the repeal or amendment.

631 905-82

ARTICLE 7

The LLC shall indemnify each of its Managers to the fullest extent permissible under Oregon law, as the same exists or may hereafter be amended, against all liability, loss and costs (including, without limitation, attorney fees) incurred or suffered by such person by reason of or arising from the fact that such person is or was a Manager of the LLC, or is or was serving at the request of the LLC as a manager, director, officer, partner, trustee, employee, or agent of another foreign or domestic limited liability company, corporation, partnership, joint venture, trust, benefit plan, or other enterprise. The LLC may, by action of the Members or Managers, provide indemnification to employees and agents of the LLC who are not Managers. The indemnification provided in this ARTICLE 7 shall not limit any other rights to which any person may be entitled under any statute, bylaw, operating agreement, resolution of Members or Managers, contract or otherwise.

The person to contact about this filing is Mark L. Huglin, at (503) 221-1040.

[illegible]

631905-82

ARTICLES OF ORGANIZATION

OF

LANGER FAMILY LLC

FILED
MAY - 4 1998
UNICORN
SECRETARY OF STATE

An Oregon Limited Liability Company

The undersigned natural person of the age of 18 years or more, acting as organizer under the Oregon Limited Liability Company Act, adopts the following Articles of Organization:

ARTICLE I

The name of the limited liability company is LANGER FAMILY LLC (the "LLC"). The LLC shall exist until dissolved as provided in the Operating Agreement.

ARTICLE II

The LLC will be managed by its members.

ARTICLE III

The name of the initial registered agent is RON D FERGUSON and the address of the initial registered office is 8555 SW Tualatin Road, Oregon 97062. The address where the Division may mail notices is 8555 SW Tualatin Road, Oregon 97062.

ARTICLE IV

The name and address of the organizer is John H. Draneas, 222 S.W. Columbia Street, Suite 1625, Portland, OR 97201.

ARTICLE V

ORS 63.185(4) will not apply in the event an additional member is admitted to the LLC directly or indirectly by or through the sale, assignment, or other conveyance of an existing interest in the LLC.

LANGER FAMILY LLC

63190582-1128107 NEW

631905-82

ARTICLE VI

The effective date of the LLC's existence is the date of filing of these Articles by the Secretary of State.

I, the undersigned organizer, declare under penalties of perjury, that I have examined the foregoing, and to the best of my knowledge and belief, these Articles of Organization are true, correct, and complete.

DATED: May 1, 1998.

John H. Draneas, Organizer

The person to contact about this filing is John H. Draneas, at 221-1040.

(F:\clients\Langer\art.org)

Business Registry Business Name Search

New Search

Merger Transaction Data

Image Date	Action	Transaction Date	Effective Date	Status		
	ARTICLES OF MERGER	12-31-2020		FI		

New Search

Merger Survivor

Registry Number	Name Status	Name	Entity Type	Jurisdiction
631905-82	CUR	LANGER FAMILY LLC	DLLC	OREGON

New Search

Merger Non Survivor

Registry Number	Name Status	Name	Entity Type	Jurisdiction
419537-95	CUR	SIX CORNERS, LLC	DLLC	OREGON
1160949-96	CUR	LANGER BALER LLC	DLLC	OREGON

New Search

Merger Correspondent

Type	MAL	MAILING ADDRESS				
Name	DEAN		T	SANDOW		
Addr 1	FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON ST STE 600					
CSZ	PORTLAND	OR	97204		Country	UNITED STATES OF AMERICA

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Business Registry Business Name Search

New Search

Merger Transaction Data

Image Date	Action	Transaction Date	Effective Date	Status		
02-15-2017	ARTICLES OF MERGER	02-15-2017		FI		

New Search

Merger Survivor

Registry Number	Name Status	Name	Entity Type	Jurisdiction
631905-82	CUR	LANGER FAMILY LLC	DLLC	OREGON

New Search

Merger Non Survivor

Registry Number	Name Status	Name	Entity Type	Jurisdiction
486860-83	CUR	LANGER BROS., L.L.C.	DLLC	OREGON

New Search

Merger Correspondent

No Correspondent found.

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Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200
Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary. Fax: (503) 378-4381

FILED
OCT 04 2018
OREGON SECRETARY OF STATE

REGISTRY NUMBER: 631905-82

ENTITY TYPE: (●) DOMESTIC ( ) FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website. For office use only

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

Langer Family LLC

Complete only the sections that you are updating.

2. BUSINESS ACTIVITY

3. PRINCIPAL PLACE OF BUSINESS: (Street Address)

4. THE REGISTERED AGENT HAS BEEN CHANGED TO:

5. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:
Must be an Oregon Street Address, which is identical to the registered agent's office.

6. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

7. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

8. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.
The entity has been notified in writing of this change.

9. INDIVIDUAL WITH DIRECT KNOWLEDGE (Names and Addresses)
List the name and address of at least one individual who is a director, or controlling shareholder of the corporation (member or manager of the LLC) or an authorized representative with direct knowledge of the operations and business activities of the corporation or LLC.

10. NAME(S) AND ADDRESS(ES)OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS
Corporations list the name and address of one President and one Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787). Please attach a separate sheet of paper if needed.
If making changes to this section, list all current names and addresses. This replaces what is currently on the record.

PRESIDENT OR OWNER(S) (MEMBERS): (Names and Addresses)

SECRETARY OR MANAGER(S): (Names and Addresses)

Langer Asset Management, Inc.
c/o Farliegh Wada Witt
121 SW Morrison St #600
Portland, OR 97204

11. EXECUTION: I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

SIGNATURE: [signature] **PRINTED NAME:** Dean T. Sandow **TITLE:** Attorney-in-fact

CONTACT NAME: (To resolve questions with this filing)
Dean T. Sandow
PHONE NUMBER: (Include area code)
(503) 228-6044

FEES
No Processing Fee

LANGER FAMILY LLC am.

63190582-19399817 AAR

Information Change 12/17

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Apr 25, 2022
OREGON SECRETARY OF STATE

REGISTRY NUMBER

63190582

REGISTRATION DATE

05/04/1998

BUSINESS NAME

LANGER FAMILY LLC

BUSINESS

OWNING, ACQUIRING, MANAGING, AND MAINTAINING REAL PROPERTY FOR INVESTMENT AND THE PRODUCTION OF INCOME.

MAILING ADDRESS

FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

MATTHEW D LANGER

C/O 121 SW MORRISON ST #600
121 SW MORRISON ST #600
PORTLAND OR 97204 USA

MANAGER

MATTHEW D LANGER

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

C/O 121 SW MORRISON ST #600
121 SW MORRISON ST #600
PORTLAND OR 97204 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

04-25-2022

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:51

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
419538-94	DLLC	ACT	OREGON	03-12-2007	03-12-2023	
Entity Name	LANGER FARMS, LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	11-02-2015	**Resign Date**	
Name	DEAN	T	SANDOW				
Addr 1	121 SW MORRISON #600						
Addr 2							
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER			**Resign Date**	
Of Record	931218-96	LANGER ASSET MANAGEMENT, INC.				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LANGER FARMS, LLC	EN	CUR	03-12-2007	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	04-08-2022		FI		
	AMENDED ANNUAL REPORT	03-30-2021		FI		
	AMENDED ANNUAL REPORT	03-11-2020		FI		
	AMENDED ANNUAL REPORT	03-14-2019		FI		
	AMENDED ANNUAL REPORT	03-28-2018		FI		
	AMENDED ANNUAL REPORT	03-17-2017		FI		
	AMENDED ANNUAL REPORT	03-23-2016		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	11-02-2015		FI	Agent	
	ANNUAL REPORT	03-19-2015		FI		
	ANNUAL REPORT	03-25-2014		FI		
	ANNUAL REPORT	03-11-2013		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	11-27-2012		FI		
	ANNUAL REPORT	03-13-2012		FI		
	ANNUAL REPORT	03-16-2011		FI		
	ANNUAL REPORT	03-16-2010		FI		
	ANNUAL REPORT PAYMENT	02-02-2009	01-29-2009	SYS		
	AMENDED ANNUAL REPORT	02-05-2008		FI		
	ARTICLES OF ORGANIZATION	03-12-2007		FI	Agent	

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Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:52

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1113179-96	DLLC	ACT	OREGON	05-14-2015	05-14-2022	YES
Entity Name	LANGER HERMAN ROAD RV STORAGE LLC					
Foreign Name						

Online Renewal:
Renew Online

Click here to generate and print an annual report.

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	15555 SW TUALATIN-SHERWOOD ROAD					
Addr 2						
CSZ	SHERWOOD	OR	97140		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	05-14-2015	**Resign Date**	
Name	DEAN	T	SANDOW				
Addr 1	121 SW MORRISON #600						
Addr 2							
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	121 SW MORRISON #600				
Addr 2					
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER		**Resign Date**	
Of Record	931218-96	LANGER ASSET MANAGEMENT, INC.			
Addr 1	C/O FARLEIGH WADA WITT				
Addr 2	121				
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LANGER HERMAN ROAD RV STORAGE LLC	EN	CUR	05-14-2015	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	05-18-2021		FI		
	AMENDED ANNUAL REPORT	05-22-2020		FI		
	AMENDED ANNUAL REPORT	05-17-2019		FI		
	AMENDED ANNUAL REPORT	05-15-2018		FI		
	AMENDED ANNUAL REPORT	05-19-2017		FI		
	AMENDED ANNUAL REPORT	06-03-2016		FI		
	ARTICLES OF ORGANIZATION	05-14-2015		FI	Agent	

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AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
May 18, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

111317996

REGISTRATION DATE

05/14/2015

BUSINESS NAME

LANGER HERMAN ROAD RV STORAGE LLC

BUSINESS ACTIVITY

INVEST IN A STORAGE DEVELOPMENT, OWNERSHIP, AND OPERATION BUSINESS.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE SIGNED

05-18-2021

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Jun 03, 2016
OREGON SECRETARY OF STATE

REGISTRY NUMBER

111317996

REGISTRATION DATE

05/14/2015

BUSINESS NAME

LANGER HERMAN ROAD RV STORAGE LLC

BUSINESS ACTIVITY

INVEST IN A STORAGE DEVELOPMENT, OWNERSHIP, AND OPERATION BUSINESS.

MAILING ADDRESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

15555 SW TUALATIN-SHERWOOD ROAD
SHERWOOD OR 97140 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

06-03-2016

FILED
MAY 14 2015
OREGON
SECRETARY OF STATE

Registry Number # 1113179-96

Articles of Organization

Langer Herman Road RV Storage LLC

The undersigned natural person, acting as organizer under the Oregon Limited Liability Company Act, adopts the following articles of organization:

Article 1

The name of the limited liability company is Langer Herman Road RV Storage LLC ("Company"), and the Company will be perpetual.

Article 2

The Company will be managed by one or more managers as provided in an operating agreement.

Article 3

A manager of the Company shall not be personally liable to the Company or its members for monetary damages for conduct as a manager, except for liability of the manager for (a) acts or omissions that involve intentional misconduct or a knowing violation of the law by the manager, (b) conduct that violates ORS 63.235 pertaining to unpermitted distributions to members or loans to managers, or (c) any transaction from which the manager will personally receive a benefit in money, property or services to which the manager is not legally entitled. If the Oregon Limited Liability Company Act is amended to authorize limited liability company action further eliminating or limiting the personal liability of managers, then the liability of a manager of the Company shall be eliminated or limited to the fullest extent permitted by the Oregon Limited Liability Company Act, as amended. Any repeal or modification of this Article by the members of the Company shall not affect adversely any right or protection of a manager of the Company existing at the time of such repeal or modification.

Article 4

The Company shall indemnify each manager as against all liability, damage, or expense resulting from the fact that such person is or was a manager, to the maximum extent and under all circumstances permitted by law, except that the Company shall not indemnify a manager against liability, damage, or expense resulting from the manager's gross negligence.

Article 5

The name of the initial registered agent is Dean T. Sandow, and the address of the initial registered office is 121 SW Morrison #600, Portland, Oregon 97204. The address where the Oregon Corporation Division may mail notices is c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 6

The name and address of the organizer is Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

LANGER HERMAN ROAD RV STORAGE L

111317996-16100652 NEWORG

1113179-96

Article 7

The effective date of the Company's existence is the date of filing of these Articles by the Oregon Corporation Division.

I, the undersigned organizer, declare under penalties of perjury that I have examined the foregoing, and to the best of my knowledge and belief, these Articles of Organization are true, correct, and complete.

Dated May 14, 2015

Dean T. Sandow, Organizer

The person to contact about this filing is:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204
503.228.6044
dsandow@fwwlaw.com

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Apr 08, 2022
OREGON SECRETARY OF STATE

REGISTRY NUMBER

41953894

REGISTRATION DATE

03/12/2007

BUSINESS NAME

LANGER FARMS, LLC

BUSINESS

LIMITED LIABILITY COMPANY.

MAILING ADDRESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

04-08-2022

Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200 Fax: (503) 378-4381

Complete only the sections that you are updating.

FILED

NOV - 2 2015

OREGON SECRETARY OF STATE

For office use only

REGISTRY NUMBER: 419538-94

ENTITY TYPE: (●) DOMESTIC ( ) FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

Langer Farms, LLC

2. PRINCIPAL PLACE OF BUSINESS: (Street Address)

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

3. THE REGISTERED AGENT HAS BEEN CHANGED TO:

Dean T. Sandow

4. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:
Must be an Oregon Street Address, which is identical to the registered agent's office.

121 SW Morrison #600

Portland, OR 97204

5. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

6. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

7. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.

The entity has been notified in writing of this change.

NAME(S) AND ADDRESS(ES)OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of the President and Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787).

8. PRESIDENT OR OWNER(S) (MEMBERS): (Names and Street address)

9. SECRETARY OR MANAGER(S): (Names and Street address)

See attached

10. EXECUTION: By my signature, I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

SIGNATURE: Matthew Langer

PRINTED NAME: MATTHEW LANGER

TITLE: Pres. & Mgr.

CONTACT NAME: (To resolve questions with this filing)

Dean T. Sandow

PHONE NUMBER: (Include area code)

503-228-6044

LANGER FARMS, LLC

41953894-16503992 AAR

Information Change (01/15)

419538-94

Attachment to Corporation/Limited Liability Company – Information Change

Section 9: Langer Asset Management, Inc.
Farleigh Wada Witt
c/o 121 SW Morrison #600
Portland, Oregon 97204

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:54

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1497796-96	DLLC	ACT	OREGON	11-21-2018	11-21-2022	
Entity Name	LANGER OPERATIONS LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	121 SW MORRISON #600			
Addr 2				
CSZ	PORTLAND	OR	97204	
Country	UNITED STATES OF AMERICA			

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	11-21-2018	Resign Date	
Of Record	150419-81	FARLEIGH WADA WITT PC				
Addr 1	DEAN T SANDOW					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204			
Country	UNITED STATES OF AMERICA					

Type	MAL	MAILING ADDRESS		
Addr 1	C/O DEAN T SANDOW			
Addr 2	121 SW MORRISON #600			
CSZ	PORTLAND	OR	97204	
Country	UNITED STATES OF AMERICA			

Type	MEM	MEMBER		Resign Date	
Of Record	631905-82	LANGER FAMILY LLC			
Addr 1	C/O FARLEIGH WADA WITT				
Addr 2	121 SW MORRISON ST STE 600				
CSZ	PORTLAND	OR	97204		
Country	UNITED STATES OF AMERICA				

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LANGER OPERATIONS LLC	EN	CUR	11-21-2018	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-23-2021		FI		
	AMENDED ANNUAL REPORT	11-25-2020		FI		
	AMENDED ANNUAL REPORT	12-09-2019		FI		
	ARTICLES OF ORGANIZATION	11-21-2018		FI	Agent	

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AMENDED ANNUAL REPORT

Corporation Division
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E-FILED
Dec 09, 2019
OREGON SECRETARY OF STATE

REGISTRY NUMBER

149779696

REGISTRATION DATE

11/21/2018

BUSINESS NAME

LANGER OPERATIONS LLC

BUSINESS ACTIVITY

TO OPERATE AN ENTERTAINMENT CENTER, RESAURANT, AND ANCILLARY BUSINESS ENTERPRISES.

MAILING ADDRESS

C/O DEAN T SANDOW
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

15041981 - FARLEIGH WADA WITT PC

DEAN T SANDOW
121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

63190582 - LANGER FAMILY LLC

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

12-09-2019

Registry number 1497796-96

FILED
NOV 21 2018
OREGON
SECRETARY OF STATE

ARTICLES OF ORGANIZATION

LANGER OPERATIONS LLC
(Oregon manager-managed limited liability company)

The undersigned natural person, acting as organizer under the Oregon Limited Liability Company Act, adopts the following Articles of Organization.

Article 1

The name of the limited liability company is LANGER OPERATIONS LLC ("Company")

Article 2

The Company will be perpetual.

Article 3

The address of the principal place of business or office of record is 121 SW Morrison #600, Portland, Oregon 97204.

Article 4

The name and address of the initial registered agent are Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 5

The address to which the Oregon Corporation Division may mail notices is c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 6

The Company will be managed by one or more managers as provided in an operating agreement. The manager of the company is Langer Asset Management, Inc., c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 7

A manager of the Company shall not be personally liable to the Company or its members for monetary damages for conduct as a manager, except for liability of the manager for (a) acts or omissions that involve intentional misconduct or a knowing violation of the law by the manager, (b) conduct that violates state law pertaining to unpermitted distributions to members or loans to managers, or (c) any transaction from which the manager will personally receive a benefit in money, property or services to which the manager is not legally entitled. If the Oregon Limited Liability Company Act is amended to authorize limited liability company action further eliminating or limiting the personal liability of managers, then the liability of a manager of the Company shall be eliminated or limited to the fullest extent permitted by the Oregon Limited Liability Company Act, as amended. Any

LANGER OPERATIONS LLC

149779696-19533560 NEWORG

repeal or modification of this Article by the members of the Company shall not affect adversely any right or protection of a manager of the Company existing at the time of such repeal or modification.

Article 8

The Company shall indemnify each manager as against all liability, damage, or expense resulting from the fact that such person is or was a manager, to the maximum extent and under all circumstances permitted by law, except that the Company shall not indemnify a manager against liability, damage, or expense resulting from the manager's gross negligence or willful misconduct.

Article 9

The name and address of the organizer is Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 10

The name and address of a person who is an authorized representative of the Company with direct knowledge of the operations and business activities of the Company are Matthew D. Langer, c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 11

The effective date of the Company's existence is the date of filing of these Articles by the Oregon Corporation Division.

I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter, or otherwise misrepresent the identity of the person or any members, managers, employees, or agents of the limited liability company. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both. This document is dated November 21, 2018.

Dean T. Sandow, Organizer

Person to contact about this filing is:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204
503.228.6044
dsandow@fwwlaw.com

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

11-23-2021

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 23, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

149779696

REGISTRATION DATE

11/21/2018

BUSINESS NAME

LANGER OPERATIONS LLC

BUSINESS

TO OPERATE AN ENTERTAINMENT CENTER, RESTAURANT, AND ANCILLARY BUSINESS ENTERPRISES.

MAILING ADDRESS

C/O DEAN T SANDOW
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

121 SW MORRISON #600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

15041981 - FARLEIGH WADA WITT PC

DEAN T SANDOW
121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

63190582 - LANGER FAMILY LLC

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:57

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
392933-94	DLLC	ACT	OREGON	11-02-2006	11-02-2022	
Entity Name	LANGER SHERWOOD, LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	11-08-2019	**Resign Date**	
Name	DEAN	T	SANDOW				
Addr 1	121 SW MORRISON #600						
Addr 2							
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	C/O FARLEIGH WADA WITT				
Addr 2	121 SW MORRISON #600				
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER		**Resign Date**	
Of Record	931218-96	LANGER ASSET MANAGEMENT, INC.			
Addr 1	FARLEIGH WADA WITT				
Addr 2	C/O 121 SW MORRISON #600				
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LANGER SHERWOOD, LLC	EN	CUR	11-02-2006	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	11-03-2021		FI		
	AMENDED ANNUAL REPORT	11-04-2020		FI		
	AMENDED ANNUAL REPORT	11-08-2019		FI	Agent	
	AMENDED ANNUAL REPORT	11-01-2018		FI		
	AMENDED ANNUAL REPORT	10-26-2017		FI		
	AMENDED ANNUAL REPORT	11-11-2016		FI		
	AMENDED ANNUAL REPORT	11-03-2015		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	11-02-2015		FI	Agent	
	ANNUAL REPORT	10-29-2014		FI		
	REINSTATEMENT AMENDED	05-29-2014		FI		
	ADMINISTRATIVE DISSOLUTION	01-03-2014		SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	11-27-2012		FI		
	ANNUAL REPORT	11-23-2012		FI		
	ANNUAL REPORT	11-03-2011		FI		
	ANNUAL REPORT	10-05-2010		FI		
	ANNUAL REPORT	11-04-2009		FI		
	ANNUAL REPORT PAYMENT	09-25-2008		SYS		
	AMENDED ANNUAL REPORT	09-28-2007		FI		
	ARTICLES OF ORGANIZATION	11-02-2006		FI	Agent	

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AMENDED ANNUAL REPORT

Corporation Division
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E-FILED
Nov 03, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

39293394

REGISTRATION DATE

11/02/2006

BUSINESS NAME

LANGER SHERWOOD, LLC

BUSINESS

REAL ESTATE OWNERSHIP AND MANAGEMENT.

MAILING ADDRESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

FARLEIGH WADA WITT
C/O 121 SW MORRISON #600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

11-03-2021

Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200
Fax: (503) 378-4381

Complete only the sections that you are updating.

FILED
NOV 02 2015
OREGON SECRETARY OF STATE
For office use only

REGISTRY NUMBER: 392933-94

ENTITY TYPE: (●) DOMESTIC ( ) FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. **NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:**

Langer Sherwood, LLC

2. **PRINCIPAL PLACE OF BUSINESS: (Street Address)**

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

3. **THE REGISTERED AGENT HAS BEEN CHANGED TO:**

Dean T. Sandow

4. **REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:**
Must be an Oregon Street Address, which is identical to the registered agent's office.

121 SW Morrison #600

Portland, OR 97204

5. **ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:**

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

6. **THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.**

7. **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

The entity has been notified in writing of this change.

NAME(S) AND ADDRESS(ES)OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of the President and Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787).

8. **PRESIDENT OR OWNER(S) (MEMBERS):** (Names and Street address)

9. **SECRETARY OR MANAGER(S):** (Names and Street address)

See attached.

10. **EXECUTION:** By my signature, I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

SIGNATURE: Matthew Langer **PRINTED NAME:** Matthew Langer **TITLE:** Pres. & Mgr.

CONTACT NAME: (To resolve questions with this filing)

Dean T. Sandow

PHONE NUMBER: (Include area code)

503-228-6044

FEES

LANGER SHERWOOD, LLC

39293394-16504034 AAR

Information Change (01/15)

392933-94

Attachment to Corporation/Limited Liability Company – Information Change

Section 9: Langer Asset Management, Inc.
Farleigh Wada Witt
c/o 121 SW Morrison #600
Portland, Oregon 97204

Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200
Fax: (503) 378-4381

Complete only the sections that you are updating.

FILED
NOV 02 2015
OREGON SECRETARY OF STATE
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REGISTRY NUMBER: 392933-94

ENTITY TYPE: (●) DOMESTIC ( ) FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. **NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:**

Langer Sherwood, LLC

2. **PRINCIPAL PLACE OF BUSINESS: (Street Address)**

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

3. **THE REGISTERED AGENT HAS BEEN CHANGED TO:**

Dean T. Sandow

4. **REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:**
Must be an Oregon Street Address, which is identical to the registered agent's office.

121 SW Morrison #600

Portland, OR 97204

5. **ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:**

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

6. **THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.**

7. **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

The entity has been notified in writing of this change.

NAME(S) AND ADDRESS(ES)OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of the President and Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787).

8. **PRESIDENT OR OWNER(S) (MEMBERS):** (Names and Street address)

9. **SECRETARY OR MANAGER(S):** (Names and Street address)

See attached.

10. **EXECUTION:** By my signature, I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

SIGNATURE: Matthew Langer **PRINTED NAME:** Matthew Langer **TITLE:** Pres. & Mgr.

CONTACT NAME: (To resolve questions with this filing)

Dean T. Sandow

PHONE NUMBER: (Include area code)

503-228-6044

FEES

LANGER SHERWOOD, LLC

39293394-16504034 AAR

Information Change (01/15)

392933-94

Attachment to Corporation/Limited Liability Company – Information Change

Section 9: Langer Asset Management, Inc.
Farleigh Wada Witt
c/o 121 SW Morrison #600
Portland, Oregon 97204

5129

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone:(503)986-2200
www.filinginoregon.com

Registry Number: 392933-94
Date of Organization: 11/02/2006
Type: DOMESTIC LIMITED LIABILITY COMPANY

FILED
MAY 29 2014
OREGON
SECRETARY OF STATE

RE: LANGER SHERWOOD, LLC

APPLICATION FOR REINSTATEMENT/REACTIVATION

Please complete and return this letter and any enclosed documents for filing the requested reinstatement/reactivation.

Submit $200 for the required fees.

The above entity hereby requests to be active on the records of the Corporation Division. The effective date of administrative dissolution is 01/03/2014

The reason(s) for administrative dissolution has been eliminated or did not exist.

By: Carlene D. Yamaga Date: 5-21-2014
(Authorized Signature)

Any fees submitted with this document are non refundable and will be held for 45 days. If the document is returned for filing within 45 days no additional fees will be due unless otherwise stated in this letter.

Business Registry
Corporation Division
(503) 986-2200

LANGER SHERWOOD, LLC
39293394-15233149 REIANA

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone:(503)986-2200
www.filinginoregon.com

REINSTATEMENT ANNUAL REPORT
Registry Number: 392933-94
Date of Organization: 11/02/2006

Type: DOMESTIC LIMITED LIABILITY COMPANY

LANGER SHERWOOD, LLC
C/O CLARENCE LANGER
15585 SW TUALATIN SHERWOOD RD
SHERWOOD OR 97140

Name of Domestic Limited Liability Company
LANGER SHERWOOD, LLC
Jurisdiction: OREGON

The following information is required by statute. Please complete the entire form.

Registered Agent
MARK L HUGLIN
4949 MEADOWS RD STE 400
LAKE OSWEGO OR 97035

If the Registered Agent has changed, the new agent has consented to the appointment. Oregon street address required.

1) Type of Business

2) Principal Place of Business (Address,city,state,zip)
15585 SW TUALATIN SHERWOOD RD
SHERWOOD OR 97140

3) Mailing Address (Address,city,state,zip)
C/O CLARENCE LANGER
15585 SW TUALATIN SHERWOOD RD
SHERWOOD OR 97140

4) ☐ **Member or** ☒ **Manager**(Name&Address)
CLARENCE LANGER JR
15585 SW TUALATIN SHERWOOD RD
SHERWOOD OR 97140

5) ☐ **Member or** ☐ **Manager** (Name&Address)

6) Signature
Clarence D Langer Jr.

7) Printed Name

8) Date
5-21-2014

9) Daytime Phone Number

Make check payable to "Corporation Division" and mail completed form with payment to Secretary of State, Corporation Division, 255 Capitol ST NE Suite 151,Salem, OR 97310
Note: Filing fees may be paid with VISA or MasterCard.
Submit the card number and expiration date on a separate page for your protection.

ANRPF1-
05/14/14

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
17:59

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
931195-93	DLLC	ACT	OREGON	04-17-2013	04-17-2023	
Entity Name	LANGER STORAGE, LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	C/O FARLEIGH WADA WITT			
Addr 2	121 SW MORRISON #600			
CSZ	PORTLAND	OR	97204	**Country** UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	11-02-2015	Resign Date	
Name	DEAN	T	SANDOW			
Addr 1	121 SW MORRISON #600					
Addr 2						
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	C/O FARLEIGH WADA WITT			
Addr 2	121 SW MORRISON #600			
CSZ	PORTLAND	OR	97204	**Country** UNITED STATES OF AMERICA

Type	MGR	MANAGER		Resign Date	
Of Record	931218-96	LANGER ASSET MANAGEMENT, INC.			
Addr 1	C/O FARLEIGH WADA WITT				
Addr 2	121 SW MORRISON #600				
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LANGER STORAGE, LLC	EN	CUR	04-17-2013	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	04-18-2022		FI		
	AMENDED ANNUAL REPORT	04-14-2021		FI		
	AMENDED ANNUAL REPORT	04-29-2020		FI		
	AMENDED ANNUAL REPORT	04-19-2019		FI		
	AMENDED ANNUAL REPORT	04-19-2018		FI		
	AMENDED ANNUAL REPORT	05-19-2017		FI		
	AMENDED ANNUAL REPORT	04-21-2016		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	11-02-2015		FI	Agent	
	AMENDED ANNUAL REPORT	03-20-2015		FI	Agent	
	AMENDED ANNUAL REPORT	03-30-2014		FI		
	ARTICLES OF ORGANIZATION	04-17-2013		FI	Agent	

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AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Apr 18, 2022
OREGON SECRETARY OF STATE

REGISTRY NUMBER

93119593

REGISTRATION DATE

04/17/2013

BUSINESS NAME

LANGER STORAGE, LLC

BUSINESS

TO OWN, ACQUIRE, SELL, DEVELOP, RENT REAL PROPERTY, AND ANY LAWFUL BUSINESS.

MAILING ADDRESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

04-18-2022

Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200
Fax: (503) 378-4381

FILED
NOV - 2 2015
OREGON
SECRETARY OF STATE

Complete only the sections that you are updating. For office use only

REGISTRY NUMBER: 931195-93

ENTITY TYPE: (●) DOMESTIC ( ) FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

Langer Storage, LLC

2. PRINCIPAL PLACE OF BUSINESS: (Street Address)

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

3. THE REGISTERED AGENT HAS BEEN CHANGED TO:

Dean T. Sandow

4. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:
Must be an Oregon Street Address, which is identical to the registered agent's office.

121 SW Morrison #600

Portland, OR 97204

5. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

c/o Farleigh Wada Witt

121 SW Morrison #600, Portland, OR 97204

6. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

7. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.

The entity has been notified in writing of this change.

NAME(S) AND ADDRESS(ES)OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS

Corporations list the name and address of the President and Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787).

8. PRESIDENT OR OWNER(S) (MEMBERS): (Names and Street address)

9. SECRETARY OR MANAGER(S): (Names and Street address)

See attached

10. EXECUTION: By my signature, I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

SIGNATURE	PRINTED NAME:	TITLE:
Matthew Langer	MATTHEW LANGER	Pres. & Mgr.

CONTACT NAME: (To resolve questions with this filing)

Dean T. Sandow

PHONE NUMBER: (Include area code)

503-228-6044

LANGER STORAGE, LLC

93119593-16504016 AAR

Information Change (01/15)

931195-93

Attachment to Corporation/Limited Liability Company – Information Change

Section 9: Langer Asset Management, Inc.
Farleigh Wada Witt
c/o 121 SW Morrison #600
Portland, Oregon 97204

ARTICLES OF ORGANIZATION

Corporation Division
www.filinginoregon.com

E-FILED
Apr 17, 2013
OREGON SECRETARY OF STATE

REGISTRY NUMBER

93119593

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

1. ENTITY NAME

LANGER STORAGE, LLC

2. MAILING ADDRESS

4949 MEADOWS RD SUITE 400
LAKE OSWEGO OR 97035 USA

3. NAME & ADDRESS OF REGISTERED AGENT

JOHN H DRANEAS

4949 MEADOWS RD SUITE 400
LAKE OSWEGO OR 97035 USA

4. ORGANIZERS

JOHN H DRANEAS

4949 MEADOWS RD SUITE 400
LAKE OSWEGO OR 97035 USA

5. DURATION

PERPETUAL

6. MANAGEMENT

This Limited Liability Company will be manager-managed by one or more managers

7. OPTIONAL PROVISIONS

Members and Managers of the LLC shall not be liable to the LLC or its Members for monetary damages for conduct as Members and Managers except to the extent that the Oregon Limited Liability Company Act, as it now exists or may hereafter be amended, prohibits elimination or limitation of Member or Manager liability. No repeal or amendment of this provision or of the Oregon Limited Liability Company Act shall adversely affect any right or protection of a Member or Manager for actions or omissions prior to the repeal or amendment.

The LLC shall indemnify each Manager and Member to the fullest extent permissible under Oregon law, as the same exists or may hereafter be amended, against all liability, loss and costs (including, without limitation, attorney fees) incurred or suffered by such Member in connection with the business of the LLC/person by reason of, or arising from, the fact that such person is or was a Manager or Member of the LLC, or is or was serving at the request of the LLC as a manager, director, officer, partner, trustee, employee, or agent of another foreign or domestic limited liability company, corporation, partnership, joint venture, trust, benefit plan, or other enterprise. The

LLC may, by action of the Manager, provide indemnification to employees and agents of the LLC who are not Managers. The indemnification provided in this Article shall not limit any other rights to which any person may be entitled under any statute, bylaw, operating agreement, resolution of Members or Manager, contract or otherwise. No repeal or amendment of this Section or of the Oregon Limited Liability Company Act shall adversely affect any right to indemnification of a Manager or Member for actions or omissions prior to the repeal or amendment.

The company elects to indemnify its members, managers, employees, agents for liability and related expenses under ORS 63.160.

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

JOHN H DRANEAS

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
18:02

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
393923-86	DBC	INA	OREGON	04-06-1994		
Entity Name	THE LANGER COMPANY					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	15585 SW TUALATIN SHERWOOD HWY					
Addr 2						
CSZ	SHERWOOD	OR	97140		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT			**Start Date**	03-12-2001	**Resign Date**	
Name	CLARENCE		LANGER					
Addr 1	15585 SW TUALATIN-SHERWOOD RD							
Addr 2								
CSZ	SHERWOOD	OR	97140		**Country**	UNITED STATES OF AMERICA		

Type	PRE	PRESIDENT					**Resign Date**	
Name	CLARENCE	D	LANGER	JR				
Addr 1	15585 SW TUALATIN SHERWOOD HWY							
Addr 2								
CSZ	SHERWOOD	OR	97140		**Country**	UNITED STATES OF AMERICA		

Type	SEC	SECRETARY					**Resign Date**	
Name	PAMELA		LANGER					
Addr 1	15585 SW TUALATIN SHERWOOD HWY							
Addr 2								
CSZ	SHERWOOD	OR	97140		**Country**	UNITED STATES OF AMERICA		

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
THE LANGER COMPANY	EN	CUR	04-06-1994	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ADMINISTRATIVE DISSOLUTION	06-07-2002		SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	03-12-2001		FI	Agent	
	ANNUAL REPORT PAYMENT	03-07-2001		SYS		
	STRAIGHT RENEWAL	03-09-2000		FI		
	STRAIGHT RENEWAL	02-25-1999		FI		
	STRAIGHT RENEWAL	03-03-1998		FI		
	STRAIGHT RENEWAL	03-11-1997		FI		
	STRAIGHT RENEWAL	02-28-1996		FI		
	CHANGED RENEWAL	02-28-1996		FI		
	AMENDED RENEWAL	03-07-1995		FI		
	NEW FILING	04-06-1994		FI		

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Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
18:05

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
568461-82	ABN	INA		04-03-1997		
Entity Name	SENTINEL SELF STORAGE					
Foreign Name						
Affidavit?	N					

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	15555 SW TUALATIN-SHERWOOD RD			
Addr 2				
CSZ	SHERWOOD OR 97140		**Country**	UNITED STATES OF AMERICA

The Authorized Representative address is the mailing address for this business.

Type	REP	AUTHORIZED REPRESENTATIVE	Start Date	04-09-2003	Resign Date	
Name	CLARENCE	D	LANGER	JR		
Addr 1	15585 SW TUALATIN-SHERWOOD RD					
Addr 2						
CSZ	SHERWOOD OR 97140		**Country**	UNITED STATES OF AMERICA		

Type	REG	REGISTRANT		
Name	CLARENCE	D	LANGER	JR
Addr 1	15585 SW TUALATIN-SHERWOOD RD			
Addr 2				
CSZ	SHERWOOD OR 97140		**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
SENTINEL SELF STORAGE	EN	CUR	04-03-1997	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By

	CANCELLATION OF REGISTRATION	05-19-2005		FI		
	RENEWAL PAYMENT	02-22-2005		SYS		
	AMENDMENT OF REGISTRATION	04-09-2003		FI	Representative	
	RENEWAL PAYMENT	04-08-2003		SYS		
	RENEWAL PAYMENT	03-27-2001		SYS		
	STRAIGHT RENEWAL	03-02-1999		FI		
	NEW FILING	04-03-1997		FI		

New Search	Counties	
	Counties Filed	
	Washington	
	Counties Not Filed (but not necessarily available)	
	Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler, Yamhill	

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AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
May 12, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

28932598

REGISTRATION DATE

05/19/2005

BUSINESS NAME

SENTINEL SELF STORAGE, LLC

BUSINESS ACTIVITY

TO OWN, ACQUIRE, SELL, DEVELOP, AND RENT REAL PROPERTY.

MAILING ADDRESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE SIGNED

05-12-2021

Amendment to Annual Report - Limited Liability Company

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200

FILED

APR 27 2011

OREGON
SECRETARY OF STATE

For office use only

REGISTRY NUMBER: 289325-98

ENTITY TYPE: ☒ DOMESTIC ☐ FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink.

1) **NAME OF ENTITY:** Sentinel Self Storage, LLC

2) **PRINCIPAL PLACE OF BUSINESS:** (Street Address)
15555 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

3) **ADDRESS FOR MAILING NOTICES:**
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

4) **THE REGISTERED AGENT HAS BEEN CHANGED TO:**

5) **THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.**

6) **ADDRESS OF THE NEW REGISTERED OFFICE:** (Must be an Oregon Street Address which is identical to the registered agent's business office.
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

7) **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

8) **NOTIFICATION:**
☒ The entity has been notified in writing of this change.

LIST MEMBERS AND/OR MANAGERS NAMES AND ADDRESSES

9) **MEMBERS:** (Name and street address)
Clarence D. Langer
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

Pamela A. Langer
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

10) **MANAGERS:** (Name and street address)
Carolyn DeBartola
15555 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

11) **EXECUTION:** **(Must be signed by at least one member or manager.)**
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature: Clarence D. Langer
Printed Name: Clarence D. Langer
Title: President
Date: April 21, 2011

CONTACT NAME: (To resolve questions with this filing.)
Pamela Langer

PHONE NUMBER: (Include area code.)
503-625-7070

FEES
No Processing Fee
Confirmatic

SENTINEL SELF STORAGE, LLC

28932598-12634166 AAR

120 - Amendment to Annual Report - Limited Liability Company (07/10)

Amendment to Annual Report - Limited Liability Company

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200

FILED

APR 27 2011

OREGON
SECRETARY OF STATE

For office use only

REGISTRY NUMBER: 289325-98

ENTITY TYPE: ☒ DOMESTIC ☐ FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink.

1) **NAME OF ENTITY:** Sentinel Self Storage, LLC

2) **PRINCIPAL PLACE OF BUSINESS:** (Street Address)
15555 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

3) **ADDRESS FOR MAILING NOTICES:**
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

4) **THE REGISTERED AGENT HAS BEEN CHANGED TO:**

5) **THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.**

6) **ADDRESS OF THE NEW REGISTERED OFFICE:** (Must be an Oregon Street Address which is identical to the registered agent's business office.
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

7) **THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.**

8) **NOTIFICATION:**
☒ The entity has been notified in writing of this change.

LIST MEMBERS AND/OR MANAGERS NAMES AND ADDRESSES

9) **MEMBERS:** (Name and street address)
Clarence D. Langer
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

Pamela A. Langer
15585 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

10) **MANAGERS:** (Name and street address)
Carolyn DeBartola
15555 SW Tualatin-Sherwood Rd
Sherwood, OR 97140

11) **EXECUTION:** **(Must be signed by at least one member or manager.)**
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature: Clarence D. Langer
Printed Name: Clarence D. Langer
Title: President
Date: April 21, 2011

CONTACT NAME: (To resolve questions with this filing.)
Pamela Langer

PHONE NUMBER: (Include area code.)
503-625-7070

FEES
No Processing Fee
Confirmatic
SENTINEL SELF STORAGE, LLC
28932598-12634166 AAR

120 - Amendment to Annual Report - Limited Liability Company (07/10)

Business Registry Business Name Search

New Search

Business Entity Data

04-26-2022
18:05

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
289325-98	DLLC	ACT	OREGON	05-19-2005	05-19-2022	YES
Entity Name	SENTINEL SELF STORAGE, LLC					
Foreign Name						

Online Renewal:
Renew Online

Click here to generate and print an annual report.

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	C/O FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON #600					
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		**Start Date**	11-02-2015	**Resign Date**	
Name	DEAN	T	SANDOW				
Addr 1	121 SW MORRISON #600						
Addr 2							
CSZ	PORTLAND	OR	97204		**Country**	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	C/O FARLEIGH WADA WITT				
Addr 2	121 SW MORRISON #600				
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

Type	MGR	MANAGER		**Resign Date**	
Of Record	931218-96	LANGER ASSET MANAGEMENT, INC.			
Addr 1	C/O FARLEIGH WADA WITT				
Addr 2	121 SW MORRISON #600				
CSZ	PORTLAND	OR	97204	**Country**	UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
SENTINEL SELF STORAGE, LLC	EN	CUR	05-19-2005	

Please read before ordering Copies.

New Search

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	05-12-2021		FI		
	AMENDED ANNUAL REPORT	05-22-2020		FI		
	AMENDED ANNUAL REPORT	05-10-2019		FI		
	AMENDED ANNUAL REPORT	05-21-2018		FI		
	AMENDED ANNUAL REPORT	05-19-2017		FI		
	AMENDED ANNUAL REPORT	05-20-2016		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	11-02-2015		FI	Agent	
	ANNUAL REPORT	05-27-2015		FI		
	ANNUAL REPORT	05-28-2014		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	12-13-2013		FI		
	ANNUAL REPORT	05-21-2013		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	11-27-2012		FI		
	ANNUAL REPORT	05-18-2012		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	08-12-2011		FI		
	ANNUAL REPORT	05-20-2011		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	04-27-2011		FI		
	ANNUAL REPORT	05-20-2010		FI		
	ANNUAL REPORT PAYMENT	04-13-2009	04-10-2009	SYS		
	ANNUAL REPORT PAYMENT	04-09-2008		SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	06-29-2007		FI		
	ANNUAL REPORT PAYMENT	04-11-2007	04-10-2007	SYS		
	AMENDED ANNUAL	05-02-2006		FI		

	REPORT					
	ARTICLES OF ORGANIZATION	05-19-2005		FI	Agent	

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Exhibit D10

RECEIVED
MAY 29 2022
City of Sherwood
Planning Dept.

R. James Claus, Ph.D.
22211 SW Pacific Highway
Sherwood, OR 97140

April 29, 2022

Hand Delivered

City of Sherwood
Planning Department
22560 SW Pine St.
Sherwood, OR 97140

Re: LU 2022-004 MM
Applicant: Sentinel Storage II
Written information for the Planning Commission Public Hearing Record

1995 Sherwood Planning Code

Please add this document to the record for the LU 2022-004 MM file.

Thank you,

Jim Claus

Jim Claus

RECEIVED
MAY 2 9 2022
City of Sherwood
Planning Dept.

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

SHERWOOD COMPREHENSIVE PLAN PART 3

ZONING & COMMUNITY DEVELOPMENT CODE

Prepared by
City of Sherwood, Oregon
20 NW Washington
Sherwood, OR 97140
(503) 625-5522

February 28, 1995

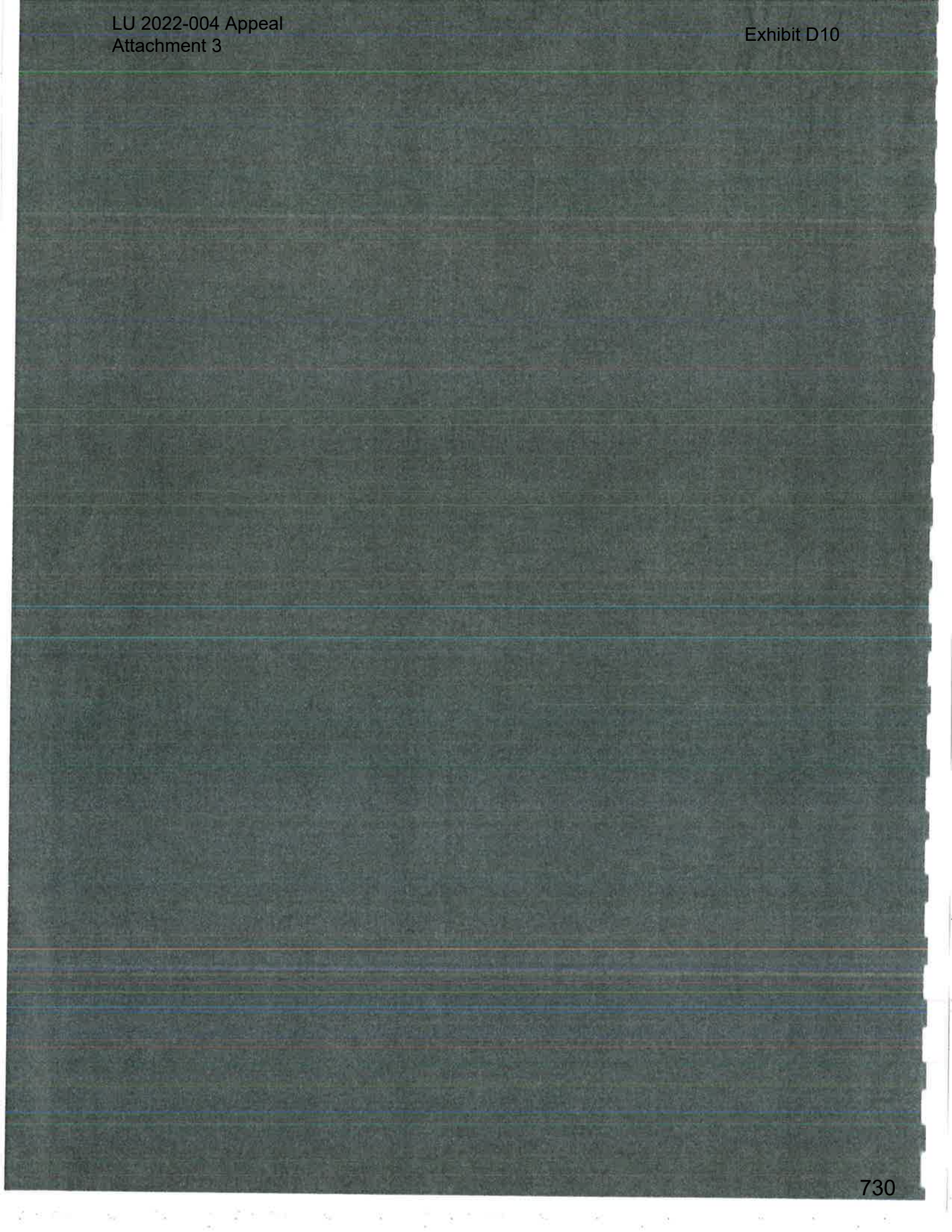


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A RESOLUTION ADOPTING A SCHEDULE OF DEVELOPMENT FEES AS REQUIRED BY THE CITY ZONING AND COMMUNITY DEVELOPMENT CODE, ESTABLISHING FEES FOR MISCELLANEOUS CITY SERVICES AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Zoning Code requires that certain development related fees and charges be established by a separate schedule approved by Resolution of the City Council, and

WHEREAS, the City performs and offers certain other miscellaneous services, the cost of which are most reasonably borne by the recipient, as opposed to paying for said services from general City funds; and

WHEREAS, Washington County and Unified Sewerage Agency have also adopted fees related to system development charges, and these fees are also most conveniently listed on the same schedule; and

WHEREAS, in June 1991, staff prepared and the City Council reviewed a list of such miscellaneous services, which were subsequently adopted as per City Ordinance No. 91-932, and last reviewed June 27, 1995; and

WHEREAS, omission of any City fee or charge from said schedule, that is otherwise authorized by prior City ordinance or resolution, shall not preclude the City from collecting said fees and charges; and

WHEREAS, it is most appropriate that fees and charges for all services be set by the City Council, and at a level whereby reasonable costs are recovered.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1. Adoption: The City Schedule of Fees, attached hereto as Exhibit A, dated November 12, 1996, is hereby approved and adopted, and supersedes all prior development fee schedules and miscellaneous fee schedules.

Section 2. Effective Date: This Resolution shall become effective November 12, 1996.

Duly passed by the City Council this 12th day of November 1996.

Walter Hitchcock, Mayor

Attest:

Jon Bormet, City Manager-Recorder

FEES AND CHARGES LISTED ON THIS SCHEDULE ARE SUBJECT TO CHANGE. OTHER FEES MAY APPLY. PLEASE CONSULT DIRECTLY WITH THE CITY OF SHERWOOD REGARDING YOUR DEVELOPMENT.

SECTION 1 - PLANNING FEES

LAND USE APPLICATION	FEE
Zoning Text Amendment	$2,125.00
Zoning Map Amendment	$1,900.00
Conditional Use	$1,400.00
Variance: Requiring Commission Hearing Administrative	 $1,400.00 $ 175.00
Minor Land Partition	$1,275.00
Subdivision	$2,125 plus $14.00/lot
Planned Unit Development (PUD): Requiring Supplemental Application(s) No Supplemental Application(s)	 $2,125 plus $14.00/lot plus 50% of usual fee per each supplemental application $2,125 plus $14.00/lot
Site Plan Review: Under $49,000.00 $49,000.01 - $99,999.99 $100,000.01 - $999,999.99 Over $1,000,000.00	 $1,325.00 $1,775.00 $2,300.00 $2,525.00
Similar Use Interpretation	$1,275.00
Temporary Use: Requiring Commission Hearing Administrative	 $1,075.00 $ 175.00
Time Extension: Hearing Required No Hearing Required	 $ 850.00 $ 175.00

Other Land Use Action: Hearing Required Administrative	 $1,075.00 $ 175.00
Appeal:	50% of original fee(s)
Miscellaneous Actions: Joint Applications (except PUDs) Amendment(s) to Prior Approval Consultant as Needed	 Full fee for primary application plus 50% of usual fee per each supplemental application 50% of original fee(s) Actual Costs

SECTION 2 - ENGINEERING

PUBLIC IMPROVEMENT AND SUBDIVISION PLAN REVIEWS AND INSPECTIONS	
Plan review and inspection fees are based on a percentage of project construction cost as verified by the City.	
Plan Review	4 % of construction cost
Inspection	4 % of construction cost

EROSION CONTROL	
Erosion Control Inspection Fee: Activities requiring an erosion control permit, and which are covered by a building permit:	
Value of Project	Fee
$0 to $2,000.00	$ 5.00
$2,000.01 to $25,000.00	$15.00
$25,000.01 to $50,000.00	$26.00
$50,000.01 to $100,000.00	$40.00
$100,000.01 and up	$40.00 - plus $24.00 per every $100,000.00 or fraction thereof over $100,000.00
Activities requiring an erosion control permit, and which are not covered by a building permit:	
Area	Fee
0 to 1 acre	$80.00
1 acre and up	$80.00 plus $20.00 per acre or fraction thereof over an acre.
Erosion Control Plan Check Fee: 65% of the erosion control permit fee.	

MISCELLANEOUS FEES	
Mailing of Plans and Specifications for Capital Projects	$10.00
Compliance Agreement Fees Traffic and Street Signs Street Trees Street Lights	 $175.00 $150.00 per tree PGE approved fee plus number of lights times 24 months
Grading & Erosion Permits	Appendix Chapter 33 of 1994 UBC
Right-of-Way Permits	Based on Linear Footage (See Application)
Design and Construction Standards	$ 25.00

SECTION 3 - PUBLIC WORKS

Street Cut	Actual time and materials
Curb Cut	Actual time and materials
Water Service Connection in ROW	Actual time and materials
Sanitary Service Connection in ROW	Actual time and materials
Hydrant Meter Rental (refundable deposit) Per Day Rental	$350.00 $ 20.00

SECTION 4 - POLICE

Fingerprinting (excluding fingerprinting at special functions such as "Kindergarten Roundup)	$15.00
Police Report (to insurance companies and individuals)	$10.00
Police Audio Tapes	$20.00 per tape
Police Video Tapes	$25.00 per tape
New Alarm Permits (One-Time Fee)	$ 15.00
No Parking Anytime	$ 10.00
Obstructing Streets	$ 10.00
Double Parking	$ 10.00
Blocking Driveway	$ 10.00
Parking in Bus Zone	$ 10.00
Parking in Loading Zone	$ 10.00
Parking on Wrong Side of Street	$ 10.00
Parking Along Yellow Curb or in Crosswalk	$ 10.00
Parking Over Space Line	$ 10.00
Parking Over Time Limit	$ 10.00

SECTION 5 - ADMINISTRATIVE

Lien Search	$10.00 per lot
Copying	per single side $0.15 per double side $0.25
Returned check processing	$20.00

Notary Fee	$5.00 per document
Water turn off/on for delinquent water accounts	$30.00
New Liquor License Application Review	$25.00
Duplication of tapes from City meetings	$20.00 each tape
Storm Water Master Plan	$20.00
Storm Water Management Plan (Murdock and Sunset Basin)	$20.00
Plan Updates: Sanitary Sewer, Transportation, Water Service, Parks and Open Space)	$ 5.00 each
Community Development Plan	$25.00
Zoning Code	$25.00
Local Wetland Inventory	$25.00
Plan/Zone Map	$10.00

SECTION 6 - MUNICIPAL COURT

Court Costs for Failure to Appear - Arraignments	$10.00
Court Costs for Failure to Appear - Trials	$25.00
Set-up Fee for Citation Time Payment Plan	$25.00
Service Charge on Time	1.5% per month

SECTION 7 - BUILDING PERMITS

Inspected and issued by the City of Sherwood. Other fees may apply, see State of Oregon Structural Specialty Code, as adopted. Values are based on the Building Valuation Data published by the State of Oregon Building Codes Division.

Total Valuation	Fees
$1.00 to $500.00	$10.00
$501.00 to $2,000.00	$10.00 for the first $500.00 plus $1.50 for each additional $100.00 or fraction thereof, to and including $2,000.00.
$2,001.00 to $25,000.00	$32.50 for the first $2,000.00 plus $6.00 for each additional $1,000.00 or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$170.50 for the first $25,000.00 plus $4.50 for each additional $1,000.00 or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$283.00 for the first $50,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00
$100,001.00 and up	$433.00 for the first $100,000.00 plus $2.50 for each additional $1,000.00 or fraction thereof.

MANUFACTURED HOME INSTALLATION	
Manufactured Home Placements	$312.20, includes State's fees.
PLUMBING PERMITS: Issued and inspected by the City of Sherwood.	
Base Rate	$20.00
Residential: New Construction	
One bath	$156.00
Two Bath	$216.00
Three Bath	$276.00
Alterations: Each Fixture	$15.00
Commercial: New Construction (each fixture)	$15.00
Alterations (each fixture)	$15.00
Waterlines:	
For first 100 feet or fraction thereof	$40.00
For additional 100 feet	$22.00
Sewer Service Lines	
First 100 feet or fraction thereof	$40.00
For additional 100 feet	$22.00
Mobile Home - Sewer/Water connection, each	$28.00
Lawn Sprinklers	$15.00
Minimum inspection fee	$40.00
Re-inspection fee	$40.00
MECHANICAL PERMITS: Fees based on State of Oregon Mechanical Specialty Code, as adopted.	
FIRE AND LIFE SAFETY REVIEW: (Commercial and Industrial only): 40% of Building Permit Fee.	
ELECTRICAL PERMITS: See Resolution 97-697.	
BUILDING PLAN CHECK: 65% of Building Permit Fee.	

MISCELLANEOUS	
Inspections outside normal business hours (minimum charge two hours)	$40.00 per hour
Re-inspection Fees	$35.00 each
Inspection for which no fee is specifically indicated (Minimum charge of one-half hour)	$40.00 per hour
Additional plan review required by changes, additions or revisions to approved plans (Minimum charge of one-half hour)	$40.00 per hour
Re-stamp of lost or stolen plans	$40.00 each set
Fence Permit	$25.00

City of Sherwood, Oregon
Resolution No. 97-697

A RESOLUTION ADOPTING A SCHEDULE OF ELECTRICAL PERMIT FEES, DEVELOPMENT FEES AS REQUIRED BY THE CITY ZONING AND COMMUNITY DEVELOPMENT CODE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Zoning Code requires that certain development related fees and charges be established by a separate schedule approved by Resolution of the City Council, and

WHEREAS, the City adopts fees approved by Washington County and Unified Sewerage Agency related to system development charges, and these fees are most conveniently listed on this schedule; and.

WHEREAS, the City will begin offering services of Electrical Permits previously issued by Washington County, and

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1. Adoption: The City Schedule of Fees, attached hereto as Exhibit A, dated June 24, 1997, is hereby approved and adopted, and supersedes all prior development fee schedules.

Section 2. Effective Date: This Resolution shall become effective July 1, 1997.

Duly passed by the City Council this 24th day of June, 1997.

Ron Tobias, Mayor

Attest:

Sue Engels

~~Jon Bormet~~, City Manager
Sue Engels, Acting

"EXHIBIT A"

ELECTRICAL PERMIT APPLICATION FEE SCHEDULE

A. Residential - per unit	
1000 sq. ft. or less	**$110.00**
Each additional 500 sq. ft. or portion thereof	**$ 25.00**
Limited Energy	**$ 25.00**
Each Manuf'd Home or Modular Dwelling or Feeder	**$ 68.00**
B. Services or Feeders (Installation, alterations, or relocations)	
200 amps or less	**$ 60.00**
201 amps to 400 amps	**$ 80.00**
401 amps to 600 amps	**$120.00**
601 amps to 1000 amps	**$180.00**
Over 1000 amps or volts	**$340.00**
Reconnect only	**$ 50.00**
C. Temporary Services or Feeders (Installation, alterations, relocations)	
200 amps or less	**$ 50.00**
201 amps to 400 amps	**$ 75.00**
401 maps to 600 amps	**$100.00**
Over 600 amps to 1000 volts see "B" above	
D. Branch Circuits (New, alteration or extension per panel)	
a.) The fee for branch circuits with purchase of service or feeder fee. Each branch circuit	**$ 5.00**
b.) The fee for branch circuits without purchase of service or feeder fee. First branch circuit	**$ 35.00**
Each additional branch circuit	**$ 5.00**
E. Miscellaneous (Service or Feeder not included)	
Each pump or irrigation circle	**$ 40.00**
Each sign or outline lighting	**$ 40.00**
Signal circuit(s) or a limited energy panel, alternation or extension	**$ 40.00**
F. Each additional inspection of the allowable in any of the above	
Per inspection	**$ 35.00**
Per hour	**$ 55.00**
In Plant	**$ 55.00**

SYSTEM DEVELOPMENT CHARGES

SEWER	
Regional Connection Charge: $2,200.00 per dwelling unit or dwelling unit equivalent.	
City Reimbursement Charge: $0.083 per each gallon of sewerage flow per day. For single and two-family residences, and manufactured homes on individual lots, the sewerage flow shall be assumed to be 535 gallons per day per dwelling unit. For manufactured home parks, multi-family residential, commercial, industrial, and institutional uses, gallons per day of sewerage flow shall be based on engineer's estimates provided at the time of development or redevelopment of the use, as verified by the City.	
City Improvement Charge: $0.225 per each gallon of sewerage flow per day. For single and two-family residences, and manufactured homes on individual lots, the sewerage flow shall be assumed to be 535 gallons per day per dwelling unit. For manufactured home parks, multi-family residential, commercial, industrial, and institutional uses, gallons per day of sewerage flow shall be based on engineer's estimates provided at the time of development or redevelopment of the use, as verified by the City.	
Sewer Service connection fees cover the actual costs borne by the City in connecting and inspecting connection to public systems.	
Single-family, two-family, manufactured home on individual lot:	$50.00.
Multi-family, commercial, industrial, manufactured home park, and institutional:	$50.00.
Connections involving line taps, line extensions, etc.:	Actual labor and materials.

WATER BASED ON METER SIZE, EXCEPT FOR FIRE FLOW CONNECTIONS	
Reimbursement Charge - Meter Size	Charge
5/8 - ¾"	$ 160
1"	$ 256
1-1/2"	$ 640
2"	$ 1,040
3"	$ 2,336
4"	$ 4,160
6"	$ 8,896
8"	$16,672
Improvement Charge - Meter Size	Charge
5/8 - 3/4"	$ 2,800
1"	$ 4,480
1-1/2"	$ 11,200
2"	$ 18,200
3"	$ 40,880
4"	$ 72,800
6"	$155,680
8"	$291,760
Administrative Charge	$ 47
Fire Flow (Sprinkled Buildings Only)	$ 3,007

Water Service connection fees cover the actual costs borne by the City in connecting and inspecting connection to public systems.	
Single-family, two-family, manufactured home on individual lot, install meter only:	$40.00 plus cost of meter.
Multi-family, commercial, industrial, manufactured home park, and institutional connections:	Actual labor and materials plus cost of meter.
Connections involving line taps, line extensions, etc.:	Actual labor and materials plus cost of meter.

STORM	
Regional Storm Drainage: Per area of impermeable surface. One Equivalent Service Unit (ESU) equals 2,640 square feet.	
Reimbursement Charge:	None
Improvement Charges:	A. Water Quality: $210/ESU B. Water Quantity: $290/ESU
City Storm Drainage: Per area of impermeable surface.	
Reimbursement Charge:	None
Improvement Charge:	$0.031 per square foot

PARKS	
Parks and Open Space: Applies to residential uses only.	
Reimbursement Charge:	None
Improvement Charge:	$841.00 per residential dwelling unit

STREETS	
Arterial and Major Collector Streets: See following "TIF" trip rates. See TIF manual for calculating fees.	
Residential	$179.00 per average weekday trip
Business/Commercial	$ 45.00 per average weekday trip
Office	$164.00 per average weekday trip
Industrial Use	$172.00 per average weekday trip
Institutional	$ 74.00 per weighted average daily trip
Minor Collector Streets: See following "TIF" trip rates. Charge is calculated by multiplying generated trip by the following:	
Reimbursement Charge	None
Improvement Charge	$17.90 per average weekday trip

THIS TABLE IS USED TO CALCULATE TIF-SDC FEES

LAND USE CATEGORY/DESCRIPTION	BASIS FOR TRIP DETERMINATION	WEEKDAY AVERAGE TRIP RATE	WEEKEND AVERAGE TRIP RATE
RESIDENTIAL			
210 - Single-Family Detached Housing	# of Units	10.00	
220 - Apartment		6.10	
221 - Low-rise Apartment (2 or fewer stories)		6.60	
222 - High-Rise Apartment (3 or more stories)		4.20	
230 - Residential Condominium		5.86	
231 - Low-Rise Condominium	Not available	*	
232 - High-Rise Condominium	# of Units	4.18	
240 - Mobile Home		4.81	
250 - Retirement Community		3.30	
260 - Recreational Home	# of Units	3.16	
270 - Planned Unit Development			
INSTITUTIONAL			
010 - Waterports	Ship berths	100.00[3]	*
020 - Airport	Not available	*	*
021 - Commercial Airport	Average Flights per day	11.83	*
022 - General Aviation Airport		3.06	*
030 - Truck Terminals	T.G.S.F.	9.86	*
040 - Railroad Terminal	Not available	*	*
410 - Park	Parking spaces	7.58	11.82
411 - City Park	Acres	3.66	33.58
412 - County Park	Acres	2.11	2.26
413 - State Park	Acres	1.05	1.78
420 - Marina	Boat berths	3.00	5.55
430 - Golf Course	Parking spaces	6.62	5.95
440 - Theater	Not available	*	*
441 - Live Theater	Not available	*	*
442 - Music Theater	Not available	*	*
443 - Movie Theater (sit down)	Parking spaces	6.19[1]	7.18[1]
444 - Drive-in Theater	Not available	*	*
450 - Stadium	Parking spaces	0.55	*
451 - Baseball/Football	Not available	*	*
452 - Horse Race	Parking spaces	1.08	*
453 - Auto Race	Not available	*	*
454 - Dog Race	Not available	*	*
460 - Camp	Not available	*	*

491 - Tennis Courts	T.G.S.F.	32.93	23.80
492 - Racquet Clubs	T.G.S.F.	15.94	23.85
501 - Military Base	No. of employees	1.78	*
510 - Preschool	Not available	*	*
520 - Elementary School	# of Students	1.03	*
530 - High School		1.39	*
540 - Junior/Community College		1.55	*
550 - University		2.41	*
560 - Church	T.G.S.F	7.70	18.18
565 - Day Care Center	T.G.S.F.	67.00	6.15
570 - Court	T.G.S.F.	*	*
580 - Museum/Gallery	T.G.S.F.	*	*
590 - Library	T.G.S.F.	45.50	25.39
610 - Hospital	T.G.S.F.	16.69	11.29
620 - Nursing Home	Number of beds	2.60	2.26

BUSINESS AND COMMERCIAL			
310 - Hotel	Number of rooms	8.70	
320 - Motel	Number of rooms	10.19	
330 - Resort Hotel	Number of rooms	18.40	
810 - Retail-General Merchandise	Not available	*	
811 - Specialty Store	Not available	*	
812 - Building Materials/Lumber	T.G.S.F.	30.56	
813 - Lumber	Not available	*	
814 - Specialty Retail Center	T.G.L.S.F.	40.68	
815 - Discount Stores	T.G.L.S.F.	70.16	
816 - Hardware/Paint Store	T.G.S.F.	53.21	
817 - Nursery	T.G.S.F.	36.17	
820 - Shopping Center under 50,000 Gr. Sq. ft.	T.G.L.S.F.	94.71	
821 - Shopping Center 50,000 - 99,999 Gr. Sq. ft.	T.G.L.S.F.	84.51[2]	
822 - Shopping Center 100,000 - 199,999 Gr. Sq. ft.	T.G.L.S.F.	66.62[2]	
823 - Shopping Center 200,000 - 299,999 Gr. Sq. ft.	T.G.L.S.F.	53.62[2]	
824 - Shopping Center 300,000 - 399,999 Gr. Sq. ft.	T.G.L.S.F.	45.66[2]	
825 - Shopping Center 400,000 - 499,999 Gr. Sq. ft.	T.G.L.S.F.	41.41[2]	
826 - Shopping Center 500,000 - 999,999 Gr. Sq. ft.	T.G.L.S.F.	36.63[2]	

827 - Shopping Center, 1,000,000 - $1,200,000 Gr. Sq. ft.	T.G.L.S.F.	32.82[2]	
828 - Shopping Center over 1,200,000 Gr. Sq. ft.	T.G.L.S.F.	32.38[2]	
831 - Quality Restaurant	T.G.S.F.	95.62[2]	
832 - High-Turnover, Sit-Down Restaurant	T.G.S.F.	100.00[3]	
833 - Drive-in Restaurant	T.G.S.F.	100.00[3]	
834 - Drinking Place	Not available	*	
841 - New Car Sales	T.G.S.F.	47.52	
842 - Used Car Sales	Not available	*	
843 - Auto Parts Sale	Not available	*	
844 - Service Station	Number of Pumps	100.00[3]	
845 - Tire, Battery and Accessory	Not available	*	
846 - Car Wash	Number of wash stalls	100.00[3]	
847 - Auto Repair	Not available	*	
848 - Highway Oasis (including truck fuel, minimal trucker and mechanical services)	Not available	*	
849 - Truck Stop (including food, auto and truck mechanical services, trucker supplies and trucker overnight sleeping accommodations)	Not available	*	
850 - Supermarket	T.G.S.F.	100.00[3]	
851 - Convenience Market	T.G.S.F.	100.00[3]	
870 - Apparel	T.G.S.F.	3.33	
890 - Furniture Store	T.G.S.F.	4.35	
895 - Video Arcade	T.G.S.F.	9.60	
911 - Bank (walk-in)	T.G.S.F.	100.00[3]	
912 - Drive-in Bank	T.G.S.F.	100.00[3]	
913 - Savings and Loan (walk-in)	T.G.S.F.	61.00	
914 - Drive-in Savings and Loan	T.G.S.F.	100.00[3]	

OFFICE			
630 - Clinic	T.G.S.F.	23.79	
711 - General Office, Under 100,000 G.S.F.	T.G.S.F.	16.31	
712 - General Office, 100,001 -	T.G.S.F.	12.40	
713 - General Office, 200,000,	T.G.S.F.	11.54	
720 - Medical Office Building	T.G.S.F.	34.17	
730 - Government Office Building	T.G.S.F.	68.93	
731 - State Motor Vehicles Department	T.G.S.F.	16.60	
732 - U.S. Post Office	T.G.S.F.	86.78	
740 - Civic Center	T.G.S.F.	25.00	
750 - Office Park	Use General Office		
760 - Research Center	T.G.S.F.	6.09	
770 - Business Park	T.G.S.F.	12.42	
910 - Financial	Not available	*	
915 - Stockbroker	Not available	*	
916 - Lending Agency	Not available	*	
920 - Real Estate	Not available	*	
930 - Insurance	T.G.S.F.	11.45	

INDUSTRIAL			
110 - General Light Industrial	T.G.S.F.	6.97	
120 - General Heavy Industrial	T.G.S.F.	1.50	
130 - Industrial Park	T.G.S.F.	6.97	
140 - Manufacturing	T.G.S.F.	3.85	
150 - Warehouse	T.G.S.F.	4.88	
151 - Mini-Warehouse	T.G.S.F.	2.61	
170 - Utilities	Employees	1.07	
180 - Agriculture	Not available	*	
860 - Wholesale	T.G.S.F.	6.73	

NOTES:

- (Not available) - indicates that the ITE Manual does not contain information for this use. Therefore, the basis for trip determination shall be as set forth in Section [3.17-.040D.].
  TGSF - Thousand Gross Square Feet
  TGLSF - Thousand Gross Leasable Square Feet.

SDC Appeals: Appeal procedures against the administration of City SDC ordinances and resolutions, or the expenditure of City SDC funds, are provided for by City ordinance. Appeals of USA or Washington County SDCs are per the applicable USA or County regulations. City SDC Appeal Fee - $500.00

City of Sherwood, Oregon
Ordinance No. 97-1022

AN ORDINANCE APPROVING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT PLAN, PART 3, REGARDING THE ENCROACHMENT OF DECKS INTO THE REAR YARD SETBACK IN RESIDENTIAL ZONES WITHIN THE CITY OF SHERWOOD.

WHEREAS, the Sherwood Planning Commission has determined that the current regulations contained in the Comprehensive Plan, Part 3, Zoning and Community Development Code regarding deck setbacks is inadequate; and

WHEREAS, the proposed Plan Text Amendment will allow decks to encroach into the rear yard setback while maintaining the privacy of adjacent property owners; and

WHEREAS, the Sherwood Planning Commission recommended adoption of proposed Plan Amendment within the Comprehensive Plan, Part 3, Zoning and Community Development Code.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Amendments. Add the following section to Chapter 2 of the Comprehensive Plan, Part 3, Zoning and Community Development Code as follows:

2.305.05 Decks

Uncovered decks which are no more than 30 inches above grade may project into the required rear yard, but shall not be closer than five feet from the property line. If the ground slopes away from the edge of the deck, the deck height shall be measured at a point five feet away from the edge of the deck. Decks shall not be allowed in the required front or side yard setbacks.

Section 2. Effective Date. This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 8th day of April, 1997.

Approved by the Mayor this 8th day of April, 1997.

Ron Tobias, Mayor

Attest:

Jon Bormet, City Manager/Recorder

	AYE	NAY		AYE	NAY
Aamold	✓		Krause	✓	
Boyle	✓		Tobias	✓	
Cottle	✓				

City of Sherwood, Oregon
Ordinance No. 97-1021

AN ORDINANCE APPROVING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT PLAN, PART 3, REGARDING DEADLINES AND ACCEPTANCE OF APPLICATIONS.

WHEREAS, the Sherwood Planning Commission has determined that the regulations contained in the Comprehensive Plan, Part 3, Zoning and Community Development Code regarding deadlines and the acceptance of applications are inadequate; and

WHEREAS, the proposed Plan Text Amendment will bring the Comprehensive Plan, Part 3, Zoning and Community Development Code into conformance with State Laws, and;

WHEREAS, the Sherwood Planning Commission recommended adoption of the proposed Plan Amendment within the Comprehensive Plan, Part 3, Zoning and Community Development Code.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Amendments. Various sections in Chapter 3 of the Comprehensive Plan, Part 3, Zoning and Community Development Code are hereby amended per Attachment A.

Section 2. Effective Date. This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 11th day of February, 1997.

Approved by the Mayor this 11th day of February, 1997.

Ron Tobias, Mayor

Attest:

Jon Bormet, City Manager/Recorder

	AYE	NAY
Aamold	✓	
Boyle	✓	
Cottle	✓	
Krause	✓	
Tobias	✓	

Amendments to the City of Sherwood Zoning and Community Development Code Regarding Deadlines and Acceptance of Applications.

Remove Code Section 3.103.01 Deadlines as follows:

~~**3.103.01 Deadlines**~~

~~Completed application forms, application materials, and fees must be submitted to the City, and accepted as full and complete as per section 3.103, at least (45) calendar days in advance of the Commission meeting at which the application is to be first considered, except as provided by Section 7.301.01.~~

Amend Code Section 3.103.02 Acceptance to read as follows:

3.103.02 Acceptance

Within ~~seven~~ ~~(7)~~ ***thirty (30)*** calendar days of the date of the initial submission, the City shall determine whether the application is complete and so notify the applicant in writing. Incomplete applications will not be accepted by the City. Incomplete applications shall be returned to the applicant along with a written notification of the application's deficiencies. ***The application fees submitted are non-refundable.*** ~~and all materials and fees submitted~~. Provided, however, that incomplete applications may be resubmitted when the noted deficiencies have been corrected to the City's satisfaction.

City of Sherwood, Oregon
Ordinance No. 97-1020

AN ORDINANCE APPROVING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT PLAN, PART 3, REMOVING MINI-WAREHOUSING AND COMMERCIAL STORAGE AS A PERMITTED USE IN THE GENERAL COMMERCIAL (GC) ZONE WITHIN THE CITY OF SHERWOOD.

WHEREAS, the General Commercial zone is primarily comprised of uses which are retail, service or office type uses which generate and depend upon consumer activity; and

WHEREAS, wholesale trade, warehousing, commercial storage and mini-warehousing are generally considered industrial type uses which do not assist in developing a synergy of commercial activity; and

WHEREAS, the Sherwood Planning Commission recommended adoption of proposed Plan Amendment removing wholesale trade, warehousing, commercial storage and mini-warehousing as permitted uses in the General Commercial zone, within the Comprehensive Plan, Part 3, Zoning and Community Development Code.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Amendments. Various sections in Chapter 2 of the Comprehensive Plan, Part 3, Zoning and Community Development Code are hereby amended per Attachment A.

Section 2. Effective Date. This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 11th day of February, 1997.

Approved by the Mayor this 11th day of February, 1997.

Ron Tobias, Mayor

Attest:

Jon Bornet, City Manager/Recorder

	AYE	NAY
Aamold	Yes	
Boyle	Absent	
Cottle	Absent	
Krause	Yes	
Tobias	Yes	

Amendments to the City of Sherwood Zoning and Community Development Code Regarding Allowed Uses Within the General Commercial Zone.

Amend Code Section 2.109.01 General Commercial (GC) to read as follows:

2.109 General Commercial (GC)

2.109.01 Purpose

The GC zoning district provides for ~~wholesale and~~ commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Chapter 8.

Amend Code Section 2.109.02 General Commercial (GC) Permitted Uses, as follows:

2.109.02 Permitted Uses

~~N.~~ ~~Wholesale trade, warehousing, commercial storage and mini-warehousing, except as prohibited in Sections 2.110.04E and 2.111.04E.~~

The remaining letters in this section will be revised accordingly.

City of Sherwood, Oregon
Ordinance No. 97-1019

AN ORDINANCE APPROVING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT PLAN, PART 3, REGARDING THE SITING OF WIRELESS COMMUNICATION FACILITIES WITHIN THE CITY OF SHERWOOD.

WHEREAS, the Sherwood City Council has determined that the regulations contained in the Comprehensive Plan, Part 3, Zoning and Community Development Code regarding the siting of wireless communication facilities within the City are inadequate; and

WHEREAS, wireless technology is a rapidly changing industry with specific needs regarding the siting of antennas and the Sherwood City Council has determined that the siting of wireless facilities within the City involves the suitability of areas for such a use; and

WHEREAS, the City Planning Commission recommended adoption of proposed Plan Amendment regarding the siting of wireless communication facilities.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Amendments. Various sections in Chapter 2 of the Comprehensive Plan, Part 3, Zoning and Community Development Code are hereby amended per Attachment A.

Section 2. Effectivc Date. This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 28th day of January, 1997.

Approved by the Mayor this 28th day of January, 1997.

Ron Tobias, Mayor

Attest:

Jon Bormet, City Manager/Recorder

	AYE	NAY
Aamold	✓	
Boyle	✓	
Cottle	✓	
Krause	✓	
Tobias	✓	

Amendments to the City of Sherwood Zoning and Community Development Code Establishing Regulations for Wireless Communication Facilities.

Amend Code Section 1.200 is amended by adding the following definitions:

Co-location: The placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank or utility pole.

Wireless Communication Facility: An unmanned facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

Amend Code Section 2.109 General Commercial (GC) to read as follows:

2.109.02 Permitted Uses

V. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.

2.109.03 Conditional Uses

B. Radio, television, and similar communication stations, including transmitters and wireless communication towers except for towers located within 1,000 feet of the Old Town District which are prohibited.

Amend Code Section 2.110 Light Industrial (LI) to read as follows:

2.110.02 Permitted Uses

N. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.

2.110.03 Conditional Uses

F. Radio, television, and similar communication stations, including transmitters and wireless communication towers except for towers located within 1,000 feet of the Old Town District which are prohibited.

Amend Code Section 2.111 General Industrial (GI) to read as follows:

2.111.02 Permitted Uses

O. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.

2.111.03 Conditional Uses

C. Radio, television, and similar communication stations, including transmitters and wireless communication towers except for towers located within 1,000 feet of the Old Town District which are prohibited.

2.111.04 Prohibited Uses

~~C. Commercial radio, television or similar communication broadcasting stations or equipment.~~

Amend Code Section 2.113 Institutional and Public (IP) to read as follows:

2.113.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

A. Wireless communication facilities on City-owned property

B. Wireless communication antennas mounted on an existing building or structure not exceeding the height of the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.

2.113.03 Conditional Uses

H. ~~Public~~ Radio, television, and similar communication stations, including transmitters and wireless communication towers.

2.111.04 Prohibited Uses

B. ~~Radio, television and similar communication stations, except when publicly owned~~.

The remaining numbers in this section will be revised accordingly.

Amend Code Section 2.306 to read as follows:

2.306 CHIMNEYS, SPIRES, ANTENNAS AND SIMILAR STRUCTURES

2.306.01 Heights

Except as otherwise provided, the height limits established by this Code shall not apply to chimneys, stacks, water towers, radio or television antennas, towers, windmills, grain elevators, silos, elevator penthouses, monuments, domes, spires, belfries, hangers, solar heating devices and to wireless communication facilities two hundred (200) feet in height or less.

Amend Code Section 4.302.03 to read as follows:

4.302 PERMIT APPROVAL

4.302.03 Findings of Fact

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

F. 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.

G. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.

H. 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.

I. 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.

J. The proposed wireless communication facility is located a minimum of three hundred (300) feet from residentially zoned properties.

City of Sherwood, Oregon
Ordinance No. 96-1014

AN ORDINANCE APPROVING AMENDMENTS TO THE COMMUNITY DEVELOPMENT PLAN, PART 3, REGARDING REGULATION OF FENCES IN RESIDENTIAL AREAS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Sherwood City Council has determined that the residential fence regulations in Comprehensive Plan Part 3 Zoning and Community Development Code are inadequate; and

WHEREAS, a Citizens Committee was formed to review and develop appropriate residential fence regulations; and,

WHEREAS, the City Planning Commission recommended adoption of new residential fence requirements (City File No. PA 96-3) on August 7, 1996.

NOW THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Amendments. Various sections in Chapter 2 of the Comprehensive Plan Part 3 Zoning and Community Development Code are hereby amended per Attachment A.

Section 2. Effective Date. This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 27th day of August 1996.

Approved by the Mayor this 27th day of August 1996.

Walter A. Hitchcock, Mayor

ATTEST:

Jon Bormet, City Manager-Recorder

	AYE	NAY
Aamold	Absent	
Boyle	X	
Cottle	X	
Hitchcock	X	
Kennedy	Absent	

Attachment A
Ordinance No. 96-1014
August 27, 1996

Amendments to the Sherwood Zoning and Community Development Code Establishing Regulations for Fences.

Amend Code Section 2.301.01 to read as follows:

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.

Section 2.303.01 - Generally. Delete the current verbiage and insert the following:

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

B. **Definition:** For purposes of this ordinance, a corner lot adjoining two (2) City streets shall have both yards adjoining the streets considered as front yards.

C. **Types of Fences:** The standards apply to walls, fences, hedges, mounds, and screens of all types (or a combination thereof) whether open, solid, wood, metal, wire, masonry, plant vegetation or other materials.

D. **Location:**

1. Fences up to forty-two inches (42") high are allowed in required front building setbacks.

2. Fences up to six feet (6') high are allowed in required side or rear building setbacks.

3. Additionally, all fences shall be subject to the clear vision provisions of Section 2.301

E. Provisional Locations:

1. On corner lots in residential areas, where a home is characterized as back-to-back. (See Diagram adopted herein as shown in the illustration of these text provisions):

   a) A six-foot (6') fence may extend into the required second front yard in an amount not to exceed fifty percent (50%) of the distance measured between the house and sidewalk.

   b) Said fence may not extend beyond eight feet (8') from the rear of the house toward the front.

2. On corner lots in residential areas where a home is characterized as back-to-front. (See Diagram adopted herein as shown in the illustration of these text provisions):

   a) A six-foot (6') fence may extend into the second required front yard in an amount no greater than five feet (5') from the house.

   b) Said fence may not extend beyond eight feet (8') from the rear of the house to the front.

3. Fences in yards affecting cul-de-sacs are exempt from Section E of this Ordinance.

F. Provisional Conditions: The following conditions are applied to those fences constructed pursuant to Section E of this Ordinance:

1. The clear visions standards of Section 2.301 apply, and take precedence over these provisions in the event of conflict between this Section and Section 2.303.

2. Wire/chain link fencing is not allowed along any residential street frontage.

G. General Conditions:

1. In all cases, the following standards are applied:

   a) Chain link fencing is not allowed in any required residential front yard setback.

   b) The finished side of the fence must face the street.

c) A fence permit from the City is required for all fences.

H. **Administrative Variance:**

The City Manager or his/her designee may grant an administrative variance to this Ordinance.

I. **Abatement of Fences in Non-Compliance:**

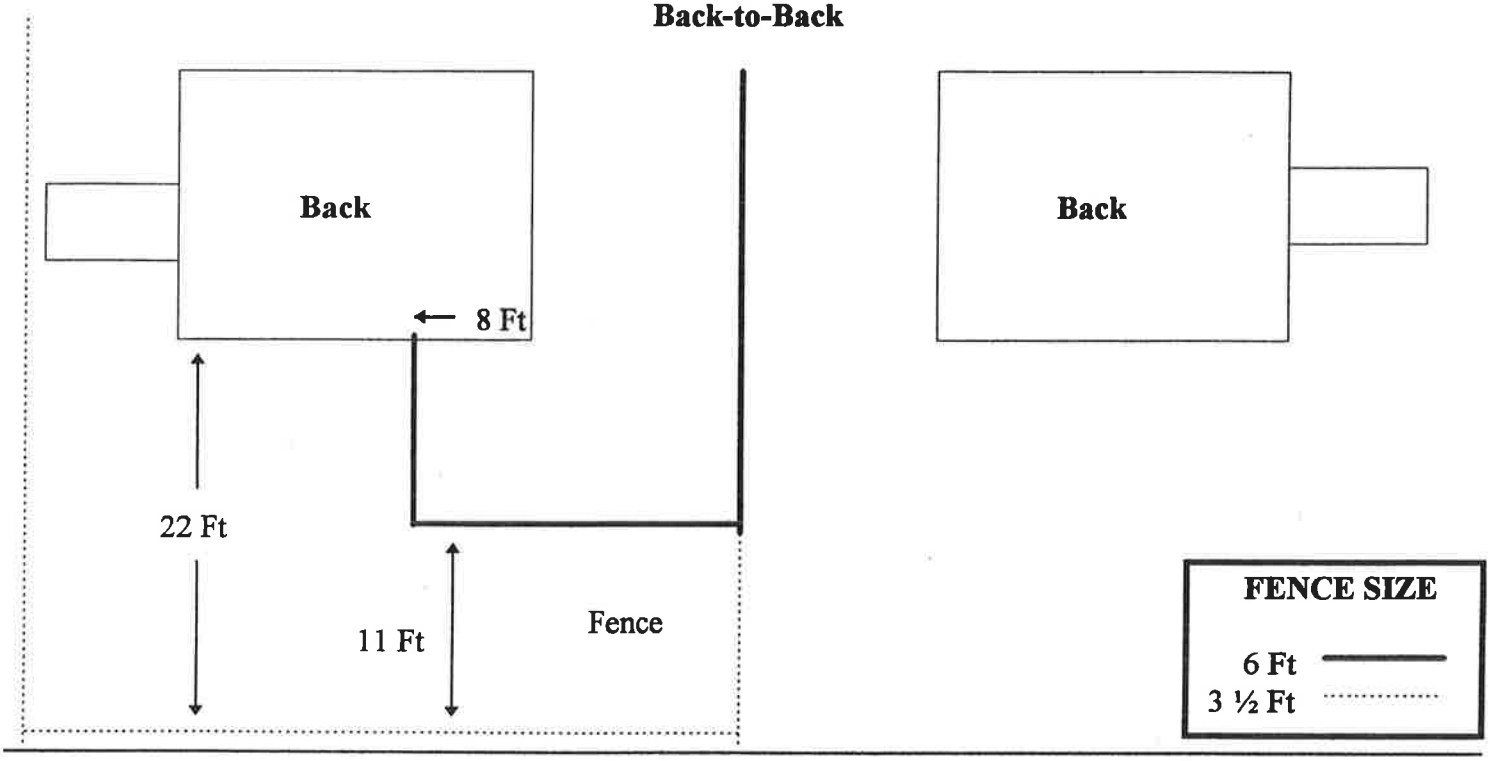
1. Fences that do not conform to Section E of this Code must come into compliance when the house is sold, when other permits are issued, or by September 1, 2003, whichever is earlier. Fences constructed affecting cul-de-sacs or fences creating inadequate site distances pursuant to Section 2.301 must come into compliance immediately.

2. Chain link fences forty-two inches (42") or under in front yard setbacks, erected prior to adoption of this ordinance, or other fences which, when installed, were legal under the Sherwood Code of Ordinances effective at that time, are exempt from Section I.

I. **Penalties:** Violations of Section 2.303.01 shall be subject to the penalties defined by Section 1.101.04.

(Example)

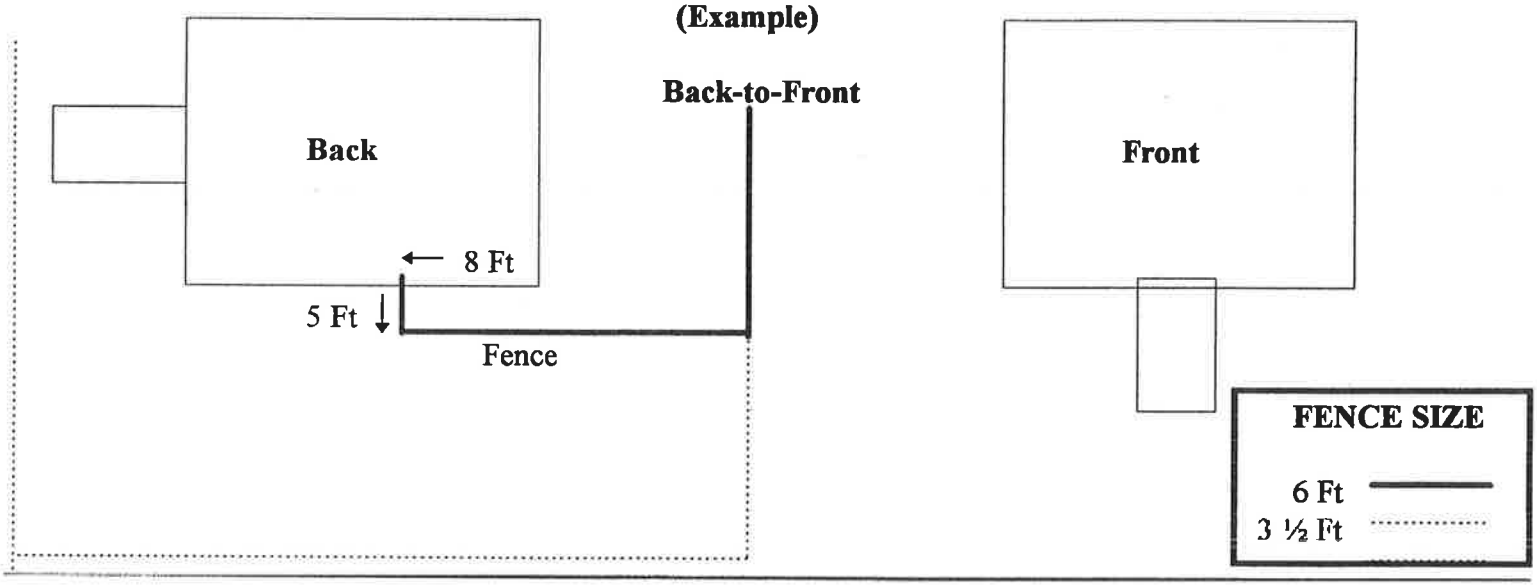
Back-to-Back



Sidewalk (If no sidewalk exists, measure 6 Ft from roadside)

(Example)

Back-to-Front



Sidewalk (If no sidewalk exists, measure 6 Ft from roadside)

CHAPTER 1
GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

1.100 INTRODUCTION

1.101 GENERALLY

1.101.01 Title

Title Ordinance shall be known as the City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City Comprehensive Plan, hereinafter referred to as the "Code".

1.101.02 Purpose

This Code is enacted to:

A. Encourage the most appropriate use of land.
B. Conserve and stabilize the value of property.
C. Preserve natural resources.
D. Facilitate fire and police protection.
E. Provide adequate open space for light and air.
F. Minimize congestion on streets.
G. Promote orderly growth of the City.
H. Prevent undue concentrations of population.
I. Facilitate adequate provision of community facilities.
J. Promote in other ways the public health, safety, convenience, and general welfare.
K. Enable implementation of the Sherwood Comprehensive Plan in compliance with State Land Use Goals.

1.101.03 Conformance Required

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City shall conform to the requirements of this Code, except as allowed by Section 2.206. Age, gender or physical disability shall not be an adverse consideration in making a land use decision as defined in ORS 197.015(10).

1.101.04 Violations

Upon failure to comply with or maintain any provision of this Code, or with any restrictions or conditions imposed hereunder, the City may withhold or withdraw any City land use approvals, permits, licenses, or utility services until the appropriate correction(s) is made. Notwithstanding any such action taken by the City, any person, firm or corporation who

violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Code, or who resists the enforcement of such provisions, shall be subject to civil penalties of no more than five-hundred dollars ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

1.101.05 Interpretation

The provisions of this Code shall be interpreted as minimum requirements. When this Code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Code shall control.

1.101.06 Savings Clause

Should any section, clause or provision of this Code be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Code as a whole or of the remaining sections. Each section, clause, and phrase is declared severable.

1.101.07 Conflicting Ordinances

All zoning, subdivision, and other land development ordinances previously enacted by the City are superseded and replaced by this Code.

1.101.08 Regional, State and Federal Regulations

All development within the City shall adhere to all applicable regional, State and Federal air quality, water quality, noise, odor, building, wetlands, solid waste, natural resource, and other regulations and statutes.

1.101.09 Community Development Plan

This Code shall be administered in conjunction with, and in a manner that is consistent with, the policies and strategies adopted in the City of Sherwood, Oregon, Community Development Plan, Part 2 of the City Comprehensive Plan. The City Zoning Map, the Transportation Plan Map, the Natural Resources and Recreation Plan Map, the Water Service Plan Map, the Storm Drainage Plan Map, and the Sanitary Sewer Service Plan Map are extracted from the Community Development Plan, and attached to this Code as appendices. References to these maps shall be deemed to include all applicable policies, standards and strategies contained in Chapters 4, 5, 6, and 7 of the Community Development Plan.

1.102 ESTABLISHMENT OF ZONING DISTRICTS

1.102.01 Districts

For the purposes of this Code, the City is hereby divided into the following zoning districts:

Very Low Density Residential	VLDR
Low Density Residential	LDR
Medium Density Residential-Low	MDRL
Medium Density Residential-High	MDRH
High Density Residential	HDR
Neighborhood Commercial	NC
Office Commercial	OC
Retail Commercial	RC
General Commercial	GC
Light Industrial	LI
General Industrial	GI
Flood Plain Overlay	FP
Institutional/Public	IP
Old Town Overlay	OT

1.102.02 Official Map

Zoning district boundaries are shown on the Official Plan and Zoning Map of the City. This Map is made part of this Code by reference, and shall be kept on file in the City Recorder's office. Any future changes to the zoning of land within the City shall be appropriately depicted on the Plan and Zoning Map and certified as to the date of amendment. The Official Plan and Zoning Map shall be the first and final reference point for verifying other land use mapping and in determining actual zoning district boundaries. A dated reproduction of the Official Plan and Zoning Map is attached as Appendix A.

1.102.03 Zoning District Boundaries

The Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the Official Plan and Zoning Map, the Commission shall rely on the following guidelines:

A. Unless otherwise indicated, zoning district boundaries are the centerlines of streets, roads, highways, alleys, or such lines extended.

B. Where a boundary line follows or nearly coincides with a section, lot or property ownership line, the boundary shall be construed as following such line.

C. In the event that a dedicated street, road, highway, or alley is vacated by ordinance, the zoning regulations applicable to abutting property shall apply up to the centerline of such rights-of-way.

D. If a right-of-way is vacated in total to one (1) property, the zoning of that property shall apply to the total vacated right-of-way.

1.102.04 Urban Growth Area

The zoning districts shown on the Official Plan and Zoning Map, for land outside of the incorporated area of the City but within the Urban Growth Boundary, shall serve as a guide to development in these areas. Actual land use regulation and development shall be controlled under the terms of the Urban Planning Area Agreement between the City and Washington County. This Agreement is made part of this Code by reference and is attached as Appendix H. An area incorporated into the City shall, upon annexation, be given an interim zoning consistent with the Official Plan and Zoning Map. The City shall provide notice of this interim zoning as per Section 3.202.03. No hearing shall be required and the interim zoning shall be considered final thirty (30) days after mailing of said notice.

1.103 PLANNING COMMISSION

1.103.01 Appointment and Membership

A. The City Planning Commission shall consist of seven (7) members to be appointed by the Council for terms of four (4) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Commission members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.

B. A Commission member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.

C. No more than two (2) Commission members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of

business, trade or profession.

1.103.02 Officers, Minutes, and Voting

A. The Commission shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Commission.

B. Before any meeting of the Commission, public notice shall be given as required by State statute and this Code. Accurate records of all Commission proceedings shall be kept by the City, and maintained on file in the City Recorder's office.

C. A majority of members of the Commission shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Commission shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

1.103.03 Conflicts of Interest

A. Commission members shall not participate in any Commission proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.

B. Any actual or potential interest by a Commission member in a land use action as per Section 1.103.03A shall be disclosed by that member at the meeting of the Commission where the action is being taken. Commission members shall also disclose any pre-hearing or ex parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Commission. Ex-parte contacts shall not invalidate a final decision or action of the Commission, provided that the member receiving the contact indicates the substance of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

1.103.04 Powers and Duties

Except as otherwise provided by law, the Commission shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, and City ordinances.

1.200 DEFINITIONS

1.201 GENERALLY

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the word "will" or "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

1.202 SPECIFICALLY

The following terms shall have specific meaning when used in this Code:

1.202.01 **Abut:** Contiguous to or adjoining with a common property line or right-of-way.

.02 **Access:** The way or means by which pedestrians and vehicles enter and leave property.

.03 **Accessory Building/Use:** A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.

.04 **Alteration:** Any change in construction or a change of occupancy. Where the term "alteration" is in reference to construction, it applies to a change, addition or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another.

.05 **Apartment:** Each dwelling unit contained in a multi-family dwelling or a dwelling unit that is secondary to the primary use of a non-residential building.

.06 **Automobile Sales Area:** An open area, other than a street, used for the display, sale, or rental of new or used automobiles, and where no repair work is done,

except minor incidental repair of automobiles to be displayed, sold, or rented on the premises.

.07 **Basement:** Any floor level below the first story in a building, except as otherwise defined in the Uniform Building Code and this Code.

.08 **Boarding or Rooming House:** Any building, or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise.

.09 **Building:** Any structure used, intended for, supporting or sheltering any use or occupancy. Each portion of a structure separated by a division wall without any openings, shall be deemed a separate building.

.10 Building Area: That portion of a property that can be occupied by the principal use, thus excluding the front, side and rear yards.

.11 **Building, Existing:** Any building erected prior to the adoption of this Code or one for which a legal building permit has been issued.

.12 **Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height:

A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.

B. An elevation ten (10) feet higher than the lowest grade, when the sidewalk or ground surface described in Section 1.202.12.A is more than ten (10) feet above lowest grade.

.13 **Building Official:** The City employee or agent charged with the administration and enforcement of the Uniform Building Code and other applicable regulations.

.14 **Building Permit:** A permit issued under the terms of the Uniform Building Code.

.15 **Buffer:** A landscaped area, wall, berm or other structure or use established to separate and protect land uses.

.16 **Change in Use:** A change to a parcel of land, a premise or a building which creates a change in vehicular trip generation activities, which changes the minimum parking requirements of this Code, or which changes the use classification as defined by this Code or the Uniform Building Code.

.17 **Church:** Any bona-fide place of worship, including Sunday School buildings, parsonages, church halls, and other buildings customarily accessory to places of worship.

.18 **City:** The City of Sherwood, Oregon and its duly authorized officials, employees, consultants and agents.

.19 **Code:** The City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City of Sherwood Comprehensive Plan.

.20 **Commercial Trade School:** Any private school or institution operated for profit that is not included in the definitions of an educational institution or school.

.21 **Commission:** The City of Sherwood Planning Commission.

.22 **Common-Wall Dwelling:** Dwelling units with shared walls such as two-family, and multi-family dwellings.

.23 **Community Development Plan:** Part 2 of the City of Sherwood Comprehensive Plan.

.24 **Compatible:** Any structures or uses capable of existing together in a harmonious, orderly, efficient, and integrated manner, considering building orientation, privacy, lot size, buffering, access and circulation.

.25 **Comprehensive Plan:** The City of Sherwood Comprehensive Plan.

.26 **Conditional Use:** A use permitted subject to special conditions or requirements as defined in any given zoning district and Section 4.300 of this Code.

.27 **Condominium:** An individually-owned dwelling unit in a multi-family housing development with common areas and facilities.

.28 **Council:** The City of Sherwood City Council.

.29 **Day-Care Facility:** Any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this Code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.

.30 **Deed Restriction:** A covenant or contract constituting a burden on the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or the City of Sherwood, and designed to mitigate or protect against adverse impacts of a development or use to ensure compliance with a Comprehensive Plan.

.31 **Demolish:** To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or resource.

.32 **Density:** The intensity of residential land uses per acre, stated as the number of dwelling units per gross acre.

.33 **Development:** Any man-made change to improved or unimproved real property or structures, including but not limited to construction, installation, or alteration of a building or other structure; change in use of a building or structure; land division; establishment or termination of rights of access; storage on the land; tree cutting; drilling; and any site alteration such as land surface mining, dredging, grading, construction of earthen berms, paving, parking improvements, excavation or clearing.

.34 **Development Plan:** Any plan adopted by the City for the guidance of growth and improvement in the City.

.35 **Drive-In Restaurant:** Any establishment dispensing food and/or drink, that caters primarily to customers who remain, or leave and return, to their automobile for consumption of the food and/or drink, including any establishment designed for serving customers at a drive-up window or in automobiles.

.36 **Dwelling Unit:** Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one (1) family as defined by this Code, and containing sleeping, kitchen and bathroom facilities.

.37 **Dwelling, Single-Family:** A structure containing one (1) dwelling unit.

.38 **Dwelling, Single-Family Attached:** A single structure on two (2) lots, containing two (2) individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.

.39 **Dwelling, Two-Family:** A single structure on one (1) lot containing two (2) individual dwelling units, sharing a common wall, but with separate entrances. Also referred to as a duplex.

.40 **Dwelling, Multi-Family:** A single structure containing three (3) or more dwelling units.

.41 **Easement:** The grant of the legal right to use of land for specified purposes.

.42 **Educational Institution:** Any bona-fide place of education or instruction, including customary accessory buildings, uses, and activities, that is administered by a legally-organized school district; church or religious organization; the State of Oregon; or any agency, college, and university operated as an educational institution under charter or license from the State of Oregon. An educational institution is not a commercial trade school as defined by Section 1.202.19.

.43 **Evergreen:** A plant which maintains year-round foliage.

.44 **Ex-parte Contact:** Contact or information passed between a party with an interest in a quasi-judicial land use decision and a member of the Council or Commission, when such information is not generally available to other members of the Council or Commission, or other interested persons. The member shall disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or other parties to an application before the Council or Commission. Ex-parte contacts with a member of the Commission or Council shall not invalidate a final decision or action of the Commission or Council, provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

.45 **Extra Capacity Improvements:** Improvements that are defined as necessary in the interest of public health, safety and welfare by Chapter 5, 6, and 8 of this Code, and the Community Development Plan, to increase the

capacities of collector or arterial streets; water, sewer, storm drainage or other utility facilities; and parks and open space.

.46 **Family:** One (1) person living alone or two (2) or more persons related by blood, marriage, or adoption; or a group not exceeding five (5) persons living together as a single housekeeping unit, excluding occupants of a boardinghouse, fraternity, hotel, or similar use.

.47 **Family Day Care Provider:** A day care provider which accommodates fewer than thirteen (13) children in the provider's home.

.48 **Fence:** Any open or closed structure used to enclose any lot or parcel of ground, and usually constructed of wire, wood, brick, cement block, or stone.

.49 **Fire District:** Tualatin Valley Fire and Rescue.

.50 **Flag Lot:** A building lot which is provided access to a public street by means of a narrow strip of land with minimal frontage.

.51 **Flood Plain:** The flood-hazard area adjoining a river, stream or other water course, that is subject to inundation by a base flood. The flood plain includes the floodway and floodway fringe, and the City greenway, as defined by this Code.

.52 **Floodway:** The channel of a river, stream or other watercourse, and the adjoining areas of the flood plain, required to discharge the base flood without cumulatively increasing the water surface elevation of said watercourse by more than one (1) foot.

.53 **Flood Fringe:** The area of the flood plain lying outside of the floodway.

.54 **Base Flood:** The flood having a one percent (1%) chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood" or "100-year flood plain".

.55 **Footcandle:** A unit of illumination. One footcandle is the intensity of illumination when a source of one (1) candlepower illuminates a screen one (1) foot away.

.56 **Frontage:** That side of a parcel abutting on a street or right-of-way ordinarily regarded as the front of the parcel, except that the shortest side of a corner lot

facing a street, shall not be deemed the lot frontage.

.57 **Garage:** A building or a portion thereof which is designed to house, store, repair or keep motor vehicles.

.58 **Government Structure:** Any structure used by a federal, state, local government, or special district agency.

.59 **Ground Floor Area:** The total area of a building measured by taking the largest outside dimensions of the building, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

.60 **Hard Surface:** Any man-made surface that prevents or retards the saturation of water into land, or that causes water to run-off in greater quantities or increased rates, than existed under natural conditions prior to development. Common hard surfaces include but are not limited to: roofs, streets, driveways, sidewalks and walkways, patios, parking and loading areas, and other graveled, oiled, macadam or concrete surfaces. Also referred to as impermeable surface.

.61 **Hazardous Waste:** Has the meaning given that term in ORS 466.005.

.62 **Hogged Fuel:** Fuel generated from wood or other waste that has been fed through a machine that reduces it to a practically uniform size of chips, shreds, or pellets.

.63 **Home Occupation:** An occupation or a profession customarily carried on in a residential dwelling unit by a member or members of the family residing in the dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

.64 **Hotel:** A building or buildings in which there are more than five (5) sleeping rooms occupied as temporary dwelling places, which rooms customarily do not contain full kitchen facilities, but may include kitchenettes.

.65 **Homeowners Association:** A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscaping, or parking maintenance, or other activities provided for by covenant or legal agreement.

.66 **Household:** All persons occupying a group of rooms or a single room which constitutes a dwelling unit.

.67 **Inert Material:** Solid waste material that remains materially unchanged by variations in chemical, environmental, storage, and use conditions reasonably anticipated at the facility.

.68 **Junk:** Materials stored or deposited in yards and open areas for extended periods, including inoperable or abandoned motor vehicles, inoperable or abandoned machinery, motor vehicle and machinery parts, broken or discarded furniture and household equipment, yard debris and household waste, scrap metal, used lumber, and other similar materials.

.69 **Junk-Yard:** Any lot or site exceeding two hundred (200) square feet in area used for the storage, keeping, or abandonment of junk as defined by this Code.

.70 **Kennel:** Any lot or premise on which four (4) or more dogs or cats more than four (4) months of age are kept.

.71 **Laboratory, Medical or Dental:** A laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists, and where no fabrication is conducted on the premises except the custom fabrication of dentures.

.72 **Landmarks Board:** The City of Sherwood Landmarks Advisory Board.

.73 **Leachate:** Liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.

.74 **Level of Service (LOS):** A measure of the overall comfort afforded to motorists as they pass through a roadway segment or intersection, based on such things as impediments caused by other vehicles, number and duration of stops, travel time, and the reserve capacity of a road or an intersection (i.e., that portion of the available time that is not used). LOS generally is referred to by the letters "A" though "F", with LOS "E" or "F" being generally unacceptable. LOS generally is calculated using the methodology in the Highway Capacity Manual, Special Report 209, by the Transportation Research Board (1985).

.75 **Loading or Unloading Space:** An off-street space or berth for the temporary parking of vehicles while loading or unloading merchandise or materials.

.76 **Lower Explosive Limit:** The minimum concentration of gas or vapor in air that will propagate a flame at twenty-five degrees (25°C) Celsius in the presence of an ignition source.

.77 **Lot:** A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City. A lot may be:

A. A single lot of record; or a combination of complete lots of record, or complete lots of record and portions of other lots of record.

B. A parcel of land described by metes and bounds; provided that for a subdivision or partition, the parcel shall be approved in accordance with this Code.

.78 **Lot Area:** The total horizontal area within the lot lines of a lot, exclusive of streets and access easements to other property.

.79 **Lot, Corner:** A lot situated at the intersection of two (2) or more streets, other than an alley.

.80 **Lot Coverage:** The proportional amount of land on a lot covered by buildings.

.81 **Lot Depth:** The average horizontal distance between the front and rear lot lines measured in the direction of the side lot lines.

.82 **Lot Frontage:** The distance parallel to the front lot line, measured between side lot lines at the street line.

.83 **Lot, Interior:** A lot other than a corner lot.

.84 **Lot of Record:** Any unit of land created as follows:

A. A parcel in an existing, duly recorded subdivision or partition.

B. An existing parcel for which a survey has been duly filed which conformed to all applicable regulations at the time of filing.

C. A parcel created by deed description or metes and bounds provided, however, contiguous parcels created by deed description or metes and bounds under the same ownership and not conforming to the

minimum requirements of this Code shall be considered one (1) lot of record.

.85 **Lot, Through:** A lot having frontage on two (2) parallel or approximately parallel streets.

.86 **Lot Lines:** The property lines bounding a lot.

.87 **Lot Line, Front:** The line separating a lot from any street, provided that for corner lots, there shall be as many front lines as there are street frontages.

.88 **Lot Line, Rear:** A lot line which is opposite and most distant from the front lot line, provided that for irregular and triangular lots, the rear lot line shall be deemed a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street shall be considered a rear lot line.

.89 **Lot Line, Side:** Any lot line not a front or rear lot line.

.90 **Lot Width:** The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.

.91 **Manufactured Home:** A structure transportable in one or more sections, intended for permanent occupancy as a dwelling. All manufactured homes located in the City after the effective date of this Code shall meet or exceed the standards of the U.S. Department of Housing and Urban Development, and shall have been constructed after June 15, 1976.

.92 **Manufactured Home Park:** A lot, tract, or parcel with four (4) or more spaces within five-hundred (500) feet of one another available for rent or lease for the siting of manufactured homes.

.93 **Manufactured Home Space:** A plot of land within a manufactured home park designed to accommodate one (1) manufactured home, on a rental or lease basis.

.94 **Mixed Solid Waste:** Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for future use.

.95 **Motel:** See Hotel.

.96 **Municipal Solid Waste:** Solid waste primarily from residential, business, and institutional uses.

.97 **Net Buildable Acre:** The developable area of a site is calculated for the purposes of this Code by subtracting the following from the total area of a site:

A. Twenty-five percent (25%) of the total site acreage as an allowance for land devoted to community facilities, utility services, streets, and other similar uses.

B. Acreage within the base flood, excepting acreage approved for density transfers, which shall be added back to the number of net buildable acres.

.98 **Non-Attainment Area:** A geographical area of the State which exceeds any state or federal primary or secondary ambient air quality standard as designated by the Oregon Environmental Quality Commission and approved by the U.S. Environmental Protection Agency.

.99 **Non-Conforming Structure or Use:** A lawful structure or use, existing as of the effective date of this Code, or any applicable amendments, which does not conform to the minimum requirements of the zoning district in which it is located.

.100 **Nursing Home:** An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care, or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

.101 **Occupancy Permit:** The permit provided in the Uniform Building Code which must be issued prior to occupying a building or structure or portion thereof. For the purposes of this Code, "occupancy permit" includes the final inspection approval for those buildings or structures not required to obtain an occupancy permit by the Uniform Building Code.

.102 **Occupy:** To take or enter upon possession of.

.103 **Office:** A room or building for the transaction of business, a profession or similar activities, including but not limited to administration, bookkeeping, record keeping, business meetings, and correspondence. Products

may not be stored or manufactured in an office, except to accommodate incidental sales, display and demonstration.

.104 **Off-Street Parking:** Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way.

.105 **Open Space:** Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.

.106 **Parks Board:** The City of Sherwood Parks Advisory Board.

.107 **Partition:** The dividing of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area exists as a unit or contiguous units of land under single ownership at the beginning of each year. Partitions do not include: divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; divisions of land made pursuant to a court order, lot line adjustments where an additional parcel is not created and where the existing parcels are not reduced below the minimum requirements of this Code.

.108 **Partition Land:** A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the Comprehensive Plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

.109 **Partition Plat:** Partition plat includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land partition.

.110 **Pedestrian Way:** A right-of-way for pedestrian traffic.

.111 **Person:** A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

.112 **Plat:** The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.

.113 **Plat, Preliminary:** A map and plan of a proposed subdivision, as specified by this Code.

.114 **Principal Building/Use:** The main or primary purpose for which a structure, land, or use is designed, arranged, or intended, or for which the building or use may lawfully be occupied or maintained under the terms of this Code.

.115 **Professional Engineer.** A professional engineer currently licensed to practice in the State of Oregon. The type of professional engineer may be specified in the ordinance (i.e., civil, structural, acoustic, traffic, etc.).

.116 **Professions:** Members of professions, such as doctors, dentists, accountants, architects, artists, attorneys, authors, engineers, and others who are generally recognized professionals by virtue of experience or education.

.117 **Public Hearing:** Hearings held by the Commission or the Council for which a form of prescribed public notice is given.

.118 **Public Park:** A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.

.119 **Public Place:** Any premise whether, privately or publicly owned, which by physical nature, function, custom, or usage, is open to the public at times without permission being required to enter or remain.

.120 **Public Use Building:** Any building or structure owned and operated by a government agency for the convenience and use of the general public.

.121 **Public Utility Facilities:** Structures or uses necessary to provide the public with water, sewer, gas, telephone or other similar services.

.122 **Recycled Materials:** Solid waste that is transformed into new products in such a manner that the original products may lose their identity.

.123 **Recycling:** The use of secondary materials in the production of new items. As used here, recycling includes materials reuse.

.124 **Residential Care Facility :** A facility licensed by or under the authority of the Department of Human Resources

under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

.125 **Residential Care Home:** A residence for five (5) or fewer unrelated physically or mentally handicapped persons and for the staff persons who need not be related to each other or any other home resident.

.126 **Residential Structure:** Any building or part of a building, used or constructed as a sleeping or other housekeeping accommodation, for a person or group of persons.

.127 **Restrictive Covenant:** A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.

.128 **Retail Trade:** The sale of goods and products to the consumer generally for direct consumption and not for resale.

.129 **Retaining Wall:** A structure constructed of stone, concrete, steel or other material designed to retain or restrain earth or rock.

.130 **Right-of-Way:** The area between boundary lines of a street or other easement.

.131 **Road:** The portion or portions of street rights-of-way developed for vehicular traffic.

.132 **Rural Zone:** A land use zone adopted by a unit of local government that applies to land outside a regional urban growth boundary.

.133 **School:** See Educational Institution

.134 **Sealed Container:** A receptacle appropriate for preventing release of its contents, protecting its contents from the entry of water and vectors, and that will prevent the release of noxious odors if the contents are capable of emitting such odors.

.135 **Setback:** The minimum horizontal distance between a public street right-of-way line, or side and rear property

lines, to the front, side and rear lines of a building or structure located on a lot.

.136 **Sidewalk:** A pedestrian walkway with hard surfacing.

.137 **Sight Distance:** The distance along which a person can see approaching objects, such as automobiles or pedestrians, from a street intersection or a driveway along a street.

.138 **Sign:** An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure, or land, which directs attention to a product, place, activity, person, institution, or business.

.139 **Skirting:** A covering that totally obscures the undercarriage of a manufactured home, and extending from the top of the undercarriage to the ground.

.140 **Soil Amendment:** A material, such as yard waste compost, added to the soil to improve soil chemistry or structure.

.141 **Solid Waste:** Has the meaning given that term in ORS 495.005.

.142 **Solid Waste Facility:**

A. **Conditionally Exempt Small Quantity Collection Facility:** A facility that receives, sorts, temporarily stores, controls, and processes for safe transport hazardous waste from conditionally exempt generators, as that term is defined in ORS 465.003.

B. **Demolition Landfill:** A land disposal site for receiving, sorting and disposing only land clearing debris, including vegetation and dirt, building construction and demolition debris and inert materials, and similar substances.

C. **Household Hazardous Waste Depot:** A facility for receiving, sorting, processing and temporarily storing household hazardous waste and for preparing that waste for safe transport to facilities authorized to receive, process, or dispose of such materials pursuant to federal or state law.

D. **Limited Purpose Landfill:** A land disposal site for the receiving, sorting and disposing of solid waste material, including but not limited to asbestos, treated petroleum, contaminated soil, construction,

land clearing and demolition debris, wood, treated sludge from industrial processes, or other special waste material other than unseparated municipal solid waste.

E. **Resource Recovery Facility:** A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.

F. **Mixed Construction and Demolition Debris Recycling Facility:** A facility that receives, temporarily stores, processes, and recovers recyclable material from mixed construction and demolition debris for reuse, sale, or further processing.

G. **Solid Waste Composting Facility:** A facility that receives, temporarily stores and processes solid waste by decomposing the organic portions of the waste by biological means to produce useful products, including, but not limited to, compost, mulch and soil amendments.

H. **Monofill:** A land disposal site for receiving, sorting and disposing only one type of solid waste material or class of solid waste materials for burial, such as a facility which accepts only asbestos.

I. **Municipal Solid Waste Depot:** A facility where sealed containers are received, stored up to seventy two (72) hours, staged, and/or transferred from one mode of transportation to another.

J. **Small Scale Specialized Incinerator:** A facility that receives, processes, temporarily stores, and burns a solid waste product as an accessory use to a permitted use, including incinerators for disposal of infections wastes as part of a medical facility, but not including mass burn solid waste incinerators, refuse-derived fuel technologies, human or animal remains crematorium, or any energy recovery process that burns unseparated municipal solid waste.

K. **Solid Waste Facilities:** Any facility or use defined in Section 1.202.144 of this Code.

L. **Solid Waste Transfer Station:** A facility that receives, processed, temporarily stores and prepares solid waste for transport to a final disposal site, with or without material recovery

prior to transfer.

M. **Treatment and Storage Facility:** A facility subject to regulation under the Resource Conservation and Recovery Act. 42 USC SS 6901-6987, for receiving, sorting, treating, and/or temporarily storing hazardous waste, and for processing such waste for safe transport to facilities authorized to receive, treat, or dispose of such materials pursuant to federal or state law. Treatment and storage facilities do not include facilities for on-site disposal of hazardous waste.

N. **Wood Waste Recycling Facility:** A facility that receives, temporarily stores and processes untreated wood, which does not contain pressure treated or wood preservative treated wood, in the form of scrap lumber, timbers, or natural wood debris, including logs, limbs, and tree trunks, for reuse, fuel, fuel pellets, or fireplace logs.

O. **Yard Debris Depot:** A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.

P. **Yard Debris Processing Facility:** A facility that receives, temporarily stores and processes yard debris into a soil amendment, mulch or other useful product through grinding and/or controlled biological decomposition.

.143 **Solid Waste Processing:** An activity or technology intended to change the physical form or chemical content of solid waste or recycled material including, but not limited to, sorting, baling, composting, classifying, hydropulping, incinerating or shredding.

.144 **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such usable or unused under-floor space shall be considered as a story.

.145 **Story, First:** The lowest story in a building, provided such floor level is not more than four (4) feet below

grade, for more than 50 percent (50%) of the total perimeter, or not more than eight (8) feet below grade, at any point.

.146 **Story, Half:** A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than three (3) feet above the floor of such story.

.147 **Street:** A public or private road, easement or right-of-way that is created to provide access to one or more lots, parcels, areas or tracts of land. Categories of streets include:

A. **Alley:** A street between sixteen (16) feet and ten (10) feet in width, typically to the rear lots.

B. **Arterial:** A street which is primarily used or planned for through and high volume traffic.

C. **Bikepath:** A street up to eight (8) feet in width for the exclusive use of bicycles, which may be incorporated into, or separate from, a vehicular roadway.

D. **Collector:** A street primarily used or planned to move traffic between the local street system, and onto major streets, but that may accommodate some through traffic.

E. **Local Street:** A street which is primarily used or planned for direct access to abutting properties.

F. **Cul-de-Sac:** A short street that terminates in a vehicular turnaround.

G. **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street has been or could be provided by another subdivision.

H. **Marginal Access Street (frontage road):** A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

.148 **Street Line:** A dividing line between a lot and a street right-of-way.

.149 **Street Plug:** A narrow strip of land located between a subdivision and other property, that is conveyed to the

City for the purpose of giving the City control over development on the adjacent property.

.150 **Structure:** That which is built or constructed, an edifice or building or any kind, or any piece of work artificially built up or composed of parts joined together in some manner.

.151 **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

.152 **Subdivision:** The division of an area or tract of land into four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

.153 **Subdivision Improvements:** Construction of facilities such as streets; water, sewer, gas and telephone lines; storm drainage; and landscaping.

.154 **Temporary Use:** A use of land, buildings or structures not intended to exceed twelve (12) months, unless otherwise permitted by this Code.

.155 **Unified Sewerage Agency:** An agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.

.156 **Urban Growth Boundary:** The Metropolitan Portland Urban Growth Boundary (UGB) as acknowledged by the State Land Conservation and Development Commission.

.157 **Urban Zone:** A land use zone adopted by a unit of local government that applies to land inside a regional urban growth boundary.

.158 **Use:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

.159 **Use by Right:** A use which is a "use permitted outright" in any given zoning district established by this Code.

.160 **Warehouse:** A structure or part of a structure used for storing and securing goods, wares or merchandise.

.161 **Wetlands:** Those land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are generally identified in the City's 1992 Local Wetland inventory, or in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).

.162 **Wholesale Trade:** The sale of goods and products to an intermediatory generally for resale.

.163 **Yard:** The existing or required space on a parcel which shall remain open, unoccupied, and unobstructed from the ground surface to the sky, except as otherwise provided by this Code. Categories of yards include:

A. **Front Yard:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

B. **Rear Yard:** A yard, unoccupied except by a building or structure of an accessory type as provided by this Code, extending the full width of the lot between the rear lot line and the extreme rear line of a building.

C. **Side Yard:** The yard along the side line of a lot and extending from the setback line to the rear yard.

.164 **Zero-Lot-Line:** Attached or detached dwelling units which are constructed with only one side yard or no rear yard setbacks.

CHAPTER 2
LAND USE AND DEVELOPMENT

CHAPTER 2

LAND USE AND DEVELOPMENT

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CHAPTER 2

LAND USE AND DEVELOPMENT

2.100 ZONING DISTRICTS

2.101 VERY LOW DENSITY RESIDENTIAL (VLDR)

2.101.01 Purpose

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density generally not to exceed one (1) dwelling unit per acre. If developed through the PUD process, as per Section 2.202, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, a density not to exceed two (2) dwelling units per acre may be allowed.

2.101.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family detached or attached dwellings.

B. Manufactured homes on individual lots as per Section 2.205.01

C. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.

D. Home occupations, subject to Section 2.203.

E. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical, in the City's determination, in physical form to other types of housing allowed in the VLDR zone.

F. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

G. PUDs, subject to Sections 2.202 and 2.101.07.

H. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

I. Residential care facility.

2.101.03 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Section 4.300.

A. Churches and parsonages.

B. Cemeteries and crematory mausoleums.

C. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.

D. Day care facilities other than family day care providers, which are permitted outright.

E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

F. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.

G. Plant nurseries and other agricultural uses, including commercial buildings and structures.

H. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.

I. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.

J. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public works yards.

K. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.

L. Radio, television, and similar communications stations, on lots with a minimum width and depth equal to the height of any tower, and in conformance with Section 2.306.

M. Raising of animals other than household pets.

N. Public golf courses.

2.101.04 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 Section 4.400.

A. Lot Size

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

1.	Lot area (conventional):	40,000 sq. ft.
	Lot area (under PUD):	10,000 sq. ft.
2.	Lot width at front property line:	25 feet
3.	Lot width at building line:	No minimum
4.	Lot depth:	No minimum

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	20 feet
2.	Side yard:	
	a. Single-Family Detached:	5 feet
	b. Corner Lots (Street Side):	20 feet
	c. Single-Family Attached (one side):	20 feet
3.	Rear yard:	20 feet

4. Accessory buildings may be constructed in the rear yard setback up to five (5) feet from the rear property line.

5. A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.

C. Height

Except as otherwise provide, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings or to accessory buildings, may exceed this height limitation by up to twenty (20) feet.

2.101.05 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 Chapters 5, 8 and 9.

2.101.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.101.07 Special Density Allowances

Housing densities up to two (2) units to the acre, and lot sizes down to 10,000 square feet, may be allowed in the VLDR zone when:

A. The housing development is approved as a PUD, as per Section 2.202; and

B. The following areas are dedicated to the public or preserved as common open space: floodplains, as per Section 8.202; natural resources areas, per the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated as per current Federal regulations and Chapter 8 of this Code; and

C. The Commission determines that the higher density development would better preserve natural resources as compared to a one (1) unit to the acre design.

2.102 LOW DENSITY RESIDENTIAL (LDR)

2.102.01 Purpose

The LDR zoning district provides for single-family housing and other related uses with a density not to exceed five (5) dwelling units per acre.

2.102.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family detached or attached dwellings.

B. Manufactured homes on individual lots as per Section 2.205.01.

C. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.

D. Home occupations, subject to Section 2.203.

E. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.

F. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

G. PUDs, subject to Sections 2.202 and 2.101.07.

H. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

I. Residential care facility.

2.102.03 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Section 4.300:

A. Churches and parsonages.

B. Cemeteries and crematory mausoleums.

C. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.

D. Day-care facilities other than family day care providers, which are permitted outright.

E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

F. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.

G. Plant nurseries and other agricultural uses including commercial buildings and structures.

H. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.

I. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.

J. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public works yards.

K. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.

L. Radio, television, and similar communications stations, on lots with a minimum width and depth equal to the height of any tower, and in conformance with Section 2.306.

M. Raising of animals other than household pets.

N. Public golf courses.

2.102.04 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 or

the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Section 4.400.

A. Lot Size

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

1. Lot area: 7,000 sq. feet
2. Lot width at front property line: 25 feet
3. Lot width at building line: 60 feet
4. Lot depth: 80 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet
2. Side yard:
   a. Single-Family Detached: 5 feet
   b. Corner Lots (street side): 20 feet
   c. Single-Family Attached (one side): 20 feet
3. Rear yard: 20 feet
4. Accessory buildings may be constructed in the rear yard setback up to five (5) feet from the rear property line.
5. A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.

C. Height

Except as otherwise provided the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

2.102.05 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 Chapters 5, 8 and 9.

2.102.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.103 MEDIUM DENSITY RESIDENTIAL LOW (MDRL)

2.103.01 Purpose

The MDRL zoning district provides for single-family and two-family housing, manufactured housing on individual lots and in manufactured home parks, and other related uses, with a density not to exceed eight (8) dwelling units per acre.

2.103.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family detached or attached dwellings.

B. Two-family dwellings.

C. Manufactured homes on individual lots as per Section 2.205.01.

D. Manufactured home parks, subject to Section 2.205.02.

E. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.

F. Home occupations, subject to Section 2.203.

G. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.

H. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

I. PUDs, subject to Sections 2.202 and 2.101.07.

J. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

K. Residential care facility.

2.103.03 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Section 4.300:

A. Churches and parsonages.

B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.

C. Day care facilities other than family day care providers, which are permitted outright.

D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.

F. Plant nurseries and other agricultural uses including commercial buildings and structures.

G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.

H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.

I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public works yards.

J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.

K. Raising of animals other than household pets.

L. Public golf courses.

2.103.04 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 or the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Section 4.400.

A. Lot Size

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

1. Lot areas:
   - a. Single-family Detached or Attached: 5,000 sq. ft.
   - b. Two-Family: 10,000 sq. ft.
   - c. Manufactured Homes: 5,000 sq. ft.
2. Lot width at front property line: 25 feet
3. Lot width at building line:
   - a. Single-family: 50 feet
   - b. Two-Family: 60 feet
   - c. Manufactured Homes: 50 feet
4. Lot depth: 80 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet
2. Side yards:
   - a. Single-Family Detached: 5 feet
     Corner Lot (street side): 15 feet
   - b. Single-Family Attached (one side): 15 feet

c.	Two-Family	5 feet
	Corner Lot (street side)	15 feet
d.	Manufactured Home	5 feet
	Corner Lot (street side)	15 feet

3. Rear yard: 20 feet

4. Accessory buildings may be constructed in the rear yard setback up to five (5) feet from the rear property line.

5. A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.

C. Height

Except as otherwise provided, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings or to accessory buildings, may exceed the height limitation by up to twenty (20) feet.

2.103.05 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 Chapters 5, 8 and 9.

2.103.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.104 MEDIUM DENSITY RESIDENTIAL HIGH (MDRH)

2.104.01 Purpose

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing on individual lots, and multi-family housing, and other related uses, with a density not to exceed eleven (11) dwelling units per acre.

2.104.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family detached or attached dwellings.

B. Two-family dwellings.

C. Manufactured homes on individual lots as per Section 2.205.01.

D. Multi-family dwellings.

E. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.

F. Home occupations, subject to Section 2.203.

G. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.

H. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

I. PUDs, subject to Sections 2.202 and 2.101.07.

J. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

K. Residential care facility.

2.104.03 Conditional Uses

A. Churches and parsonages.

B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.

C. Day care facilities other than family day care providers, which are permitted outright.

D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.

F. Plant nurseries and other agricultural uses including commercial buildings and structures.

G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.

H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.

I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public works yards.

J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.

K. Raising of animals other than household pets.

L. Public golf courses.

2.104.04 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 Section 4.400.

A. Lot Dimensions

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

1. Lot areas:

a.	Single-Family Detached:	5,000 sq. ft.
b.	Single-Family Attached:	4,000 sq. ft.
c.	Two-Family:	8,000 sq. ft.
d.	Manufactured Homes	5,000 sq. ft.
e.	Multi-Family:	8,000 sq. ft. for the first two (2) units & 3,200 sq. ft. for each additional unit

2. Lot width at front property line: 25 feet

3. Lot width at building line:

a.	Single-Family:	50 feet
b.	Two-Family and Multi-Family:	60 feet
c.	Manufactured Homes:	50 feet

4. Lot depth: 80 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	20 feet
2.	Side yards:	
	a. Single-Family Detached	5 feet
	Corner Lot (street side)	15 feet
	b. Single-Family Attached (one side)	5 feet
	c. Two-Family	5 feet
	Corner Lot (street side)	15 feet
	d. Manufactured Home	5 feet
	Corner Lot (street side)	15 feet
	e. Multi-Family	
	1 story	5 feet
	2 stories	7 feet
	2 1/2 stories	8 feet
	Corner Lots (street side)	20 feet
3.	Rear yard:	20 feet

4. Accessory buildings may be constructed in the rear yard setback up to five (5) feet from the rear property line.

5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required yards for each building.

6. A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.

C. Height

Except as otherwise provided, the maximum height of structures shall be two and one-half (2 1/2) stories or thirty five (35) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed the height limitation by up to twenty (20) feet.

2.104.05 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 Chapters 5, 8 and 9.

2.104.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.105 HIGH DENSITY RESIDENTIAL (HDR)

2.105.01 Purpose

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density not to exceed sixteen (16) dwelling units per acre.

2.105.02 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family detached or attached dwellings.

B. Two-family dwellings.

C. Manufactured homes on individual lots as per Section 2.205.01.

D. Multi-family dwellings, including boarding and rooming houses.

E. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.

F. Home occupations, subject to Section 2.203.

G. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.

H. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

I. PUDs, subject to Sections 2.202 and 2.101.07.

J. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

K. Residential care facility.

2.105.03 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Section 4.300:

A. Churches and parsonages.

B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.

C. Day care facilities other than family day care providers, which are permitted outright.

D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.

F. Plant nurseries and other agricultural uses including commercial buildings and structures.

G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.

H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.

I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public works yards.

J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.

K. Raising of animals other than household pets.

L. Public golf courses.

2.105.04 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 Section 4.400.

A. Lot Dimensions

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

1. Lot areas:

a. Single-Family Detached	5,000 sq. ft.
b. Single-Family Attached	4,000 sq. ft.
c. Two-Family:	8,000 sq. ft.
d. Multi-Family:	8,000 sq. ft. for the first two (2) units & 2,200 sq. ft. for each additional unit

2. Lot width at front property line: 25 feet

3. Lot width at building line:

a. Single-Family:	50 feet
b. Two-Family and Multi-Family:	60 feet

4. Lot depth: 80 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet

2. Side yards:

a. Single-Family Detached:	5 feet
Corner Lot (street side):	15 feet
b. Single-Family Attached (one side):	5 feet

c. Two-Family: 5 feet
Corner Lot (street side): 15 feet

d. Multi-Family
1 story: 5 feet
2 stories: 7 feet
2 1/2 stories: 8 feet
Corner Lots (street side): 30 feet
20 feet

3. Rear yard:

4. Accessory buildings may be constructed in the rear yard setback up to five (5) feet from the rear property line.

5. Buildings which are grouped together in one (1) project on one (1) tract of land shall be separated by a distance equal to the sum of the required yards for each building.

6. A minimum distance of ten (10) feet shall be maintained between a dwelling and any other building on the same lot.

C. **Height**

Except as otherwise provided, the maximum height of structures shall be three (3) stories or forty (40) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwelling or accessory buildings may exceed the height limitation by up to twenty (20) feet.

2.105.05 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 spaces, on-site storage, and site design, see Chapters 5, 8 and 9.

2.105.06 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.106 OFFICE COMMERCIAL (OC)

2.106.01 Purpose

The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets.

2.106.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Offices, studios or clinics of architects, artists, attorneys, dentists, engineers, physicians, or other similar professional services, excepting veterinarians.

B. Offices of educational, financial, governmental, non-profit, real estate, research, or other similar service organizations whose activities are such that few visitors, other than employees, have reason to come to the premises.

C. Restaurants, taverns and lounges.

D. Other similar office uses, subject to Section 4.600.

E. PUDs, subject to Section 2.202.

F. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Section 4.500.

2.106.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Hotels and motels.

B. Apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.

C. Uses permitted outright in the RC zone, pursuant to Section 2.108.

2.106.04 Prohibited Uses

The following uses are expressly prohibited:

A. Adult Entertainment Businesses

2.106.05 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 Section 4.400.

A. **Lot Dimensions**

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

1. Lot area: 10,000 sq. ft.
2. Lot width at property line: 60 feet
3. Lot width at building line: 60 feet

B. **Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: None.
2. Side yards: None, except ten (10) feet when abutting a residential zone or public park.
3. Rear yard: None, except twenty (20) feet when abutting a residential zone or public park.
4. Existing residential uses shall maintain minimum setbacks specified in Section 2.105.04.

C. **Height**

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that zone.

2.106.06 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 Chapters 5, 8 and 9.

2.106.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.107 NEIGHBORHOOD COMMERCIAL (NC)

2.107.01 Purpose

The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods.

2.107.02 Permitted Uses

The following uses are permitted outright provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Professional services, including but not limited financial, medical and dental, social services, real estate, legal, artistic, and similar uses.

B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.

C. Personal and business services, including day cares, preschools, and kindergartens.

D. Postal substations when located entirely within and incidental to a use permitted outright.

E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.

2.107.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Public and private schools providing education at the elementary school level or higher, but excluding commercial trade schools which are prohibited.

B. Automotive service stations, expect as excluded by Section 2.107.04.E.

C. Restaurants, taverns, and lounges, but excluding establishments with drive-in or take-out services which are prohibited.

D. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.

E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.

F. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.

G. Any incidental business, service, processing, storage or display, not otherwise permitted by Section 2.107, that is essential to and customarily associated with uses permitted outright.

2.107.04 Prohibited Uses

The following uses are expressly prohibited:

A. Adult entertainment businesses.

B. Veterinarian offices and animal hospitals.

C. Restaurants, taverns, and lounges with drive-in or take-out services.

D. Wholesale trade, warehousing, commercial storage, and mini-warehousing.

E. All automotive and equipment repair and service, unless clearly incidental and secondary to and customarily associated with a use permitted outright.

F. Commercial trade schools.

G. Farm and garden supply stores, plant nurseries, and other agricultural uses, excluding florist shops which are permitted outright.

H. Automobile, recreational vehicle, motorcycle, manufactured home, boat, farm, and other large equipment sales, parts sales, rental or service.

I. Blueprinting, printing, publishing, or other reproduction services.

J. Motion picture and live theaters.

K. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.

L. Radio, television, and similar communication stations, including transmitters.

M. Junkyards and salvage yards.

N. Contractors storage and equipment yards.

O. Building material sales and lumberyards.

P. Churches and parsonages.

Q. Cemeteries and crematory mausoleums.

R. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public works yards.

S. Medical, dental, and similar laboratories.

T. Motels or hotels.

U. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, golf courses, and other similar clubs.

V. Public recreational facilities, including but not limited to parks, playfields, golf courses, and sports and racquet courts.

2.107.05 Special Criteria

All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone as stated in Section 2.107.01, and:

A. Shall be conducted entirely within enclosed buildings, except for:

1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.

2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure

impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.

B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.

C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one-hundred (100) feet at the building line.

D. Permitted and conditional uses may operate only between the hours of 7 a.m. and 10 p.m.

2.107.06 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 Section 4.400.

A. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet.

2. Side yard: None, except that when abutting a residential zone, there shall be the same side yard as required in the residential zone.

3. Rear yard: None, except ten (10) feet when abutting a residential zone or public park.

4. Corner lots: Twenty (20) feet on any side facing a street.

5. Existing residential uses shall maintain minimum setbacks specified in Section 2.105.04.

B. Height

Except as otherwise provided, the maximum height of buildings in the NC zone shall be limited to the height requirements of the least restrictive abutting residential zone.

2.107.07 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 Chapters 5, 8 and 9.

2.107.08 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.108 RETAIL COMMERCIAL (RC)

2.108.01 Purpose

The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Chapter 8.

2.108.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.

B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.

C. Personal and business services, including day cares, preschools, and kindergartens.

D. Postal substations when located entirely within and incidental to a use permitted outright.

E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.

F. Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.

G. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.

H. Commercial trade schools.

I. Motion picture and live theaters, but excluding drive-ins which are prohibited.

J. Restaurants, taverns, and lounges.

K. Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited.

L. Blueprinting, printing, publishing, or other reproduction services.

2.108.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Automotive service stations, including tire and wheel balancing, and incidental repair, when conducted entirely within an enclosed building.

B. Automotive, light truck and small equipment repair and service, when conducted entirely within an enclosed building.

C. Churches and parsonages.

D. Cemeteries and crematory mausoleums.

E. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells, and public works yards.

F. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.

G. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.

H. Medical, dental, and similar laboratories

I. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.

J. Motels or hotels.

K. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.

L. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.

M. Public and private schools providing education at the elementary school level or higher.

N. Veterinarian offices and animal hospitals.

O. Building material sales and lumber yards, when conducted entirely within an enclosed building.

P. Any incidental business, service, processing, storage or display, not otherwise permitted by Section 2.108, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building.

Q. Residential care facilities.

2.108.04 Prohibited Uses:

The following uses are expressly prohibited:

A. Adult entertainment businesses.

B. Junkyards and salvage yards.

C. Drive-in motion picture theaters.

D. Wholesale trade, warehousing, commercial storage, and mini-warehousing.

E. Contractors storage and equipment yards.

F. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other large equipment sales, rental, or service.

G. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, and correctional institutions.

H. Radio, telephone, and similar communication stations, including transmitters.

I. Wholesale plant nurseries.

J. Any other prohibited uses noted in Sections 2.108.02 or 2.108.03.

2.108.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 5,000 sq. feet
2. Lot width at front property line: 40 feet
3. Lot width at building line: 40 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: None, except when the lot abuts a residential zone, the front yard shall be that required in the residential zone.
2. Side yard: None, except ten (10) feet where adjoining a residential zone or public park.
3. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.108.06 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 Chapters 5, 8 and 9.

2.108.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.109 GENERAL COMMERCIAL (GC)

2.109.01 Purpose

The GC zoning district provides for wholesale and commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Chapter 8.

2.109.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.

B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.

C. Personal and business services, including day cares, preschools, and kindergartens.

D. Postal substations when located entirely within and incidental to a use permitted outright.

E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.

F. Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.

G. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.

H. Commercial trade schools.

I. Motion picture and live theaters, but excluding drive-ins which are prohibited.

J. Restaurants, taverns, and lounges.

K. Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited.

L. Blueprinting, printing, publishing, or other reproduction services.

M. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service.

N. Wholesale trade, warehousing, commercial storage and mini-warehousing, except as prohibited in Sections 2.110.04E and 2.111.04E.

O. Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing.

P. Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.

Q. Veterinarian offices and animal hospitals.

R. Agricultural uses including but not limited to farming, and wholesale and retail plant nurseries, with customarily associated commercial buildings and structures permitted.

S. Medical, dental, and similar laboratories.

T. Truck and bus yards and terminals.

U. Adult entertainment businesses, subject to Section 2.208.

2.109.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.

B. Radio, television, and similar communication stations, including transmitters.

C. Churches and parsonages.

D. Cemeteries and crematory mausoleums.

E. Public and private utility buildings, including but not limited to telephone exchanges, electric substation, gas regulator stations, treatment plants, water wells, and public works yards.

F. Government offices, including but not limited to administrative office, post offices, and police and fire stations.

G. Public use buildings including but not limited to libraries, museums, community centers and senior centers.

H. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.

I. Motels or hotels.

J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.

K. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.

L. Public and private schools providing education at the elementary school level or higher.

M. Any incidental business, service, process, storage or display, not otherwise permitted by Section 2.109, that is essential to and customarily associated with any use permitted outright.

2.109.04 Prohibited Uses

The following uses are expressly prohibited:

A. Junkyards and salvage yards.

B. Industrial and manufacturing uses, except as specifically permitted by Sections 2.109.02 and 2.109.03.

C. Any other prohibited use noted in Section 2.109.03.

2.109.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 square feet
2. Lot width at front property line: 70 feet
3. Lot width at building line: 70 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: None, unless the lot abuts a residential zone, then the front yard shall be that required in the residential zone.
2. Side yards: None, unless abutting a residential zone or public park property, then there shall be a minimum of twenty (20) feet.
3. Rear yard: None, unless abutting a residential zone, then there shall be a minimum of twenty (20) feet.
4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. Height

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.109.06 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 Chapters 5, 8 and 9.

2.109.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.110 LIGHT INDUSTRIAL (LI)

2.110.01 Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

2.110.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

A. Veterinarians offices and animal hospitals.

B. Contractor's offices, and other offices associated with a use permitted in the LI zone.

C. Public and private utilities including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells and public works yards.

D. Glass installation and sales.

E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

F. Automobile, boat, trailer, and recreational vehicle storage.

G. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 2.110.04E.

H. Industrial hand tool and supply sales, primarily wholesaled to other industrial firms or industrial workers.

I. Other similar light industrial uses subject to Section 4.600.

J. Uses permitted outright in the GC zone, Section 2.109.02, except for adult entertainment businesses which are prohibited.

K. Dwelling unit for one (1) security person employed on the premises, and their immediate family.

L. PUDs, subject to the provisions of Section 2.202.

M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.

2.110.03 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300:

A. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 2.110.03.

2. Appliances, including but not limited to, refrigerators, freezers, washing machines, dryers; small electronic motors and generators; heating and cooling equipment; lawn mowers, rototillers, and chain saws; vending machines; and similar products and associated small parts.

3. Cosmetics, drugs, pharmaceutical, toiletries, chemicals and similar products, except as prohibited by Section 2.110.04.

4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.

5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery; ladders; mattresses, doors and windows; signs and display structures; and similar products and associated small parts.

6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and

associated small parts, but excluding motorized equipment unless otherwise permitted by Section 2.110.02 or 2.110.03.

7. Musical instruments, toys and novelties.

8. Pottery and ceramics, limited to products using previously pulverized clay.

9. Textiles and fiber products.

10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.

B. Laundry, dry cleaning, dyeing or rug cleaning plants.

C. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.

D. Offices associated with a use conditionally permitted in the LI Zone.

E. Sawmills.

2.110.04 Prohibited Uses

The following uses are expressly prohibited:

A. Adult Entertainment Businesses.

B. Any use permitted or conditionally permitted under Section 2.111 that is not specifically listed in this Section, and any use listed in Section 2.111.04.

C. Auto wrecking and junk or salvage yards.

D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products of substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:

1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.

2. Ammonia, chlorine, sodium compounds, toxics, and similar chemicals.

3. Celluloid or pyroxylin.

4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.

5. Explosives and radioactive materials.

6. Fertilizer, herbicides and insect poison.

F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.

G. Pulp mills and paper mills.

H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.

I. Leather tanneries.

J. General purpose solid waste landfills, incinerators, and other solid waste facilities.

2.110.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 sq. feet

2. Lot width at front property line: 100 feet

3. Lot width at building line: 100 feet

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: Twenty (20) feet, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.

2. Side yards: None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

3. Rear yard: None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

4. Corner lots: Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of the residential zone.

2.110.06 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 Chapters 5, 8 and 9.

2.110.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.111 GENERAL INDUSTRIAL (GI)

2.111.01 Purpose

The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

2.111.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

A. Contracting and building material and equipment storage yards; cold storage facilities; equipment rental and sales; building materials sales; and building maintenance services yard, except as prohibited by Section 2.111.04.

B. Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells, and public works yard.

C. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 2.111.04E.

D. Manufacturing, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing, or storage of the following articles or products, except as prohibited in Section 2.111.04E:

1. Drugs, pharmaceutical, toiletries, cosmetics, chemicals and similar products, except as prohibited in Section 2.111.04D.

2. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communication and similar instruments, components appliances and systems, and similar products and associated small parts.

3. Food products including but not limited to candy, dairy products, beverages, coffee, canned goods, baked goods, and meat and poultry, except as per Section 2.111.04H.

4. Furniture, cabinetry, upholstery, and signs and display structures.

5. Glass and ceramics.

6. Iron, steel, sheetmetal, other metal products, hand tools, including machining, welding, electroplating, and casting and molding of semi-finished and finished metals, except as prohibited by Section 2.111.04F.

7. Leather products, except as per Section 2.111.04I.

8. Musical instruments, toys, and novelties.

9. Paper, wood, lumber and similar products, except as prohibited by Section 2.111.04G.

10. Plastics and plastic products.

11. Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and farm equipment and greenhouses.

12. Boxes and containers made from paper, wood, metal and other materials.

13. Textile and fiber products.

14. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers; small electric motors and generators; heating and cooling equipment; lawn mowers, rototillers, and chain saws; vending machines; and similar products and associated small parts.

15. Other small products and tools composed of previously prepared or semi-finished materials, building components and household fixtures, including but not limited to furniture, cabinets, and upholstery; ladders, mattresses, doors and windows; signs and display structures; and similar products and associated small parts.

E. Wholesale plumbing supplies and service.

F. Blueprinting, printing, publishing or other reproduction services.

G. Laundry, dry cleaning, dyeing, or rug cleaning plants.

H. Truck and bus yards and terminals.

I. Wholesale trade, warehousing, commercial storage, and mini-warehousing, except as prohibited in Section 2.111.04E.

J. Other similar general industrial uses, subject to Section 4.600.

K. Dwelling unit for one (1) security person employed on the premises and their immediate family.

L. PUDs, subject to the provisions of Section 2.202.

M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.

N. Other uses permitted outright in the GC zone, Section 2.109.02, and LI zone, Section 2.110.02, except for adult entertainment business which are prohibited.

2.111.03 Conditional Uses

The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300.

A. Government offices, including but not limited to, postal stations, administrative offices, police and fire stations.

B. Sand and gravel pits, rock crushers, concrete and asphalt mixing plants, and other mineral and aggregate extraction, subject to Sections 2.111.04 and 8.302.

2.111.04 Prohibited Uses

The following uses are expressly prohibited:

A. All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 2.111.02 and 2.111.03.

B. Auto wrecking and junk or salvage yards.

C. Commercial radio, television or similar communication broadcasting stations or equipment.

D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products or substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted uses:

1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.

2. Ammonia, chlorine, sodium compounds and similar chemicals.

3. Celluloid or pyroxylin.

4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.

5. Explosives and radioactive materials.

6. Fertilizer herbicides and insect poison.

F. Metal rolling and extraction mills, forge plants, smelters, and blast furnaces.

G. Saw mills and pulp mills.

H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.

I. Leather tanneries.

J. General purpose solid waste landfills and incinerators, and other solid waste facilities except as permitted per Sections 2.110.03 and 8.303.

2.111.05 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 Section 4.400.

A. Lot Dimensions

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

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

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: None, except when abutting a residential zone or public park, then there shall be a minimum of fifty (50) feet.

2. Side yards: None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.

3. Rear yard: None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.

4. Corner lots: None, except when abutting a residential zone, then there shall be a minimum of fifty (50) feet.

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of the residential zone.

2.111.06 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 Chapters 5, 8 and 9.

2.111.07 Flood Plain

Except as otherwise provided, Section 8.202, shall apply.

2.112 RESERVED

2.113 INSTITUTIONAL AND PUBLIC (IP)

2.113.01 Purpose

The IP zoning district provides for major institutional and governmental activities such as schools, public parks, churches, government offices, utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

2.113.02 Conditional Uses

The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Government offices, including but not limited to, postal stations, administrative offices, police and fire stations.

B. Public use buildings, including but not limited to, libraries, museums, community centers, and senior centers.

C. Churches and parsonages.

D. Cemeteries and crematory mausoleums.

E. Public recreational facilities, including but not limited to, parks, playfields, golf courses, and sport and racquet courts.

F. Public and private schools providing education at the preschool level or higher, excluding commercial trade schools.

G. Public and private utilities, including but not limited to, telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells and public works yards.

H. Public television and similar communication stations.

I. Dwelling unit, including a manufactured home, for one (1)

security person employed on the premises, and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission.

2.113.03 Prohibited Uses

The following uses are expressly prohibited:

A. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.

B. Radio, television and similar communication stations, except when publicly owned.

C. Residential uses, except for as conditionally permitted in Section 2.113.02I.

2.113.04 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 Section 4.400.

A. Lot Dimensions

Except as otherwise provided, no minimum lot areas or dimensions are required.

B. Setback

Except as otherwise provided, the minimum required setbacks in the IP zone shall be:

1. Front yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.

2. Side yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.

3. Rear yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.

C. Height

Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirement of that residential zone.

2.113.05 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources environmental resources, landscaping, access and egress, site design, parks and open space, on-site storage, and signs, see Chapters 5, 8 and 9.

2.113.06 Flood Plain

Except as otherwise provided, Section 8.202, shall apply.

2.200 SPECIAL USES

2.201 GENERAL PROVISIONS

Special uses included in Section 2.200 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

2.202 PLANNED UNIT DEVELOPMENT (PUD)

2.202.01 Purpose

A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land. The PUD process allows creativity and flexibility in site design which cannot be achieved through a strict adherence to zoning and subdivision standards.

B. The PUD district is intended to achieve the following objectives:

1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.

2. Preserve valuable landscape, terrain and other environmental amenities.

3. Provide diversified, and innovative living, working or shopping environments that take into consideration community needs and activity patterns.

4. Achieve maximum energy efficiency in land uses.

2.202.02 Preliminary Development Plan

A. **Generally**

A PUD Preliminary Development Plan shall be submitted for the review and approval of the Commission and Council. PUDs shall only be considered on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as

floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development. The applicant shall describe the unusual conditions qualifying the site for PUD consideration, and the Commission shall cite findings of fact validating these conditions.

B. Content

The Preliminary Development Plan application shall include the following mapping and written narrative:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet; topography at five (5) foot intervals; flood plain, significant natural vegetation and features; private and public facilities including but not limited to utilities, streets, parks, and buildings; property boundaries, lots lines, and lot dimensions and area.

2. Listing of all property owners adjacent to the PUD as per Section 3.202.03, including names and addresses; and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.

3. Proposal map(s) showing: Alterations to topography, flood plain, natural vegetation, trees and woodlands, and other natural features; all streets, utility alignments and easements, parks and open space, other public and utility structures, and any other dedicated land features or structures; the parceling or subdivision of land including basic parcel dimensions and areas; the phasing of the PUD; siting and orientation of proposed new structures, including an identification of their intended use.

4. Narrative describing: The intent of the PUD and how general PUD standards as per Section 2.202 are met; details of the particular uses, densities, building types and architectural controls proposed; form of ownership, occupancy and responsibility for maintenance for all uses and facilities; trees and woodlands; public facilities to be provided; specific variations from the standards of any underlying zoning district or other provisions of this Code; and a schedule of development.

5. If the PUD involves the subdivision of land, the

proposal shall also include a preliminary subdivision plat and meet all requirements of Section 7.200. The preliminary subdivision shall be processed concurrently with the PUD.

C. Commission Review

The Commission shall conduct a public hearing pursuant to Section 3.200 and may act to recommend to the Council approval, or approval with conditions. Denial by the Commission of the Preliminary Development Plan shall be final, except as provided for in Section 3.400. The Commission shall make their decision based on the following findings of fact:

1. The proposed development is in substantial conformance with the Comprehensive Plan and is sited in an area that is unusually constrained due to existing natural or man-made features.

2. That exceptions from the standards of the underlying zoning district are warranted by the design and amenities incorporated in the development plan.

3. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments.

4. That the system of ownership and the means of developing, preserving and maintaining open spaces are acceptable.

5. That the PUD will have a beneficial effect on the area which could not be achieved under the underlying zoning district.

6. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.

7. That adequate public facilities and services are available or are made available by the construction of the project.

8. That the general objectives of the PUD concept and the specific objectives of the various categories of PUDs described in Section 2.202 have been met.

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Section 3.200. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per Section 2.202.02, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 2.202.03.

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall however be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

2.202.03 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 Sections 2.202 and 4.100, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 2.202.02. In addition, the applicant shall prepare and submit a detailed site plan, if applicable, for review and approval, pursuant to the provisions of Section 5.100. The site plan shall be processed concurrently with the Final Development Plan.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted to the Commission for final approval, pursuant to Section 7.300. The final plat shall be processed concurrently with the Final Development Plan.

2.202.04 General Provisions

A. Timing of Development

1. Phasing

a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.

b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete

a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall hold a public hearing to determine whether or not the PUD's continuation, in whole or in part, is in the public interest.

b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new petition, and shall be made in accordance with the procedures specified in Section 2.202.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities; change

boundaries or uses, or change the location or amount of land devoted to specific uses.

2.202.05 Residential PUD

A. Permitted Uses

The following uses are permitted outright in a Residential PUD, when approved as part of a Final Development Plan:

1. Varied housing types including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.

2. Related NC uses which are designed and located so as to exclusively serve the PUD district.

3. All other uses permitted within the underlying zoning district in which the PUD is located.

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Section 4.300.

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be determined by multiplying the maximum number of units per acre permitted in the underlying zoning district or districts by the number of acres in the proposed PUD.

2. Density Transfer

Where the proposed PUD site includes lands within the base flood a density transfer may be allowed in accordance with Section 8.304.05.

3. Minimum Site Area

The minimum area for a Residential PUD shall be five (5) acres unless the Commission finds that a specific property of lesser area is suitable as a PUD by virtue of being unusually constrained by

topography, landscape features, location, or surrounding development.

2.202.06 Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Chapter 8.

B. Conditional Uses

A conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission.

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of Section 2.202 are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:

b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

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 Chapters 5, 8 and 9.

6. Density Transfer

Where the proposed PUD includes lands within the base flood, a density transfer may be allowed in accordance with Section 8.304.05.

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres. Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of Section 2.202, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.

2.203 HOME OCCUPATIONS

2.203.01 Conditions

Home occupations are permitted in residential zoning districts, subject to the following conditions:

A. The occupation or profession shall be carried on wholly within the principal building, and be clearly secondary, in the City's determination, to the use of the building as a dwelling.

B. There shall be no exterior signs exceeding one (1) square foot, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal building.

C. The occupation or profession shall not produce offensive noise, vibrations, smoke, dust, odors, heat, or glare.

D. The occupation or profession shall not occupy more than thirty percent (30%) of the total floor area of all habitable buildings on the property, including customary accessory buildings.

E. The occupation or profession shall not upset existing patterns in the neighborhood.

F. The occupation or profession shall not require additional off street parking and other facilities which would change the existing character of the neighborhood.

G. The occupation or profession shall be carried on by members of the family residing in the dwelling, provided that one (1) outside individual may be employed.

2.203.02 Permitted Uses

Permitted home occupations, include but are not limited to: art and craft studios, dressmaking and similar occupations, professional offices, secretarial and bookkeeping services, tutoring, including musical instruction, and beauty shops with only one (1) customer hairdressing chair. Additional uses may be allowed in the OT overlay zone, as per Section 9.202.02B.

2.203.03 Prohibited Uses

Home occupations shall not include: Commercial stables, kennels, restaurants, taverns, lounges and other similar enterprises.

2.203.04 Home Occupation Permit

An application for a Home Occupation Permit (HOP) shall be filed with the City and accompanied by the appropriate fee as per Section 3.301. The application shall identify the type of use and address the conditions contained in Section 2.203.01 and other applicable Sections of this Code. The City Manager, or his or her authorized designee, shall administratively approve, approve with conditions, or deny the permit. The action of the City Manager may be appealed as per Section 3.400.

2.204 RESERVED

2.205 MANUFACTURED HOMES

2.205.01 Manufactured Homes on Individual Residential Lots

A. Generally
One (1) manufactured home may be located on an individual lot zoned MDRL or MDRH, provided that the manufactured home meets the standards contained in Sections 2.103 or 2.104, and Section 2.205.01B.

B. Standards

1. Each manufactured home shall be multisectional and have a minimum floor area of one thousand (1,000) square feet.

2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve (12) inches above the ground.

3. The manufactured home shall have a pitched roof, with a slope of no less than a nominal three (3) feet in height for each twelve (12) feet in width.

4. The manufactured home, and attached or detached garage, shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or which is consistent with the predominant materials used on surrounding dwellings, as determined by the City.

5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce energy levels equivalent to the performance standards required of single-family dwellings constructed under the State building code as defined in ORS 445.010.

6. The manufactured home shall have an attached or detached garage.

7. In addition to the provisions in paragraphs 1 to 6 of this subsection, the manufactured home and the lot upon which it is sited shall be subject to all other Code requirements to which a conventional single-family residential dwelling on the same lot would be subjected.

2.205.02 Manufactured Home Parks

Manufactured home parks may be located in the MDRL zone only. Except as herein provided, the standards of Section 2.205.02 and the MDRL zone, shall apply to all manufactured home parks. The following additional standards shall also apply:

A. Generally

1. Sale Prohibited

   Manufactured home park spaces shall be available for rental or lease only. Individual sale is prohibited.

2. Uses Permitted

   No building, structure, or land within a manufactured home park shall be used for any purpose except for:

   a. Residential manufactured homes, together with normal accessory uses such as cabanas, patio slabs, ramadas, carport or garages, and storage and washroom buildings.

   b. Private and public utilities and services.

   c. Community recreation facilities, including swimming pools, operated for the residents and guests of the park only.

   d. One (1) manufactured home or other residence for the use of a manager or a caretaker responsible for maintaining and operating the park.

3. Occupancy

   No occupancy permit for any manufactured home park, building, or facility shall be issued by the City until the park or an approved phase of the park has been completed according to the final site plan approved by the Commission. Deviations from the approved plan must be resubmitted to the Commission for review and approval.

4. Alterations and Additions

   The owner(s) of the manufactured home park property, or duly authorized park management, shall

be held responsible for all alterations and additions to a manufactured home park or to individual homes within the park, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.

B. Recreational Vehicles

1. The occupancy of recreational vehicles within manufactured home parks as permanent living quarters is prohibited.

2. Unoccupied recreational vehicles located in designated parking or storage areas within manufactured home parks are permitted.

3. If storage yards for recreational vehicles, boats or trailers are provided, an eight (8) foot high sight-obscuring fence shall be erected around the perimeter of the storage yard.

C. Design Standards

1. Spaces shall be a minimum of five thousand (5,000) square feet, with a width of no less than twenty-five (25) feet at the front space line and fifty (50) feet at the building line.

2. The boundaries of all spaces shall be surveyed or otherwise suitably and permanently marked on-site, as determined by the City.

3. Two (2) off-street parking spaces shall be provided for each manufactured home space. Additional off-street parking spaces shall be provided in the manufactured home park with not less than one (1) additional parking space per every ten (10) manufactured homes. All off-street parking spaces shall be paved.

4. A minimum four (4) foot wide sidewalk shall be required on one (1) side of all private streets within manufactured home parks.

D. Siting Standards

1. Only one (1) manufactured home shall be permitted on a space.

2. The supplementary siting standards contained in Section 2.300 shall apply to manufactured home parks, provided that space lines shall be deemed to be the equivalent to lot lines for the purposes of applying those standards.

3. Buildings setbacks shall be equivalent to setbacks required in the MDRL zone, Section 2.103.04B, provided however that either the front or rear yard setbacks for manufactured homes may be reduced by up to ten (10) feet from the MDRL standard. Space lines shall be deemed the equivalent to lot lines for the purposes of applying those setback standards. Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the manufactured home for setback purposes.

E. Unit Standards

1. Each manufactured home shall be multisectional and have a minimum floor area of one-thousand (1000) square feet.

2. Except as otherwise herein provided, accessory uses, buildings, and structures shall be treated as per Section 2.207.

3. All manufactured homes shall be placed on a foundation stand, adequate to provide a stable, fixed support. The stand shall be all-weather and surfaced with asphalt, concrete or crushed rock, and at least as large as the manufactured home.

4. All manufactured homes shall provide exterior finishing and construction as follows:

   a. Skirting of moisture resistant, non-combustible material or fire retardant wood.

   b. Pedestals, or blocking supports, insuring adequate support and in compliance with the Oregon Department of Commerce manufactured home setup procedures.

   c. Awnings, car ports, cabanas, and similar structures shall be of a material, size, color and pattern similar to the manufactured home and shall conform to all applicable building codes.

F. Utility Standards

1. All manufactured homes, service buildings and accessory structures shall be connected to public water and sewer systems in accordance with City standards.

2. Sufficient fire hydrants shall be installed so that no manufactured home, and other structure is farther than three hundred (300) feet from a hydrant, as measured down the center lines of streets, whether private or public.

G. Vehicular Circulation

1. All private streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:

   a. Twenty-eight (28) feet with no on-street parking allowed.

   b. Thirty-two (32) feet with on-street parking allowed on one (1) side.

   c. Thirty-six (36) feet with parking allowed on two (2) sides, provided that at least one (1) private street thirty-six (36) feet in width with no on-street parking allowed shall be constructed to intersect with an adjacent public street.

2. Any street within the manufactured home park that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway shall be a public street and constructed to full City public improvement standards.

H. Miscellaneous Park Standards

1. All other community design standards contained in Chapters 5, 8, and 9 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 that are not specifically varied by Section 2.205 shall apply to manufactured home parks.

2.205.03 Miscellaneous Uses of Manufactured Homes

A. Generally

In addition to uses permitted by Section 2.205.01 and 2.205.02, manufactured homes may be used for the following purposes:

1. Security person quarters, as per Sections 2.110.02 and 2.111.02.

2. Temporary uses as per Section 4.500, and where the proposed use is otherwise permitted in the zone in which the manufactured home is to be located.

2.206 NON-CONFORMING USES

2.206.01 Purpose

Within the zones established by this Code or any amendments that may later be adopted there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of this Code, but which would be prohibited, regulated, or restricted under the terms of this Code or any future amendments, or which do not meet in full all standards and provisions of this Code. Section 2.206 permits these nonconformities to continue until they are removed or discontinued, but does not encourage their perpetuation. Nonconformities shall not be enlarged, expanded or extended, nor be used as justification for adding other structures or uses not permitted elsewhere in the same zone, except as specifically provided elsewhere in this Section.

2.206.02 Exceptions

A. Generally

Nothing in Section 2.206 shall require any change in the location, plans, construction, size, or designated use of any building, structure, or part thereof, for which a required City building permit has been granted prior to enactment of this Code. If a building permit is revoked or for any reason becomes void, all rights granted by Section 2.206.02 are extinguished and the project shall thereafter be required to conform to all the provisions of this Code.

B. Old Town (OT) Zone

Certain exceptions to Section 2.206 are permitted in the OT overlay zone, as per Section 9.202.06F.

C. Any otherwise lawful residential structure or use located on property zoned commercial or industrial shall be deemed conforming for the purposes of Sections 2.206.05B and 2.206.06E.

2.206.03 Non-Conforming Lots of Record

A. Except as provided in Section 2.206 and Section 2.304, no nonconforming lot of record at the effective date of adoption or amendment of this Code shall be developed for any use, and no existing use on a nonconforming lot of record shall be enlarged, extended, or reconstructed. Nonconforming lots or record are those of a width, area or depth or other requirements less than the minimums

prescribed by this Code.

B. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be constructed on a single lot of record existing at the effective date of adoption of, or amendment to, this Code, notwithstanding limitations imposed by other provisions of this Code. Such lot must be in separate ownership and not contiguous with other lots in the same ownership.

C. If two (2) or more lots, or combinations of lots and portions of lots in single ownership are on record at the effective date of this Code and are made nonconforming by this Code, the lots involved shall be considered to be an undivided parcel for the purposes of this Code. No portion of said undivided parcel which does not meet requirements established by this Code shall be conveyed, transferred or used in any manner. No division of the parcel shall be made which results in any lot of less than the minimum requirements of this Code.

2.206.04 Non-Conforming Uses of Land

Where at the time of adoption of this Code lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use involves no structure or building, other than a single minor accessory structure or sign, the use may be continued as long as it remains otherwise lawful, provided:

A. No such use shall be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code, provided however, that such use may be enlarged or altered in a way that will not have a greater adverse impact on surrounding properties or will decrease its non-conformity, as per Section 2.206.07.

B. No such use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code.

C. If any such use of land ceases for any reason for a period of more than one hundred and twenty (120) days, any subsequent use of land shall conform to the regulations specified by this Code for the zone in which such land is located.

D. No additional structure, building or sign shall be constructed on the lot in connection with such use of land unless said structure, building, or sign reduces or further limits, in the City's determination, the existing non-conformity.

2.206.05 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption of or amendment to this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be enlarged or altered in a way that will not have a greater adverse impact on surrounding properties or will decrease its non-conformity, as per Section 2.206.07.

B. Except as otherwise provided for in Section 2.206.02, should such structure or the non-conforming portion of a structure be destroyed by any means to an extent of more than sixty percent (60%) of its current value as established by the Washington County Assessor, it shall not be reconstructed except in conformity with the provisions of this Code; and

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located.

2.206.06 Non-Conforming Uses of Structures

If a lawful use involving individual structures, or structure and premises in combination (except for a single, minor accessory structure) exists at the effective date of adoption or amendment of this Code that would not be allowed in the zone in which it is located; or which is non-conforming because of inadequate off-street parking, landscaping, or other deficiencies, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Code in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located.

B. Any non-conforming use may be extended throughout any existing parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

C. If such use of a structure and premises is changed to another use, such new use shall conform to all provisions of this ordinance.

D. When such use of a structure and premises is discontinued or abandoned for one hundred and twenty (120) days, the structure and premises shall not thereafter be used except in full conformity with all regulations of the zone in which it is located. A use shall be deemed to be discontinued or abandoned upon the occurrence of the earliest of any of the following events:

1. On the date when the structure and/on premises are vacated.

2. On the date the use ceases active sales, merchandising, the provision of services, other nonconforming activity.

3. On the date of termination of any lease or contract under which the non-conforming use has occupied the premises.

4. On the date a request for final reading of water and power meters is made to the City.

E. Where non-conforming use status applies to a structure and premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty percent (60%) of its current value, as appraised by the Washington County Assessor. Except as otherwise provided for in Section 2.205.02, any subsequent use shall conform fully to all provisions of the zone in which it is located.

2.206.07 Permitted Changes to Non-Conformities

A. Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, normal repairs or replacement on non-bearing walls, fixtures, wiring, or plumbing may be performed in a manner not in conflict

with the other provisions of this Section. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof officially declared to be unsafe by any official charged with protecting the public safety.

B. A non-conforming use or structure may be enlarged or altered as per Sections 2.206.03A or 2.206.04A if, in the Commission's determination, the change will have no greater adverse impact on surrounding properties or will decrease its nonconformity considering the following:

1. The character and history of the development and of development in the surrounding area.

2. The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.

3. The comparative numbers and kinds of vehicular trips to the site.

4. The comparative amount and nature of outside storage, loading and parking.

5. The comparative visual appearance.

6. The comparative hours of operation.

7. The comparative effect on existing vegetation.

8. The comparative effect on water drainage.

9. The degree of service or other benefit to the area.

10. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

C. Further exceptions to changes to non-conformities are permitted in the OT overlay zone, as per Section 9.202.06F.

2.206.08 Conditional Uses

A use existing before the effective date of this Code which is permitted as a conditional use shall not be deemed non-conforming if it otherwise conforms to the standards of the zone in which it is located. Enlargement, extension, reconstruction, or moving of such use shall only be allowed subject to Section 4.300.

2.207 ACCESSORY USES

2.207.01 Standards

Accessory uses, buildings, and structures shall comply with all requirements for principal uses, buildings, and structures except where specifically modified by this Code, and shall also comply with the following limitations:

A. Any accessory building shall have not more than seven hundred and twenty (720) square feet of ground floor area.

B. No accessory building or structure over three (3) feet in height shall be allowed in any required front or side yard.

C. No detached accessory building or structure over three (3) feet in height, excluding fences and railings, shall be located within ten (10) feet of the principal building or other accessory building.

D. No accessory building of structure over three (3) feet in height, excluding fences and railings, shall be located closer than five (5) feet to any side or rear property line.

E. Any accessory building or structure attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.

F. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys, and public and/or private easements.

2.207.02 Any accessory use and/or structure associated with a conditional use shall be allowed only after approval in accordance with Section 4.300.

2.207.03 A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions of Section 4.600.

2.208 ADULT ENTERTAINMENT

Where otherwise permitted by the provisions of this Code, an adult entertainment business shall not be located within one thousand (1000) feet of an existing or previously approved adult entertainment business or within two hundred and fifty (250) feet of public parks, churches, schools, day care centers, or residentially zoned property. Both distances shall be measured in a straight line, without regard to intervening structures, from the closest structural wall of the adult entertainment business to either the closest structural wall of an existing or previously approved adult entertainment business, or to the closest property line of all impacted properties.

2.209 OTHER LAND USE ACTIONS

Proposed land use actions or activities for which specific procedures and standards for application and review are not included in this Code shall be submitted to the Commission, in a form determined by the City and with a fee pursuant to Section 3.301. The Commission may recommend approval, approval with conditions, or denial of the request to the Council. The Council may approve, approve with conditions, or deny the request, or may elect to refer the request to a more appropriate approving authority.

2.300 SUPPLEMENTARY STANDARDS

2.301 CLEAR VISION AREAS

2.301.01 A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, or a street and a railroad.

2.301.02 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 nonintersecting ends of the other two (2) sides.

2.301.03 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 form 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.

2.301.04 The following requirements shall govern clear vision areas:

A. In a residential zone, the minimum distance shall be thirty (30) feet; or, at intersections including an alley, ten (10) feet.

B. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet; or, at intersections including an alley, ten (10) feet; except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

C. Where no yards are required, buildings may be constructed within the clear vision area.

2.302 ADDITIONAL SETBACKS

2.302.01 Generally

Additional setbacks shall be provided along streets based on the functional classifications in Section VI of the Community Development Plan. Additional setbacks shall be measured at right angles from the centerline of the street.

Classification	Additional Setback
Major Arterial	45 feet
Minor Arterial	35 feet
Collector	27 feet
Local	24 feet

2.303 FENCES, WALLS AND HEDGES

2.303.01 Generally

Fences, walls, and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear vision areas. A fence, wall or hedge may not exceed six (6) feet in height in a residential zone. Fences, walls or hedges shall not exceed a height of three and one-half (3-1/2) feet along the front property line or within a front yard setback.

2.304 LOT SIZES AND DIMENSIONS

2.304.01 Generally

If a lot or the aggregate of contiguous lots or parcels recorded, or platted, prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot of aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located; except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than thirty-two hundred (3,200) square feet.

2.304.02 Cul-de-Sacs

Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

2.305 YARD REQUIREMENTS

2.305.01 Through Lots

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to each street frontage.

2.305.02 Corner Lots

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

A. The front yard setback shall not be less than twenty five (25) feet.

B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.

2.305.03 Yards

A. Except for landscaping, every part of a required yard shall be open and unobstructed from its lowest point to the sky; except that awnings, fire escapes, open stairways, and chimneys may be permitted when so placed as not to obstruct light and ventilation.

B. Where a side or rear yard is not required, and a structure is not erected directly on the property line, it shall be setback at least three (3) feet.

2.305.04 Exceptions

Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to two and one-half (2-1/2) feet into a required yard.

2.306 CHIMNEYS, SPIRES, ANTENNAS AND SIMILAR STRUCTURES

2.306.01 Heights

Except as otherwise provided, the height limits established by this Code shall not apply to chimneys, stacks, water towers, radio or television antennas, towers, windmills, grain elevators, silos, elevator penthouses, monuments, domes, spires, belfries, hangars, solar heating devices, or similar structures, under one hundred (100) feet in height.

2.306.02 Permit Required

Notwithstanding Section 2.306.01, a conditional use permit shall be required for all such structures that exceed the height limitations of a zoning district, except as specifically otherwise permitted in that district.

2.306.03 Parapets

A parapet wall not exceeding four (4) feet in height may be erected above the height limit of the building on which it rests.

2.307 DUAL USE OF REQUIRED SPACE

Except as otherwise provided, no lot area, setback, yard, landscaped area, open space or off-street parking or loading area, which is required by this Code for one use, shall be allowed as the required lot area, yard, open space, or off-street parking or loading area for another use.

CHAPTER 3
ADMINISTRATIVE PROCEDURES

CHAPTER 3

ADMINISTRATIVE PROCEDURES

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CHAPTER 3

ADMINISTRATIVE PROCEDURES

3.100 GENERALLY

3.101 PRE-APPLICATION CONFERENCE

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

3.102 APPLICATION MATERIALS

3.102.01 Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal.

3.102.02 Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit fifteen (15 copies of: the completed application form, with attachments or exhibits specifying and illustrating the proposed land use action; an existing conditions inventory; the proposed development plan; and any supplemental materials, as required by Section 4.100. Additional information may be required at the discretion of the City.

3.103 APPLICATION SUBMITTAL

3.103.01 Deadlines

Completed application forms, application materials, and fees must be submitted to the City, and accepted as full and complete as per Section 3.103, at least forty-five (45) calendar days in advance of the Commission meeting at which

the application is to be first considered, except as provided by Section 7.301.01.

3.103.02 Acceptance

Within seven (7) calendar days of the date of initial submission, the City shall determine whether the application is complete and so notify the applicant in writing. Incomplete applications will not be accepted by the City. Incomplete applications shall be returned to the applicant along with a written notification of the application's deficiencies and all materials and fees submitted. Provided, however, that incomplete applications may be resubmitted when the noted deficiencies have been corrected to the City's satisfaction.

3.104 AVAILABILITY

3.104.01 Public Inspection

A. Except as provided herein, all application materials to be relied upon in public hearings on land use actions required by this Code shall be available for public inspection twenty (20) calendar days in advance of the initial hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, all application materials shall be available for public inspection at least ten (10) calendar days in advance of the initial hearing before the Commission or Council.

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

3.104.02 Continuance

If additional materials are provided in support of an application later than twenty (20) calendar days in advance of the initial hearing before the Commission or Council, or later than ten (10) calendar days in advance of the initial hearing before the Commission or Council if two (2) or more hearings are required, or if the City or the applicant fails to meet any requirements of Section 3.200, any party to the application, or party notified of the hearing as per Section 3.202.03, may make request to the City, either verbally at the initial hearing or in writing at any time before the close of the hearing, for a hearing continuance. If, in the City's determination, there is a valid basis for the continuance request, said request shall be granted.

3.105 APPLICATION RESUBMISSION

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

3.200 PUBLIC NOTICE AND HEARING

3.201 GENERALLY

When required by this Code, the Council and/or the Commission shall provide notice and conduct public hearings pursuant to Section 3.200. The land use actions for which public hearings are required are:

A. Zoning Map Amendments (Commission and Council)

B. Zoning Text Amendments (Commission and Council)

C. Conditional Uses (Commission only)

D. Variances (Commission only)

E. Site Plans (Commission only)

F. Interpretations of Similar Uses (Commission only)

G. Temporary Uses (Commission only)

H. Planned Unit Developments (Commission and Council)

I. Preliminary Plats of Subdivision and Land Partitions (Commission only)

J. Annexations (Commission and Council)

K. Other Land Use Actions (Commission or Council)

L. Any land use action subject to public hearing as per this section shall be subject to additional hearing at the time any appeal or amendments to prior land use approvals are considered by the Commission or Council.

M. Landmarks Alteration (Landmarks Board only)

3.202 FORM OF NOTICE

3.202.01 Newspaper Notice

Notices of all public hearings on land use actions required by this Code shall be published in a newspaper of general circulation within the City in each of the two (2) calendar weeks prior to the initial hearing before the Commission or Council.

3.202.02 Posted Notice

Notices of all public hearings on land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than twenty (20) calendar days in advance of the initial hearing before the Commission or Council.

3.202.03 Mailed Notice

A. For public hearings on zoning map amendments, conditional uses, variances, site plans, planned unit developments, temporary uses, minor land partitions, subdivisions, annexations, landmarks, and other land use action specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one hundred (100) feet from the property subject to the land use action.

B. Except as otherwise provided herein, written notice to property owners shall be mailed at least twenty (20) calendar days in advance of the initial public hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council.

C. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall b used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.

D. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.

E. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.

3.202.04 Failure to Receive Notice

A. The failure of a property owner or other party to an application to receive notice of a public hearing as provided in Code Section 3.202.03 or to receive notice of continuances and appeals as provided by this Code due to circumstances beyond the control of the City, including but not limited to recent changes in ownership not reflected in County Assessors records, loss of the notice by the postal service, or an inaccurate address provided by the County Assessor or the party to the application, shall not invalidate the applicable public hearing or land use action. The City shall prepare and maintain affidavits demonstrating that public notices were mailed, published, and posted pursuant to this Code.

B. Persons who should have received notice of a proposed land use action but can prove, to the City's satisfaction, that notice was not received due to circumstances beyond their control, may be permitted, at the City's discretion, to exercise the right to appeal the action as per Section 3.400. All appeals filed under such conditions shall cite the circumstances resulting in the non-receipt of the notice.

3.203 CONTENT OF NOTICE

3.203.01 Public Hearing Notices

Public hearing notices shall include the following information:

A. The nature of the application and proposed use(s).

B. A list of the applicable Code or Comprehensive Plan criteria to be applied to the review of the proposed land use action.

C. The location and street address of the property subject to the land use action (if any).

D. The date, time, place, location of the public hearing.

E. The name and telephone number of a local government representative to contact for additional information.

F. The availability of all application materials for inspection at no cost, or copies at reasonable cost.

G. The available of the City planning staff report for inspection at no cost, or copies at a reasonable cost, at

least seven (7) calendar days in advance of the hearing.

H. The requirements for the submission of testimony and the procedures for conducting hearings, including notice that failure to raise an issue, or to provide sufficient specificity so as to afford a reasonable opportunity for other parties to the application to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).

3.204 PLANNING STAFF REPORTS

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

3.205 CONDUCT OF PUBLIC HEARINGS

3.205.01 Hearing Disclosure Statements

The following information or statements shall be verbally provided by the Commission Chairperson or the Mayor, or his or her designee, at the beginning of any public hearing on a land use action:

A. The findings of fact and criteria specified by the Code that must be satisfied for approval of the land use action being considered by the Commission or Council.

B. That public testimony should be limited to addressing said findings of fact and criteria, or to other City or State land use standards which the persons testifying believe apply to the proposed land use action.

C. That failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant, or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).

D. The rights of persons to request, as per this Code, that a hearing be continued or that the hearing record remain open.

E. That all persons testifying shall be deemed parties to the application, and must provide their name and full mailing address if they wish to be notified of continuances, appeals, or other procedural actions as required by this Code.

3.205.02 Persons Testifying

Any person, whether the applicant, a person notified of the public hearing as per Section 3.202, the general public, or the authorized representative of any of the foregoing persons, may testify at a public hearing on a land use action. Testimony may be made verbally or in writing. The applicant, the applicant's representative, or any person so testifying, or that person's authorized representative, shall be deemed a party to the application, and shall be afforded all rights of appeal allowed by this Code and the laws of the State of Oregon.

3.205.03 Hearing Record

A. Unless the hearing is continued or an additional hearing scheduled, any person testifying may request, verbally or in writing before the conclusion of the initial hearing before the Commission or Council, that the record remain open for an additional seven (7) calendar days. Such requests shall be granted. The Commission or Council shall not take final action on a land use application until the hearing record is closed.

B. When a hearing record remains open, then any person may submit new evidence or testimony, or raise new issued relating to any of the new evidence or testimony. The City shall not be responsible for notifying all parties to an application of the new evidence presented under such circumstances.

C. If, after the close of the final hearing before the Commission or Council or the close of the hearing record as per Section 3.205.03A, the City reopens said hearing or record for any reason, then all parties to the application as per Section 3.205.02 shall be so notified, either verbally if the reopening occurs at the same Commission or Council meeting at which the hearing was conducted or in writing if the reopening occurs at a later date. Said notice shall indicate the time and place of the reopened hearing, the reason for the reopening, and provide for a reasonable opportunity to submit further written or verbal testimony.

3.205.04 Ex parte Contacts

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

3.206 NOTICE OF DECISION

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

3.207 REGISTRY OF DECISIONS

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

3.208 FINAL ACTION ON PERMIT OR ZONE CHANGE

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

3.300 APPLICATION FEES

3.301 FEES

Fees for land use actions are set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein as Appendix J for the purposes of information, but is deemed to be separate from and independent of this Code.

3.302 EXCEPTIONS

Except when a land use action is initiated by the Commission or Council, application fees shall be paid to the City upon the filing of all land use applications. Full or partial waiver or refund of the fees required by Section 3.301 may be granted by the Council, based on a written request by the applicant showing cause for such reduction.

3.400 APPEALS

3.401 GENERALLY

3.401.01 Basis of Appeal

A. Any issue which may be the basis for appeal of a land use action to the Council or to the State Land Use Board of Appeals (LUBA) shall be raised not later than the close of the final hearing on the proposal before the City, or within seven (7) calendar days as per Section 3.205.03.

B. Failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant, or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issue to the Council or to LUBA. Any aggrieved party appealing a land use action must exercise the right of petition for review to the Council prior to making any appeal to LUBA, except as provided in Section 3.401.03.

3.401.02 Appeal Eligibility

Except as otherwise permitted herein, only persons who were a party to the action being appealed, as defined by Section 3.205.02, are eligible to file for a petition for review by the Council. If the potential appellant is judged not to be a party to the action, or the issue(s) that are the basis of the appeal were not raised as per Section 3.401.01, as determined by the City, the Council shall refuse to hear the appeal and direct that the appellant be so notified in writing.

3.401.03 Exception

If the City either takes a land use action without providing a hearing as required by this Code, or takes a land use action which is substantially different than indicated in notice of the proposed action as per Section 3.203.01, an aggrieved party may, as provided by the law of the State of Oregon, appeal directly to State Land Use Board of Appeals (LUBA).

3.402 APPEAL DEADLINE

Land use actions taken pursuant to this Code shall be final unless a petition for review is filed with the City Recorder not more than twenty-one (21) calendar days after the date on which the Commission or Council took final action on the land use application. In the event the aggrieved party is the applicant, the twenty-one (21) calendar days shall be counted from the date when written notice of the action has been

mailed to the address shown on the application.

3.403 PETITION FOR REVIEW

Every petition for review shall include the date and a description of the land use action, including adopted findings of fact, a statement of how the petitioner is aggrieved by the action, the specific grounds relied upon in requesting a review, and a fee pursuant to Section 3.301. The record of the land use action shall be considered.

3.404 COUNCIL ACTION

The review of the appealed land use action shall include a public hearing conducted by the Council at which time all parties to the action, as per Section 3.205.02, may present old evidence or any additional evidence. Public notice and hearing procedures for appeals shall be identical to the procedures used in initially taking the land use action which is being appealed. The Council may act to affirm, reverse, refer or amend the action being reviewed. The action of the Council shall be final, except insofar as further appeal to the State Land Use Board of Appeals (LUBA) may be allowed by the law of the State of Oregon.

CHAPTER 4
PLANNING PROCEDURES

CHAPTER 4

PLANNING PROCEDURES

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CHAPTER 4

PLANNING PROCEDURES

4.100 APPLICATION CONTENT

Section 4.100 sets forth the application contents generally required for the review of proposed land use activities. The City Manager or his or her designee is authorized to waive information requirements that are clearly not material or relevant to the specific proposal being made. In addition to these requirements, Chapters 5, 6, and 7 of this Code must be reviewed for other applicable requirements.

INDEX

REFERENCE NUMBER	TYPE OF PROPOSED DEVELOPMENT
1	Annexation
2	Plan Map Amendment
3	Variance
4	Conditional Use
5	Minor Partition
6	Subdivision/Major Partition
7	Planned Unit Development
8	Site Plan

TYPE OF INFORMATION	TYPE OF APPLICATION (See Index Above)	INFORMATION ITEM
EXISTING CONDITIONS INVENTORY		
General Information	1-8	A tax map showing property within 300 feet with scale (1"=100' or 1"= 200') north point, date and legend.
	1-8	A current preliminary title report or lot book search.
	1-8	Name, address and phone numbers of all owner(s) and applicants.
Citizen Involvement	1-8	A list of tax lots, owners and their addresses within the following distances from the property subject to a land use action for which a public hearing is required: Wholly or partially with the UGB = 100 feet; Outside UGB, not in farm or forest zone = 250 feet; Outside UGB, in farm or forest zone = 500 feet.
Growth Management	1-8	Vicinity Map of property showing City limits and Urban Growth Boundary.
Land Use	1-8	Acreage of property, lot lines and dimensions.
	1-8	City and County zoning designations.
	1-8	Maximum allowable density.
	1-8	Existing land use including nature, size and location of existing structures within 300 feet.
	1-8	Map location, purpose, dimensions and ownership of easements.

Environmental Resources & Hazards	4-8	Topography map showing 5 foot contours.
	2-8	SCS Soil Information Map the following: 1) Areas with severe soil limitations for buildings, roads and streets, and the nature of the limitation including weak foundation, slopes above 10%, slide hazards, etc. 2) Areas with adverse soil characteristics including rapid run-off, high erosion hazard and poor natural drainage. 3) Agricultural capability classes.
	2-8	Flood Plains - Map all 100-year flood plain and floodway lines.
	2-8	Natural Drainage - Map streams, wetlands, ponds, springs and drainage patterns.
	2-8	Significant vegetation - Map general location, size and species of trees.
	2-8	Distinctive natural areas - Indicate views, historic sites, rock out-croppings, etc.
	2-8	Sun and wind exposures - Map general orientation.
Environmental Quality	3-8	Air, Water, Land Pollution, Noise Sources - Indicate the location of existing uses producing significant levels of air, water,land or noise pollution.
Recreational Resources	3-8	Existing Facilities - Map the location, size and distance to nearest park and open spaces.
Transportation	1-8	Street Locations and Dimensions - Map centerline and pavement locations and rights-of-way within 300 feet.
	1-8	Traffic Volumes - Indicate existing volumes for all streets on and within 300 feet.

	2-8	Access Points - Indicate access points to property within 300 feet.
	3-8	Street Condition - Map general condition of streets within 300 feet of property.
	3-8	Street Improvements - Indicate any committed street improvement projects within 300 feet and projected completion date (if known).
	3-8	Public Transit - Indicate routes and stops within 300 feet.
	3-8	Bikeways/Pathways - Map existing routes within 300 feet.
Water	1-8	Existing Facilities -Map locations, sizes and distances to water mains.
	3-8	Existing Services - Describe service levels, capacity, pressure and fire flow characteristics of water mains.
	1-8	Planned Improvements - Indicate sizes and locations of planned improvements.
Sewer	1-8	Existing Facilities - Map locations, sizes and distances to the nearest sewers.
	1-8	Existing Services - Describe flow characteristics, capacity and condition of sewers.
	1-8	Planned Improvement - Indicate sizes and locations of planned capital improvements.
Drainage	3-8	Existing Facilities - Map locations, sizes and distances to drainage facilities or natural drainage-ways.
	3-8	Existing Service -Describe capacity and condition of on-site and downstream drainage courses and facilities.

	3-8	Runoff Analysis - Indicate SCS soil permeability ratings.
	3-8	Planned Improvements - Indicate sizes and locations of planned improvements.
Private Utilities	3-8	Existing Facilities and Services - Describe availability of utilities.
Schools	3-8	Existing Facilities and Services - Indicate location, type, enrollment, capacity and distance to nearest schools.
	3-8	Planned Improvements - Describe planned improvements.
PROPOSED DEVELOPMENT PLAN		
General Information	1-8	A plat or plan map depicting the proposed land use or Change, showing properties within 300 feet, with scale appropriate to Project size, north point, date and legend.
	1-8	Name of Development -Indicate name of proposed development.
	1-8	Vicinity map showing Property within one-half mile.
Citizen Involvement	1-8	Describe contacts with citizens or agencies including the Fire District, public and private utilities, schools, etc.
Land Use	5	Proposed Lots - Map lot lines, dimensions, average and minimum lot sizes, block and lot numbers.
	2-8	Setbacks - Indicate all setbacks.
	1-8	Buildable Acres - Indicate net buildable acres.

	3-8	Proposed Land Use - Indicate the location of all proposed land uses. Show relationship to existing land use to be retained. Provide tables with total acres, densities, dwelling units, floor area, percentage distribution of total site acreage by use, and percentage dwelling unit distribution by dwelling type.
	2-8	Map location of proposed structures.
	2-8	Proposed Easements - Map location, purposes, and widths.
Environmental Resources & Hazards	5-8	Topography - Map topography at 2 foot contours.
	6-8	Landscaping Plan - Provide plan in accordance with Sec. 5.200.
	4-8	Streams, Ponds, Wetlands - Indicate location and any measures to avoid environmental degradation.
	5-8	Natural Hazards - Provide soil analysis by a registered Soils Engineer or Geologist and any measures protecting against hazards.
	3-8	Significant natural areas - Indicate how areas are protected and preserved.
	5-8	Energy Conservation - Indicate relationship of site design to sun and wind exposure.
Environmental Quality	4-8	Provide certification by a Registered Engineer that the proposed uses meet or exceed City environmental performance standards.
Recreation Resources	4-8	Describe how proposal meets park and open space needs and requirements.
	5-8	Map proposed park and open space areas and describe maintenance provisions.

Transportation	5-8	Proposed Facilities -Provide general circulation plan showing location, widths and direction of existing and proposed streets, bicycle and pedestrian ways and transit routes and facilities. Describe the proposed circulation plan's conformity to Chapter VI, Community Development Plan.
	5-8	Indicate estimated curve and curb radii and typical street cross sections.
	5-8	Emergency Access - Show emergency access.
	5-8	Lot Access - Show the location and size of accesses, sight distances and any fixed objects on collectors or arterials.
	3-8	Future Rights-of-Way - Indicate distances from property lines to street centerlines and pavement.
	5-8	Traffic Volumes - Indicate existing and future traffic volumes.
	5-8	Street Profiles - Map profiles and indicate cuts and fills for roads with grades of 15% or more.
	5-8	Parking - Indicate the location, number and size of off-street parking spaces and loading and maneuvering areas.
Water	5-8	Proposed Facilities - Indicate the location and size of the proposed water distribution system and fire hydrants.
Sewer	5-8	Proposed Facilities - Indicate the location and size of the proposed sewage collection systems.
Drainage	5-8	Proposed Facilities - Indicate proposed runoff control and conveyance system.

Private Utilities	5-8	Lighting Plan - Indicate location, height, and sizes of street lighting structures and their connection points to power lines.
Economic Development	4-8	Industrial and Commercial Uses - Indicate number of new jobs to be created, the ratio of employees to site acreage, anticipated capital investment and tax impact.
	4-8	Commercial Uses - Provide evidence of local markets for the service or product to be marketed.
	4-8	Residential Uses - Provide evidence of local markets for type of housing proposed.
Structural Design and Construction	8	Proposed Structures - Provide architectural sketches and elevations of all proposed structures as they will appear upon completion.
	8	Construction Materials - Provide a description of external structural design including materials, textures and colors. Describe compatibility with other uses and natural features.
	8	Energy Conservation - Show the relationship of building orientation and sun and wind exposures. Describe how structures address energy conservation.
	8	Hazard Protection/Resources Preservation - Show how proposed structures relate to natural features and hazards.
	8	Signs - Indicate the locations, sizes and design of proposed signs.
	8	Solid Waste Storage -Indicate the location and design or storage facilities.
	8	Privacy - Describe how privacy is protected.

8	Construction Measure - Describe how erosion, siltation and noise will be controlled during construction.
8	Fencing and Screening - Indicate the location, size and design of screening including fencing, berms and walls.

4.200 PLAN AMENDMENTS

4.201 INITIATION OF AMENDMENTS

An amendment to the City Zoning Map or text of the Comprehensive Plan may be initiated by the Council, Commission, or an owner of property within the City.

4.202 AMENDMENT PROCEDURES

4.202.01 Zoning Map or Text Amendment

A. **Application** - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 3.301.

B. **Public Notice** - Public notice shall be given pursuant to Section 3.200.

C. **Commission Review** - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 4.203.

D. **Council Review** - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 4.203. Approval of the request shall be in the form of an ordinance.

4.203 REVIEW CRITERIA

4.203.01 Text Amendment

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of Comprehensive Plan, and with all other provisions of the Plan and this Code, and with any applicable State or City statutes and regulations.

4.203.02 Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the Comprehensive Plan and this Code, and that:

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

D. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

4.300 CONDITIONAL USES

4.301 GENERALLY

4.301.01 Authorization

Uses permitted in zoning districts as conditional uses may be established, enlarged, or altered by authorization of the Commission in accordance with the standards and procedures established in Section 4.300. If the site or other conditions are found to be inappropriate for the use requested, the Commission may deny the conditional use application.

4.301.02 Changes In Conditional Uses

Changes in use, expansion or contraction of a non-conforming use, structure or site, or alteration of structures or uses classified as conditional uses, that either existed prior to the effective date of this Code or were established pursuant to Section 4.300 shall conform to the requirements of Section 4.300 if the proposed changes would change the value of existing improvements by fifty percent (50%).

4.301.03 Application And Fee

An application for a Conditional Use Permit (CUP) shall be filed with the City and accompanied by the appropriate fee pursuant to Section 3.301. The applicant is responsible for submitting a complete application which addresses all criteria of Section 4.300 and other applicable sections of this Code.

4.302 PERMIT APPROVAL

4.302.01 Commission Action

The Commission shall conduct a public hearing pursuant to Section 3.200 and take action to approve, approve with conditions, or deny the application. The Commission decision shall include appropriate findings of fact as required by Section 4.302.03, and an effective date.

4.302.02 Final Site Plan

Upon approval of a conditional use by the Commission, the applicant shall prepare a final site plan for review and approval pursuant to Section 5.100. The final site plan shall include any revisions or other features or conditions required by the Commission at the time of the approval of the conditional use.

4.302.03 Findings Of Fact

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

A. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation access, 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.

B. Proposed use conforms to applicable zone standards.

C. There is a demonstrable public need for the proposed use.

D. The public need is best served by allowing the conditional use for the particular piece of property in question as compared to other available property.

E. 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 ameliorated by the conditions imposed.

4.302.04 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 Section 4.300. These conditions may include but are not limited to the following:

A. 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.

B. 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.

C. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.

D. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, screening, building height and coverage, and building security.

E. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.

4.302.05 Time Limits

Authorization of a conditional use shall be void after one (1) year or such lesser time as the approval may specify unless substantial construction, in the City's determination, has taken place. The Commission may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

4.302.06 Revocation

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

4.400 VARIANCES

4.401 GENERALLY

4.401.01 Authorization

The Commission may authorize variances from the standard requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property, strict application of this Code would cause undue or unnecessary hardship. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use is located. In granting a variance, the Commission may attach conditions which it finds necessary to protect the best interests of surrounding properties and neighborhoods, and otherwise achieve the purposes of this Code.

4.401.02 Approval Criteria

No variance request shall be granted unless each of the following is found:

A. Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.

C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.

D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

E. The hardship does not arise from a violation of this Code.

4.401.03 Application Content

An application for a variance shall be filed with the City and accompanied by a fee, as determined by Section 3.301. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The applicant is responsible for submitting a complete application which addresses the review criteria of Section 4.400 and other applicable sections of this Code. Except for variances authorized under Subsection 4.402.01, variance requests shall be subject to public notice and hearing as per Section 3.200.

4.401.04 Time Limits

Authorization of a variance shall be void after one (1) year or such lesser time as the approval may specify unless substantial construction in the City's determination has taken place. The Commission may extend authorization for an additional period not to exceed one (1) year upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per

Section 3.301.

4.401.05 Revocation

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

4.402 ADMINISTRATIVE VARIANCE

4.402.01 Authorization to grant or deny variances to on-site requirements.

The City Manager or his or her designee may authorize a variance from the standards of this Code relating to dimensional and on-site requirements, except lot area. Provided, however, that no variance under this section shall be greater than 25% of the requirement from which the variance is sought.

4.402.02 Criteria for Variances granted Under Section 4.401.03

A. In the case of a yard or other dimensional variance, except lot area, the applicant shall show the approval will result in:

1. More efficient use of the site
2. Preservation of natural features, where appropriate
3. Adequate provisions of light, air and privacy to adjoining properties; and
4. Adequate access

B. In the case of a variance to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the applicant shall show that approval will provide adequate off-street parking in relation to user demand. The following factors may be considered in granting such an exception:

1. Special characteristics of users which indicate low demand for off-street parking (e.g. low income, elderly).

2. Opportunities for joint use of nearby off-street parking facilities.

3. Availability of public transit; and

4. Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

4.402.03 Procedures for Variances Granted Under Section 4.402.01

A. An administrative variance shall be decided by the City Manager or his or her designee unless an individual entitled to notice under subsection (B) requests a hearing. If a hearing is requested, the proposal shall be decided by the Planning Commission. The application fee shall be less than for a variance requested under Section 4.401.01, and as specified in the City fee schedule. If a hearing is requested, the variance must be processed as a regular variance and requires the full fee. The administrative variance fee shall be credited against the regular variance fee in such circumstances. If the applicant then decides to withdraw the request, the original fee is non-refundable.

B. The City shall notify the applicant and all property owners within one hundred (100) feet of the proposal by mailed notice. Any property owner or person present may present written comments to the City which address the relevant criteria and standards. Such comments must be received by the City within ten (10) calendar days from the date on the notice.

C. If a property owner or a person residing or doing business within the one hundred (100) feet of the proposal presents written comments as described in subsection (B), that individual may also request that a public hearing be held by the Planning Commission on the proposal. A request for a hearing must be submitted in writing and received within ten (10) calendar days from the date on the notice.

D. If no public hearing is requested as described in subsection (C), the Manager shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all the relevant variance requirements. The applicant may appeal this decision to the Planning Commission.

E. If a public hearing is requested as provided in subsection (C) or the Manager's decision is appealed as provided in subsection (D), the hearing shall be conducted pursuant to Section 3.200 of the Code.

F. The decision of the Planning Commission may be appealed to the City Council by a party to the hearing in accordance with Section 3.400 and shall be a review of the record supplemented by oral arguments relevant to the record presented by the parties.

4.500 TEMPORARY USES

4.501 GENERALLY

4.501.01 Purpose

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code.

4.501.02 Application And Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified by Section 3.301. The applicant is responsible for submitting a complete application which addresses all review criteria of Section 4.500. Temporary use permits shall be subject to the public notice and hearing requirements of Section 3.200.

4.502 PERMIT APPROVAL

4.502.01 Findings Of Fact

A temporary use permit (TUP) may be authorized by the Commission provided that the applicant demonstrates that the proposed use:

A. Generally conforms to the standards and limitations of the zoning district in which it is located.

B. Meets all applicable City and County health and sanitation requirements.

C. Meets all applicable Uniform Building Code requirements.

4.502.02 Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the Commission. In no case shall a temporary use permit be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to Section 4.500.

4.502.03 Additional Conditions

In issuing a temporary use permit, the Commission may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; and reducing the duration of the temporary use permit to less than one (1) year.

4.502.03

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

4.600 INTERPRETATION OF SIMILAR USES

4.601 GENERALLY

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the Commission.

4.602 APPLICATION CONTENT

The request shall be submitted with a fee pursuant to Section 3.302 and shall include information on the following characteristics of the proposed use:

A. Description of the activity to be conducted on the site.

B. Noise and odor characteristics.

C. Description of material or product storage requirements.

D. Amount and type of traffic to be generated.

E. Description of the structures required.

4.603 APPROVALS

The Commission shall conduct a public hearing pursuant to Section 3.200 and take action to approve, approve with conditions, or deny the request for an interpretation of a similar use. The action of the Commission may be appealed to the Council in accordance with Section 3.400.

CHAPTER 5
COMMUNITY DESIGN AND APPEARANCE

CHAPTER 5

COMMUNITY DESIGN

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CHAPTER 5

COMMUNITY DESIGN

5.100 SITE PLANNING

5.101 PURPOSE

5.101.01 Generally

Chapter 5 is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code.

5.101.02 Objectives

Site planning review is intended to:

A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.

B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:

1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.

2. Vehicular and pedestrian ways and parking areas.

3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

5.102 SITE PLAN REVIEW

5.102.01 Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 2.205.01, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed and approved by the Commission. For the purposes of Section 5.102, the term "substantial alteration" shall mean any development activity under the jurisdiction of the Commission, as defined by this Code, that generally requires a building permit and may exhibit one or more of the following characteristics:

A. The activity alters the exterior appearance of a structure, building or property.

B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.

C. The activity involves non-conforming uses as defined in Section 2.206.

D. The activity constitutes a change in a City approved plan, as per Section 5.102.03.

E. The activity is subject to site plan review by other requirements of this Code.

F. Review of any proposed activity indicates that the project does not meet the standards of Section 5.102.04.

5.102.02 Exemptions

The City shall make a initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing, and copies shall be forwarded to the applicant and the Commission. The action of the City Manager or his or her designee may be appealed as per Section 3.400.

5.102.03 Plan Changes and Revocation

A. Changes

Construction, site development, landscaping, and other development activities shall be carried out in accordance with the site development plans approved by the Commission. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 5.102.01, that conflict with original approvals by the Commission, or that otherwise may conflict with the standards of Section 5.102.04, shall be submitted to the Commission for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.

B. Revocation

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

5.102.04 Required Findings

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

A. The proposed development meets applicable zoning district standards and all provisions of Chapters 5, 6, 8 and 9.

B. 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.

C. 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.

D. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, wetlands, trees, vegetation, scenic views, and topographical features, and conforms to the applicable provisions of Chapter 8 of this Code and Chapter 5 of the Community Development Code.

5.102.05 Approvals

The Commission shall conduct a public hearing pursuant to Section 3.200 and take action to approve, approve with conditions, or deny the application for site plan review. The Commission's action shall include appropriate findings of fact as required by Section 5.102.04. The action of the Commission may be appealed to the Council in accordance with Section 3.400.

5.102.06 Time Limits

Site plan approvals shall be void after one (1) year unless construction on the site has begun, as determined by the City. The Commission may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 3.301.

5.200 LANDSCAPING

5.201 LANDSCAPING PLAN

All proposed developments for which a site plan is required pursuant to Section 5.102 shall submit a landscaping plan which meets the standards of Section 5.200. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

5.202 LANDSCAPING MATERIALS

5.202.01 Varieties

Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of Section 5.200.

5.202.02 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.

5.202.03 Non-Vegetative Features

Landscaped areas as required by Section 5.200 may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative paving, and graveled areas. Artificial plants are prohibited in any required landscaped area.

5.202.04 Existing Vegetation

All developments subject to site plan review as per Section 5.102.01 and required to submit landscaping plans as per Section 5.202 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission, in addition to complying with the provisions of Section 8.304.07.

5.203 LANDSCAPING STANDARDS

5.203.01 Perimeter Screening and Buffering

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

5.203.02 Parking and Loading Areas

A. Total Landscaped Area

A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 5.200.

B. Adjacent to Public Rights-of-Way

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off-street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, except in clear vision areas as per Section 2.303.

C. 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.

D. 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.

E. Landscaping at Points of Access

When an private accessway 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 2.301.

5.203.03 Visual Corridors

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 of the Community Development Plan, Part II, and the provisions of Section 8.304.

5.204 INSTALLATION AND MAINTENANCE

5.204.01 Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within six (6) months, the security may be used by the City to complete the installation.

5.204.02 Maintenance of Landscaped Areas

All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan. Failure to maintain landscaped areas shall result in the revocation of applicable occupancy permits and business licenses.

5.300 OFF-STREET PARKING AND LOADING

5.301 GENERALLY

5.301.01 Off-Street Parking Required

No building permit shall be issued 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 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 5.302.

5.301.02 Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the Commission determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred and twenty five percent (125%) of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within six (6) months, the security may be used by the City to complete the installation.

5.301.03 Joint Use

Two (2) or more uses, structures, or parcels of land may utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

5.301.04 Multiple 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.

5.301.05 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.

5.301.06 Location

Residential off-street parking spaces shall be located on the same lot as the residential use. For other uses, required off-street parking spaces shall be located within five hundred (500) feet of the use.

5.301.07 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.

5.301.08 Drainage

Parking and loading areas shall include storm water drainage facilities approved by the City Engineer.

5.301.09 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 and painted parking space boundaries and directional symbols shall be maintained in a readable condition.

5.301.10 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:

A. Delineation of individual parking and loading spaces and dimensions;

B. Circulation areas necessary to serve parking and loading spaces;

C. Location of accesses to streets, alleys and properties to be served, and any curb cuts;

D. Landscaping as required by Section 5.200;

E. Grading and drainage facilities;

F. Signing and bumper guard specifications.

G. Bicycle parking facilities as specified in Section 5.302.03E.

5.302 OFF-STREET PARKING STANDARDS

5.302.01 Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking and loading requirements for a use not specifically listed in Section 5.302.02 shall be determined by the Commission based upon the requirements of comparable uses.

5.302.02 Minimum Standards

A. Residential

Single and two-family dwelling, and manufactured homes on single residential lots.	2 per dwelling unit
Multi-family dwelling	3 per 2 dwelling units
Sorority, fraternity or dormitory	1 per 2 occupants
Residential hotel, rooming or boarding house or club	2 per 3 guest rooms
Hotel or motel	1 per guest room or suite, plus 1 per 2 employees
Manufactured home park	1 per manufactured home site plus 1 per site for guest parking
Planned Unit Development	Applicable requirements for type of dwelling unit, and 1 per 2 units for guest parking.

B. Commercial

General retail or personal service	1 per 200 sq. ft. floor area
Furniture or appliance store	1 per 500 sq. ft. floor area
Auto, boat or trailer sales, or nursery	1 per 1,000 sq. ft. floor area, plus (1 per 2) employees
Barber shop or beauty parlor	1 per 100 sq. ft. floor area
General, professional or banking office	1 per 300 sq. ft. floor area
Medical or dental office or clinic	1 per 200 sq. ft. floor area
Eating or drinking establishment	1 per 100 sq. ft. floor area
Theater, gymnasium, race track, stadium or similar use	1 per 4 seats or (8 ft. bench length)
Bowling alley	2 per lane
Skating rink or dance hall	1 per 100 sq. ft. floor area, plus 1 per 2 employees
Amusement park	1 per 1,000 sq. ft. floor area, plus 1 per 2 employees
Service station	1 per 2,000 sq. ft. lot area

C. Institutional and Public

Child care center or kindergarten	1 per 2 employees, plus 1 per 5 children
School, elementary or junior high	2 per teacher
School, high school	2 per classroom, plus 1 per 10 students
College, university or trade school	2 per classroom, plus 1 per 5 students
Library	1 per 400 sq. ft. floor area, plus (1 per 2) employees
Church, chapel, mortuary, auditorium	1 per 4 seats or 8 ft. bench length
Nursing or convalescent home	1 per 4 seats or 8 ft. bench residents
Hospital	3 per 2 beds

Golf course	8 per hole
Utility (gas, telephone, etc.)	1 per 2 employees on largest shift, plus 1 per company vehicle
D. Industrial	1 per employee on largest shift

5.302.03 Miscellaneous Standards

A. Dimensions

For the purpose of Section 5.300, a "parking space" generally means a minimum 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.

B. 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 that no backing movements or other maneuvering within a street, other than an alley, will be required. All parking areas shall meet the minimum standards shown in Appendix G.

C. 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.

D. 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.

E. Bicycle Parking Facilities

Bicycle parking must be located within fifty (50) feet of an entrance to the building. With the permission of the City, bicycle parking may be located in public right-of-way. The recommended minimum number of bicycle parking spaces for each use is described in the following:

MINIMUM RECOMMENDED BICYCLE PARKING SPACES

USE CATEGORIES	MINIMUM RECOMMENDED SPACES
RESIDENTIAL CATEGORIES	
Household Living	Multi-dwelling - 2, or 1 per 10 auto spaces All other residential structure type - None
Group Living	1 per 20 auto spaces
COMMERCIAL CATEGORIES	
Retail Sales/Service	2, or 1 per 20 auto spaces, whichever is greater
Office	
Drive-Up Vehicle Servicing	None
Vehicle Repair	None
Commercial Parking Facilities Commercial Outdoor Recreation Major Event Entertainment	4, or 1 per 20 auto spaces, whichever is greater
Self Service Storage	None
INDUSTRIAL CATEGORIES	2, or 1 per 40 spaces, whichever is greater
SERVICE CATEGORIES	
Basic Utilities	Park and Ride Facilities 2, or 1 per 20 auto spaces
Community Service, Providers Parks and Open Areas	2, or 1 per 20 auto spaces, Essential Service whichever is greater
Schools	High schools 4 per classroom Middle schools 2 per classroom Grade schools 2 per 4th and 5th grade classroom
Colleges Centers Religious Institutions Daycare Uses	2, or 1 per 20 auto spaces, Medical whichever is greater
OTHER CATEGORIES	
Agriculture Aviation Facilities Detention Facilities	None Per CU Review
Mining, Radio and TV Towers Utility Corridors	None

5.303 OFF-STREET LOADING STANDARDS

5.303.01 Minimum Standards

A. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.

B. 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. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:

1. 20,000 to 50,000 sq. ft. - 500 sq. ft.

2. 50,000 sq. ft. or more - 750 sq. ft.

5.303.02 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 Section 5.302 shall not be used for loading and unloading operations.

5.400 ON-SITE CIRCULATION

5.401 GENERALLY

5.401.01 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 Section 5.400.

5.401.02 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.

5.401.03 Connection to Streets

A. Except for joint access as per Section 5.401.02, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.

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

5.401.04 Maintenance of Required Improvements

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

5.401.05 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:

A. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W

and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

B. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.

C. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

5.401.06 Service Drives

Service drives shall be provided pursuant to Section 5.303.

5.402 MINIMUM RESIDENTIAL STANDARDS

The minimum standards for private, on-site circulation improvements in residential developments are:

5.402.01 Driveways

A. **Single-Family:** One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.

B. **Manufactured Home on Individual Residential Lot:** One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet.

C. **Two-Family:** One (1) driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each.

D. **Multi-Family:** Improved hard surface driveways are required as follows:

Units	# Driveways	Minimum Width One-Way Pair	Two-Way
3 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

5.402.02 Sidewalks and Curbs

A. **Single, Two-Family, and Manufactured Home on Individual Residential Lot:** No on-site sidewalks and curbs are required.

B. **Multi-family:** A minimum four (4) foot wide sidewalk shall be required on one side of approved driveways connecting a development to public rights-of-way. Curbs shall also be required at a standard approved by the Commission. Each dwelling shall be connected to vehicular parking stalls, and common open space and recreation facilities, by pedestrian pathways having a minimum width of four (4) feet and constructed of all-weather material.

5.403 MINIMUM NON-RESIDENTIAL STANDARDS

The minimum standards for private, on-site circulation improvements in non-residential developments are:

5.403.01 Driveways

A. **Commercial:** Improved hard surface driveways are required as follows:

Required Parking Spaces	# Driveways	Minimum Width One-Way Pair	Two-Way
1 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

B. **Industrial:** Improved hard surfaced driveways are required as follows:

Required Parking Spaces	# Driveways	Minimum Width One-Way Pair	Two-Way
1 - 249	1	15 feet	24 feet
250 & above	2	15 feet	24 feet

5.403.02 Sidewalks and Curbs

A. **Commercial:** A minimum four (4) foot wide sidewalk shall be required on one (1) side of approved driveways connecting a development to public rights-of-way. Curbs shall also be required at a standard approved by the Commission. Sidewalks may be connected to public rights-of-way other than along driveways if approved by the Commission.

B. **Industrial:** Sidewalks and curbs may be required at the discretion of the Commission.

5.500 ON-SITE STORAGE

5.501 RECREATIONAL VEHICLES AND EQUIPMENT

Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 5.203.

5.502 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.

5.503 MATERIAL STORAGE

5.503.01 Generally

Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Commission as part of a site plan or as per Section 5.504.

5.503.02 Standards

Except as per Section 5.504, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot high, sight obscuring fence. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.

5.503.03 Hazardous Materials

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

5.504 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 Section 4.300.

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 2.107.05A.

5.600 RESERVED

5.700 SIGNS

5.701 GENERALLY

5.701.01 Sign Permits

A. Except as otherwise provided in Section 5.701, no person shall construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City and making payment of the fee required by Section 3.302. In addition, all permitted illuminated signs shall be subject to the provisions of the State Electrical Code and any applicable permit fees.

5.701.02 Sign Application

Application for a sign permit shall be made upon forms provided by the City and shall include the following information:

A. Name, address and telephone number of the applicant.

B. Location of the building structure or lot to which or upon which the sign is to be attached or erected.

C. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.

D. A plot plan approximately to scale indicating the location of all buildings, property lines, existing signs, street and overhead power lines on the same premises.

E. Name, address and telephone number of the person or firm who will do the erection, construction or maintenance on the sign.

5.701.03 Exceptions

The following signs shall not require Commission review or a sign permit but shall conform to all other applicable provisions of Section 5.700:

A. Real estate signs not exceeding twelve (12) square feet in area, exclusively advertising the sale, rental or lease of the premises upon which the signs are located.

B. Nameplates not exceeding one (1) square foot in area.

C. Messages on a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy.

D. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.

E. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

F. A construction site sign denoting an architect, engineer, contractor, subdivision or development, not exceeding thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.

G. Streamers, banners and similar signs calling attention to an opening of a new business, a City approved cultural event, or other similar occasion, provided such signs may be erected for one (1) week only.

H. Signs not exceeding twelve (12) square feet in area relating to the nomination or election of any individual for a political office or advocacy of any measure to be voted upon at any special or general election, provided that such signs shall be removed within ten (10) days after the election.

I. Public utility signs and other signs required by law.

J. Directional or instructional signs on private property which are solely designed to direct pedestrians and vehicular traffic.

5.701.04 Violations

The City shall order the removal of any sign erected or maintained in violation of the provisions of Section 5.700. The City shall give ninety (90) days written notice to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign

or to bring it into compliance. After ninety (90) days the City may remove such sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as similar liens.

5.701.05 Nonconforming Signs

Signs in existence prior to the effective date of this Code or located on land annexed to the City after the effective date of this Code, which do not conform to the provisions of Section 5.700, but which were constructed, erected, or maintained in compliance with all previous regulations, shall be regarded as non-conforming signs and shall be brought into compliance within five (5) years. Any nonconforming sign which is structurally altered, relocated or replaced shall immediately be brought into compliance.

5.701.06 Abandoned Signs

Any person who owns or leases a sign shall remove the sign and sign structure when the business advertised is discontinued or moves. The City shall give the owner of the building, structure or premises upon which an abandoned sign is located ninety (90) days written notice for removal of the sign. After ninety (90) days the City may remove such sign at cost to the owner of the building, structure or premises. All costs incurred by the City may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as similar liens.

5.701.07 Additional Setbacks

Where the supporting member of any sign is permanently erected or affixed to the ground within an setback area established pursuant to Section 2.302, no permit shall be issued for such sign until the owner(s) of the sign and premises upon which the sign will be erected, enter into a written agreement with the City providing the supporting member within ninety (90) days of written notice by the City. The agreement shall further provide that after ninety (90) days the City may remove such sign at the expense of the owner(s). All costs incurred by the City may be a lien against such land or premises and may be collected or foreclosed in the same manner as similar liens.

5.701.08 Construction and Maintenance

Except as otherwise provided in this Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. All signs, supports, braces, guys and anchors and sign sites shall be kept in good repair and maintained in a clean, safe condition.

5.702 PROHIBITED SIGNS

5.702.01 Unsafe or Unmaintained Signs

All signs and sign structures must be constructed, erected and maintained to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of Section 5.700.

5.702.02 Signs on Streets

No sign shall substantially obstruct free and clear vision along streets, or by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device. No sign shall use the words "stop", "look", "danger", or any other similar word, phrase, symbol or character that interferes with or misleads motorists, pedestrians or bicyclists.

5.702.03 Obstructing Signs

No sign or sign structure shall be located or constructed so that it obstructs access to any fire escape, exit doorway or other means of egress from a building. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire.

5.702.04 Rotating or Revolving Signs

Rotating or revolving signs are prohibited.

5.702.05 Illuminated Signs

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label.

5.702.06 Off-Premise Signs

Except as otherwise permitted by this Code and Section 5.703.01C, off-premise signs are prohibited.

5.702.07 Directional Signs

Except as permitted by Section 5.703.01C, directional signs are prohibited.

5.703 SIGN REGULATIONS BY ZONE

5.703.01 Residential Zones

No sign requiring a permit shall be allowed in residential zones except for the following:

A. Public/Semi-Public Buildings

On churches, schools and other public or semi-public buildings located within a residential zone, signs not exceeding thirty six (36) square feet in size shall be permitted. Signs must be attached flat against buildings or setback a minimum of fifteen (15) feet from property lines adjacent to public streets.

B. Permanent Residential Development Sign

One (1) ground sign, not exceeding thirty-two (32) square feet in size, denoting a subdivision development may be permitted. Illumination may be permitted provided a public nuisance is not created.

C. Directional Signs

Directional signs may be located at street intersections with the approval of the Commission. Such signs shall be no more than one (1) foot by three and one-half (3 1/2) feet. Not more than eight (8) signs shall be permitted at any one street intersection. The signs shall be provided by the developer or applicant and turned over to the City with a fee as per Section 3.301. The City will erect the signs at heights and locations approved by the Commission.

Directional signs may only be permitted for the following uses:

1. Public and private institutions including but not limited to government services, schools, fraternal lodges, and churches.

2. Districts, neighborhoods and other major traffic generators, such as historic districts and shopping centers.

   Directional signs for individual businesses and industries are prohibited.

D. Non-Residential Signs

One (1) sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone, shall be allowed.

5.703.02 Commercial Zones

No sign requiring a sign permit shall be allowed in commercial zones except for the following:

A. Free-Standing Signs

1. **Number Permitted:** One (1) multi-faced, free-standing sign designating the principal goods or services available on the premises shall be permitted per street frontage. Where a frontage exceeds three hundred (300) feet in length, one (1) additional free-standing sign is permitted.

2. **Height Limit:** The maximum height of any portion of a sign or sign structure shall be forty-five (45) feet from ground level at its base, provided that no sign shall exceed in height the distance from the sign to the centerline of an adjacent public right-of-way.

3. **Clearance:** The minimum clearance below the lowest portion of a free-standing sign shall be fourteen (14) feet over any driveway or parking area.

4. **Area:** Maximum sign area shall be one and one-half (1/2) square feet of area per lineal foot of street frontage, not exceeding seven hundred-fifty (750) square feet per sign face, or one thousand five hundred (1500) square feet for all sign faces. Multiple frontage properties may have more than one (1) sign, combine linear frontages and erect a larger sign, or combine with the frontage of adjacent premises to erect a single, common sign. The total combined sign area of any option shall not exceed the sizes otherwise permitted by Section 5.703.02.

5. **Location:** No free-standing sign or any portion of any free-standing sign shall be located within a public right-of-way.

B. Wall Signs

Wall signs shall not exceed twenty percent (20%) of the gross area face of the building to which the sign is attached. Signs placed on or within one (1) foot of display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signing. Wall signs may not project more than one and one-half (1 1/2) feet from the wall to which they are attached.

C. Projecting Signs

Projecting signs supported by a wall of a building or structure shall be permitted under the following conditions:

1. Only one (1) projecting sign will be permitted on the same business frontage with wall signs.

2. No projecting sign shall be permitted on the same premises where there is a free-standing sign or roof sign.

3. A projecting sign shall be used solely to identify a business and shall not be used to advertise services or products sold on the premises.

4. No projecting sign shall extend more than three (3) feet above the roof line at the wall or the top of a parapet wall, whichever is higher.

5. No projecting sign shall be located within twenty (20) feet of another projecting sign in the same horizontal plane.

6. No projecting sign shall be supported by a frame, commonly known as a "A frame" or other visible frame located on the roof of a building.

7. No sign shall project to within two (2) feet of the curb of a public street or beyond five (5) feet from the building face, whichever is less.

D. Directional Signs

The requirements of Section 5.703.01.C shall apply.

E. Roof Signs

Signs erected in or directly above a roof or parapet of a building or structure are permitted provided such sign meet the following conditions:

1. The size of the sign face shall not exceed fifty (50) square feet.

2. The height of a roof sign shall not exceed the highest point on the building or structure. Roof signs on flat roofs are prohibited.

3. Supporting members shall be completely enclosed with materials of compatible design and color to the building or structure.

4. Only one (1) roof sign may be permitted per building or structure.

5.703.03 Industrial Zones

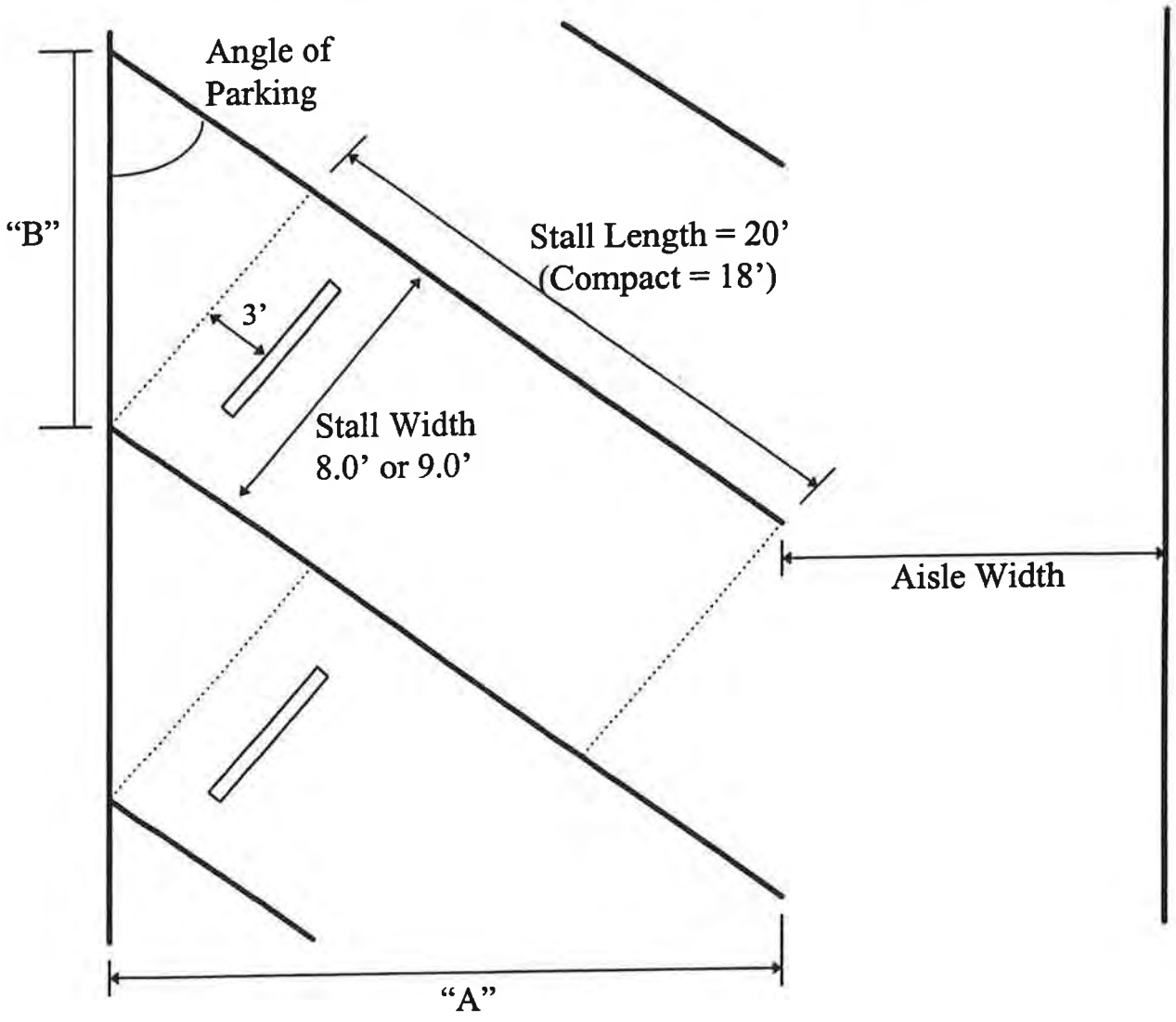
No sign requiring a permit shall be allowed in industrial zones except for the following:

A. Signs permitted in commercial zones, provided that only one (1) multi-faced free-standing sign designating the principal uses of the premise shall be permitted in any setback area, if the area of any one face of such free-standing sign does not exceed sixty (60) square feet and the total area of all faces of such free-standing sign does not exceed one hundred and twenty (120) square feet.

B. Directional Signs

The requirements of Section 5.703.01C shall apply.

Minimum Standards for Parking Areas



Angle of Parking	Direction of Parking	Aisle Width		"A"		"B"	
		Stall Width		Stall Width		Stall Width	
		8'	9'	8'	9'	8'	9'
30°	Drive-In	12.5	12.5	17.8	18.2	18.0	19.0
45°	Drive-In	12.5	12.5	20.5	20.9	12.7	13.4
60°	Drive-In	19.0	18.0	21.8	22.1	10.4	11.0
60°	Back-In	17.0	17.0	21.8	22.1	10.4	11.0
90°	Drive-In	23.0	23.0	20.0	20.0	9.0	9.6
90°	Back-In	22.0	22.0	20.0	20.0	9.0	9.6

CHAPTER 6
PUBLIC IMPROVEMENTS

CHAPTER 6

PUBLIC IMPROVEMENTS

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CHAPTER 6

PUBLIC IMPROVEMENTS

6.100 GENERALLY

6.101 STANDARDS

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

6.102 FUTURE IMPROVEMENTS

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only. The precise alignments and locations of public improvements shall be established during the actual development process and shall be depicted on public improvement plans submitted and approved pursuant to Section 6.200 and other applicable sections of this Code.

6.103 IMPROVEMENT PROCEDURES

Except as otherwise provided, all public improvements shall conform to City standards and specifications and shall be installed in accordance with Section 6.200. No public improvements shall be undertaken until an improvement plan review fee has been paid, improvement plans have been approved by the City, and an improvement permit has been issued.

6.200 IMPROVEMENT PLAN REVIEW

6.201 PREPARATION AND SUBMISSION

Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per Section 6.201.01.

6.201.01 Review Fee

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

6.201.02 Engineering Agreement

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

A. Surveying sufficient to prepare construction plans.

B. Preparation of construction plans and specifications.

C. Construction staking, and adequate inspection.

D. Construction notes sufficient to develop accurate as-built plans.

E. Drawing of accurate as-built plans and submission of mylar reproducibles to the City.

F. Certificate stating that construction was completed in accordance with required plans and specifications.

6.202 CONSTRUCTION PERMIT

6.202.01 Approval

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

6.202.02 Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein as Appendix J for the purposes of information, but is deemed to be separate from and independent of this Code.

6.202.03 Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

6.202.04 Improvement Guarantees

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

A. Liability Insurance

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

B. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.

6.203 CONSTRUCTION

6.203.01 Initiation of Construction

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

6.203.02 Inspection

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

6.203.03 As-Built Plans

A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.

6.202.04 Suspension of Improvements Activity

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

6.204 ACCEPTANCE OF IMPROVEMENTS

6.204.01 Final Inspection

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

6.204.02 Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of Section 6.200 and the specifications of all approved plans.

6.204.03 Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.

6.300 STREETS

6.301 GENERALLY

6.301.01 Creation

Public streets shall be created in accordance with provisions of Section 7.304. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional classification of said streets, as shown on the Transportation Plan Map, attached as Appendix B, in Chapter 6 of the Community Development Plan, and in other applicable City standards.

6.301.02 Street Naming

A. All streets created by the subdivision process will be named prior to submission of the final plat.

B. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.

C. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in Section 6.301.03.

D. All streets named shall conform to the general requirements as outlined in Section 6.301.04.

E. Private streets, at the request of the owner(s), may be named and addresses issued with the approval of the City. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

6.301.03 Street Renaming

A. An action to rename a street in the City may be initiated by the Council:

1. On its own action; or

2. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.

B. A petition for naming or renaming a street shall include the following:

1. A statement of the reasons for the proposed name change.

2. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.

3. Signatures of either owners of percent sixty (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.

C. Notice and Hearing

1. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.

2. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:

   a. Notice by posting in no less than two (2) conspicuous places abutting the subject road; and

   b. Notice by publication in a newspaper of general circulation in the area of the subject road.

3. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.

4. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.

5. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.

6. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

6.301.04 Street Name Standards

A. All streets named or renamed shall comply with the following criteria:

1. Major streets and highways shall maintain a common name or number for the entire alignment.

2. Whenever practicable, names as specified in Section 6.301.05 shall be utilized or retained.

3. Hyphenated or exceptionally long names shall be avoided.

4. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.

5. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.

B. The following classifications (suffixes) shall be utilized in the assignment of all street names:

1. Boulevards: North/south arterials providing through traffic movement across the community.

2. Roads: East/west arterials providing through traffic movement across the community.

3. Avenues: Continuous, north/south collectors or extensions thereof.

4. Streets: Continuous, east-west collectors or extensions thereof.

5. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.

6. Lanes: Short east/west local streets under 1,000 feet in length.

7. Terraces: short north/south local streets under 1,000 feet in length.

8. Court: All east/west cul-de-sacs.

9. Place: All north/south cul-de-sacs.

10. Ways: All looped local streets (exceeding 180 degrees).

11. Parkway: A broad landscaped collector or arterial.

C. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.

D. All proposed street names shall be approved, prior to use, by the City.

6.301.05 Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited, to the following:

A. Original holders of Donation Land Claims in Sherwood.

B. Early homesteaders or settlers of Sherwood.

C. Heirs of original settlers or long-time (50-100 years) residents of Sherwood.

D. Explorers of, or having to do with, Sherwood.

E. Indian tribes of Washington County.

F. Early leaders and pioneers of eminence.

G. Names related to Sherwood's flora and fauna.

H. Names associated with the Robin Hood legend.

6.302 STREET SYSTEMS IMPROVEMENT FEES (SIF)

6.302.01 Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, extension, and capital development and redevelopment of public rights-of-way, streets, bikepaths, sidewalks, traffic control devices, and appurtenant structures, designed to provide extra system capacity, and as designated on the Transportation Plan Map, attached as Appendix B, and in Chapter 6 of the Community Development Plan. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for street preservation improvements or for routine street system maintenance and operations.

6.302.02 Schedule of Charges

SIF's shall be assessed against new development in the City to support extra-capacity street improvements. The SIF for streets shall be set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein as Appendix J for purposes of information, but is deemed to be separate from and independent of this Code.

6.302.03 Assessment

Except as otherwise provided by this Code or by State Law, the SIF is immediately due and payable and shall be collected prior to issuance of any building permits for new residential construction; for alterations or additions to buildings that increase the number of residential dwelling units; or for commercial, industrial, or institutional construction requiring new or additional off-street parking as per Section 5.302.

6.302.04 Deferral

Where the SIF due and payable from a single building permit exceeds $3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the full SIF is paid in full.

6.303 REQUIRED IMPROVEMENTS

6.303.01 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.

6.303.02 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.

6.303.03 Proposed Streets

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.

6.303.04 Extent of Improvements

Streets required pursuant to Section 6.300 shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, and applicable City standards and specifications and shall include curbs, sidewalks, and catch basins. Improvements shall also include any bikeways designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan. Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.

6.303.05 Exceptions

Single and two-family dwelling units and manufactured homes on individual residential lots may be constructed on lots approved before the effective date of this Code without providing improvements to substandard City streets, subject to the dedication of all additional required right-of-way and the provision of a waiver of remonstrance against future public improvements.

6.304 LOCATION AND DESIGN

6.304.01 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 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 Section 8.311, and topographical considerations.

6.304.02 Future Street Systems

The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Transportation Plan Map, attached as Appendix C, or in Section VI of the Community Development Plan, except for deviations to meet a particular situation where topographical or other conditions make continuance or conformance to existing or planned streets impractical.

6.304.03 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.

6.305 STREET DESIGN STANDARDS

6.305.01 Right-of-Way and Pavement Width

Unless otherwise provided in this Code, on the Transportation Plan Map, attached as Appendix C, by Section VI of the Community Development Plan, or by a separately approved future street plan, right-of-way and roadway widths shall not be less than:

Street Type	ROW	Road Surface	Sidewalk
A. Minor Arterial (with bikelane)	80 ft.	54 ft.	6 ft.
B. Minor Arterial (without bikelane)	70 ft.	44 ft.	6 ft.

C.	Major Collector (with bikelane)	70 ft.	50 ft.	5 ft.
D.	Major Collector (without bikelane)	60 ft.	40 ft.	5 ft.
E.	Minor Collector	60 ft.	40 ft.	5 ft.
F.	Local (on-street parking allowed)	50 ft.	36 ft.	5 ft.
G.	Local (on-street parking one side)	50 ft.	32 ft.	5 ft.
H.	Local (no on-streetparking)	50 ft.	28 ft.	5 ft.
I.	Turnaround	50 ft.	40 ft.	5 ft.
J.	Alleyway	20 ft.	20 ft.	none

6.305.02 Reserve Strips

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

6.305.03 Alignment

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

6.305.04 Future Extension

Where necessary to access or permit future subdivision of adjoining land, streets shall extend to the boundary of the development and the resulting cul-de-sacs may be approved without a turnaround.

6.305.05 Intersection Angles

A. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no case shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute

angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.

B. Arterial or collector streets intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections.

6.305.06 Cul-de-Sacs

Cul-de-sacs shall be no more than six hundred (600) feet in length and shall terminate with a circular turnaround fifty (50) feet in radius, except as otherwise provided. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

6.305.07 Grades and Curves

Grades shall not exceed six percent (6%) for arterials, ten percent (10%) for collector streets, or twelve percent (12%) for other streets. Center line radii of curves shall not be less than three hundred (300) feet for major arterials, two hundred (200) feet for minor arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%).

6.305.08 Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

6.305.09 Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed arterial or a collector street, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section

8.304.04, and all applicable access provisions of Section 5.400, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

6.305.10 Median Islands

Median islands may be used on arterial or collector streets for the purpose of controlling access, or for aesthetic purposes.

6.305.11 Curbs

Curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height.

6.305.12 Transit Facilities

Developments along existing or proposed transit routes may be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities, to Tri-Met specifications.

6.305.13 Traffic Controls

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit.

6.306 SIDEWALKS

6.306.01 Required Improvements

A. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

B. For Highway 99W, major or minor arterials, or in special industrial districts, the Commission may approve a development without sidewalks if alternative pedestrian routes are available.

C. 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 Commission.

6.306.02 Sidewalk Design Standards

A. Arterial Streets

Arterial streets shall have minimum six (6) foot wide sidewalks, located as required by this Code.

B. Collector and Local Streets

Collector and local streets shall have minimum four 4) foot wide sidewalks, located as required by this Code.

C. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

6.307 RESERVED

6.308 BIKE PATHS

If shown on the Transportation Plan Map, attached as Appendix B, or in Chapter 5 of the Community Development Plan, bicycle paths shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve (12) inch stripe, not a curb, and should be a minimum of five (5) feet wide. Bike paths should not be combined with a sidewalk.

6.400 SANITARY SEWERS

6.401 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, Unified Sewerage Agency and State sewage disposal standards.

6.402 DESIGN STANDARDS

6.402.01 Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map attached as Appendix F, Chapter 7 of the Community Development Plan, and other applicable Unified Sewerage Agency and City standards, in order to adequately serve the proposed development and allow for future extensions.

6.402.02 Over-Sizing

A. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

B. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

6.403 SERVICE AVAILABILITY

Approval of construction plans for new facilities pursuant to Section 6.200, 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.

6.500 WATER SUPPLY

6.501 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.

6.502 DESIGN STANDARDS

6.502.01 Capacity

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water Service Plan Map, attached as Appendix D, Chapter 7 of the Community Development Plan, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

6.502.02 Fire Protection

All new development shall comply with the fire protection requirements of Section 6.700, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

6.502.03 Over-Sizing

A. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

B. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

6.503 SERVICE AVAILABILITY

Approval of construction plans for new water facilities pursuant to Section 6.200, 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.

6.600 STORM WATER

6.601 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.

6.602 STORM WATER SYSTEM IMPROVEMENT FEES (SIF)

6.602.01 Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, extension, and capital development or redevelopment of public storm water conveyance systems, specific street improvements designed to direct and control storm water flows, storm water treatment facilities, storm water detention or retention ponds, or other storm water facilities, designed to provide extra system capacity, and as designated on the Storm Drainage Plan Map, attached as Appendix E, in Chapter 7 of the Community Development Plan, or in the plans of Washington County's storm water management authority. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for storm water system preservation improvements or for routine storm water system maintenance and operations.

6.602.02 Schedule of Charges

SIF's shall be assessed against new development in the City to support extra-capacity storm water improvements. The SIF for storm water shall be set by the "Schedule of Development Fees" adopted by Resolution of the Council. This schedule is included herein as Appendix J for the purposes of information, but is deemed to be separate from and independent of this Code.

6.602.03 Assessment

Except as otherwise provided, the SIF is immediately due and payable and shall be collected prior to the issuance of any building permits for new construction, or for alterations or additions to buildings or sites that increase the area of impermeable surface.

6.602.04 Deferral

Where the SIF due and payable from a single building permit exceeds $3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the SIF is paid in full.

6.603 DESIGN STANDARDS

6.603.01 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, applicable Washington County storm water management authority standards, and hydrologic data and improvement plans submitted by the developer.

6.603.02 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 to limit the site discharge of storm water from a development to a level below that produced by a twenty-five (25) year storm on the undeveloped site.

6.603.03 Conveyance System

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

6.604 SERVICE AVAILABILITY

Approval of construction plans for new storm water drainage facilities pursuant to Section 6.200, 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.

6.700 FIRE PROTECTION

6.701 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.

6.702 STANDARDS

6.702.01 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.

6.702.02 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.

6.702.03 Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by Section 6.700, 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 fire-fighting 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.

6.702.04 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.

6.703 MISCELLANEOUS REQUIREMENTS

6.703.01 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.

6.703.02 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.

6.703.03 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 Section 6.700.

6.800 PRIVATE IMPROVEMENTS

6.801 UTILITY STANDARDS

Private utilities 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.

6.802 UNDERGROUND FACILITIES

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, and cable television, 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 Commission.

6.803 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.

6.804 PRIVATE STREETS

Private streets are permitted only if provisions are made to assure private responsibility for future maintenance. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.

CHAPTER 7
SUBDIVISIONS AND LAND PARTITIONS

CHAPTER 7

SUBDIVISIONS AND PARTITIONS

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CHAPTER 7

SUBDIVISIONS AND PARTITIONS

7.100 GENERALLY

7.101 PURPOSE

Subdivision and land partitioning regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

7.102 PLATTING AUTHORITY

7.102.01 Planning Commission

A. The Commission shall be the approving authority for preliminary and final plats of subdivision, and partitions, in accordance with this Code.

B. Approval by the Commission of subdivisions and partitions is required in accordance with this Code before a plat for any such subdivision or partition may be filed or recorded with Washington County. Appeals to a decision of the Commission may be filed pursuant to Section 3.400.

7.102.02 Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the Commission shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

7.102.03 Required Setbacks

All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions.

7.102.04 Property Sales

No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code.

7.200 PRELIMINARY PLATS

7.201 GENERALLY

7.201.01 Approval Required

All subdivisions and major partitions are subject to preliminary plat approval by the Commission. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

7.201.02 Commission Action

The Commission shall review preliminary plat applications submitted in accordance with Section 4.100 and approve, approve with conditions, or deny the application. The action of the Commission shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.

7.201.03 Required Findings

No preliminary plat shall be approved unless:

A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the Commission determines that the public interest is served by modifying streets or road patterns.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

C. The plat complies with the Comprehensive Plan and applicable zoning district regulations.

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

G. Tree and woodland inventories have been submitted and approved as per Section 8.304.07.

7.300 FINAL PLATS

7.301 GENERALLY

7.301.01 Time Limits

Within twelve (12) months after approval of the preliminary plat, a final plat shall be submitted. The subdivider shall submit to the City the original drawings, the cloth, and fifteen (15) prints of the final plat, and all supplementary information required by or pursuant to this Code. The final plat application shall be submitted at least thirty (30) days prior to the Commission meeting at which consideration of the plat is desired.

7.301.02 Extensions

After the expiration of the twelve (12) month period following preliminary plat approval, the plat must be resubmitted for new approval. The Commission may, upon written request by the applicant, grant an extension up to six (6) months upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected.

7.301.03 Staging

The Commission may authorize platting and development to proceed in stages that exceed one (1) year, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of one (1) year may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.

7.302 FINAL PLAT INFORMATION

7.302.01 Shown on Plat

The following information shall be shown on the final plat:

A. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.

B. Legal description of the plat boundaries.

C. Existing surveys related to the plat by distances and bearings, and referenced as follows:

1. The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.

2. Adjoining corners of all contiguous subdivisions.

3. Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.

4. Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.

D. Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.

E. The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.

F. Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of

record, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.

G. Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.

H. Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.

I. The following certificates, which may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in and to the land subdivided, consenting to the preparation and recording of the map and dedicating all parcels of land shown on the final map and intended for public use.

2. An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by a professional seal.

3. Provisions for all other certifications required.

7.302.02 Submitted With Plat

The following information shall be submitted with the final plat:

A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing the interest of all parties.

B. Sheets and drawings showing the following:

1. Traverse data showing the error of closure, including the coordinates of the boundary of the

subdivision and ties to section corners and donation land claim corners.

2. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

C. Copies of any deed restrictions and dedications, including building setbacks.

D. Proof that all taxes and assessments on the tract are paid for the current year.

7.303 FINAL PLAT REVIEW

7.303.01 Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Chapter 6, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

7.303.02 Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

7.303.03 Staff Review

If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the Commission for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions.

7.303.04 Commission Approval

When Commission determines that the plat conforms to all requirements, the plat shall be approved. Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat.

7.303.05 County Approval

After approval by the Commission, the City shall transmit the final map, tracing, and other data to Washington County, to determine that there has been compliance with all provisions of State and local statutes. The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

7.303.06 Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

7.303.07 Required Findings

No final subdivision plat shall be approved unless:

A. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.

B. Streets and roads held for private use have been approved by the City.

C. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.

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

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

1. Adequate water service shall be deemed to be connection to the City water supply system.

2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.

3. The adequacy of other public facilities such as storm water and streets shall be determined by the Commission based on applicable City policies, plans, and standards for said facilities.

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

7.304 CREATION OF STREETS

7.304.01 Approval

The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.

7.304.02 Exceptions

The Council, upon Commission recommendation, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:

A. The street creation is required by the City and is essential to general traffic circulation.

B. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.

7.304.03 Easements

Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:

A. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or

B. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.

7.400 DESIGN STANDARDS

7.401 BLOCKS

7.401.01 Size

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

7.401.02 Length

Blocks shall not exceed one thousand two hundred (1,200) feet in length, except blocks adjacent to arterial streets which shall not exceed one thousand eight hundred (1,800) feet, unless adjacent subdivisions or topographical conditions justify a variation.

7.402 EASEMENTS

7.402.01 Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

7.402.02 Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

7.403 PEDESTRIAN AND BICYCLE WAYS

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

7.404 LOTS

7.404.01 Size and Shape

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

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

7.404.02 Access

All lots in a subdivision shall abut a public street.

7.404.03 Double Frontage

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

7.404.04 Side Lot Lines

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

7.404.05 Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.

B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

7.500 LAND PARTITIONS

7.501 GENERALLY

7.501.01 Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a minor partition application has been approved by the Commission.

7.501.02 Commission Action

The Commission shall review the minor partition applications submitted in accordance with Section 4.100 and shall approve, approve with conditions or deny the application. The action of the Commission shall be noted on two (2) copies of the partition, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.

7.501.03 Required Findings

Minor partitions shall not be approved unless:

A. No new rights-of-way, roads, or streets are created, except for widening of existing rights-of-way. Partitions creating such new streets shall be processed as subdivisions.

B. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.

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

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

1. Adequate water service shall be deemed to be connection to the City water supply system.

2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.

3. The adequacy of other public facilities such as storm water and streets shall be determined by the Commission based on applicable City policies, plans and standards for said facilities.

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

7.501.04 Future Developability

In addition to the findings required by Section 7.501.03, the Commission must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The Commission may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the Commission shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

7.502 SUBDIVISION COMPLIANCE

7.502.01 Generally

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

7.503 DEDICATIONS

7.503.01 Generally

The City's requirements for dedication of public lands as per this Code, including road rights-of-way and greenways, shall apply to partitions. Actual public improvements may not be required at the time of partition, at the Commission's discretion.

7.503.02 Dedications Acceptance

The City Manager shall accept all public dedications by his or her signature on the partition plat prior to filing with the County.

7.503.03 Owner Declaration

If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat.

7.504 FILING REQUIREMENTS

7.504.01 Generally

Within twelve (12) months after City approval of a minor land partition, a partition plat shall be submitted to Washington County in accordance with its final partition plat and recording requirements.

7.504.02 Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The Commission may upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development approval would be affected.

7.600 PROPERTY LINE ADJUSTMENTS

7.601 GENERALLY

The City Manager or his or her designee may approve a property line adjustment without public notice or a public hearing provided that no new lots are created and that the adjusted lots comply with the applicable zone requirements. If the

property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

7.602 FILING REQUIREMENTS

If a property line adjustment is approved by the City, it does not become final until reviewed and approved by Washington County in accordance with its property line adjustment recording requirements.

CHAPTER 8
ENVIRONMENTAL RESOURCES

CHAPTER 8

ENVIRONMENTAL RESOURCES

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CHAPTER 8

ENVIRONMENTAL RESOURCES

8.100 PURPOSE

Chapter 8 is intended to protect, preserve, and otherwise properly manage the City's natural and environmental resources for the benefit of the general public, to regulate land development so as to protect the public from natural and environmental hazards, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's environment.

8.200 SPECIAL RESOURCE ZONES

8.201 GENERALLY

Special resource zones are established to provide for the preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

8.202 FLOOD PLAIN (FP) OVERLAY

8.202.01 Purpose

A. The FP zoning district is an overlay district that controls and regulates flood hazard areas, in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and waterflow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

B. FP zoning districts are defined as areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in

Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 8.202.01.C. These FEMA documents are adopted by reference as part of this Code, and are on file in the office of the City Public Works Director.

C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code.

8.202.02 Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek flood plains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two flood plains shall be governed by the policies in Chapter 5, and Section 8.304 of this Code, in addition to the requirements of Section 8.202. For any new development subject to subdivision, partition, conditional use permit, or site plan review as per this Code, all lands within a designated greenway or any other land within the base flood shall be dedicated outright to the public as per Chapter 5, Natural Resources, Policy 1, and Chapter 5, Recreational Resources, Part 6, notwithstanding any development allowances contained in Section 8.202.

8.202.03 Development Application

A. Provided land is not required to be dedicated as per Section 8.202.02, a conditional use permit (CUP) shall be approved before any use, construction, fill, or alteration of a flood plain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 8.202.04.

B. Application for a CUP for development in a flood plain shall conform to the requirements of Section 4.300 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.

C. The following specific information is required in a flood plain CUP application and shall be certified and verified by a Registered Civil Engineer or Architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built

elevations of lowest building floors.

1. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;

2. Elevations in relation to mean sea level to which any structure has been floodproofed;

3. That the floodproofing methods for any structure meet the requirements of Section 8.202.08.

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

5. A base flood survey and impact study made by a Registered Civil Engineer.

6. Proof all necessary notifications have been sent to, and permits have been obtained from, those Federal, State, or other local government agencies for which prior approval of the proposed development is required.

7. Any other information required by Section 8.202, by any applicable Federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.

D. Where elevation data is not available as per Section 8.202.01.B, or from other sources as per Section 8.202.01.C, a flood plain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building floodproofing, to be at least two (2) feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

8.202.04 Permitted Uses

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or flood plain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per Section 8.202.02:

A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.

B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district, that do not impede the movement of floodwaters and flood-carried materials.

C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 8.202.07 and 8.202.08.

D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the flood plain.

8.202.05 Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of Section 8.202 and Section 4.300, and when greenway dedication is not required as per Section 8.202.02:

A. Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.

8.202.06 Prohibited Uses

In the FP zone the following uses are expressly prohibited:

A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.

B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.

C. Any use or activity not permitted in the underlying zoning district.

D. Any use or activity that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the flood plain.

E. Any use or activity that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the flood plain.

F. Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by Section 8.202.04, and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment shall not result in any increase to flood levels during the occurrence of the base flood discharge.

8.202.07 Flood Plain Development

A. Flood Plain Alterations

1. Flood Plain Survey

The flood plain, including the floodway and flood fringe areas, shall be surveyed by a Registered Civil Engineer, and approved by the City, based on the findings of the Flood Insurance Study and other available data. Such delineation shall be based on mean sea level data and be field-located from recognized valid benchmarks.

2. Grading Plan

Alteration of the existing topography of flood plain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one (1) foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or drainageway, two (2) feet for ground slopes between five and ten percent (5% - 10%), and five (5) feet for greater slopes.

3. Fill and Diked Lands

a. Proposed flood plain fill or diked lands may be developed if a site plan for the area to be altered within the flood plain is prepared and certified by a Registered Civil Engineer and approved by the Commission pursuant to the applicable provisions of this Code.

b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.

4. Alteration Site Plan

The certified site plan prepared by a Registered Civil Engineer or Architect for an altered flood plain area shall show that:

a. Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.

b. No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the flood plain or increase in flood heights.

c. Proposed flood plain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.

d. No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.

e. Ongoing maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone shall establish the boundaries of the base flood by survey and shall dedicate said land as per Section 8.202.02. The balance of the land and development shall:

a. Be designed to include adequate drainage to reduce exposure to flood damage, and have

public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.

b. Provide, for each parcel or lot intended for structures, a building site shall be provided, which is at, or above, the base flood elevation, and meets all setback standards of the underlying zoning district.

8.202.08 Flood Plain Structures

Structures in the FP zone shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing, shall be anchored to prevent lateral movement, flotation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.

2. The lowest floor elevation of a structure designed for human occupancy shall be at least one and one-half (1-1/2) feet above the base flood elevation and the building site shall comply with the provisions of Section 8.202.07.A.

3. The lower portions of all structures shall be floodproofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half (1/2) feet above the base flood elevation.

4. The finished ground elevation of any underfloor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainageway unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

B. Utilities

1. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities located within structures shall be

designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.

3. Water supply and sanitary sewer systems shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half (1-1/2) feet above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Engineer or Architect, or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

D. Nonresidential Construction

1. All commercial, industrial or other nonresidential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of Section 8.202.

d. Nonresidential structures that are elevated, not floodproofed, must meet same standards for space below the lowest floor as per Section 8.202.08.C2.

8.202.09 Additional Requirements

A. Dimensional standards for developments in the FP zone shall be the same as in the underlying zoning district, except as provided in Section 8.202.09.

B. Approval of a site plan pursuant to Section 5.100, may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:

1. Increasing the required lot sizes, yard dimensions, street widths, or off-street parking spaces.

2. Limiting the height, size, or location of buildings.

3. Controlling the location and number of vehicle access points.

4. Limiting the number, size, location, or lighting of signs.

5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.

6. Designating sites for open space or water retention purposes.

7. Construction, implementation, and maintenance of special drainage facilities and activities.

8.300 STANDARDS

8.301 PROCEDURES

8.301.01 Applicability

The standards of Section 8.300, and applicable portions of Chapter 5 of the Community Development Plan, shall apply to any new uses or changes to existing uses in commercial, industrial and institutional zones, except as per Section 8.301.05.

8.301.02 Conformance

Conformance with the standards of Section 8.300 shall, at a minimum, be certified in writing by a professional engineer and submitted with the application for site plan review required by Section 5.100, except as per Section 8.301.05. The written certification shall include:

A. Statement certifying that the proposed commercial, industrial or institutional use, if properly managed and operated, will comply with City environmental performance standards, and citing evidence supporting the certification.

B. Copies of any applicable State permits or recent test results, if available, which would indicate compliance with City environmental performance standards.

8.301.03 Additional Information

A. Prior to accepting any land use application to which Section 8.300 applies, the City Manager or his or her designee, may determine that additional expertise in evaluating the application, due to the complexity of its impact on environmental resources, is warranted. Under such circumstances, the City may contract with a professional engineer or other qualified consultant to evaluate and make recommendations on specific application elements relative to City environmental resource standards.

B. Upon the City's determination that additional expertise is needed, the applicant shall deposit a sum equal to the estimated cost, as determined by the City, of such professional services. If the actual cost of such services is more than estimate, the applicant shall be responsible for the difference, provided however, that the applicant's financial responsibilities will not exceed ten percent (10%) of the estimate without prior

written authorization. If the cost of such services is less than the estimate, the balance of the deposit shall be returned to the applicant upon final action on their land use application.

8.301.04 Referenced Statutes and Rules

The Federal, State, or regional statutes and rules cited in Section 8.300 are made part of this Code by reference. The statutes and rules cited are as current at the time of adoption of this Code. If a referenced statute or rule is amended by Federal, State or regional agencies, this Code must be amended for the new statute or rule to take precedence.

8.301.05 Exceptions

The City shall make an initial determination whether a proposed development is subject to any of the standards of this Chapter, or whether the development is exempt. The City Manager or his or her designee is authorized to waive all or some of these standards when a proposed development clearly does not represent a substantial impact on the City's environmental resource standards as per Section 8.300. The findings of the City Manager or his or her designee shall be made in writing, and copies shall be forwarded to the applicant and the Commission. The action of the City Manager or his or her designee may be appealed as per Section 3.400.

8.302 MINERAL RESOURCES

8.302.01 Permitted Activities

Mineral extraction and processing, including sand and gravel pits, rock crushers, concrete and asphalt mixing plants, are permitted in the GI Zone as conditional uses, subject to Section 4.300, and the following special conditions.

8.302.02 Special Conditions

The following special conditions apply to mineral extraction and processing activities:

A. The applicant shall provide a plan for the land from which the sand and gravel will be excavated showing contours on at least five (5) foot intervals, and all improvements on the land and within three hundred (300) feet of the property.

B. Mineral extraction and processing shall not be permitted closer than thirty (30) feet to the boundary of adjacent property, nor closer than three hundred (300) feet to any

existing residence, unless the owner or owners of such adjacent property sign a written consent to a lesser distance, and the Commission approves such lesser distance. The Commission may set greater separations as warranted by specific site conditions.

C. The Commission shall specify depth, degree of bank slopes and the distance from any public structures, for all excavations made in or near stream beds. The Commission shall determine setbacks from public rights-of-way when excavations are near such rights-of-way.

D. Sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet, or more if specified by the Commission, of undisturbed material over the entire excavation tract. Excavations shall be conducted so that excavated areas will not collect and retain stagnant water.

E. After dry pit sand and gravel excavations have been completed, the operator shall evenly spread excess waste materials over the bottom of the pit, and then shall evenly spread topsoil to a minimum depth of one and one-half (1-1/2) feet, unless evidence is produced that the land excavated had less than one and one-half (1-1/2) feet of topsoil prior to commencement of operations.

F. Haulage roads within the excavation tract shall be maintained in a reasonably dust-free condition. Hours of operation, unless otherwise specified by the Commission, shall be from 6:00 a.m. to 7:00 p.m.

G. Rock crushers, concrete and asphalt mixing plants may be permitted; providing that the crushers and plants are accessory to the sand and gravel operations and primarily use materials excavated on-site.

H. The operator shall post security in a form acceptable to the City in a sum equal to the number of acres within the excavation tract, multiplied by five-hundred dollars ($500.00), to ensure full compliance with all of the terms and regulations pertaining to the extraction and processing of sand and gravel. The minimum amount of such bond shall be two thousand five hundred ($2,500.00) and the maximum amount twenty five thousand dollars ($25,000.00).

I. The operator shall furnish evidence of liability insurance of not less than fifty thousand dollars ($50,000.00) for any negligent act or omission in the operation or maintenance of sand and gravel pit, and the extraction and production of sand and gravel, and all activities connected with, or incidental thereto.

J. Prior to Commission action on a conditional use permit, the action shall be advertised as per Section 3.200, and the property shall be posted as to the proposed use for a period of fifteen (15) days. This posting shall consist of a sign or signs, the number of which shall be determined by the City, three (3) feet by four (4) feet, posted in conspicuous locations visible from public rights-of-way.

8.303 SOLID WASTE

8.303.01 Solid Waste Facilities.

Solid waste facilities are permitted in the General Industrial (GI) and Light Industrial (LI) Zones as described in those Sections of the Code. Permitted solid waste facilities are subject to the review procedures, site improvements and other standards of Section 8.303.

8.303.02 Solid Waste Incinerators

The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the City. For the purposes of this Section, solid waste is defined as per ORS 459.005(24), and includes infectious wastes as per ORS 459.386(2). Provided said incineration or burning is otherwise properly permitted, this prohibition shall not apply to furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a by-product on-site and used only for energy recovery purposes. Said small-scale specialized incinerators must be integral to and part of, but clearly ancillary secondary and incidental to, a permitted or conditionally permitted use in the City, and cannot utilize infectious wastes or any fuels derived from infectious wastes. This prohibition shall not apply to solid waste incinerators lawfully permitted to operate prior to September 5, 1990, but shall apply to any expansion, alteration, or modification of such a use or any applicable permits.

8.303.03 Accessory Use Solid Waste Facilities

The following solid waste facilities are permitted, subject to the applicable regulations of the zone, as an accessory use to a permitted or conditional use without being subject to the conditional use review:

1. Household hazardous waste depot, provided the facility is accessory to a public facility or to a use in an industrial zone.

2. Small scale specialized incinerator, provided the facility complies with Section 8.303.02 and does not accept more than two hundred and twenty (220) pounds per day of waste from off-site.

3. Recycling drop boxes, provided they also comply with Section 8.303.09.E.5.

8.303.04 Multiple Purpose Solid Waste Facility

A solid waste facility may include more than one kind of facility as defined in Section 1.200, Definitions. An application that includes more than one (1) kind of facility is permitted in a given zone only if all of the uses proposed in the facility are permitted in that zone. If any of the uses proposed are allowed only as a conditional use in the zone, then all of the uses proposed shall be considered conditional uses.

8.303.05 Temporary Solid Waste Facility.

Temporary solid waste facility. The following solid waste facilities may be approved as a temporary use in any zone without being subject to conditional use review if the use operates not more than three (3) days per calendar month, subject only to the dimensional requirements of the underlying zone (e.g., setbacks and height), and the applicable provisions of Section 8.303.09, Site Improvements, and the appropriate requirements of Sections 8.303.06 through 8.303.08:

1. Household hazardous waste.

2. Resource Recovery Facility.

3. Yard debris depot.

8.303.06 Application Contents

A. In addition to submitting land use application forms provided by the City of Sherwood, and in accordance with other sections of this Code, the applicant shall describe at least the following features of the proposed facility:

1. Capacity and projected life.

2. The population or industries to be served.

3. The amount of solid waste that is expected to be accommodated at the facility from the population or industries to be served, including maximum daily and monthly amounts and average annual volume and weight of waste to be received.

4. For a landfill, planned future uses of the site after closure.

5. The quantity of each type of waste stream projected to be accommodated at the facility. Examples of waste streams include domestic waste, commercial and institutional waste, industrial waste, construction and demolition waste, agricultural waste, sewage sludge, and contaminated clean-up materials.

6. The operating characteristics of the facility, including equipment used, hours of operation, and volume, distribution, and type of traffic associated with the use, and a traffic study if required by Section 8.303.09 of this Code.

7. The kind or kinds of facility or facilities proposed, based on the solid waste facility definitions in Section 1.200, Definitions.

B. The applicant shall submit the following information as part of the application, unless the Planning Director finds that, given the scale and nature of the facility, a requested item will not materially aid the approval authority in reviewing the proposal, and the item is not otherwise required to be submitted under this Code.

1. A written description of the location of the site with respect to known or easily identifiable landmarks and access routes to and from the area the facility will serve.

2. A legal description of the tract or tracts to be used for the facility.

3. Except for an accessory facility, a map or maps showing the location of the site, existing and approved land uses within a minimum two hundred and fifty (250)-foot radius of the boundary of the site inside the regional urban growth boundary or within a minimum five hundred (500)-foot radius of the site outside the regional urban growth boundary; public water supply wells, surface waters, access roads within that radius; historic sites, areas of significant environmental concern or resources, or significant environmental features identified in the Community Development Plan, Part 2, within the applicable radius; other existing or approved manmade or natural features relating to the facility; and a north arrow, bar scale, and drawing date.

4. Except for an accessory use or temporary facility, an aerial photograph of the site and the area within the relevant radius with the boundary of the site outlined.

5. Except for an accessory or temporary facility, a map or maps showing the existing topography of the site with contour intervals not to exceed two (2) feet if slopes are less than five percent (5%), not to exceed five (5) feet if slopes are more than five percent (5%), and not to exceed ten (10) feet if slopes are more than twenty percent (20%); natural features of the site including water bodies and wetlands; the boundary of the one hundred (100)-year flood plain based on Federal Emergency Management Agency data; public easements of record; manmade features including buildings, utilities, fences, roads, parking areas, and drainage features; boundaries of existing waste disposal areas and soil borrow areas, if any; locations of borings, piezometers, monitoring wells, test pits, water supply wells, and facility monitoring or sampling points and devices; a benchmark; and a north arrow, bar scale, and drawing date.

6. For a landfill, data regarding average annual and monthly precipitation and evaporation and prevailing wind direction and velocity, based on data from the National Oceanic and Atmospheric Administration or other federal or state agency, or from on-site measurements.

7. For a landfill, information regarding minimum, maximum, and average annual flow rates and monthly variations of streams on the site, based on stream gauging data collected by the U.S. Geological Service or other federal or state agency supplemented with reliable site specific data as available.

8. A map or maps showing and describing the type and size of existing vegetation on the site, and identifying vegetation to be removed and retained.

9. A grading plan showing site elevations when grading is completed, including any modifications to drainage channels and any required retaining walls or other means of retaining cuts or fills.

10. A site plan showing proposed structures, signs, parking, outdoor storage, landscaping, berms, fencing, and other features of the facility.

11. Responses to the applicable standards of Section 8.303.09 of this Code.

12. If other local, state or federal permits are required for construction and operation of the proposed facility:

    a. The applicant shall submit a copy of such permit(s); or

    b. The applicant shall submit:

        (1) A schedule for submitting the required permits; a description of the requirements of the laws and regulations applicable to such other local, state or federal permits; a summary of how the applicant proposes to comply with the requirements; a list of which regulations require local land use approval; and a list of potentially conflicting local, state or federal standards; and

        (2) A copy of any application filed for another local, state or federal permit for the proposed facility within ten (10) working days after it is filed with the local, state or federal agency; and

c. A copy of any written correspondence or published notice from the local, state or federal agency regarding that application within ten (10) working days after the applicant receives that correspondence or notice from the local, state or federal agency.

8.303.07 Review Procedures and Burden of Proof

A. Before accepting an application as complete, the Planning Director may decide additional expertise is warranted to evaluate it due to exceptional circumstances, the complexity of the proposed facility, or its potential impacts. The Planning Director may hire a professional engineer with the necessary expertise to make a written evaluation of the specific application elements required pursuant to this Code.

1. The written evaluations shall be available no later than thirty (30) days after the applicant submits a deposit to pay for the work. Within ten (10) days after the written evaluation is available, the Planning Director shall determine whether the application is complete and advise the applicant in writing accordingly, listing any additional information required to make the application complete.

2. The Planning Director shall draft a work program and estimate the cost of hiring a professional engineer with the necessary expertise for the written evaluation and shall advise the applicant of that cost, which shall not exceed ten (10) times the application fee (or other reasonable limit) unless approved by the applicant. The applicant shall deposit a sum equal to the estimated cost of such services before the application is deemed complete. If the cost of such services is less than estimated, the City shall refund any excess to the applicant. If the cost of such services is more than estimated, the City shall bill the applicant for such additional cost; provided, the cost of such services shall not exceed one hundred ten percent (110%) of the estimated cost unless the applicant or the City agrees in writing to assume such additional cost.

3. The provision does not authorize the City to collect money from an applicant for independent evaluation of ongoing operations or performance

review of a facility. A fee may be required pursuant to Section 8.303.08.F. before renewal, but not at the time of application or approval.

B. An application for a solid waste facility under this Code is complete if any written evaluation required under Section 8.303.07.A. has been completed, and if:

1. The application includes substantial evidence that the proposed facility will comply with the applicable development standards in Section 8.303.09 or conditions that may be necessary to ensure compliance; or

2. The application includes substantial evidence that the proposed facility is likely to comply with the applicable development standards in Section 8.303.09, identifies any necessary evidence not yet submitted, and provides a reasonable schedule for its submission;

3. The application includes information required to be submitted under Section 8.303.06 of this Code, except to the extent waived by the Planning Director.

C. The City shall provide public notice and an opportunity for submission of written information and/or for a public hearing to consider compliance within the terms of this Code.

D. An applicant for a solid waste facility bears the burden of proving that a facility complies with this Code. The following presumptions and procedures apply when evaluating compliance with the burden of proof:

1. An applicant is rebuttably presumed to have met the burden of proof if the application includes substantial evidence that the facility will comply with the standards for establishment of the facility in Section 8.303.09 and conditions proposed by the Planning Director to ensure such compliance.

2. Substantial evidence can be rebutted only by evidence of equal or greater probative value. For instance, testimony from a professional engineer about a given subject in which an engineer has expertise may be rebutted only by testimony or evidence from another professional engineer or a person similarly qualified about that subject.

Testimony from an expert witness regarding matters relevant to the expertise of the witness cannot be rebutted by testimony from a non-expert witness. This subsection does not limit what may be introduced as testimony; it affects the weight to be accorded that testimony.

3. If evidence of equal probative value is offered that a given facility does and does not comply with a given standard or that a proposed condition is or is not adequate to ensure compliance, the approval authority shall weight the evidence, identify which evidence it accepts as the basis for its decision, and explain why that evidence is accepted and why contrary evidence is rejected.

4. The approval authority shall issue all necessary land use compatibility statements to the applicant or to applicable local, state, or federal agencies, and a final decision with appropriate findings, conclusions and conditions of approval if, after the appropriate review process, it finds there is substantial evidence that the facility complies with all applicable provisions of this Code and City laws incorporated by reference, subject to appropriate conditions, and that such evidence was not effectively rebutted and does not need to be supplemented.

5. If, after a public hearing (or another initial level of review; for instance, the close of the public record following public notice and an opportunity to file written comments), the approval authority finds that:

   a. There is substantial evidence that the facility complies with some applicable provisions of this Code and such evidence was not rebutted and does not need to be supplemented to resolve disputes;

   b. There is not substantial evidence that the facility complies with one or more applicable provisions of this Code, or evidence necessary for approval was rebutted or requires augmenting to resolve disputes; and

   c. It is likely that the applicant will provide the remaining necessary substantial evidence within six (6) months, the approval authority shall:

(1) Issue a written final decision approving the proposed facility in concept that, among other things:

(a) Identifies standards with which the application complies and provide findings and conclusions showing why it complies, based on substantial evidence in the record, and subject to appropriate conditions of approval;

(b) Identifies evidence the applicant must submit to show the proposed facility complies with other applicable provisions of this Code, imposes a schedule for its submission, and includes any requirements pursuant to Section 8.303.07.A above; and

(c) Describes how that substantial evidence will be reviewed, including any public notice and hearing requirements.

(2) Issues all necessary land use compatibility statements to the applicant or to applicable local, state, or federal agencies.

6. The approval authority shall issue a final decision that denies the application if, after the appropriate review process, it finds that:

a. The record does not contain substantial evidence that the facility complies with all applicable provisions of this Code or could comply given the imposition of conditions, in which case the decision shall identify the section(s) about which the record does not contain substantial evidence; or

b. There is more persuasive and at least equally substantial evidence contrary to evidence that the proposed use complies with applicable standards of this Code or could comply given the imposition of conditions, in which case the decision shall identify the provisions for which evidence against the facility overwhelmed the evidence in favor, and

c. The applicant declines to supplement the record regarding standards identified pursuant to Sections 8.303.07.D and 6. a. and b. above,

or it is not likely that substantial evidence necessary to address standards identified pursuant to Sections 8.303.07.D and 6. a. and b. above will be available within six (6) months after the date of the decision.

8.303.08 Conditions of Approval and Enforcement

A. The approval authority may approve an application for a facility subject to conditions of approval. Conditions of approval shall be reasonably related to impacts of the facility, the requirements of this Code and provisions incorporated herein. In no instance may an approval authority impose as a condition of approval a requirement that a facility be publicly or privately owned. All facilities approved pursuant to this Code shall be subject to a condition requiring that landscaping, air and water quality structures and devices, signs, structures, paved areas, and other features of the facility be maintained in good condition, and that such features be replaced if they fail to survive or are rendered ineffective over time.

B. Conditions of approval may require an applicant to submit a written statement or permit from state or federal agencies responsible for administering a regulation to which the proposed facility is subject, if the record does not contain such a statement or permit.

1. Such a condition may fulfill provisions of Code Sections relating to Noise, Odors, Ground and Surface Water, Air Quality and Treatment and Storage that the facility comply with state or federal regulations, subject to a further condition that the applicant submit a written statement or permit showing the proposed facility complies with the applicable state or federal regulation before a building permit is issued for the facility; and

2. Such a condition shall require appropriate review and allow modification of the decision and conditions of approval regarding the application if a state or federal permit substantially changes a proposed facility from what was approved by the City in ways relevant to applicable provisions of Section 8.303.09.

C. All facilities approved pursuant to this Code shall comply with applicable state and federal regulations as a condition of approval. Approval of a facility pursuant to this Code does not preclude imposition of more stringent state or federal regulations adopted after the effective date of this Code.

D. Any facility that is required to obtain a franchise or license from the Metropolitan Service District (Metro) shall obtain the franchise or license and provide a copy of it to the City before a building permit is issued for the facility.

E. The City shall enforce the conditions of approval pursuant to Section 1.101.04, Violations. If Metro issues a franchise or license for the facility, the City shall send to Metro a copy of any written correspondence or notices City sends to the applicant regarding enforcement of conditions of approval. Metro may remedy violations of conditions of approval regarding the facility and charge the franchisee or licensee for the cost of such remedial action unless provided otherwise in the franchise or license.

F. The City may periodically conduct a performance review of an approved facility to determine whether it continues to comply with the criteria and standards then applicable and to modify conditions of approval that apply to the facility so that it continues to comply. The approval authority shall specify the time for any performance review. The City may impose a fee for performance review.

8.303.09 Site Improvements

A. Setbacks, Landscaping and site design impacts:

1. The facility shall comply with the setback requirements and height limits of the underlying zone. However, if the facility adjoins a commercial zone, the minimum setback shall be one hundred (100) feet, and if the facility adjoins a residential or open space zone, the minimum setback shall be two hundred (200) feet.

2. Structures, exterior storage and processing areas, and vehicle maneuvering and parking are prohibited in setbacks required pursuant to Section 8.303.09.A.1 above, except that:

   a. The approval authority may reduce the required setback if it finds that a lesser setback will not adversely affect the privacy, use, or visual character of existing uses on adjoining land, based on the scale and design of the use or structure(s), landscaping and buffers, or on the topography, vegetation, or other natural features of the site;

   b. Minor building features such as eaves, chimneys, fire escapes, bay windows, uncovered stairs, wheelchair ramps, and uncovered decks no more than three (3) feet above grade may extend up to twenty percent (20%) into a required setback;

   c. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may extend into a required setback, except adjoining or across a street from an abutting residential zone;

   d. Fences, walls, berms, landscaping, access drives, and an entry sign(s) are permitted in the setback; and

   e. Notwithstanding the preceding, structures shall be situated so they comply with the Uniform Building Code, State of Oregon Structural Specialty Code, as adopted in Oregon.

3. Exterior building surfaces shall be finished. Metal used on the exterior of the building shall be anodized or painted; galvanized or coated steel shall not be left unpainted.

4. Buildings with walls containing more than twenty-five hundred (2,500) square feet above grade shall incorporate fascias, canopies, arcades, or multiple colors or building materials to break up large wall surfaces visually into areas of one thousand (1,000) square feet or less, unless it would be contrary to the purpose of the wall, such as for retaining earth or for structural support.

5. Attached mechanical structures and roof-mounted equipment shall be screened from ground-level view at adjoining public streets and property zoned residential or open space. Screening may include landscaping, sight obscuring fencing or other features.

6. The facility shall not cause glare or lights to shine off site in excess of one-half (0.5) footcandle onto non-industrial zoned land, based on a written statement certified by a professional engineer.

7. Structures shall not obstruct scenic views or vistas identified in the Community Development Plan, Part 2, although structures may be visible from off site.

8. Major activity areas of the site, such as loading and delivery areas, shall be oriented away from adjoining land zoned for residential or open space uses.

9. At least twenty percent (20%) of the facility site shall be landscaped with living vegetation in an appropriate medium, such as yard debris compost. Landscaped areas shall have a permanent irrigation system equipped with automatic controls. Where landscaping is situated in required setbacks or adjoins buildings and other structures, it shall include evergreen species at least six (6) feet above grade at planting and situated not farther apart than the radius of the crown of a mature specimen. The approval authority may waive or reduce the level of landscaping where necessary to allow sight distance for vehicular traffic, to enable views of signs or other features of the facility that should be visible to enhance the function of the facility, or to protect solar access to adjoining property. The approval authority may require larger or more numerous trees where necessary to reduce the potential adverse visual effects of a facility. Existing significant vegetation shall be retained, where feasible, and may substitute for other required vegetation. Landscaping in setbacks and parking lots counts toward the twenty percent (20%).

B. Historic Resource Impacts

The facility shall not adversely affect historic

resources listed in the Community Development Plan, Part 2, (or inventory of historic resources adopted by the City). A facility complies with this standard if the site and adjoining land do not contain an identified historic resource and are not in an historic district. If the site or adjoining land contains such a resource, then the applicant shall show the facility design preserves the historic resource character.

C. Operating Impacts

1. Exterior activities are prohibited between 10:00 p.m. and 7:00 a.m. daily, except that vehicles may continue to enter and exit the site and maintenance may be conducted at all hours if they do not violate applicable provisions of Sections 8.304, Noise, 8.305 Vibration, and Sections 8.303.09 A. 6. and 8 and I.2 during any hours.

2. For a solid waste transfer station, most solid waste may be stored in an open pit or floor inside a building for up to twenty-four (24) hours or in a sealed container on the site for up to seventy-two (72) hours. Separated recycled materials may be stored on the site for up to thirty (30) days in unsealed containers.

D. Signage Impacts

1. Signs shall comply with sign regulations of Section 5.700, except as provided herein.

2. If the facility is open to the public, the applicant shall provide a sign(s) at each public entrance to the facility that is clearly legible and visible from the adjoining public road. The sign shall identify the name of the facility, the name and telephone number of the operator, and hours of operation of the facility. The entry sign(s) may be up to thirty-two (32) square feet per side and up to ten (10) feet above grade, unless the zone allows larger signs. Directional information to orient drivers shall be included on the entry sign(s) or on interior signs.

3. A sign(s) describing recommended access routes to the facility, materials accepted, instructions for correct preparation of accepted materials, recycling services, and fees for disposing materials shall be posted at the facility. Signs interior to the site shall be coordinated and

consistent in appearance.

4. Signs that use recycled materials, including recycled plastic, are encouraged. Sign quality and appearance shall be appropriate to the character of the area, as determined by the approval authority.

E. Outdoor storage Impacts.

1. No mixed solid waste or recovered material shall be stored outside in unsealed containers, except:

   a. In a landfill or composting facility approved for that purpose;

   b. Solid waste or recovered material that is inert; or

   c. As otherwise allowed in this Section 8.303.09 E. In all circumstances, outdoor storage of hazardous waste is prohibited.

2. Source-separated materials other than yard debris and wood waste shall be stored in containers in an area enclosed on at least three (3) sides and roofed except that in a rural zone, such materials shall be enclosed on any side visible from adjoining public or private property and roofed.

3. Wood waste, yard debris, and solid waste in sealed containers may be stored outdoors if it complies with the applicable dimensional and design standards. Yard debris shall be removed from the site on at least a weekly basis.

4. Storage areas larger than two (2) cubic yards for recovered materials shall be enclosed.

5. Drop boxes for recyclable materials on the site of a solid waste facility shall be painted and maintained in good repair, situated on a paved surface and emptied before collected items exceed the height of the box or within five (5) days of becoming full. The applicant shall post a notice on any recycling drop box, stating that only domestic recyclable or reusable materials, such as paper, cardboard, glass, tin, aluminum, plastic and clothing are permitted. The notice shall also state that yard debris, appliances, or other large items that may be repairable, recyclable or reusable are prohibited, unless the box is designed

for that purpose. The name and telephone number of the operator shall also be posted on the box.

6. Outdoor storage areas shall not be visible when viewed from a height of five (5) feet at the edge of the property, except as provided above. A facility complies with this standard when outdoor storage is enclosed within a sight obscuring fence, wall, berm, or landscaping at least six (6) feet high, but not more than ten (10) feet high. A wood fence is sight obscuring when attached vertical or horizontal fence boards are separated by not more than one-fourth (1/4) inch. A metal fence consisting of chain link or woven fabric is sight obscuring when water and insect resistant wood or plastic slats are inserted in the fence material so they are separated by not more than three-eighths (3/8) inch. Landscaping is sight obscuring when it includes evergreen material at least six (6) feet high and not more than two (2) feet on center at planting.

F. Litter Impacts

1. For purposes of litter control, an area described as the "Primary Impact Area" shall be established around the proposed facility. The Primary Impact Area is the area within which litter and illegally dumped solid waste is presumed to be a result of the presence of a solid waste facility. Illegally dumped waste consists of solid waste in excess of two (2) cubic yards at a given location, and litter includes lesser amounts of solid waste at a given location.

2. The Primary Impact Area shall extend at least one-half (1/2) mile from the facility boundary a long primary routes to the facility, as identified in the traffic study. The approval authority may expand the Primary Impact Area based on specific conditions or if otherwise warranted based on annual review of illegal dumping and litter patterns in the area.

3. Except as specified in Subsection 5 of this Section, the applicant shall submit to City a plan to eliminate litter in the Primary Impact Area. The plan shall include at least the following:

a. A proposed delineation of the Primary Impact Area;

b. Appropriate gates, signs and other traffic control devices to direct traffic to the facility along approved routes that, to the extent possible, avoid public parks, residential and retail districts and major public attractions;

c. Establishment of a patrol to remove litter along designated routes within the Primary Impact Area on a schedule that, in the opinion of the approval authority, is sufficient to prevent accumulation of litter;

d. Provisions for the removal of illegally dumped waste within the primary impact area within twenty-four (24) hours of discovery;

e. Provisions to make available written information that describes access routes to the facility, fees for wastes permitted at the facility, surcharges for delivery of uncovered loads, if appropriate, and recycling incentives; and

f. For a landfill, a description of measures to be used to minimize blowing of litter from the site, such as periodic application of cover material, spraying with liquid, or use of portable fencing.

4. The facility operator shall be responsible for the cost of collecting, removing and disposing of litter and illegally dumped waste within the Primary Impact Area. In addition, the operator shall take reasonable measures to assist the City in identifying sources of illegal waste. If the City identifies a source of illegal waste, the City may take measures to reimburse the operator for the cost of collection and proper disposal of the waste.

5. The requirements of this Section 8.303.09.F. shall not apply to a facility that is not open to the public and receives waste only in sealed containers, or to any facility involved exclusively in recycling.

G. Vector Control Impacts

For any facility where solid waste could sustain or attract rodents or insects, because of the solid waste in question or the environmental characteristics of the site, the applicant shall submit and implement a plan to reduce the potential for rodent and insect propagation using methods designed to minimize nuisance conditions and health hazards.

H. Traffic Circulation and Access

1. Access requirements for a facility shall be based on the number and type of vehicle trips generated by the facility. The number of trips generated per day shall be based on the most recent version of the Trip Generation Manual of the Institute of Traffic Engineers, except that the applicant may submit a trip generation study certified by a professional traffic engineer of other similar facilities as the basis for trip generation by the proposed facility. If a proposed facility is not listed in the Trip Generation Manual and a trip generation study of other similar facilities is not available, then the number and type of vehicle trips generated by the proposed facility shall be based on the figures for the use most similar to the proposed facility for which the Trip Generation Manual contains data.

2. The applicant shall identify designated routes for vehicular traffic generated by the proposed facility and shall provide written information to facility users describing and promoting use of those routes. Designated routes shall be selected to minimize traffic on non-arterial streets and shall not include streets in residential zones if nonresidential streets provide access.

3. For a facility that generates more than two hundred (200) vehicle trips per day, the applicant shall submit a traffic study by a professional traffic engineer that shows the facility will not cause traffic volumes that exceed the capacity of the street based on the capacity assumptions of the Transportation Master Plan of the City, or that cause any intersection affected by that traffic to have a Level of Service E. If the proposed facility will cause street capacity to be exceeded or create a Level of Service E at any intersection, the applicant shall propose street modifications

acceptable to the City to meet the requirements of this subsection. Unless otherwise provided by agreement with the City, all expenses related to street improvements necessitated by the proposed facility shall be borne by the applicant.

4. A facility in an urban zone shall provide for a deceleration/turn lane at proposed access points to separate facility-bound traffic from other traffic if deemed warranted by the traffic study required in Section 8.303.09.I.3. The lane shall accommodate at least two (2) stacked vehicles and shall taper at a ratio of not less than twenty-five in one (25:1) to match the standard roadway width.

I. Odor Impacts

1. The applicant shall demonstrate that the facility meets the requirements of Section 8.309 and:

   a. Will incorporate the best practicable design and operating measures to reduce the potentials or odors detectable off-site from such things as waste stored or being processed on site, spillage of waste, venting of dust, residual amounts of waste in operating areas of the site, and vehicle odors in stacking, maneuvering and staging areas; and

   b. Will not cause unusual or annoying odors, considering the density of the surrounding population, the duration of the emissions, and other factors relevant to the impact of such emissions.

2. Open burning of solid waste will not be allowed unless:

   a. Open burning is consistent with standards of the DEQ; or

   b. The facility is outside the area where open burning is banned, and a permit is not required by DEQ.

J. Ground and surface water impacts.

1. The applicant shall demonstrate that the facility will:

a. Collect all waste water from production, washing down of equipment and vehicles, and similar activities and discharge the water to a public sanitary sewer if:

(1) The sewer adjoins or can be extended to the site based on applicable rules of the sewer service provider, and

(2) The sewer has the capacity to accommodate waste water from the facility as determined by the sewer service provider or by a professional civil engineer; or

b. Incorporate an alternative sanitary waste disposal method that is or will be approved by DEQ;or

c. Incorporate an alternative waste disposal method that is consistent with applicable water quality standards and will not cause drinking water supplies to violate applicable water quality standards; or

d. Not generate waste water, and will divert and/or contain storm water so that it does not enter solid waste on the site.

2. Prior to construction of the facility, the applicant shall obtain all required permits relating to discharges of waste water and storm water from the facility. The operator of the facility shall comply with all directives of state and federal agencies related to protection f ground and surface water resources potentially affected by the facility.

3. At the request of the approval authority, the applicant shall submit to the approval authority copies of any groundwater self-monitoring programs and analyses of potential surface and groundwater impacts related to the facility that area required to be submitted to the DEQ.

4. At the request of the approval authority, an applicant for a landfill, mixed waste compost facility, wood waste recycling facility, yard debris depot or processing facility shall submit copies of its leachate collection and treatment plan and program prepared by a professional civil engineer for submittal to the DEQ, if one has been required by the DEQ.

5. An applicant for a household hazardous waste depot, hazardous waste treatment and storage facility, material recovery facility, solid waste depot or transfer station shall submit and implement a plan and program prepared by a professional civil engineer to collect, pretreat and dispose waste water from the floor or operating area of such facility and to prevent surface water from mixing with solid waste spills.

6. The applicant shall submit and implement a plan prepared by a professional civil engineer to reduce the amount of waste water caused by hosing down equipment, tipping areas, platforms and other facility features, such as by using high pressure/low flow washing systems, compressed air or vacuum equipment for cleaning.

7. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to collect storm water from all impervious areas of the site and to properly manage storm water. The applicant shall comply with state and federal regulations governing storm water discharges, and obtain required storm water discharge permits in a timely fashion. To the extent consistent with a storm water discharge permit issued for the facility, storm water shall be managed in the following manner:

   a. Storm water disposal shall comply with the Storm Drainage Master Plan of the City.

   b. If a storm sewer with adequate capacity is not available, the applicant shall:

      (1) Retain storm water on site; and/or

      (2) Detail storm water on-site and discharge it from the site at no greater rate than before development of the facility; or

(3) Discharge storm water at full rate to public drainage features, such as a roadside ditch or regional drainage facility, if there is adequate capacity to accommodate it as determined by a professional civil engineer or landscape architect. If discharging water at full rate would exceed the capacity of downstream drainage features, the applicant shall:

(a) Provide a detention pond or ponds to contain water in excess of the system's capacity; and/or

(b) Identify improvements to downstream drainage features necessary to accommodate the increased volume or rate of flow without adversely affecting adjoining property and either:

(i) Provide such improvements before operation of the facility, or

(ii) Contribute necessary funds to the City and USA so that the City and USA can undertake such improvements.

(c) If off-site improvements are required to accommodate storm water from the site, prior to issuance of a building permit for the facility, the applicant, the City and USA shall execute an agreement to pay back the applicant for the cost of improvements to the extent those improvements exceed the storm drainage needs generated by the facility.

8. Except as otherwise provided by the storm drainage master plan of the City and USA, the collection and disposal system shall be sized to accommodate peak flows from a twenty-five (25) year storm event, based on the flow from the area that includes the site and the basin that drains onto it, assuming permitted development of that area, as determined by a professional civil engineer or landscape architect.

9. Before storm water is discharged from the site or into the ground, the applicant will direct it

through features to remove sediment, grease and oils, and water soluble materials in the water. Such features shall comply with the storm drainage standards of the City and USA.

10. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to reduce the potential for erosion along natural and constructed drainageways and across slopes during and after construction.

11. For a landfill, the approval authority may require that the applicant submit a copy of its closure plan as prepared for submittal to the DEQ.

K. Methane Gas Impacts

1. The applicant shall submit a statement from a professional engineer that the facility will not generate significant quantities of methane gas emissions; or

2. The applicant shall submit and implement a methane gas control program prepared by a professional engineer that describes how:

   a. The facility will not generate methane gas in excess of twenty-five percent (25%) of the lower explosive limit for methane in facility structures or in excess of the lower explosive limit at the facility boundary;

   b. The gas shall be collected and vented, incinerated, or put to or prepared for a productive use; and

   c. Methane will be measured in structures and at the facility boundary, consistent with applicable DEQ standards.

L. Air Quality Impacts

A facility shall not cause detrimental air quality impacts. A facility complies with this standard if the applicant obtains all required Air Contaminant Discharge Permits and the facility is operated in conformance with Section 8.306 and all applicable DEQ air quality standards and requirements.

M. Treatment and Storage Facilities (Hazardous Waste)

The applicant for a proposed treatment and storage facility shall comply with Oregon Administrative Rules Chapter 340, Division 120, and any other applicable state or federal law, by obtaining all state and federal permits necessary for operation of the facility.

8.304 PARKS AND OPEN SPACE

8.304.01 Purpose

Section 8.304 is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan.

8.304.02 Parks and Open Space System Improvement Fees (SIF)

A. Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, and capital development or redevelopment of greenways, parks, open space, or recreational facilities, designed to provide extra system capacity, and as designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for parks system preservation improvements or for routine parks system maintenance or operations.

B. Schedule of Charges

SIFs shall be assessed against new residential development in the City to support extra-capacity parks and open space improvements. The SIF for parks and open space development shall be set by the "Schedule of Development Fees" adopted by Resolution of the Council. This schedule is included herein as Appendix J for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Assessment

Except as otherwise provided, the SIF is due and payable and shall be collected prior to issuance of any building permits for new residential construction, or for alterations or additions to buildings that increase the number of residential dwelling units.

D. Deferral

Where the SIF due and payable from a single building permit exceeds $3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the SIF is paid in full.

E. Waiver

When a proposed development contains lands designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan, for greenways, parks, open space, or recreational facilities, such land may be dedicated to the City in lieu of an equivalent portion of the SIF, or in the case of multi-family development, in lieu of the equivalent portion of common open space, as per Section 8.304.03. The value of the dedication shall be established by a formal appraisal provided at the developers cost, by County Assessors records, or some other method deemed acceptable by the City. The value of the dedication, as determined by the City, shall be deducted from the SIF.

8.304.03 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard, parking, or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

8.304.04 Visual Corridors

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section VI of the Community Development Plan, shall be required to establish a landscaped visual corridor according to the following standards:

Category	Width
Highway 99W	25 feet
Arterial	15 feet
Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major streets, the corridor may be placed in the road right-of-way between the property line and the sidewalk.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the Commission to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 8.304.06, shall be planted in the corridor by the developer. The improvements shall be included in the subdivision compliance agreement.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Section 5.200. To assure continuous maintenance of the visual corridors, the Commission may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

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

8.304.05 Density Transfer and Park Reservation

A. Density Transfer

1. When a proposed development includes lands designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan, for the uses specified in Section 8.304.02.E, density transfers may be authorized to other portions of the site in exchange for the dedication of those lands.

2. Residential densities as a result of density transfers shall not exceed the maximum allowed for the zone in which the development is proposed, as measured against the area of the site prior to dedication.

3. Non-residential densities shall as a result of density transfers not exceed eighty percent (80%) building coverage on buildable portions of the site.

4. Density transfers shall be allowed only when the portion of the site to which density is transferred can accommodate the additional density without causing undue adverse effects on the surrounding area, including public facilities and services, and is otherwise compatible with the applicable zoning district, as determined by the City.

B. Park Reservations

Areas designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 8.304.02 E or 8.202.02, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.

8.304.06 Trees Along Public Streets or on Other Public Property

A. Trees Along Public Streets

Trees are required to be planted by the land use applicant to the following specifications along public streets abutting or within any new 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.

1. Tree location: On private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines. The land use applicant may, at their option, provide for a minimum four (4') foot deep continuous planter strip between curb and sidewalk for the purposes of street tree planting. The City may grant a corresponding reduction in right-of-way or street width, or equivalent on-street parking requirements.

2. Tree size: A minimum trunk diameter of two (2") inches DBH and minimum height of six (6') feet.

3. Tree spacing: A minimum of one (1) tree for every twenty-five (25') feet of public street frontage, or two (2) trees for every buildable lot, whichever yields the greater number of trees. Double fronting lots shall have a minimum of one (1) street tree for every twenty-five (25') feet of frontage. Corner lots shall have a minimum of three (3) street trees.

4. For minor arterial and major collector streets, the City may require planted medians in lieu of paved twelve (12') foot wide center turning lanes, planted with trees to the specifications of Section 8.304.06.A.

5. Tree types: As per Appendix J of this Code.

B. Prohibited Trees and Shrubs

1. Poplar, conifer, cottonwood, willow, ailanthus, any other native tree species, and fruit and nut trees, are prohibited along public streets as such trees tend to grow in such manner as to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same.

2. Poplar, cottonwood, and willow trees are prohibited on other public or private property not along public streets, when, in the City's determination, such trees may tend to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same. English ivy, holly and Himalayan blackberries are also prohibited on public property.

C. Removal and Cutting of Trees

1. For the purposes of this Section, "removal and cutting" shall be defined as the falling or removal of a tree, or any other deliberate action by any person, the natural result of which is to cause the death or substantial destruction of the tree. Prohibited removal and cutting activities do not include normal trimming or pruning when done in accordance with generally accepted arborcultural practices. The authorizations required by Section 8.304.06.C shall not apply to any removal or cutting associated with development activities authorized by the land use approvals contemplated by Section 8.304.07. Section 8.304.06.C shall only govern the removal or cutting of trees along public streets or of trees and woodlands on public property not part of a land use application.

2. Any tree located on public property or along public streets, as per this Section, shall not be subsequently removed or cut without the authorization of the Parks Advisory Board, unless removal or cutting is necessitated by the tree:

a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or

b. Obstructing public ways or sight distance so as to cause a safety hazard, or

c. Interfering with or damaging public or private utilities, or

d. Being defined as a nuisance as per City nuisance abatement ordinances, or

e. Otherwise becoming a hazard to life or property, in the City's determination.

3. All requests for authorization to remove or cut trees or woodland shall be made in writing stating the reasons and circumstances necessitating said removal or cutting. The Parks Advisory Board shall consider the request in open session at any duly convened Board meeting. Any Board authorization for the removal and cutting of such trees or woodlands shall be made in writing, setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records, as per other Notices of Decision required by this Code. Any tree or woodland removed as per this Section shall be replaced with a new tree or trees selected from Appendix J of this Code. The party initiating the request for tree or woodland removal shall be responsible for all costs of said replacement, including installation. This Section shall apply to any party requesting tree or woodland removal or cutting, including the City.

4. In the specific circumstances listed in Section 8.304.06.C2 only, the City Manager or his or her designee may administratively authorize the immediate removal of such trees or woodlands without Parks Advisory Board review. Any administrative authorization for the removal or cutting of such trees or woodlands shall be made in writing setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records as per other Notices of Decision required by this Code. Any tree or woodland removed as per this Section shall be replaced with a new tree or trees selected from Appendix J of this Code. The party initiating

the request for tree or woodland removal shall be responsible for all costs of said replacement, including installation. This Section shall apply to any party requesting tree or woodland removal or cutting, including the City.

D. Trees on Private Property

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee without Parks Advisory Board review. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and processed as per applicable City nuisance abatement ordinances.

E. Penalties

The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 1.101.04, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.

8.304.07 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of Section 8.304.07 is to establish processes and standards which will minimize cutting or destruction of certain trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

1. All Planned Unit Developments subject to Section 2.202, site developments subject to Section 5.202, and subdivisions subject to Section 7.200, shall be

required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Section 8.304.07 shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection 8.304.07.C5, which shall apply to all building permits issued after the effective date to that Ordinance.

2. For the inventory purposes of Section 8.304.07, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4-1/2') feet above mean ground level at the base of the trunk, also known as Diameter Breast Height (DBH). Trees planted for commercial agricultural purposes, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under Section 8.304.07, as are any living woody plants under five (5") inch DBH.

   a. Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut.....Ten (10") inches or greater

   b. All other tree species..Five (5") inches or greater

   In addition, any trees of any species of five (5") inch or greater DBH that are proposed for removal as per the minimally necessary development activities defined in Section 8.304.07.C3 shall be inventoried.

3. For the inventory purposes of Section 8.304.07, a woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a five (5") inch or greater DBH. Woodlands planted for commercial agricultural purposes, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under Section 8.304.07.

B. Tree and Woodland Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, the land use applications referenced in Section 8.304.07.A shall include a tree and woodland inventory and report, in both map and narrative form, addressing the standards in Section 8.304.07.C, and a written report by an arborist, forester, landscape architect, botanist, or other qualified professional, as determined by the City, that generally evaluates the nature and quality of the existing trees and woodlands on the site and also provides information as to the extent and methods by which trees and woodlands will be retained. The inventory shall include a resume detailing the qualified professional's applicable background and experience. The City may also require the submission of additional information as per Section 8.301.03.

2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and reports shall include, but are not limited to, the following specific information. Mapping shall include a composite map, illustrating as much required information as possible while retaining map readability.

   a. The location of the property subject to the land use application and tree and woodland inventory, including street addresses, assessors' map and tax lot numbers, and a vicinity map.

   b. Mapping indicating the location of trees and woodlands, as defined by Section 8.304.07.A2-3. Mapping shall include typical tree root zones, given tree species, size, condition and location. For any woodland, inventory data and mapping is required only for the group, rather than on a tree by tree basis.

   c. Mapping and other inventory data shall include, but is not limited to, the boundaries and/or types of soils, wetlands, and floodplains underlying the tree or woodland; site hydrology, drainage, and slope characteristics; the condition, density, form, root zone and aspect of the tree or woodland, including in the case of a woodland,

associated understory.

d. Mapping and other inventory data shall be of sufficient detail and specificity to allow for field location of trees and woodlands by the City, and shall include but is not limited to, existing and proposed property lines, topography at the intervals otherwise specified for the type of land use application being considered, and any significant man-made or natural features that would tend to aid in such field location.

e. The number, size, species, condition, and location of trees and woodlands proposed for removal, the timing and method of such removal, and the reason(s) for removal.

f. The number, size, species, condition, and location of trees and woodlands proposed for retention, and the methods by which such trees and woodlands shall be maintained in a healthy condition both during and subsequent to development activity.

g. Proposed mitigation and replacement efforts as per Section 8.304.07.D, including a description of how proposed replacement trees will be successfully replanted and maintained on the site.

C. Tree and Woodland Retention

1. The Commission, or in the case of Planned Unit Developments (PUD), the Council acting on the Commission's recommendation, shall make findings identifying all trees and woodlands, or additional trees not inventoried, that merit retention. Alternatively, the City may require planting of new trees in lieu of retention as per Section 8.304.07.D1-3, or acquire said trees and woodlands as per Section 8.304.07.D4. Prior to making any such determinations or recommendations, the Commission and Council shall receive and consider the recommendations of the City Parks Advisory Board. Special consideration shall be given in making these determinations to the retention of replanting of trees native to the Willamette Valley and Western Oregon, except in areas where such trees are prohibited as per Section 8.304.06.B.

2. To require retention of trees or woodlands as per Section 8.304.07.B, the Commission or Council must make specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

   a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or

   b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or

   c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Unified Sewerage Agency stormwater management plans and standards or the City Comprehensive Plan, or

   d. Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

   e. Otherwise merit retention because of unusual size, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

3. In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of PUDs and subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other infrastructure, and minimally required

site grading necessary to construct the development as approved. For site developments, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots.

4. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per Section 8.304.07.C2, which may be removed or shall be retained as per Section 8.304.07.B, and which shall be mitigated as per Section 8.304.07.D, and any limitations or conditions attached thereto. The applicant shall prepare and submit a Final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such Plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods.

5. At the time of building permit issuance for any development of a site containing trees or woodlands identified as per Section 8.304.07C, the Building Official shall permit only the removal of trees, woodlands and associated vegetation, regardless of size and /or density, minimally necessary to undertake the development activities contemplated by the building permit application under consideration. The permit shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. Minimally necessary activities will typically entail tree removal for the purposes of construction of City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and

parking lots. A fee for this inspection shall be established as per Section 3.301, provided however that said inspection is not deemed to be a land use action.

6. When a tree or woodland within an approved site plan, subdivision or Planned Unit Development subsequently proves to be so located as to prohibit the otherwise lawful siting of a building or use, retention of said trees or woodlands may be deemed sufficient cause for the granting of a variance as per Section 4.400, subject to the satisfaction of all other applicable criteria in Section 4.400.

7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

D. Mitigation

1. The City may require mitigation for the removal of any trees and woodlands identified as per Section 8.304.07.C if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.

2. Replacement trees required as part of mitigation as per this Section shall, as determined by the City, be generally of a substantially similar species, size and quantity to those trees proposed for removal, taking into account soils, slopes, hydrology, site area, and other relevant characteristics of the site on which the mitigation is proposed. In consideration of the foregoing factors the City may require replacement trees to be replanted at greater than a 1:1 ratio. Exotic or non-native trees shall generally be replaced with species native to the Willamette Valley or Western Oregon, except where such native trees are prohibited by Section 8.304.06.B2. Said replacement trees shall be in addition to trees along public streets required by Section 8.304.06.A. Standards for trees along public streets may be different than those for trees required for retention or replacement under this Section.

3. If replacement trees of the species, size or quantity being removed are not available, or cannot be successfully replanted due to soils, slopes, hydrology, site area, or other relevant characteristics of the site, the City many require:

   a. Different species of trees to be submitted or

   b. Replacement trees to be planted on another, more suitable site within the City, or

   c. Cash payments equivalent to the fair market value of the otherwise required replacement trees, including estimated installation costs, said payments to be set aside by the City in a dedicated fund for eventual purchase and planting of trees when suitable sites become available.

4. The Commission may also make recommendation to the Council, based on the recommendation of the Parks Advisory Board, that trees or woodlands identified as per this Section be purchased by the City, if such trees cannot otherwise be retained as part of the proposed land use plan, obtained as a parks and open space or other dedication to the City, or otherwise be mitigated as per Section 8.304.07.D.

E. Penalties

Violations of Section 8.304.07 shall be subject to the penalties defined by Section 1.101.04, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

APPENDIX J

City of Sherwood
Recommended Street Trees

Acer - Maple

Acer platanoides cavalier - Cavalier Norway Maple
p. cleveland - Cleveland Norway Maple
p. cleveland - Cleveland II Norway Maple
p. columnare - Columnar Norway Maple
p. fairway - Fairway Sugar Maple
p. olmsted - Olmsted Norway Maple
p. summershade - Summershade Maple

Acer, rubrum red sunset - Red Sunset Maple (Old Town)
r. royal red - Royal Red Maple
r. gerling - Gerling Red Maple
r. tilford - Tilford Red Maple

Carpinus - Hornbeam
Carpinus betulus pyramidals - Pyramidal European Hornbeam
b. columnaris - Pyramidal European Hornbeam
b. fastigiata - Pyramidal European Hornbeam

Cercidiphyllum - Katsura Tree
c. japonicum - Katsura Tree

Cercix, canadenis - Canadian Red Bud

Fraxinus - Ash
americana - White Ash
americana - Autumn Purple Ash
angustifolia dr. pirone - Dr. Pirone Ash
oxycarpa flame - Flame Ash
raywoodi - Raywood Ash
latifolia - Oregon Ash

Ginkgo
bilboa - Maidenhair Tree
bilboa - Autumn Gold
bilboa - Fairmount

Gleditsia
triacanthos sunburst - Honey Locust

Liquidamber
styraciflua - American Sweetgum

Liriodenrod
tulipifera - Tulip Tree

Magnolia
grandiflora vars - Evergreen Magnolia
grandiflora - Southern Magnolia
kobus dr. merrill - Dr. Merrill Magnolia

Platanus
aceriflora - London Plane Tree

Purnus - Cherry - Plum
avium plena - Double Flowering Cherry
avium scanlon - Scanlon Globe Cherry
serrulata vars (nonweeping) - Japanese Cherry
okame - Okame Cherry
blireana - Blireana Plum
cerasifera newport - Newport Plum
pissardi - Pissardi Plum
thundercloud - Thundercloud Plum
vesuvius - Krauter's Vesuvius Plum
maacki - Amur Chokecherry
serrula - Redbark Cherry
padus alterti - Alberti Cherry
spaethi - Spaethi Cherry
virginiana var. mellanocarpa canada red - Chokecherry
padus - European Birdcherry
grandiflora - Bigflowered Birdcherry
berg - Rancho Birdcherry
purpurea - Purpleleaf Birdcherry

Quercus
palustris - Pin Oak
rubra - Red Oak

Tilia - Linden
americana - American Linden
cordata - Little Leaf Linden
glenleven - Glenleven Linden
redmond - Redmond Linden
euchlora - Crimean Linden
tomentosa - Silver Linden
bicentennial - Bicentennial Linden
greenspire - Greenspire Linden
salem - Salem Linden

PROHIBITED STREET TREES

Acer, Silver Maple
Acer, Boxelder
Ailanthus, gladulosa - Tree-of-heaven
Betula; common varieties of birch
Ulmus; common varieties of elm
Morus; common varieties of mulberry
Salix; common varieties of willow
Coniferous evergreen (Fir, Pine, Cedar, etc..)

8.305 WETLAND, HABITAT AND NATURAL AREAS

8.305.01 Generally

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

8.305.02 Standards

A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with Section 8.305.02.1 a or 8.305.02.1 b below:

1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by a minimum of sixty (60) feet, which shall be retained in its existing condition or enhanced for compatibility with the wetland. The setback may be reduced to as little as twenty (20) feet if the applicant shows such lesser setback will not adversely affect the wetland, provided Section 8.303.09.A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the following among other means:

   a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.
   b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.
   c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.

2. Where existing wetlands are eliminated by the facility, the applicant will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.

B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:

1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).

2. The facility will comply with applicable requirements of the zone.

3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.

4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.

5. Development associated with the facility will be set back from the edge of a significant natural area by a minimum of sixty (60) feet, and the setback area shall be retained in its existing condition or enhanced for compatibility with the natural area. The setback may be reduced to as little as twenty (20) feet if the applicant shows such lesser setback will not adversely affect the natural area, provided Section 8.303.09.A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in Section 8.305.02.A.1 above.

8.306 NOISE

8.306.01 Generally

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

8.306.02 Noise Sensitive Uses

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

A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.

B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.

C. If the use exceeds applicable noise standards as per Section 8.306.02B, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

8.306.03 Exceptions

Section 8.306 does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travel ways, flightpaths or other routes. Section 8.306 also does not apply to noise produced by humans or animals. Nothing in Section 8.306 shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

8.307 VIBRATION

8.307.01 Generally

All otherwise permitted commercial, industrial and institutional uses shall not cause discernable 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.

8.307.02 Exceptions

Section 8.307 does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flightpaths or other routes. Nothing in Section 8.307 shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.

8.308 AIR QUALITY

8.308.01 Generally

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

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

B. Incinerators, if otherwise permitted by Section 8.303.02, 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.

8.308.02 Proof of Compliance

Proof of compliance with air quality standards as per Section 8.308.01 shall be in the form of copies of all applicable State permits, or, if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.

8.308.03 Exceptions

Nothing in Section 8.308 shall preclude the City from abating any air quality problem as per applicable City nuisance and public safety ordinances.

8.309 ODORS

8.309.01 Generally

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

8.309.02 Standards

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

8.309.03 Exceptions

Nothing in Section 8.309 shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.

8.310 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 (.5) foot candle when adjoining properties are zoned for residential uses.

8.310.01 Exceptions

Nothing in Section 8.310 shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.

8.311 ENERGY CONSERVATION

8.311.01 Purpose

Section 8.311 and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of Section 8.311 shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

8.311.02 Standards

A. Building Orientation

The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time on December 21st.

B. Wind

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

8.311.03 Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements, approved as per Section 4.400, may be granted by the Commission where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

CHAPTER 9
HISTORIC RESOURCES

CHAPTER 9

HISTORIC RESOURCES

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CHAPTER 9

HISTORIC RESOURCES

9.100 PURPOSE

Chapter 9 is intended to protect, preserve, and otherwise properly manage the City's historic and cultural resources for the benefit and education of the general public, to retain and strengthen the community's historic heritage and unique identity, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's historic and cultural resources.

9.200 SPECIAL RESOURCE ZONES

9.201 GENERALLY

Special resource zones are established to provide for the preservation, protection, and management of unique historic and cultural resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

9.202 Old Town (OT) Overlay and Historic District

9.202.01 Purpose

The OT zoning district is an overlay district generally applied to commercially zoned property, and to adjacent residential properties supporting and complementing the commercial area and providing a diversity of uses, in the Smockville Subdivision, also known as Old Town. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. The OT overlay zone is designated a historic district as per Sections 9.400 and 9.500.

9.202.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Uses permitted outright in the RC zone, Section 2.108.02, and the MDRL zone, Section 2.103.02 provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.02 through 9.202.04.

B. In addition to the home occupations permitted under Section 2.203.02, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Sections 2.203 and 9.202, in either the underlying RC or MDRL zones.

C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in either the underlying RC or MDRL zones.

D. Motels and hotels, in the underlying RC Zone only.

E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC Zone only.

F. Other similar commercial uses or similar home occupations, subject to Section 4.600.

9.202.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300.

A. Uses permitted as conditional uses in the RC zone, Section 2.108.03, and the MDRL zone, Section 2.103.03, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Sections 9.202.02 through 9.202.04.

9.202.04 Prohibited Uses

The following uses are expressly prohibited in the OT overlay zone, notwithstanding whether such uses are permitted outright or conditionally in the underlying RC or MDRL zones:

A. Adult entertainment businesses.

B. Manufactured homes on individual lots.

C. Manufactured home parks.

9.202.05 Dimensional Standards

In the OT overlay zone, the dimensional standards of the underlying RC and MDRL zones shall apply, with the following exceptions:

A. Lot Dimensions

Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.

B. Setbacks

Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by Section 9.202, are met.

C. Height

The maximum height of structures on RC zoned property shall be three (3) stories or forty (40) feet, whichever is less. Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by twenty (20) feet.

D. Coverage

Home occupations permitted as per Section 2.203.02 and 9.202.02 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.

9.202.06 Community Design

Standards relating to off-street parking and loading, environmental resources, landscaping, historic resources, access and egress, signs, parks and open space, on-site storage, and site design as per Chapters 5, 8 and 9 shall apply, with the following exceptions:

A. Generally

In reviewing site plans, as required by Section 5.100, the City shall utilize the design guidelines originally contained in the "Sherwood Old Town Revitalization Action Plan", as subsequently adapted and made a part of this Code by reference, and attached as Appendix I, and, when applicable, the standards of Sections 9.400 and 9.500.

B. Landscaping

1. Perimeter screening and buffering, as per Section 5.203.01, is not required for approved home occupations.

2. Minimum landscaped areas are not required for off-street parking for approved home occupations.

3. Landscaped strips, as per Sections 5.203.02 and 8.304.04A, may be a minimum of five (5) feet in width, except when adjoining alleys, where landscaped strips are not required.

4. Fencing and interior landscaping, as per Section 5.203.02, are not required.

C. Off-Street Parking

1. Required residential, home occupation, and commercial off-street parking spaces may be located on the same property as the use which the parking serves, or off-site within five hundred (500) feet of the use served. Off-site parking shall be permitted only if satisfactory evidence is presented to the City, in the form of deeds, leases or contracts, establishing control of the site by the proposed use for vehicle parking purposes.

2. Except as otherwise provided in this Section minimum standards for off-street parking spaces for commercial uses and home occupations shall be one-half (1/2) of the standards established under Section 5.302.02B.

3. For Blocks 1 and 2, and the southern halves of Blocks 5 and 6, all on Washington County Assessors Map 2S1 32BC, off-street parking is not required.

4. Minimum requirements for off-street parking established by Section 9.202.06C2, may be further reduced by a percentage equal to the number of public off-street parking spaces provided within the OT overlay zone, compared to the total off-street parking for existing and proposed uses, as computed by the City, that would otherwise be required in the OT overlay zone.

5. Up to fifty percent (50%) of required off-street parking spaces may have minimum dimensions of eight (8) feet in width and eighteen (18) feet in length.

D. Off-Street Loading

1. Off-street loading spaces for commercial uses may be shared and aggregated in one or several locations in a single block, provided that the minimum area of all loading spaces in a block, when taken together, shall not be less than fifty percent (50%) of the minimum standard that is otherwise required by Section 5.303.01B.

2. For Blocks 1 and 2, and the southern halves of Blocks 5 and 6, all on Washington County Assessors Map 2S1 32BC, off-street loading is not required.

E. Signs

In addition to signs otherwise permitted for home occupations, as per Section 2.203.01, one (1) exterior sign, up to a maximum of sixteen (16) square feet in surface area, may be permitted for each approved home occupation.

F. Non-conforming Uses

When a nonconforming lot, use, or structure within the OT overlay zone has been designated a landmark as per Section 9.400, or when a nonconforming lot within the OT overlay zone is vacant, and the proposed change will, in the City's determination, be fully consistent with the goals and standards of the OT overlay zone and other City guidelines to preserve, restore, and enhance historic resources, nonconforming use restrictions contained in Section 2.206 may be waived by the Commission.

9.300 LANDMARKS ADVISORY BOARD

9.301 GENERALLY

A. The City Landmarks Advisory Board shall consist of seven (7) members to be appointed by the Council for terms of two (2) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Landmarks Board members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.

B. A Landmarks Board member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.

C. Landmarks Board membership may be drawn from all segments of the community, provided however, that the Council shall strive to appoint individuals in a variety of professions to the Landmarks Board, and shall give preference to owners of historic properties, architects, real estate brokers, attorneys, builders, historians, and other professions providing background and expertise relevant to historic preservation.

D. No more than two (2) Landmarks Board members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of business, trade, or profession.

9.301.01 Officers, Minutes, and Voting

A. The Landmarks Board shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Landmarks Board.

B. Before any meeting of the Landmarks Board, public notice shall be given as required by State Statute and this Code. Accurate records of all Landmarks Board proceedings shall be kept by the City, and maintained on file in the City Recorder's office.

C. A majority of members of the Landmarks Board shall constitute a quorum. A majority vote of those members,

not less than a quorum, present at an open meeting of the Landmarks Board shall be necessary to legally act on any matter before the Landmarks Board. The Landmarks Board may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

9.301.02 Conflicts of Interest

A. Landmarks Board members shall not participate in any Landmarks Board proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.

B. Any actual or potential interest by a Landmarks Board member in an action as per Section 9.303.03A shall be disclosed by that member at the meeting of the Landmarks Board where the action is being taken. Landmarks Board members shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Landmarks Board. Ex-parte contacts with a Landmarks Board member shall not invalidate a final decision or action of the Landmarks Board provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

9.301.03 Powers and Duties

Except as otherwise provided by law, the Landmarks Board shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, and City ordinances. The Landmarks Board shall:

A. Recommend to the Council the designation of certain historic and cultural resources, structures, buildings, places, sites, landscapes and areas as landmarks or historic districts, in accordance with Section 9.400. Subject to the approval of the Council, the Board may employ the services of a qualified architect or historian in the designation process. The landmark alteration criteria contained in Section 9.500 shall only apply to designated landmarks or historic districts.

B. Review and take action, or make recommendations, on building alteration applications for designated landmarks and in designated historic districts, in accordance with Section 9.500, and if the building alteration involves a site plan application as per Section 5.100, the Board shall substitute for the Planning Commission and act as the approving authority for such applications.

C. For any land use application, other than site plan review, that is for a designated landmark or in a designated historic district, the Board shall provide formal written recommendations to the Planning Commission, prior to the Commission's decision on the application.

D. Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, rehabilitation, and reuse.

E. Advise and assist owners of landmarks on the physical and financial aspects of historic preservation, rehabilitation, and reuse, especially with respect to publishing or making available guidelines on historic preservation, and identifying and publicizing tax benefits and grant and loan opportunities.

F. Determine an appropriate system of marks and signs for designated landmarks and historic districts.

9.400 LANDMARK DESIGNATION

9.401 DESIGNATION STANDARDS AND PROCEDURES

9.401.01 Generally

A. The Landmarks Board shall make recommendations on the designation of structures, buildings, places, landscapes and sites, having special historical, architectural, or cultural significance, as historic landmarks or historic districts.

B. Subject to the procedures and standards of Sections 9.401.03 and 9.401.04, historic resources may be designated as landmarks having Primary or Secondary significance based on the historic, architectural, site, and use evaluation criteria contained in Section 9.401.04.

9.401.02 Effect of Designation

A. Any historic resource designated as per Section 9.400, shall be subject to Section 9.500, except as otherwise provided by this Code. Any building or site that is considered for landmarks designation, but rejected as per Section 9.400, may not be reconsidered for a minimum period of two (2) years. The classification of any designated landmark once established as per Section 9.400 may not be reconsidered for a minimum period of two (2) years.

B. The landmark alteration criteria contained in Section 9.500 shall apply only to designated landmarks or historic districts. Historic resources designated as landmarks of either Primary or Secondary significance that are within a special historic resource zone or historic district are subject to Section 9.500. Historic resources designated as landmarks of either Primary or Secondary significance that are not within a special historic resource zone or historic district shall not be subject to Section 9.500, except that such Primary resources shall be subject to an advisory and non-binding review by the Board prior to issuance of any building or other applicable City permits.

C. Notwithstanding its listing and rating in, or omission from, a historic resources inventory, or its designation or rejection as a landmark, any structure, building, place, landscape, site, or area within a special historic resource zone may be subject to the standards of that zone. Any structure, building, place, site, or area

within a designated historic district shall be subject to Section 9.500 where so required by this Code, and may be subject to the standards of that district.

9.401.03 Procedures

A. Except as otherwise provided herein, the Council, Commission, Landmarks Board, the owners of a potential landmark, or a citizen may initiate historic landmark or district designation in accordance with Section 9.401. Application for landmark designation shall be made on forms provided by the City. A proposed designation shall be processed as a plan amendment. The Landmarks Board shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Board shall provide a report and recommendation on the proposed designation to the Council.

B. Initiation of consideration of a new historic district designation, or amendment to any established historic district, may be initiated by the Council, Commission, or Landmarks Board, or by petition specifying a proposed district boundary and signed by at least twenty-five percent (25%) of the property owners within the proposed district. A proposed designation shall be processed as a plan amendment. The Landmarks Board shall conduct a public hearing concerning the proposed designation and provide public notice in accordance with Section 3.200 of this Code. The Landmarks Board shall provide a report and recommendation on the proposed designation to the Council.

C. Upon receipt of the report and recommendation of the Landmarks Board, the Council shall conduct a further public hearing as per Section 3.200. Approval of the landmark or district designation shall be in the form of an ordinance. If a resource or area is approved for designation by the Council, it shall be listed as a designated historic landmark or district in the Community Development Plan element of the City Comprehensive Plan.

D. Once City action on historic district designation is complete, the designation shall not go into effect until the City has adopted design guidelines and standards for the district, similar to those adopted for the Smockville Old Town Historic District, Appendix I. Unless otherwise impractical, historic district design guidelines and standards should be developed and considered concurrently with historic district designation.

9.401.04 Standards

In determining whether historic resources or groups of historic resources should be designated as landmarks of either Primary or Secondary significance or as historic districts, the Landmarks Board and Council shall make written findings with respect to the following factors.

A. That the potential historic resource has a quality or significance in American or local history, architecture, archeology, engineering, or culture, and retains its historic integrity in terms of location, design, setting, materials, workmanship, feeling and association, and:

1. Is associated with events or persons significant in American or local history; or

2. Embodies the distinctive characteristics of a type, style, period, or method of construction or architecture, or represents the work of a master craftsperson, architect or builder, or possesses significant artistic, aesthetic or architectural values; or

3. Has yielded, or may be likely to yield, information important in American or local prehistory or history; or

4. Is listed on the National Register of Historic Places.

B. The Board and Council shall also examine and make findings regarding specific uses allowed in the zoning districts where the proposed landmark lies, identify consistencies and/or conflicts with the allowed uses and proposed designation, and determine the economic, social, environmental and energy (ESEE) impacts of designation on the proposed landmark and adjacent allowed uses.

C. The Board, after considering the criteria in Section 9.401.04A of this Section and the ESEE analysis required by Section 9.401.04B, shall recommend to the Council approval of the landmark's designation as a Primary or Secondary historic resource approval with conditions, or determine that the resource should not receive any landmarks designation. The Council's final decision on the Board's recommendation shall be in the form of an ordinance amending the Community Development Plan element of the City Comprehensive Plan and listing the resource as a designated historic site, approving the designation with conditions, or determining that the resource should not receive any landmarks designation.

9.500 LANDMARK ALTERATION

9.501 PROCEDURES

9.501.01 Alteration Application

A. Application for any alteration of a designated landmark, except as per Section 9.501.03, shall be made on forms provided by the City.

B. The following information shall be required in an application for alteration of a landmark:

1. The applicant's name and address.

2. The property owner's name(s) and address(es), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner.

3. The street address or other easily understood geographical reference to the landmark property.

4. A drawing or site map illustrating the location of the landmark.

5. A statement explaining compliance with the applicable approval criteria 9.500, as appropriate.

6. Ten (10) sets of plan drawings to include site, landscaping and elevations, drawn to scale.

7. Photographs of the landmark which show all exterior features.

8. A list of owners of property (fee title) within one hundred (100') feet of the subject property together with their current mailing addresses.

9. Any other information deemed necessary by the City Manager or his or her designee.

C. The Landmarks Board shall conduct a public hearing concerning the proposed landmark alteration and provide public notice in accordance with Section 3.200 of this Code. If the alteration involves site plan review as per Section 5.100, the Board shall also act for the Commission as the site plan approving authority. The Landmarks Board decision shall be based on compliance with the review standards in Section 9.502 and shall consider the original finding made in the landmark

designation process as per Section 9.400.

D. In any alteration action, the Landmarks Board shall give full consideration and weight to the importance of the landmark, its landmarks classification and designation, any adverse economic or visual impacts on adjacent landmarks, special historic resource zones, or historic districts, and, if the proposed landmark is within a special historic resource zone or designated historic district, the standards and guidelines of that zone or district.

9.501.02 Appeals

A decision rendered by the Landmarks Board regarding approval, approval with conditions, or denial of a permit for construction, alteration, removal, or demolition of a designated landmark, may be appealed to the Council as per Section 3.400.

9.501.03 Exceptions

A. Nothing in this Section shall be construed to prevent the maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature, or which the Building Official shall determine is required for the public safety due to an unsafe or dangerous condition. Except as otherwise provided in this Chapter and Section 9.501.03B, if no City building permit or land use approval is otherwise required, facade alterations which, in the City's determination, adversely impact or lessen a landmarks historic character, shall be subject to landmark alteration review. Such alterations subject to review could include, but are not limited to painting of facade elements or construction of materials normally left unpainted within the historic context of the landmark; replacement of windows, transoms, awnings, doors, exterior lighting, or other exterior features; the addition and replacement of exterior heating, ventilating and air conditioning equipment, except for temporary equipment such as portable in-window air conditioners; or any overlay of an existing facade with new siding materials.

B. Normal maintenance and repair of historic resources are not subject to landmark alteration review, except as specified in Section 9.501.03A. Normal maintenance and repair activities generally exempted from Section 9.501.01 shall include, but are not limited to:

1. Repairing or providing a new foundation that does not result in raising or lowering the building elevation provided however that the City must find that foundation materials and craftsmanship do not contribute to the historical and architectural significance of the landmark;

2. Installation of storm windows and doors, insulation, caulking, weatherstripping and other energy efficient improvements which complement or match the existing color, detail and proportions of the landmark;

3. Painting, sandblasting, chemical treatments, and related exterior surface preparation, except for surface preparations that result in the landmark becoming further removed from its original historic appearance, where the landmark would not have been originally painted, or where the preparation could damage exterior surfaces.

4. Repair or replacement of electrical, plumbing, mechanical systems, sewer, water and other utility systems, and equipment which does not alter a designated landmark's exterior appearance.

5. Repair or replacement of building and site features when work is done in kind to closely match existing materials and form. Such features include fencing, roofing, vents, porches, cornices, siding, doors, balustrades, stairs, trim, windows, driveways, parking areas, retaining walls, signs, awnings, gutters and roof drain systems, hand rails and guardrails.

6. Necessary structural repairs, as determined by the City Building Official that do not significantly alter or destroy the landmark's historic appearance.

7. Masonry repair or cleaning, including repointing and rebuilding chimneys, if mortar is matched to original composition, and powerwashing if done at no more than 600 psi with mild detergent.

8. Any other exterior repair, replacement or maintenance that, in the City's determination, does not result in the landmark becoming further removed from its original historic appearance.

C. Landmarks designated as Primary historic resources as per Section 9.401 that are not within special historic resource zones or historic districts shall be subject to landmarks alteration review, but such review shall be advisory and non-binding. Landmarks designated as Secondary historic resources as per Section 9.401 that are not within special historic resource zones or designated historic districts shall not be subject to Section 9.500 review or compliance.

D. Except as otherwise provided in this Chapter, interior alterations not visually or structurally modifying a designated landmarks external appearance or facade shall not be subject to landmarks alteration review, unless the interior is specifically cited as part of the reason for the landmarks designation, as per Section 9.401.04.

E. Signs shall be subject to Section 5.700 only, provided that the City Manager or his or her designee finds that the proposed sign or signs comply with the standards of Section 9.500 and the guidelines and standards of any applicable special historic resource zones or designated historic districts. These findings shall be prepared and reviewed as per Section 9.501.01B.

9.502 ALTERATION STANDARDS

The following general standards are applied to the review of alteration, construction, removal, or demolition of designated landmarks that are subject to Section 9.500. In addition, the standards and guidelines of any applicable special resource zone or historic district shall apply. In any landmark alteration action, the Landmarks Board shall make written findings indicating compliance with these standards.

9.502.01 Generally

A. Every reasonable effort has been made by the property owner, in the City's determination, to provide a use of the landmark which requires minimal alteration of the structure, site, or area.

B. In cases where the physical or structural integrity of a landmark is questionable, that the proposed alterations are the minimum necessary to preserve the landmarks physical or structural integrity or to preserve the

feasibility of the continued occupation or use of the landmark given its structural condition.

C. In cases where the landmark has been significantly altered in the past, that it is technically feasible to undertake alterations tending to renovate, rehabilitate, repair or improve the landmark to historic standards given those prior alterations.

D. The compatibility of surrounding land uses, and the underlying zoning designation of the property on which the historic resource is sited, with the historic resources continued use and occupation, and with the renovation, rehabilitation, repair, or improvement of the resource to historic standards.

E. Alterations shall be made in accordance with the historic character of the landmark as suggested by the historic resources inventory and other historic resources and records. Alterations to landmarks within special historic districts shall, in addition, be made in accordance with the standards and guidelines of that zone or district.

F. Alterations that have no historic basis and that seek to create a thematic or stylistic appearance unrelated to the landmark's or historic district's history and original or later significant additions architecture shall not be permitted.

9.502.02 Architectural Features

A. The distinguished original qualities or character of a landmark shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided. Distinctive stylistic or architectural features or examples of skilled craftsmanship which characterize a landmark shall be preserved.

B. Deteriorated architectural features shall be restored wherever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities.

C. Repair or replacement of missing architectural features should be based, wherever possible, on accurate duplications of said features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different

architectural elements from other buildings or structures.

D. The surface cleaning of landmarks shall be undertaken using methods generally prescribed by qualified architects and preservationists. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.

E. Contemporary design for alterations and additions to landmarks may be allowed when such alterations and additions do not, in the City's determination, destroy significant historical, architectural, or cultural features, and such design is compatible with the size, scale, color, material, and character of the designated landmark or historical district.

F. Whenever possible, new additions or alterations to landmarks shall be done in such a manner that, if such additions or alterations were removed in the future, the historic form and integrity of the landmark would be unimpaired.

9.503 VARIANCES TO ALTERATION STANDARDS

9.503.01 Generally

A. Any variances to landmark alteration standards shall be considered as per Section 4.400, provided however, that the Commission shall first receive and consider a report and recommendation of the Landmarks Board, in addition to considering the criteria specified in Section 9.503.01B. Variances to landmark alteration standards as per Section 4.400, shall be considered only if the landmark has been subject to the full landmark alteration review procedure as per Section 9.501.

B. In any variance action, the Landmarks Board and the Commission shall give full consideration and weight to the importance of the landmark, its classification and designation as a landmark, the standards and guidelines of any applicable special historic resource zones or designated historic districts, the standards of Section 9.503, and to any adverse economic or visual impacts and any variance on adjacent landmarks, special historic resource zones, or designated historic districts.

9.504 LANDMARK DESIGNATION INCENTIVES

9.504.01 Generally

To facilitate the purposes of this Chapter and in recognition of the extraordinary costs sometimes associated with the appropriate preservation of historic resources, incentives shall be made available at the time such resources undergo an alteration subject to Section 9.500. Such incentives shall be in addition to the activities of the Landmarks Board required by Section 9.301.03D-E.

9.504.02 Incentives

Any landmark designated as per this Chapter, whether Primary or Secondary, or within or outside of a special historic resource zone or historic district, may be granted one or more of the following incentives, provided that in exercising or accepting any incentive contained herein, a landmark not otherwise subject to Section 9.500 shall thereafter be subject to all the terms and conditions of that Section. Incentives shall be granted only if the proposed alteration has undergone landmarks alteration review and is fully consistent with Section 9.500 and the landmark's designation as per Section 9.400. Monetary incentives, such as property tax rebates and fee waivers, may be granted in any combination, as determined by the Landmarks Board, provided however, that the total amount of the monetary incentives shall not exceed the additional cost of the historically appropriate alteration over that of a more conventional improvement, also as determined by the Landmarks Board.

A. Property Tax Rebates:

1. A property owner who has expended funds for labor and materials necessary to comply with Section 9.500, may apply to the City for rebate of the City's portion of real property taxes levied and collected by the Washington County Department of Assessment and Taxation for the fiscal real property tax year following the tax year in which the investment for labor and materials was made by the owner, and for each subsequent tax year thereafter for not to exceed ten (10) tax years. In no event shall the total rebates paid by the City to the applicant exceed the total cost of the labor and materials expense necessary to comply with Section 9.500. The applicant shall submit with the application, on a form to be provided by the City, such verification of the expenditures for labor and materials, as shall be determined

sufficient by the City.

2. No rebates shall be allowed for any property for which real property tax payments are delinquent, nor shall rebates continue to be paid for a property which ceases to meet the standards of this ordinance as a qualifying historical resource. No rebates shall be allowed for tax payments made in the year the funds are expended for compliance with Section 9.,500 or any year prior thereto.

3. Nothing in this section shall be deemed to obligate the City to rebate any taxes levied and paid for the benefit of any other governmental entity, and shall apply only to real property taxes assessed, levied, and payable to the City of Sherwood by the Washington County Department of Assessment and Taxation.

B. City Fee Waiver:

1. The City Building Official shall waive all building permit fees established by the current Uniform Building Code Fee Schedule that would normally be applicable to a landmarks alteration.

2. The City Planning Director shall waive all required land use application fees established by the City that would normally be applicable to a landmarks alteration, including any fees for processing the landmarks alteration application itself.

C. Building Code Variances:

Consistent with Section 104 (f) of the Uniform Building Code, the City Building Official is authorized to permit alterations to designated landmarks without conformance to all requirements of the Uniform Building Code or other applicable codes adopted by the City provided:

1. The landmark has been designated as per Section 9.400, and the alteration is fully consistent with Section 9.500, and

2. The altered landmark will be no more hazardous based on life safety, fire safety and sanitation than the existing landmark.

3. The alteration is approved by the Landmarks Board.

Appendix I

OLD TOWN DESIGN GUIDELINES

Introduction

Purpose
The goal of these Design Guidelines is to maintain the small town character of Sherwood Old Town while recognizing the changes in use and growth that will need to occur to revitalize the district. This goal can be accomplished by:

* Returning existing examples of historic architecture to their original character, and rehabilitating and improving other buildings, focusing on exterior painting and repair.

* Using consistent themes of design, scale, ornamentation, color, materials and signing to unify Old Town and achieve a cohesive, yet individualized identity.

The Guidelines provide a framework and general direction to the City, building owners, developers, merchants, and residents, and are not a set of prescriptive and absolute requirements. Instead the Guidelines provide a comprehensive list of design elements which should be considered when a building renovation or new construction is proposed. These Guidelines are intended to supplement existing ordinances and are specifically applied to Old Town, not other areas of Sherwood.

Each business in Old Town is at once an individual enterprise providing a service for customers, and a part of a larger business community, surrounded by older residential uses. These Guidelines are directed at preserving the individuality found in Old Town and, at the same time, improving the district's appearance and marketability.

* Design Guidelines <u>are not</u> law, but will be used in conjunction with City ordinances.

* Design Guidelines <u>do not</u> absolutely inhibit the freedom of individual expression.

* Design Guidelines <u>do not</u> prohibit growth or new construction.

* Design Guidelines <u>are</u> ideas about what is appropriate to an area.

* Design Guidelines <u>are</u> performance criteria which assure that construction will be in keeping with the character of the district.

* Design Guidelines do establish criteria that build upon the existing character of the district, and guard against random decisions, favoritism, and a lack of predictability in reviewing proposals.

* Design Guidelines do indicate what can be done as well as what is discouraged within the district.

The Outdoor Room

Walking through the Old Town area, imagine an outdoor "room". The size of the "room" is narrow and contained, in the area around the intersection of First and Washington Streets, and wider and more open moving out from the core area. The "floor" is made up of concrete and asphalt. The "walls" are of different heights, materials, and colors, but generally one and two stories with stucco or brick the predominant finish material in the core, and wood finishes elsewhere.

Homes and offices are made comfortable through simplicity in colors and patterns, sufficient decoration objects on the walls to make for interest without clutter, and by varied places where you can sit and talk, be entertained and generally feel at ease. On a different level, this describes the potential for Old Town. However, the Old Town "room" doesn't have much furniture, and not many places to sit and talk. The "room" seems cluttered because signs are so dominant, as well as utility lines and poles.

As with a room, how and where you enter can add to usefulness and character. Old Town has major entries at North Sherwood Boulevard and Oregon Street, and minor entries at S.W. and N.W. Washington Street and N.W. Main Street. By improving these entries, the identity of the district will be strengthened.

In a house there are rooms where everyone socializes. The Old Town, the main intersection at N.W. Washington and First Streets, and along Railroad Street, are those places. The addition of special public improvements around these areas, and extending toward Pine Street, coupled with development along Washington Street, will strengthen the Old Town core.

Key Buildings

There are key commercial buildings in Old Town which should receive special attention: the building housing the Old Town Pub at N.W. Washington and Railroad Streets, the building housing the Round Table Tavern at N.W. Washington and First Streets, the building housing Smockville Station Antiques at N.W. Washington and First Streets, the Old North Church on North Pine Street, the former post office on Railroad Street, and City Hall at N.W. Park and First Streets. There are also several other older buildings that are important to the Old Town area, including the Oriental Theater and several residential buildings. Appropriate remodeling and landscaping could have a tremendous impact in enhancing and enlivening the district "room".

District Character
The district can strengthen its identity and character by:

1. Removing unsightly signs and unused sign supports, and installing signs oriented to pedestrians.

2. Using common building materials and removing out-of-character materials.

3. Using colors which compliment each other and tie buildings together.

4. Emphasizing first floor storefronts with the use of color, signs, awnings, windows, and architectural detailing.

5. Installing shared or connecting canopies, lights, and/or cornices where appropriate.

6. Developing new buildings to the front property line.

7. Installing street trees along property lines where buildings are now set back.

8. Improving major vehicular and pedestrian entries.

9. Improving alleys as pedestrian circulation areas.

10. Developing a public improvement program.

11. Initiating and maintaining a public area maintenance program.

12. Developing common design elements which reinforce the small rural center idea, including low wooden fences around the residential buildings housing businesses, common design of street address numbers, and a select range of exterior colors.

Design Guidelines

Generally
The following considerations should apply in reviewing all development, construction and use proposals:

1. Uses should be compatible with the building housing the use, and require minimum alteration to the building and surrounding property.

2. Rehabilitation work should not destroy the distinguishing qualities or character of the building and surrounding property.

3. Deteriorated historical architectural features should be repaired rather than replaced.

4. Distinctive stylistic features or examples of skilled craftsmanship which characterize older structures and often predate the mass production of building materials, should be retained and restored.

5. All existing buildings should be recognized as products of their own time, and alterations creating an appearance inconsistent with the original character of the building should not be undertaken.

6. Contemporary designs for new buildings, and additions to existing buildings, should be encouraged when such design is compatible with the historic size, scale, color, material and character of Old Town.

7. New additions or alterations to buildings should be done in such a manner that if removed in the future, the essential form and integrity of the original building would not be impaired.

8. A structural soundness survey should be obtained prior to any substantial rehabilitation, including analysis of primary and secondary structural elements (foundations, bearing walls, columns, beams, floors, roof, non-load bearing walls, windows and doors, stairs, utilities, finish materials, roof coverings, siding, ceilings, etc.) and the extent of deterioration for each element.

Building Height and Width
Both new and altered existing structures:

1. Should not exceed the height and width of traditional building styles.

2. Should maintain the scale and proportions of traditional building styles.

3. Should be visually compatible with adjacent buildings.

Visual Integrity
The vertical lines of columns and piers, and the horizontal definition of spandrels and cornices, and other primary structural elements are an important element of the character of Old Town. Structural lines should be restored if previous alterations have substantially changed these elements.

Scale and Proportion
The scale and proportion of building elements, particularly the relationship of "voids" to "solids" (such as doors and windows to walls and columns) shall be visually compatible with traditional building styles. An important element is the physical accommodation of pedestrian scale activities, characterized by wood porches, canvas awnings or permanent canopies. This relationship at pedestrian level should be reestablished, particularly through

well-designed storefronts, signs, entries, and canopies. Windows in their shape, size, placement and decorative trim are also a major element.

Architectural Detail

In most cases, architectural detailing should come as a result of an extension of the craftsmanship of the builder or designer, and express the styles of the building's or district's historical origins. A well chosen and executed paint scheme, along with complimentary storefront signs, are frequently adequate. Decorative architectural details should be cleaned and restored to their original character and/or accented by painting in contrasting colors. Guidelines to follow are:

1. Painted wood or dark finished metal window and door frames are preferred over bare aluminum.

2. Canvas awnings or permanent canopies should be installed to provide shelter for pedestrians from weather.

3. Simplify storefront materials by removing out of place and "added-on" materials above or below storefront windows, especially those inconsistent with primary building materials. In some cases, it would look better to use the same material below the window as in neighboring buildings.

4. In buildings with little architectural character, remodeling should incorporate more detailed window systems, awnings, consistent materials and trim, and natural material colors.

5. Avoid large panes of glass. Smaller panes are more in keeping with pedestrian scale, are consistent with the historical origins of the district, and create a more attractive appearance.

6. Avoid a fake, "revival" facade or other thematic designs out of keeping with the actual historical origins of the district.

7. Retain or restore similar exterior materials on the first and second floors of building and carry structural lines (columns, piers, window patterns) from roof to sidewalk. If lower storefront materials originally differed, use similar colors and forms to tie the first and second building floors together.

Materials and Texture

The Old Town core area traditionally utilized exterior materials which tend toward a medium-rough texture and hard appearance. Textured stucco, brick, stone, and milled wood siding were such materials. Ribbed plywood, aluminum and plastic sidings were not, and detract from traditional building styles. Guidelines to follow are:

1. Use materials which are compatible with historic choices: stucco, brick, stone and wood. Consider wood primarily as an accent material at store entries for commercial buildings, and as a major material in residential rehabilitation.

2. Leave materials such as brick or stone in their natural color and appearance, and repaint previously painted surfaces.

3. Use wood or anodized aluminum window and door frames and window systems. Don't use bare aluminum in door and window frames.

4. Use materials which have a texture and pattern (such as brick) to give the feeling of smaller scale to the district.

5. Use awnings or canopies for rain and sun protection at entries and along pedestrian sidewalks.

6. Remove out-of-context siding materials such as aluminum, sheet metal or plywood.

7. Remove coverings from boarded up windows.

8. Don't use materials which give a "tacked on", "revival" or artificial appearance.

9. Don't use more than two or three materials on the exterior. Keep exteriors simple, and in certain cases, use materials similar to neighboring buildings to unify building groups.

Color

Generally colors should be kept within a unified range of hues. Hard surfaced building materials should reflect the natural color of the product. For large painted surfaces, warm but neutral colors are most desirable. Trim colors on moulding, roof flashing caps and architectural detailing can be brighter and darker for accent. Accent colors should be compatible with the basic wall color and with neighboring buildings. Guidelines to follow are:

1. Use warm neutral colors for major building surfaces.

2. Coordinate colors with other buildings within a block.

3. Generally use lighter base colors with darker trim. A darker base color with lighter trim can be successful, if done with regard to adjoining buildings.

4. Paint objects such as mechanical grilles, pipes, and electrical connections to match base wall colors.

5. Don't use too many colors. Usually one wall color and one to two accent colors is enough. Matte finishes for wall colors, and matte or semi-gloss for trim is recommended.

Rear and Sides of Buildings
The rear and sides of buildings are visible and should be attractively maintained. This can be done in a much simpler way and with less expense than the storefront side. Guidelines to follow are:

1. Remove unused pipes, brackets, conduits and similar appurtenances.

2. Screen garbage dumpsters, air conditioners, and other necessary objects and appurtenances.

3. Add walks, landscaping, lights, and signs leading to rear customer and service entries.

4. Clean and refinish side and rear building walls to show original building materials.

5. Add paving, landscaping, curbs, striping, and other improvements to rear vehicular parking areas.

Signs and Graphics
Desirable attributes for signing in Old Town are excellence of lettering, color coordination with buildings, simple mounting devices, readability, use of materials compatible with buildings, and moderate, unobtrusive lighting. Guidelines to follow are:

1. Remove signs that are too large, that project too far from buildings, that cover architectural detailing, that flash, rotate, or blink, or are made from materials that are not within the traditions of the district' historic character.

2. Signs should be oriented to the pedestrian: smaller in size, flat against buildings, and indirectly lit.

3. Unused or out-of-date signs and sign supports should be removed.

4. Use the traditional painted commercial signs found on the sides of older buildings that indicate the name of the business, otherwise avoid "supergraphics".

5. Use the "symbol sign" such as the barber pole, a mortar and pestle for the drug store, a camera for a photography store, a large pair of scissors for a fabric store, a shoe for a shoe store, and so forth.

6. Install "Historical Plaques" containing information on the building, the family who has owned the original business, or other interesting historical facts.

7. Do not use the type of business name sign as is typically provided by soft drink and beer companies.

8. Integrate business signs into awnings or canopies.

9. Paint business names on windows using decorative types, along with borders and other graphics.

10. Use business names which have historical ties.

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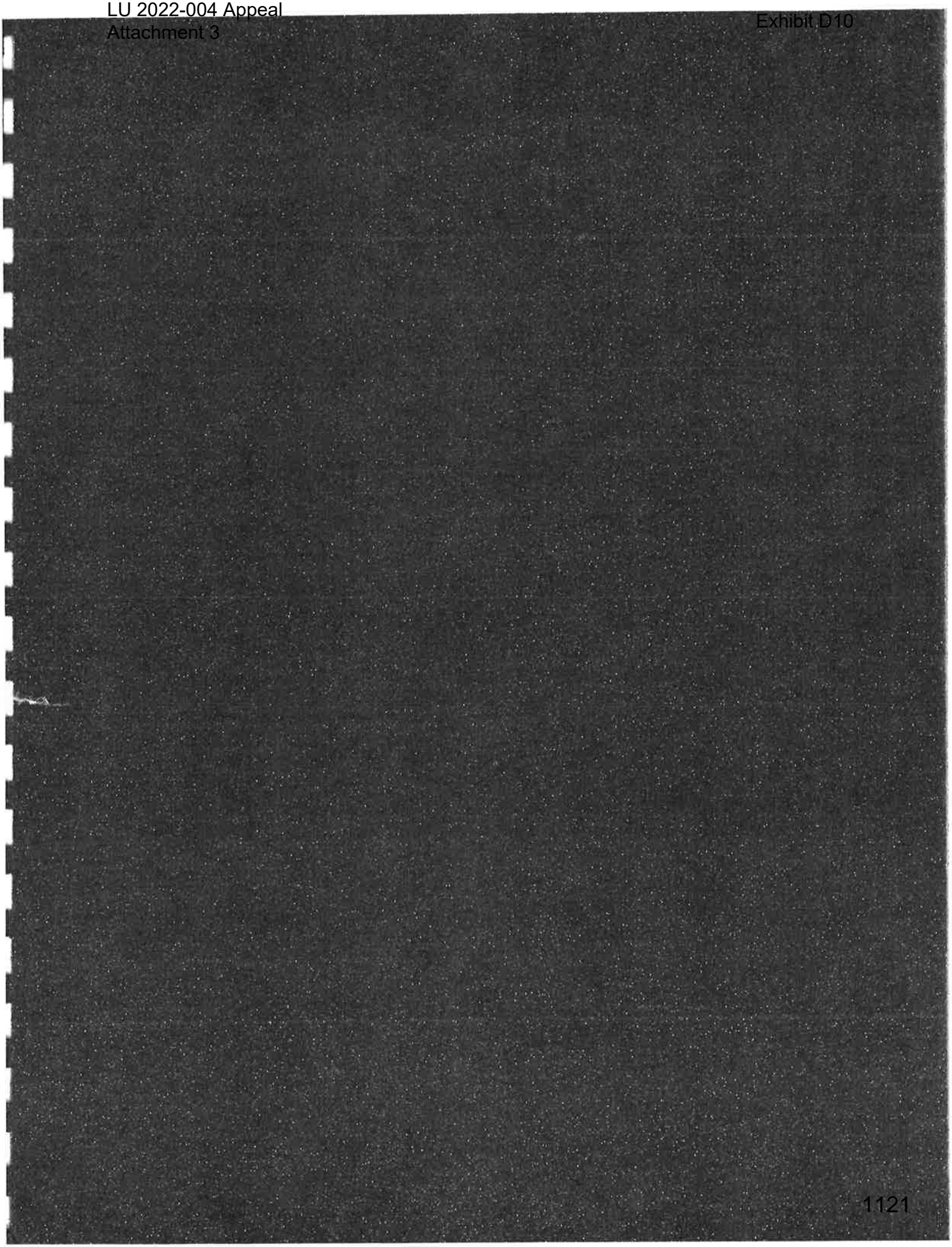
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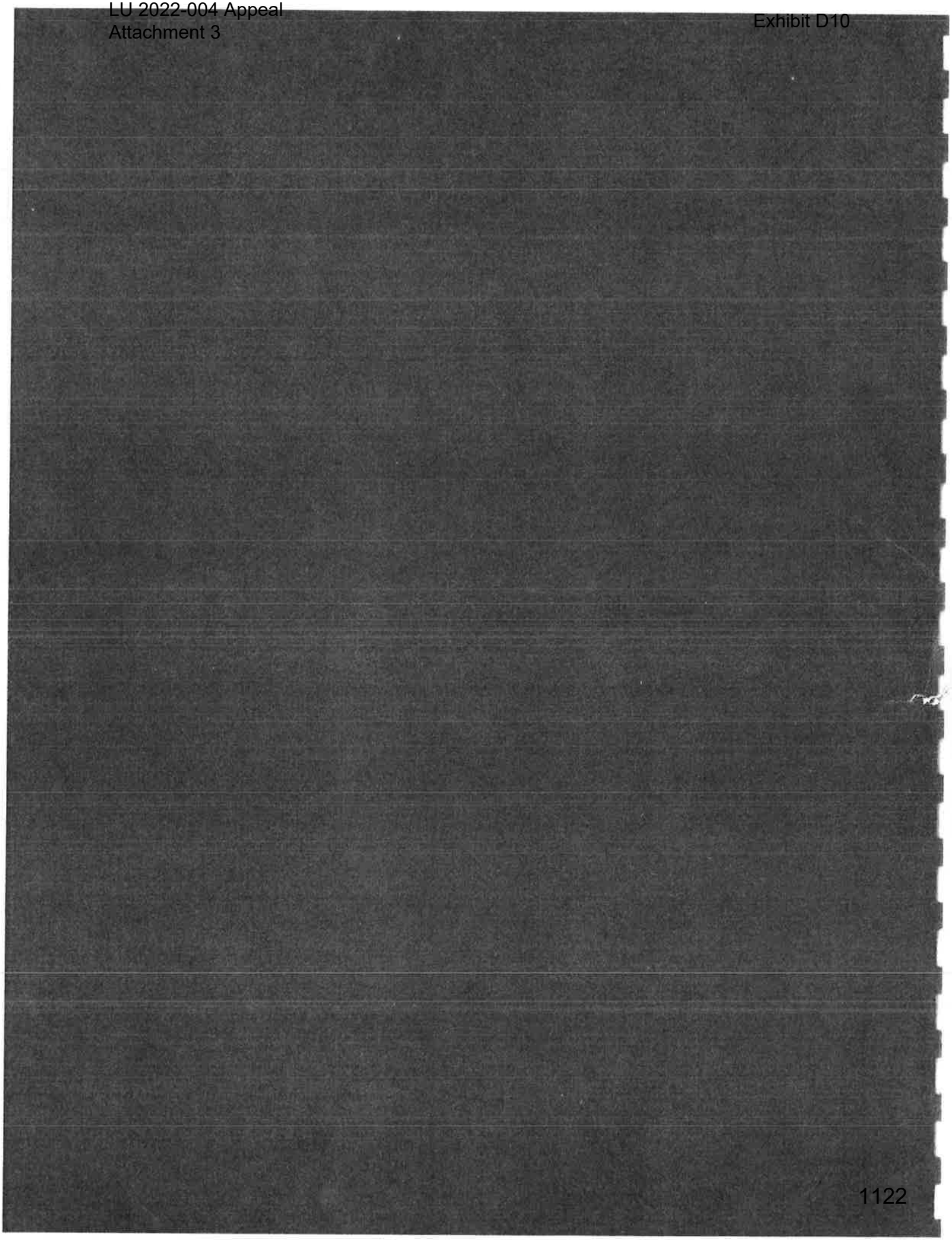
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- **Retail Commercial 2-30**
- **Very Low Density Residential 2-4**





City of Sherwood, Oregon
Ordinance No. 95-997

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOT 200, WASHINGTON COUNTY TAX ASSESSORS MAP 2S1 29C, TAX LOTS 900 AND 901, WASHINGTON COUNTY ASSESSORS MAP 2S1 29B, AND TAX LOT 300, WASHINGTON COUNTY TAX ASSESSORS MAP 2S1 29D; ALSO KNOWN AS SHERWOOD VILLAGE, CONSISTING OF 125 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Tax Lot 200, Washington County Tax Assessors Map 2S1 29C, Tax Lots 900 and 901, Washington County Tax Assessors Map 2S1 29B, and Tax Lot 300, Washington County Tax Assessors Map 2S1 29D, hereinafter called Tax Lots, contain a one-acre wetland identified in the Comprehensive Plan, and wetlands identified in the City's wetland inventory, and as portions of this property are shown as part of the City greenway; and

WHEREAS, Tax Lots are unusual and warrant a master development plan because of size, five different zoning classifications, and is in the center of Sherwood, surrounded by existing development and major roadways; and

WHEREAS, the site will connect two major planned collector streets into two existing arterial roadways, and provides a variety of land use and auto, pedestrian and bicycle circulation in the central part of the City; and

WHEREAS, Tax Lots are within the urban growth boundary and the City limit; and

WHEREAS, the Community Development and Zoning Code Section 2.202.2A specifies that "PUDs shall only be considered on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplain, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development."; and

WHEREAS, the Planning Commission received the PUD application, and the reports of the City's Planning Staff, and the Commission fully considered said materials; and

WHEREAS, the Planning Commission conducted public hearings on the proposed PUD for Tax Lots, and after full and due consideration of the evidence, reports, and testimony presented, adopted the findings of fact outlined in the Planning Staff reports for PUD 95-1 dated February 21, 1995, and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions as enumerated in the Notice of Decision dated April 26, 1995; and

WHEREAS, the City Council has received the original application materials, the City's Planning Staff reports, the Notice of Decision, the minutes of the Planning Commission, and the Council has reviewed the material submitted and the facts of the proposal; and

WHEREAS, the City Council finds that for improved buffering between different land uses, Phase 6 should be designated Light Industrial (LI) and Phase 5 should be designated Retail Commercial (RC).

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission Review. That the application for approval of a PUD Preliminary Development Plan for Tax Lots was subject to a full and proper review and public hearings before the City Planning Commission on February 28, 1995.

Section 2. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council on March 28, 1995, and all interested parties were afforded an opportunity to be heard, and to present and rebut evidence.

Section 3. Findings. That after full and due consideration of the application; the City Staff reports; the record, findings, and recommendation of the Commission; and of the evidence presented at the public hearings; the Council finds, due to its unique natural features, that Tax Lots are unusually constrained in development potential as compared to other land with the same underlying zoning designation, and therefore the Council adopts the findings of fact contained in Staff reports for PUD 95-1, said reports made part of this Ordinance by reference.

Section 4. Approval. That a request for a PUD Preliminary Development Plan for Tax Lots consisting of 125 acres more or less, is hereby APPROVED subject to the conditions attached as Exhibit "A".

Section 5. Manager Authorized. The City Manager is directed to take such action as may be necessary to document this amendment, including preparation of a certified modification of the Official City Zoning Map, at such time as all conditions of the approval have been fully satisfied in accordance with City ordinances and regulations, as determined by the City Manager.

Section 6. Effective Date. This ordinance shall become effective at such time as the PUD Final Development Plan has been approved in accordance with Code Section 2.202.03, and certification by the City Manager that all conditions of approval

have been satisfied or completed, or that a satisfactory performance bond or other security acceptable to the City has been posted guaranteeing completion of all conditions, but in any event this Ordinance shall not become effective earlier than thirty (30) days after passage and approval.

Passed by vote of the City Council this 25th day of April 1995.

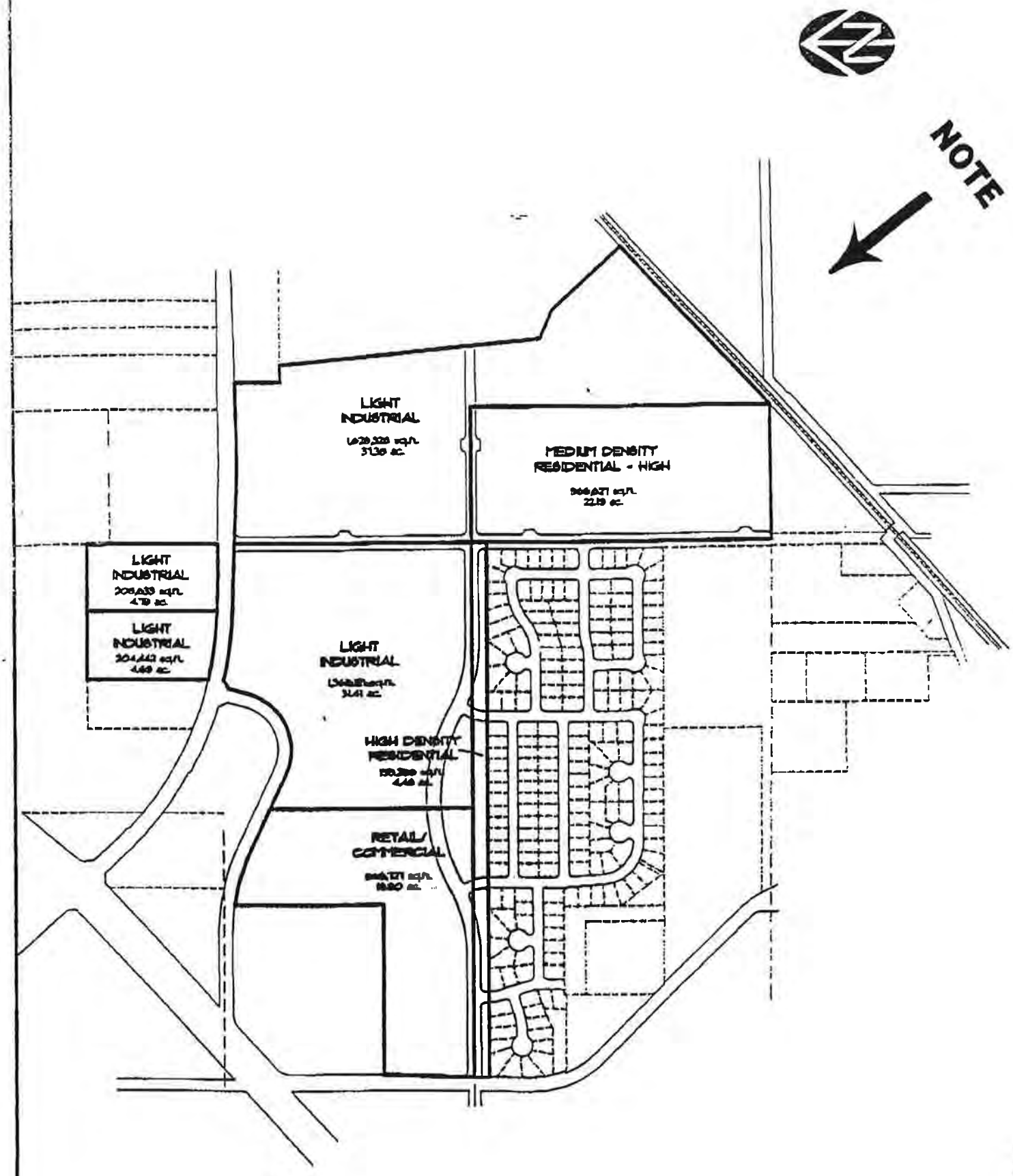
Approved by the Mayor this 25th day of April 1995.

Walter Hitchcock, Mayor

ATTEST:

James H. Rapp, City Manager/Recorder

	AYE	NAY
Aamold	X	—
Boyle	X	—
Cottle	X	—
Hitchcock	X	—
Kennedy	X	—

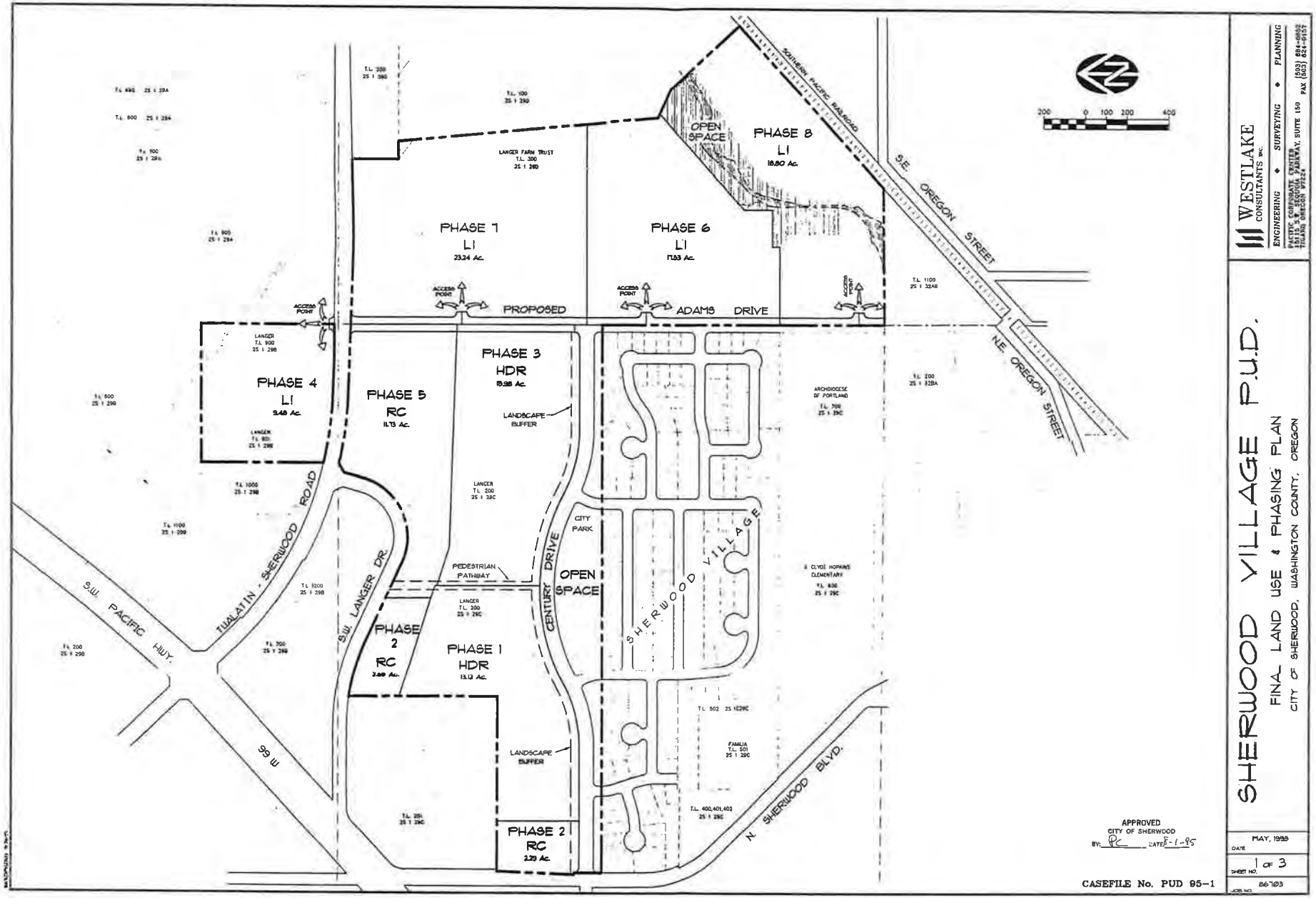


WESTLAKE CONSULTANTS INC.
ENGINEERING • SURVEYING • PLANNING
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD OREGON 97224

SHERWOOD VILLAGE P.U.D.

EXISTING ZONING
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

NOVEMBER 1994
DATE
EXHIBIT
SHEET NO. H
1126


SOUTHERN PACIFIC RAILROAD
OPEN SPACE
PHASE 8
LI
18.80 Ac.
SE OREGON STREET
PHASE 7
LI
23.24 Ac.
PHASE 6
LI
17.53 Ac.
ACCESS POINT
PROPOSED
ADAMS DRIVE
NE OREGON STREET
PHASE 4
LI
3.48 Ac.
PHASE 5
RC
11.73 Ac.
PHASE 3
HDR
15.28 Ac.
LANDSCAPE BUFFER
TUALATIN - SHERWOOD ROAD
S.W. LANGER DR.
CENTURY DRIVE
CITY PARK
PEDESTRIAN PATHWAY
OPEN SPACE
SHERWOOD VILLAGE
S.W. PACIFIC HWY.
99 W
PHASE 2
RC
2.89 Ac.
PHASE 1
HDR
13.12 Ac.
LANDSCAPE BUFFER
PHASE 2
RC
2.29 Ac.
N. SHERWOOD BLVD.
ARCHDIOCESE OF PORTLAND
T.L. 700
25 1 29C
T.L. 1100
25 1 32AB
T.L. 200
25 1 32BA
T.L. 502 25 1C29C
FAMILIA
T.L. 501
25 1 29C
T.L. 400,401,402
25 1 29C
T.L. 251
25 1 29C
T.L. 1000
25 1 29B
T.L. 1100
25 1 29B
T.L. 1200
25 1 29B
T.L. 200
25 1 29B
T.L. 700
25 1 29B
T.L. 800
25 1 29B
T.L. 900
25 1 29B
T.L. 600
25 1 29A
T.L. 300
25 1 29D
T.L. 100
25 1 29D
LANGER FARM TRUST
T.L. 300
25 1 29D
LANGER
T.L. 900
25 1 29B
LANGER
T.L. 800
25 1 29B
LANGER
T.L. 200
25 1 29C
LANGER
T.L. 200
25 1 29C
CLYDE HOPKINS ELEMENTARY
T.L. 600
25 1 29C
200 0 100 200 400
APPROVED
CITY OF SHERWOOD
BY: RC DATE 5-1-95
CASEFILE No. PUD 95-1
WESTLAKE CONSULTANTS INC.
ENGINEERING • SURVEYING • PLANNING
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD, OREGON 97224
(503) 684-0652
FAX (503) 624-0157
SHERWOOD VILLAGE P.U.D.
FINAL LAND USE & PHASING PLAN
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON
DATE MAY, 1995
SHEET NO. 1 OF 3
JOB NO. 86103

90 NW Park Street
Sherwood, Oregon 97140
503/625-5522 ◻ FAX 503/625-5524

EXHIBIT A
ORDINANCE NO. 95-997

NOTICE OF DECISION

MAP AND TAX LOT Nos:
Tax Lot 200, Map 2S1 29C
Tax Lots 900 and 901,
Map 2S1 29B
Tax Lot 300, Map 2S1 29D
CASE No: PUD 95-1
DATE MAILED: April 26, 1995

TO: Martha Stiven
Planning & Dev. Services
14620 Uplands Drive
Lake Oswego, OR 97034

Clarence D. Langer
15585 SW Tualatin-Sherwood Rd.
Sherwood, Oregon 97140

Weigel Properties
6249 SW Canyon Court
Portland, OR 97221

Westlake Consultants
15115 SW Sequoia Parkway, #150
Tigard, OR 97224

On April 25, 1995, the City Council of the City of Sherwood, Oregon, decided to approve your application for PUD 95-1 Sherwood Village Preliminary Development Plan.

The decision was based on the following major findings:

See Staff report dated February 22, 1995.

The following conditions were placed on approval of the application:

1. Phase 6 shall be designated Light Industrial (LI) and Phase 5 shall be designated Retail Commercial (RC). Remove the Century Drive extension east of Adams Avenue.

2. Prior to issuance of any permits for Phase 1, the City and applicant shall execute a applicant's parks maintenance agreement. The agreement shall include a provision that when the residential areas are fully developed, the City has the option to take over the maintenance responsibilities of the Park.

3. 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.

4. 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.

5. Revise the Design Guidelines for all residential and commercial development to increase the number of structures required to have porches and recessed garages.

6. 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 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.

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

8. Prior to Final Development Plan submittal, modify the plan to the City's satisfaction so that the pedestrian link to the Sherwood Plaza is a sidewalk built to City standards.

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

10. Modify the plan to incorporate a pedestrian link from Phase 3 to Phase 5 at the end of the planned cul-de-sac. Alignment is to be finalized during site plan approval of Phase 3.

11. 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 pavement 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.

12. 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.

This Preliminary Development Plan approval is valid for one (1) year.

Signed: _____
Carole W. Connell
Planning Director

___X__Final Action
_____Additional Required Action

STATE OF OREGON)
)
Washington County)

I, Kathy Cary, Deputy City Recorder of the City of Sherwood, State of Oregon, in Washington County, the duly constituted and appointed custodian of the records in said City, do hereby certify that the Notice of Decision on Case No. PUD 95-1 was placed in a U.S. Postal receptacle on April 26, 1995.

In testimony whereof I have hereunto set my hand and official seal of the City of Sherwood this 26th day of April 1995.

Kathy Cary

Kathy Cary, Deputy City Recorder
City of Sherwood

Exhibit D11

90 NW Park Street
Sherwood, Oregon 97140
503/625-5522 ⊡ FAX 503/625-5524

NOTICE OF DECISION

TAX LOTS: 900 & 901
MAP NO: 2S 1W 29D
CASE NO: PUD 95-1
DATE MAILED: Aug 3, 1995

TO: Len Schelsky
Westlake Consultants
15115 SW Sequoia Parkway, Suite 150
Tigard, OR 97224

Clarence Langer
15585 SW Tualatin-Sherwood Road
Sherwood, OR 97140

On August 1, 1995, the Planning Commission of the City of Sherwood, Oregon, decided to approve your application for PUD 95-1 Sherwood Village PUD Final Development Plan for a mixed-use Planned Unit Development on Century Drive.

The decision was based on the following major findings:

See Staff Report dated July 25, 1995

The following conditions were placed on approval of the application:

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.

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.

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.

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

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.

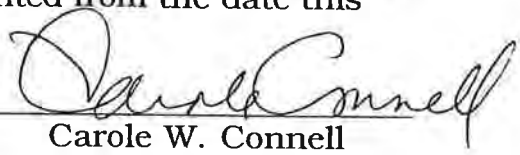
6. As a part of the Phase 1 Site Plan submittal, provide a forty (40) foot wide pedestrian easement from Century Drive to Langer Drive that includes pavements width, landscaping and street furniture for City approval. Align the pathway so that it coincides with the adjoining phase lines. The pathway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

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.

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.

Appeal

Persons who are a party to the decision and who have a basis for an appeal based on an issue that has been raised, are eligible to appeal this decision not more than 21 days after the date on which the action took place. For the applicant, the 21 days are counted from the date this decision was mailed.

Signed: 

Carole W. Connell
Planning Director

_X_ Final Action

STATE OF OREGON)
)
Washington County)

I, Kathy Cary, Deputy City Recorder of the City of Sherwood, State of Oregon, in Washington County, the duly constituted and appointed custodian of the records in said City, do hereby certify that the Notice of Decision on Case No. PUD 95-1 Sherwood Village PUD Final Development Plan was placed in a U.S. Postal receptacle on August 3, 1995.

In testimony whereof I have hereunto set my hand and official seal of the City of Sherwood this 3rd day of August, 1995.

Kathy Cary

Kathy Cary, Deputy City Recorder
City of Sherwood

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE MAILED: July 25, 1995

FROM: Carole W. Connell
Planning Director

FILE NO: PUD P5-1 Final Plan

RE: Sherwood Village PUD Final Development Plan for a mixed-use Planned Unit Development on Century Drive.

I. PROPOSAL DATA

Applicant: Len Schelsky
Westlake Consultants
15115 SW Sequoia Parkway Suite 150
Tigard, Oregon 97224

Owner: Clarence Langer
15585 SW Tualatin-Sherwood Road
Sherwood, Oregon 97140

Location: Located on Century Drive, Tualatin-Sherwood Road, Langer Drive and Sherwood Blvd., further described as Tax Lot 200, Map 2S 1 29C; Tax Lots 900 & 901, Map 2S 1 29B; and Tax Lot 300, Map 2S 1 29D.

II. SHERWOOD COMPREHENSIVE PLAN PROVISIONS

A. Community Development Code, Section 2.202.03 Final Development Plan:

- 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 Sections 2.202 and 4.100, for review and approval of the Commission. The Final Development Plan shall comply with all the conditions of approval as per Section 2.202. In addition, the applicant shall prepare and submit a detailed site plan, if applicable, for review and approval, pursuant to the provisions of Section 5.100. The site plan shall be processed concurrently with the Final Development Plan.

III. FINDINGS OF FACT

A. **The Request:** On April 25, 1995 the Sherwood City Council approved by Ordinance # 95-997 Sherwood Village PUD Preliminary Development Plan. The applicant has submitted this request for Planning Commission approval of the Sherwood Village Final Development Plan. The request does not include a site plan because an individual site plan will be submitted for each phase of development. A site plan for Phase 1 has been submitted to the City and is pending Commission review.

This submittal includes three sheets of blueprints illustrating:

Sheet 1 Final Land Use and Phasing
Sheet 2 Master Utility Layout
Sheet 3 Pedestrian Circulation Plan

According to the applicant, all other conditions of approval will be addressed by the individual site plans.

B. Response to Preliminary Development Plan Conditions of Approval:

1. Phase 6 shall be designated Light Industrial (LI) and Phase 5 shall be designated Retail Commercial (RC). Remove the Century Drive extension east of Adams Avenue.

As illustrated on Sheet 1, the phases have been revised according to the above condition of approval required by City Council.

2. Prior to issuance of any permits for Phase 1, the City and the applicant shall execute a parks maintenance agreement. The agreement shall include a provision that when the residential areas are fully developed, the City has the option to take over the maintenance responsibilities of the park.

The subject agreement has been executed as is attached to this report.

3. 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.

Since this condition is relevant to Phase 8, it should remain as a condition of approval.

4. 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.

To be required with each phase, therefore needs to remain a condition of approval.

5. Revise the Design Guidelines for all residential and commercial development to increase the number of structures required to have porches and recessed garages.

The Design Guidelines have not been revised according to the condition, and should remain a condition of approval.

6. 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 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.

The above condition is relevant to certain phases and should remain as a condition of approval.

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

The above condition is relevant to all phases and should remain a condition of approval.

8. Prior to Final Plan submittal, modify the plan to the City's satisfaction so that the pedestrian link to the Sherwood Plaza is a sidewalk built to City standards.

As illustrated on Sheet 3, there is a pedestrian/bike pathway in Phase 1 linking Century Drive with the Sherwood Plaza shopping center. Further, the Sunfield Apartments site plan submittal pending Commission review illustrates the pathway, although slightly west. The location should specifically be reviewed with the Phase 1 Site Plan to ensure the pathway is appropriately located.

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

This applies to Phase 1 and should remain as a condition of approval.

10. Modify the plan to incorporate a pedestrian link from Phase 3 to Phase 5 at the end of the planned cul-de-sac. Alignment is to be finalized during site plan approval of Phase 3.

The pathway is conceptually illustrated on Sheet 3 and will be reviewed more closely at the time of site plan review for that phase.

11. As a part the Phase 1 Site Plan submittal, provide a forty (40') foot wide pedestrian easement from Century Drive to Langer Drive that includes pavement 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.

The above condition applies to Phase 1 and should remain a condition of approval to ensure it is met. Sheets 1 and 3 conceptually illustrate the pathway as required.

12. 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.

Sheet 3 conceptually illustrates a stubbed driveway access from Langer Drive to the south end of Phase 2. This should remain a condition of approval so that it is provided in Phase 1.

IV. RECOMMENDATION

Based on the above findings of fact, Staff recommends approval of Sherwood Village PUD 95-1 Final Development Plan subject to the following conditions:

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.

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.

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 may 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.

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

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.

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.

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.

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.

90 NW Park Street
Sherwood, Oregon 97140
503/625-5522 ◻ FAX 503/625-5524

NOTICE OF DECISION

MAP AND TAX LOT Nos.:
Tax Lot 200, Map 2S1 29C
Tax Lots 900 and 901,
Map 2S1 29B
Tax Lot 300, Map 2S1 29D
CASE NO.: PUD 95-1
DATE MAILED: March 1, 1995

TO: Martha Stiven
Planning & Dev. Services
14620 Uplands Drive
Lake Oswego, OR 97034

Clarence D. Langer
15585 SW Tualatin-Sherwood Rd.
Sherwood, Oregon 97140

Weigel Properties
6249 SW Canyon Court
Portland, OR 97221

Westlake Consultants
7340 SW Hunziker, Suite 204
Tigard, OR 97223

On February 28, 1995, the Planning Commission of the City of Sherwood, Oregon, decided to approve your application for Sherwood Village PUD Preliminary Development Plan.

The decision was based on the following major findings:

See Staff report dated February 22, 1995.

The following conditions were placed on approval of the application:

1. The land designated High Density Residential (HDR) as identified on the Preliminary Development Plan shall be developed as multi-family housing at a density of sixteen (16) dwelling units per acre.

2. Prior to issuance of any permits for Phase 1, the City shall agree to the applicant's parks maintenance agreement.

12. Provide a secondary access 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.

This Preliminary Development Plan approval is valid for one (1) year.

Appeal

Persons who are a party to this decision and who have a basis for an appeal based on an issue that has been raised, are eligible to appeal this decision not more than 21 days after the date on which the action took place. For the applicant, the 21 days are counted from the date this decision was mailed.

Signed: Carole W. Connell
Carole W. Connell
Planning Director

_____ Final Action
__X__ Additional Required Action

Review Body:	Date of Meeting:
_____ Planning Commission	_____
__X__ City Council	Tentatively March 28, 1995

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

NOTICE OF DECISION

TAX LOT and Map No.	2S129D00300
CASE NO:	SUB 12-02
DATE OF DECISION:	August 28, 2012

Appellant
Robert James and Susan Lynn Claus
22211 SW Pacific Highway
Sherwood, OR 97140

NOTICE: Notice is hereby given that on August 28, 2012 the Sherwood Planning Commission denied the appeal raised by Mr. Claus and upheld the director's decision on the Langer Farms Subdivision. The decision was made based on the findings in the original staff decision dated June 21, 2012, the appellant's materials submitted for appeal submitted on July 5, 2012, the staff memorandum to the Planning Commission dated July 12, 2012 in response to the appeal and the applicant, appellant and public testimony provided at the August 28, 2012 Planning Commission hearing. The decision of the Planning Commission is the final local decision.

INFORMATION: For information on the decision or to obtain copies of file materials, please contact Brad Kilby, Senior Planner, AICP at 503-625-4206 or kilbyb@sherwoodoregon.gov

APPEAL: This is the final decision action of the City of Sherwood. Pursuant to ORS 197.830, any person who appeared before the local government orally or in writing may file a notice of intent to appeal to the Land Use Board of Appeals (LUBA) not later than 21 days after the date of this report.

AFFIDAVIT OF MAILING

STATE OF OREGON)
)
Washington County)

I, Brad Kilby for the Planning Department, City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case File No. SUB 12-02 was placed in a U.S. Postal receptacle on August 31, 2012.

City of Sherwood Planning Department

CITY OF SHERWOOD
Staff Report & Notice of Decision

Date: June 21, 2012
File No: SUB 12-02
Langer Farms Subdivision

Pre-App. Meeting:	December 12, 2011
App. Submitted:	March 30, 2012
App. Complete:	April 27, 2012
120-Day Deadline:	September 1, 2012

Brad Kilby, Senior Planner

Proposal: The applicant has requested preliminary subdivision approval to divide ± 55.09 acres into five individual lots and two tracts for future development consistent with the Sherwood Village Planned Unit Development, File No. PUD 95-1. The Planned Unit Development was approved in 1995 without a preliminary plat.

I. BACKGROUND

A. Applicant/Owner:

Langer Family, LLC
14958 SW Tualatin-Sherwood Road
Sherwood, OR 97140

Applicant's Representative:
AKS Engineering & Forestry
13910 SW Galbreath Drive
Suite 100
Sherwood, OR 97140

B. Location: The property is located on the south side of SW Langer Farms Parkway, West of Tualatin-Sherwood Road, and east of SW Oregon Street. The property is identified as tax lot 300 on Washington County Assessor Map 2S129D.

C. Parcel Size: The subject property is approximately 55.09 acres in size.

D. Existing Development and Site Characteristics:
The existing use of the site is agriculture. The current crop appears to be a grass or grain crop. The property is generally rectangular in site, and includes a gently rolling landscape. There is a delineated natural resource and buffer area in the southeast portion of the site. The buffer and resources includes some trees and riparian landscape materials. This specific proposal does not include any physical impacts into the resource area.

Bonneville Power Administration (BPA) and Portland General Electric (PGE) have power lines and associated easements through the northeast corner of the site. The subject property has frontage onto SW Tualatin-Sherwood Road, and SW Langer Farms Parkway. SW Century Blvd. stubs into the property from the east and west. Finally, the property contains two existing storm water ponds. One of the ponds is located in the north east portion of the site, and the other is located in the south and west portion of the site. The existing ponds serve off-site developments.

E. Site History: The site has been owned and farmed by the Langer family since the late 1800's. This particular piece of property is made up of phases 6, 7, and 8 of the Sherwood Village PUD that was approved by the Sherwood City Council in 1995. All future development is subject to the conditions of the approved Planned Unit Development and any subsequent amendments.

F. Zoning Classification and Comprehensive Plan Designation: The property is zoned PUD-LI. Although the property carries a Light Industrial zoning designation, the City Council, at the request of the property owner, approved a modification to the PUD in File number PUD 07-01. That decision confirmed that the PUD could elect pursuant to Section 16.32.020.H. of the Sherwood Zoning and Community Development Code (SZCDC), to develop Phases 4, 6, 7, and 8 with uses that would have been allowed under the Light Industrial (LI) base zone text applicable on August 3, 1995 (when the City approved the PUD Final Development Plan). At that time, Retail Commercial (RC) uses were also allowed in the Light Industrial zone. Although no specific land uses are proposed with this subdivision request, the applicant has attended two pre-application conferences with the City about developing the property with commercial uses.

G. Adjacent Zoning and Land Use: The subject site is currently being farmed. Properties to the south and east of the site include lands that are zoned Light Industrial. Billet manufacturing is located directly south of the site, and there are two light industrial uses adjacent to the northeast property line. The remaining properties to the east of the site are zoned LI and are not currently developed. Properties located to the west of the property, on the west side of SW Langer Farms Parkway, include lands developed with commercial, residential and public and institutional uses. Some of the commercial and residentially developed properties to the west were developed in earlier phases of the Langer PUD.

H. Review Type: According to section 16.72.010.2.i, subdivisions between 4-10 lots require a Type II review with a decision made by City Staff after consideration of public comments. An appeal would be heard by the City of Sherwood Planning Commission so long as the person appealing had provided comments during the 14-day public comment period, and it is filed within (14) days after the decision has been mailed.

I. 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 April 25, 2012 in accordance with the notice provisions of Section 16.72.020 of the SZCDC.

J. Review Criteria: Sherwood Zoning and Community Development Code, 16.40(Planned Unit Development), 16.58.010 (Clear Vision), 16.70 (Administrative Procedures), Division VI - 16.104-16.118 (Public Infrastructure), Division VII 16.120 (Subdivisions), 16.128 (Land Division Design Standards), and Division VIII 16.144 (Wetland, Habitat and Natural Areas).

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on April 25, 2012. Staff has received the following comments.

R. James Claus of 22211 SW Pacific Highway submitted comments opposing the subdivision proposal. Mr. Claus alleges that the proposed subdivision violates the PUD Code requirements. Specifically, he maintains that the City can only allow changes in the plan that are necessary with the terms of the preliminary approvals, that the code requires that the preliminary subdivision be processed concurrently with the PUD, that the time has passed to allow them to submit a subdivision proposal, that the traffic survey used to gain approval did not contemplate the traffic that could result from future commercial development of the site, that the City has modified the original PUD without citizen input, and that a staff level review is not the correct process for processing the proposed subdivision. A copy of Mr. Claus' full comments is incorporated into the record.

Staff Response: Staff will address each one of the items raised in Mr. Claus' below:

- *The City can only allow changes in the plan that are necessary with the terms of the preliminary approvals…*

Staff Response: Mr. Claus is referring to Code section 2.202.02(E) which is now Section 16.40.020(E), which states, "Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals." This provision is titled the Effect of Decision under the overall heading for Preliminary Development Plan. First, the City is not requiring the proposed subdivision, and the Final Development Plan was approved in 1995. It is unclear why Mr. Claus feels that this is relevant to the proposed development.

- *The code requires that the preliminary subdivision be processed concurrently with the PUD*
- *The time has passed to allow them to submit a subdivision proposal*
- *Staff Level review is not the correct process for processing the proposed subdivision*

Staff Response: This proposal does not constitute a substantial change to the PUD, rather, it is a subdivision of land which routinely happens in commercial and industrial developments. The subdivision was not filed at the same time that the PUD was processed in 1995, but that should not preclude a property owner from dividing their property if it meets the standards the community puts into place. Had there been a subdivision requested at the time the PUD was being considered in 1995, the City would have requested that it be reviewed concurrently.

According to the City Attorney's office, "A PUD decision under 16.40 is a separate and distinct decision from a subdivision decision under 16.120. Section 16.40.020.B.5 states, "**If** the PUD involves the subdivision of land …" Apparently, this particular PUD did not when it was approved in 1995 – it was a straight PUD that did not include a subdivision. The code section goes on to say that when the PUD also involves a subdivision, the two decisions shall be processed concurrently. This affirms the interpretation that they are separate decisions, albeit when they are proposed concurrently, they need to be processed concurrently. In fact, the City has reviewed other subdivisions within this same PUD since the final development plan was approved.

Furthermore, the PUD approval is an overlay zone that is applied to a property. In this instance, the boundaries of the PUD are not changing, the applicant is not asking for any land use that

would be inconsistent with the prior approvals, and the prior approvals did not identify which land was devoted to a specific use. There is not an increase in density because it is not a residential development. Therefore, this does not constitute a modification to the PUD. It is simply a subdivision of land. According to 16.120.030.1.a, "A subdivision application for 4-10 lots will follow a Type II process." Subdivisions are processed in accordance with the administrative provisions spelled out in Section 16.72.

Therefore, this application does not constitute a major or minor modification to the approved PUD, and the subdivision can be reviewed as a Type II staff level subdivision.

The traffic survey used to gain approval did not contemplate the traffic that could result from future commercial development of the site

Staff Response: All newly proposed developments within the boundaries of the PUD have been required to provide a traffic study, and there is no reason that the City would not require a traffic study for any future proposed developments. This subdivision, in and of itself, does not generate any new traffic. Certainly, future development will be required to provide a traffic study at the time of application consistent with the developers' agreement. Given the pace of growth in the Portland Metro area over the past 20 years, it is highly unlikely that the information provided within the original PUD could still be relied upon.

The City has modified the original PUD without citizen input

Staff Response: The only modification that staff is aware of to this application is file number PUD 07-01. That decision confirmed that commercial uses would be allowed, and spelled out the community's expectations for future improvements associated with the PUD. That application was processed in accordance with the development code Section 16.40.040.B.2 which specifies that minor changes to a Final Development Plan may be approved by the Council **without further public hearing or Commission review**, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses. It is not clear to staff how this is germane to the proposal at hand which is in fact, being made after a public comment period in which one public comment was received on this matter.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on April 25, 2012. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

SHERWOOD ENGINEERING DEPARTMENT:
Engineering staff has reviewed the information provided for the above cited project. Further review will occur with individual land-use applications for the subdivided lots. The project(s) will need to meet the standards established in the City of Sherwood Engineering Design and Standard Details Manual and Clean Water Services (CWS) Design & Construction Standards Manual, in addition to requirements established by other jurisdictional agencies providing land-use comments. City Engineering Department comments are as follows:

Transportation
There are no improvements proposed with the subdivision, although the subdivided lots must have the ability to access public rights-of-way per the development code of the applicable agency prior to recording of the final subdivision plat map. Individual traffic studies will be

required with each subsequent development land-use application. All traffic impact analyses shall address the City of Sherwood Capacity Allocation Program (COS Ordinance 2000-1104 codified by SMC 16.107.070) while considering the Development Agreement as amended and restated by Sherwood Resolution 2010-033. Development Agreement term H.4 (Highway 99W Capacity Allocation Program) states:

For purposes of calculating whether the trips associated with the regulated activities in Phases 6, 7, and 8 of the PUD exceed the trip limit of ZCDC 6.306.D.4 (renumbered as ZCDC 16.107.070), the City shall aggregate the trips and acreage of all such phases. As a result, the trips associated with the regulated activities of a single phase may exceed the trip limit that would otherwise apply if that phase were calculated individually, provided that the trips associated with all regulated activities for Phases 6, 7, and 8 do not exceed the trip limit in the aggregate. At each phase of development of the PUD, the number of reserve trips for the remaining phases will be identified in the applicable Trip Allocation Certificate.

Prior to City approval of the subdivision, the applicant shall submit a plan identifying the separate acreages of PUD Phases 6, 7 and 8, less the 100-year floodplain and the SW Century Drive right-of-way. City staff will use the information shown on the plan to aggregate the CAP trip limit for comparison during future site plan reviews.

It is suggested that the applicant evaluate the intent of and any discrepancies between the original and amended PUD decisions, amended & restated Development Agreement, and the City Transportation System Plan, particularly: the location of public streets, site access points, vehicular and pedestrian circulation, traffic study areas, if subsequent traffic studies for Phases 6/7/8 consider whether the North Extension has been planned or funded prior to development or redevelopment, and editions of the ITE Trip Generation manual.

A public right-of-way and eight foot wide public utility easements shall be shown on the preliminary and final recorded subdivision plat map for the extension of SW Century Drive.

See comments from Washington County DLUT on right-of-way dedications, improvements and access to/from SW Tualatin-Sherwood Road.

Staff Response: Planning staff discussed these comments with Engineering staff, the discrepancy lies in the issue that the approved Final PUD Plan showed three access points from SW Langer Farms Parkway into the site. This proposal shows three access locations, and the extension of SW Century Blvd. The Engineering Division is not opposed to the access locations, but felt that it should be pointed out that there are realistically four accesses into the site. Certainly, the applicant was not aware that the extension of SW Century Blvd was going to be placed into the Transportation System Plan, and there were no specific discussions in any of the staff reports or decisions for the preliminary or final PUD approvals discussing the limitations of the access points along SW Langer Farms Parkway.

Furthermore, there is plenty of language within the PUD file to suggest that many of the decisions related to traffic would be deferred to review of individual development proposals as they were submitted to the City. Since the applicant could not have anticipated the reintroduction of the extension of SW Century Blvd. into the Transportation System Plan (TSP), it is completely understandable that there would be at least three accesses from SW Langer Farms Parkway into the site.

Sanitary Sewer

There are no sanitary improvements being proposed with the subdivision application, although the subdivided lots must have the ability to connect (by gravity) to the public sanitary system when development occurs. All public conveyance easements, if required for gravity service, shall be shown or referenced on the subdivision plat map. Prior to recordation of the final plat map, the applicant shall submit detailed plans that clearly label each lot number's connection to the public system and elevations that show gravity service is achievable.

If retaining walls or slopes are necessary to support the public sanitary system, then wall and/or slope easements shall be granted to the City with actual site development, not with the subdivision plat map.

Staff Response: Sewer service has been stubbed to the parent parcel, so it is available. The developer will be required to determine how to best serve the site with sewer, loop and/or extend the system as necessary as proposals for future development on the site evolve.

Water

There are no water improvements being proposed with the subdivision, although the subdivided lots must have the ability to connect to the public water system when development occurs. The applicant shall submit detailed plans that clearly label each lot number and how it will connect to the public system prior to recordation of the final plat map.

If retaining walls or slopes are necessary to support the public water system, then wall and/or slope easements shall be granted to the City with actual site development, not with the subdivision plat map. Public water easements must be established around water meter and fire flow vaults during site development.

Staff Response: Water service has been stubbed to the parent parcel with the recent completion of SW Langer Farms Parkway, so it is available. The developer will be required to determine how to best serve the site with water, loop and/or extend the system as necessary as proposals for future development on the site evolve.

Storm Sewer

There are no storm improvements being proposed with the subdivision, although the subdivided lots must have the ability to connect to the public storm system (by gravity) when development occurs on any subdivided lot. The preliminary subdivision plat map shows a 15' wide public storm drainage easement over Tract 'A' and Lot 4 for the benefit of existing and future upstream development. The preliminary subdivision plat also shows a 15' wide public storm drainage easement over Lot 1 and a small portion of Lot 2, but has a note 'to be dedicated with development of Lots 1-3'. Development Agreement term F.1.a (Stormwater Facility – Langer Commitments) states:

Prior to issuance of a final occupancy permit for the first structures located in Phases 6 or 7, Langer will design and substantially construct the "Stormwater Facility" on Phase 8 (including any necessary portions of Phase 6), to accommodate existing stormwater detention and treatment for the PUD (including development of Phases 6, 7, and 8), and any detention and treatment associated with the South Extension and Century Drive Connection. In conjunction with this construction, Langer retains the right to terminate use of the Existing Facilities and any Temporary Facility constructed...

In addition, City infrastructure mapping indicates the storm drainage easement shown over Lot 1 and Lot 2 is intended to convey flows from existing upstream development and public rights-of-way.

Based on the materials submitted by the applicant, the Development Agreement, and City infrastructure mapping, the regional storm facility will treat runoff from all of the subdivided lots, proposed rights-of-way, as well as existing upstream development and public rights-of-way. Although construction can be deferred until future site development, all of the tracts, public storm drainage and access easements shown on the preliminary plat map must be dedicated to the City with the subdivision plat.

If retaining walls or slopes are necessary to support the public storm system, then wall and/or slope easements shall be granted to the City with actual site development, not with the subdivision plat map.

Grading and Erosion Control:
No early grading is proposed with this subdivision. Site grading will exceed 5 acres of disturbed area for all phases of development. Therefore, a 1200-C permit is required. The 1200-C permitting process can be initiated through the City of Sherwood Engineering Department. It is likely DEQ (via CWS) will require that all phases of development on and around tax lot 300 be authorized under the same 1200-C permit.

The memorandum from CWS dated May 8, 2012 indicates that a CWS Storm Water Connection Permit (SWCP) must be obtained prior to plat approval and recordation. CWS typically requires a 1200-C permit prior to issuing a SWCP. Contact CWS to obtain a SWCP.

Other Engineering Issues:
The subdivision includes new property lines within Bonneville Power Administration (BPA) and/or Portland General Electric (PGE) transmission line easements. The applicant must coordinate with those entities to determine when they will issue a land use agreement to the developer, prior to final plat approval and recordation or with individual site plan review, or both.

The applicant may be required to install infrastructure for Sherwood Broadband as noted in City Ordinances 2005-17 and 2005-74 during future phases of development, but not with the subdivision plat.

Per CWS requirements, tracts or easements shall be established over wetlands and vegetated corridors with the subdivision plat. See conditions of the CWS Service Provider Letter (SPL) and land-use comments memo dated May 8, 2012.

WASHINGTON COUNTY:

1. The applicant is not proposing access to SW Tualatin-Sherwood Road. **To implement the County's access-spacing standards, the applicant will be required to record a motor vehicle access restriction along the subject site's entire frontage of SW Tualatin-Sherwood Road for the purposes of implementing the access spacing standards.**

2. Consistent with statewide pedestrian circulation/linkage goals of the Transportation Planning Rule and the County's R&O 86-95 (road safety requirements), the County normally requires sidewalk installation as a minimum road safety improvement along site frontage of all County-maintained roads. Sidewalks further establish future street profiles, demarcate County or City right-of-way, and address drainage issues. Sidewalk

requirements are not generally waived, even when sidewalk is not currently present on neighboring properties. Rather, even non-contiguous sidewalk is considered to provide some measure of pedestrian refuge and ideally, makes possible eventual connection of sidewalks (as surrounding development takes place and is likewise conditioned to provide sidewalk). Additionally, the Washington County Road Design and Construction Standards require provision of adequate drainage along a site's frontage of a county road.

The applicant is required to construct a half-street improvement, including illumination, to an A-2 County standard along the subject site's frontage of SW Tualatin-Sherwood Road OR pay a fee-in-lieu (Contact Dan Erpenbach at 503-846-7877).

Note: *For half street improvements, an applicant shall provide street lighting consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.*

3. The statewide Transportation Planning Rule requires provision for adequate transportation facilities in order for development to occur. Accordingly, the County has classified roads and road segments within the County system based upon their function. The current Transportation Plan (regularly updated) contains adequate right-of-way, road width and lane provision standards based upon each roadway's classification. Subject right of way is considered deficient if half-width of the existing right of way does not meet that determined necessary within the County's current transportation plan.

   The applicant is required to dedicate additional right-of-way to provide 49 feet from centerline of SW Tualatin-Sherwood Road, including adequate corner radius at the intersection.

Staff Response: The comments from Washington County have been considered, and to the extent that they are applicable to the proposed development, the conditions of approval have been incorporated into this report. The request for a non-access easement along the property's frontage with Tualatin-Sherwood Road, according to Naomi Voegel, Associate Planner with Washington County Operations, is not intended to prevent the existing access location that is used to maintain the water quality facility on the northeast corner of the site. Because that location is provided with a mountable curb, Washington County does not view that as a formal access to the site.

CLEAN WATER SERVICES (CWS):
CWS provided comments that essentially require that a Storm Water Connection Permit Authorization be obtained. The District also requires that the application comply with the requirements of the Amended service provider letter 12-000162.

Staff Response: The CWS conditions of approval have been incorporated into this report where appropriate.

TUALATIN VALLEY FIRE AND RESCUE (TVFR):
TVFR provided comments that do not specifically identify any deficiencies within the proposal, but rather outline the districts expectations for access, the provision of hydrants, and

infrastructure that would aid the district in providing services to the site. The comments are attached to this decision, and to the extent that they apply, the applicant will be required to satisfy the standards of TVFR in final design and construction of the subdivision.

Kinder Morgan Energy, ODOT, Pride Disposal, the Tualatin Valley Water District, NW Natural Gas, and Portland General Electric were all provided an opportunity to comment on this proposal, but did not provide comments. It is incumbent upon the applicant to coordinate the final design of the subdivision with any of the above affected agencies.

IV. APPLICABLE CODE STANDARDS

Chapter 16.32 Light Industrial (LI)

A. 16.32.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII. Incidental retail sales, limited to 10% of the total floor area of a business, may be permitted as a secondary function of a permitted or conditional use, subject to the review and approval of the Hearing Authority.

STAFF ANALYSIS: The property is currently in agricultural use, and the subdivision does not include a proposal to use the land any differently. It should be noted, that staff has been in contact with the applicant, and they have indicated that they do intend to submit an application in the near future for commercial uses on the site. Section 16.32.020.H states, "PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted within the boundaries of the PUD. Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD."

FINDING: At the time that the PUD was approved, general retail uses were permitted within the Light Industrial district, so there would be no reason that the applicant couldn't propose commercial development on the site in the future. Since the subdivision does not include proposals for any new uses on the subject site, the development complies with this section.

B. 16.32.050 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: 10,000 sq ft

2. **Lot width at front property line: 100 feet**
3. **Lot width at building line: 100 feet**

STAFF ANALYSIS: The proposed subdivision creates five lots and two tracts. The tracts, Tract A and Tract B, are for the purposes of protecting the natural resource on site, and to establish an area for a regional water quality facility, and are not buildable lots. Lot 1 is 13.99 acres in size, and has frontage onto three public streets. There are several front lot lines with the proposed lot, but the longest one is approximately 444.21 feet in length. Lot 2 is approximately 3.65 acres and has more than 1,050 feet of frontage onto two public streets. Lot 3 is approximately 2.35 acres in size and has more than 700 feet of frontage onto two public streets. Lot 4 is 21.97 acres in size and has more than 2,000 feet of frontage onto two public streets. Lot 5 is 6.93 acres in size and is provided access through a 40-foot wide access easement. The lot width at the front property line is more than 500 feet.

FINDING: It is feasible that, given the size of the lots, that the lot width at the building lines can be satisfied with future development on every one of the lots. Compliance with setbacks and heights will be verified at the time the properties are developed. The dimensional standards are satisfied to the extent that they apply to this subdivision.

C. 16.32.060 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, it is feasible that future development on the proposed lots would be able to satisfy the standards, and any proposed development will be evaluated against those standards that are found to be applicable.

Chapter 16.40 Planned Unit Development

STAFF ANALYSIS: The subject property has an approved PUD overlay. Initially approved in 1995, development on the property is subject to the provisions of that approval, any approved modifications, and the associated Developers Agreement. There are no approval criteria within Chapter 16.40 that can be directly attributed to this proposal. The standards of this chapter are only applicable to review and approval of the Preliminary Development Plan, the Final Development Plan, and any modifications. In this instance, the property is being subdivided outside of the PUD process, and does not preclude the applicant from satisfying the intent of the PUD, nor relieve them of their commitments to make the public improvements called for in that approval. This constitutes a development action on Phases 6, 7, and 8 of the proposed development. Consistency with the applicable requirements of the approved 2010 Development Agreement is discussed throughout this report. Consistency with the approved development standards and design guidelines apply to proposals for actual physical development of the property, and will be evaluated at such time that those applications are filed.

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.

STAFF ANALYSIS: The proposed subdivision does not include any physical improvements that would preclude future development on each of the lots from complying with the provisions of this Chapter.

FINDING: It is feasible that the development can comply with the clear vision standards stated above. Compliance with the provisions of this chapter will be evaluated with future development proposals associated with the property.

Chapter 16.70 General Provisions

16.70.010 Pre-Application Conference

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

STAFF ANALYSIS: Although not a requirement, the applicant requested and attended a pre-application conference with City staff on December 12, 2011 to discuss partitioning, subdividing, and developing the property.

16.70.020 Neighborhood Meeting

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

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

STAFF ANALYSIS: The applicant held a neighborhood meeting on February 8, 2012 at St. Francis Church to discuss the overall development of the PUD site including a partition, a subdivision, and potential development of the site. Approximately 25 people attended. Twenty one of the attendees signed the attendance roster, and the applicant has provided a summary of the meeting and the items raised by the public. Concerns included added truck traffic on Langer Farms Parkway, speeding on Langer Farms Parkway, access to Tualatin-Sherwood Road from the extension of Century Drive, a desire for future development to attract store brands that appeal to teenagers, concerns about competition with existing businesses as a result of any commercial development on the property, the amount of existing vacant commercial space in Sherwood, a desire for additional transit service, disruption of wildlife, and disruption of existing views. To the extent that the development code addresses any of the concerns, staff has taken them into consideration in this decision.

It should be noted that SW Langer Farms Parkway is a collector intended to provide another route into Sherwood. Traffic laws on the right-of-way are enforced by the Sherwood Police Department, and currently the right-of-way does not restrict truck traffic. Future development proposals on the site include individual traffic impact reports that will better inform the decision makers on the impacts associated with those specific proposals. If the traffic in some way deteriorates the acceptable functionality of the street systems, then the Engineering Division may impose mitigation measures to help offset those impacts. The property is approved for commercial and light industrial type developments, and will most likely be developed in that manner.

All future development proposals will be required to meet the dimensional requirements including heights, setbacks, and to the extent they apply, the design guidelines that were approved with the Final PUD approval. There are no protected scenic corridors within the City's Comprehensive Plan, so it is likely that any development on the subject site will affect the existing views of those who live adjacent to the site, and have become accustom to the views the existing farmland provides, but that land is within the City limits and is set aside for development.

FINDING: Although not required to host a neighborhood meeting by code, the applicant did in fact hold a neighborhood meeting on February 8, 2012 and provided the materials along with

this application that demonstrate that they complied with the requirements for neighborhood meetings.

Division VI. Public Infrastructure

16.104 General Provisions

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

STAFF ANALYSIS: As agreed to within the approved development agreement, the applicant is required to provide the right-of-way and ultimately construct the extension of SW Century Blvd. from its eastern terminus at the roundabout in SW Langer Farms Parkway to the western terminus at the west property line. The applicant is also required to dedicate the vegetated corridor and Natural Resource in Tract A, and to dedicate and construct the regional storm water facility located in Tract B. As proposed, the applicant is proposing to dedicate all three of these areas, and to defer construction of the improvements until such time that they are constructing improvements with future development.

16.104.020 Future Improvements

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

16.104.030 Improvement Procedures

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

STAFF ANALYSIS: The City of Sherwood completed the extension of SW Langer Farms Parkway in 2012 funded primarily by Washington County Major Streets Transportation Improvement Program (MSTIP). As part of that construction, sewer, water, and access from SW Langer Farms Parkway were stubbed to the property. In accordance with the approved development agreement for the PUD, the right-of-way for the future extension of SW Century

Boulevard will be dedicated to the City with this application. When it is constructed, utilities will be extended through the site to accommodate future development on this site, and the adjacent properties. The specific locations of where and how the utilities will be provided onto the property will be evaluated and approved at such time that proposals for actual development of the lots are submitted and reviewed.

FINDING: The applicant has either proposed, or has been conditioned through prior approvals to provide needed public infrastructure with proposed development of the site. Adequate water, sewer and access are available to the property. Stormwater for all future development on site will be captured and treated in a new regional stormwater facility that the applicant will construct as part of any future development proposal for the site. The applicant will also be responsible for future construction of SW Century Blvd to City standards under the requirements of the approved Developers Agreement. This criterion is satisfied.

16.106 Transportation Facilities

16.106.020 Required Improvements

A. Generally

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

STAFF ANALYSIS: There are no physical improvements being proposed with the subdivision. The proposed subdivision is adjacent to two existing streets, SW Tualatin-Sherwood Road, and SW Langer Farms Parkway. The extension of a third public street, SW Century Blvd is required with future development as a condition of the approved development agreement that is binding upon the PUD. The right-of-way for that street will be dedicated with the subdivision.

FINDING: Since SW Langer Farms Parkway was only recently constructed, it is found to be constructed to standard. The developer will dedicate the right-of-way necessary for the future extension of SW Century Blvd. Improvements to the overall system may be warranted with future development. The development agreement requires the property owner to provide an individual traffic study for each development application. The City Engineer has determined that no improvements to the adjacent City streets are warranted by this proposal.

Tualatin-Sherwood Road is a County facility and therefore subject to restrictions imposed by county regulations. The county recognizes that the applicant is not proposing any access to SW Tualatin-Sherwood Road, but has requested the following conditions to ensure that the County's access-spacing standards, and the Transportation Planning Rule as it applies, through the county's regulations, to developments that front County rights-of- way are enforced.

It should be noted that the first condition would potentially restrict access to an existing driveway used to access a storm water quality facility in the northeast corner of the site. For this reason, the condition that the county has requested be imposed has been modified by City staff in a manner that allows the applicant to discuss the issue with County staff.

Conditions:

1. Prior to final plat approval, the applicant shall dedicate the necessary right-of-way needed to construct SW Century Drive.

2. Prior to final plat approval, the applicant shall establish the public right-of-way and 8' public utility easement for and adjacent to SW Century Drive on the face of the plat.

3. Prior to final plat approval, the following shall be represented on the plat and recorded with Washington County:
   a. Dedication of additional right-of-way to provide 49 feet from centerline of SW Tualatin-Sherwood Road.
   b. Dedication of additional right-of-way to provide adequate corner radius at the intersection of SW Tualatin-Sherwood Road.
   c. Provision of a non-access reservation along SW Tualatin-Sherwood Road frontage, except at the existing access point(s) approved in conjunction with this land use application.

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: Figure 8-8 of the Sherwood Transportation System Plan (TSP) illustrates the future extension of Century Blvd. The approved Developer's Agreement associated with the original PUD calls for the dedication and ultimate construction of Century Blvd. The applicant has proposed to dedicate the right-of-way for Century Drive, and defer final construction plans, financial assurance, permits and construction of the street until such time that specific development proposals are provided for the property. The applicant has provided a preliminary plan and profile, and has demonstrated on Sheet 6, that it is feasible for the construction to occur within the right of way area given that the end points for SW Century Drive are already established by prior construction.

FINDING: The City has evaluated the proposal and agrees that the actual construction of the street can be deferred until such time that physical development of the property occurs given that the right-of-way area is already established, and is agreeable to the applicant's dedication of the right-of-way on the face of the plat.

2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street

Connectivity map contained in the TSP.

a. **A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.**
b. **Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.**
c. **Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.**

STAFF ANALYSIS: The applicant is only proposing to subdivide the property at this point in time. As mentioned previously in this decision, the applicant is proposing to dedicate the right-of-way for SW Century Boulevard. The applicant has provided a Conceptual Circulation Plan that generally demonstrates compliance with the Local Street Connectivity Map in the Sherwood TSP. It will be incumbent upon future development proposals to demonstrate compliance with this section as it applies to future development of proposed lot 4, because the TSP shows a north-south local connection.

FINDING: As proposed, the subdivision would not preclude the owner's ability to provide a connection consistent with the TSP local connectivity map; however, the applicant is not requesting approval of any development within the area of the site that calls for the connection discussed above. It is feasible for future development on the property to satisfy this condition.

3. **Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.**
4. **Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.**
5. **Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.**
6. **Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right- of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.**
7. **Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:**
   a. **Physical or topographic conditions make a street or accessway connection**

impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

STAFF ANALYSIS: This proposal does not include the creation of any new streets not already accounted for by the TSP. There is no identified bicycle or pedestrian connections in the TSP that are not already provided for within the existing right-of-way. It should be noted that the site is limited by the presence of the wetlands in Tract A, a major arterial to the north, a collector to the west, and existing industrial development directly south of the site.

FINDING: Existing site conditions and pre-existing development on adjacent properties may deter full street connectivity on a portion of the site. A conceptual circulation plan is provided with the preliminary plans to illustrate how the site can conceptually meet the standards, however, the site is zoned for light industrial and commercial uses, so it is unlikely that a full street connection would be necessary beyond what is called for in the TSP. It will be incumbent upon the property owner to demonstrate that the existing conditions preclude full connectivity, and if so, how pedestrian or bicycle connections can be made for future proposals for development. These criteria are not applicable to the proposed subdivision.

16.106.040 Design

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

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

A durable sign shall be installed at the applicant's expense. The sign shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."

STAFF ANALYSIS: As discussed previously in this report, the applicant has proposed to dedicate right-of-way that would allow for the construction of a public street that extends from the east terminus of SW Century Drive to the west terminus. Once constructed, this Century Blvd. will be complete.

FINDING: Because the applicant has proposed to dedicate the right-of-way with this application, and the signs called for in the standard above are already in place, this standard is satisfied.

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).**

STAFF ANALYSIS: There are no existing or proposed transit routes adjacent to or near this site. Tri-Met has indicated that due to costs, some of the existing Sherwood transit service will be cut.

FINDING: Transit facilities are not necessary at this site at this time, as there would be no service available. This criterion is not applicable to the proposed subdivision.

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.

STAFF ANALYSIS: There is sanitary sewer service in the adjacent street and available to the subdivision. It will be incumbent upon future development proposals to illustrate how service is provided for each new development proposal.

FINDING: no public sanitary easements are required with the subdivision plat as the service is already stubbed to the lots. When it becomes necessary to provide service to an individual lot or convey existing flows from upstream development the applicant will be required to provide easements to accommodate the construction and maintenance of the line. This criterion is satisfied.

16.112– Water Supply

16.112.010 Required Improvements

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

STAFF ANALYSIS: There is water service in the adjacent street and available to the subdivision. It will be incumbent upon future development proposals to illustrate how service is provided for each new development proposal.

FINDING: Because the public water is stubbed to the property line for future development, there is no need to extend the water or provide easements with the subdivision plat. When it becomes necessary to provide service to an individual lot the applicant will be required to provide easements to accommodate the construction and maintenance of the line.This criterion is satisfied.

16.114 - Storm Water

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

STAFF ANALYSIS: The Preliminary Subdivision Plat map shows a 15' wide public storm drainage easement over Tract 'A' and Lot 4 for the benefit of existing and future upstream development. The Preliminary Subdivision Plat also shows a 15' wide public storm drainage easement over Lot 1 and a small portion of Lot 2, but has a note 'to be dedicated with development of Lots 1-3'. City infrastructure mapping indicates this easement will convey flows from existing upstream development and public rights-of-way, therefore both portions of the 15' public storm easement will be required with the subdivision plat. If public storm easements are required and retaining walls or slopes are necessary to support and the storm infrastructure, then separate wall or slope easements shall be established with the public storm easements, unless approved otherwise by the City Engineer.

Construction of a regional storm water treatment facility is required under the development agreement, and proposed by the applicant during the development of Phase 6, 7 or 8. Construction can be deferred until future site development. The Preliminary Subdivision Plat shows a 'Regional Stormwater Facility' at the east corner of Lot 5 located in Tract 'B', a '20' Wide Storm Drainage and Access Easement' over Lot 5, and '26' Wide Storm Drainage and Access Easement' over Lot 4.

FINDING: Since construction of the regional facility will be required for any development upon Phase 6, 7 or 8, particularly to convey and treat upstream flows from and across Lot 4, Lot 1, Lot 2 and existing public rights-of-way, Tract 'B', the 20' and 26' wide storm and access easements should be included with the subdivision plat.

Individual Storm Water Connection Permits (CWS) will be required with subsequent development, not with the subdivision plat.

16.116 Fire Protection

16.116.020 Standards

A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City

standards, in order to adequately protect life and property in the proposed development.

B. Fire Flow

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

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.
(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

STAFF ANALYSIS: As indicated earlier in this decision, water service and hydrants were provided with the construction of SW Langer Farms Parkway. The land is not proposed to be developed at this time, and there are no structures on the existing site at this time.

FINDING: The fire district comments do not indicate that any additional services need to be provided with this proposal. Their comments are incorporated into this decision for reference. It will be incumbent upon applicants to demonstrate compliance with this section with future development proposals. These criteria are satisfied.

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: There is no physical development proposed with this subdivision. There are utilities around the entire site that are readily available for future development of the site. Public utility easements will be provided where required to ensure that there is adequate room for franchise utilities.

FINDING: No new utility extensions are necessary with this request. The applicant is showing an 8-foot public utility easement around the lots as required. Utilities are available to the property and will be extended as future development is proposed on the site.

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

STAFF ANALYSIS: As indicated previously, there is no need for new utilities with this subdivision proposal. All existing and adjacent utilities were placed underground when the SW Langer Farms Parkway was constructed in 2011. There are above ground PGE or BPA powerlines along SW Tualatin-Sherwood Road, that cannot be undergrounded because of the load they carry. If the opportunity arises in the future to underground the facilities, it is likely that those providers will do it themselves.

FINDING: There are overhead utilities on the property, but they carry an electrical load that is not conducive to undergrounding. Future proposals for new development will be required to provide underground facilities when extending utilities where applicable. This criterion is satisfied.

16.120 Subdivisions

16.120.040 Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:
A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

STAFF ANALYSIS: SW Century Drive is conditioned to be constructed through the PUD and the approved Development Agreement. As proposed, the right-of-way for SW Century Drive will be dedicated to the public for future construction. The design and construction of that right-of-way will be consistent with this section to the extent that the provided right- of-way will not preclude the construction of that future street from complying with this standard.

FINDING: Because the right-of-way for SW Century Drive is being dedicated with the plat, SW Langer Farms was recently constructed, and the County has agreed to allow the applicant to either construct improvements or pay a fee in lieu of improvements to Tualatin-Sherwood Road, this criterion can feasibly be satisfied as provided the applicant meets the conditions of this decision.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

STAFF ANALYSIS: As proposed or conditioned, all existing easements are indicated on the preliminary plat as required, and will be checked and verified again prior to the City's approval of the final plat.

FINDING: The plat illustrates all of the existing reservations or restrictions for access to the extent that they are existing. New ones may be established with future development, but for now, this criterion is satisfied.

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

STAFF ANALYSIS: Compliance with these standards have been discussed throughout this decision.

FINDING: As conditioned, the proposed subdivision can comply with the standards including Chapter 16.128, the Land Division Design Standards. It should be noted that this proposal does not include an application for physical development, so some of the standards listed above are not applicable to this proposal, and will need to be satisfied with future proposals for development on the individual lots.

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

STAFF ANALYSIS: Compliance with these standards have been discussed throughout this decision.

FINDING: As discussed earlier in this decision, all public utilities and facilities are available to the site. This criterion is satisfied by the proposed subdivision.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

STAFF ANALYSIS: Approval of this subdivision as proposed, does not preclude any of the adjacent properties from being developed.

FINDING: There are no contiguous properties adjacent to the subject site that are under the same ownership. This criterion is not applicable to the proposed subdivision.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

STAFF ANALYSIS: Approval of this subdivision as proposed, does not preclude any of the adjacent properties from being developed.

FINDING: The proposed subdivision does not affect adjoining land from being provided with access. There are no landlocked parcels of land adjacent to this site. Future construction of SW Century Drive will improve access to the adjacent properties, but they currently have access to a public street. This criterion is satisfied.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

STAFF ANALYSIS: A tree and woodland inventory has not been submitted for this proposal because there is no physical development proposed. It will be incumbent upon the property owner to demonstrate compliance with these standards with future proposals for development on the property.

FINDING: Because there is no physical development associated with this request, this criterion is not applicable.

H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

STAFF ANALYSIS: The proposed preliminary plat illustrates the proposed lot numbers, dedications and easements as required.

FINDING: Because there is no physical development associated with the plat, setbacks are not required to be shown, and will be verified in future proposals for development. To the extent that this criteria applies to the proposal, it is satisfied. Because of the size of the lots, it is feasible for the setbacks to be met with future development.

I. A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome- Standards) or §16.142.020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable. (Ord. No. 2011-011, § 1, 10-4-2011)

STAFF ANALYSIS: Because this property is associated with an existing Planned Unit Development, and is not associated with residential development, this standard is not applicable to the proposed development.

FINDING: This standard is not applicable to the proposed development.

16.128 – Land Division Design Standards
16.128.010 - Blocks

A. Connectivity
1. Block Size
The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.
2. Block Length
Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. **Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.**

STAFF ANALYSIS: This proposal does not include the creation of any new streets not already accounted for by the TSP. There is no identified bicycle or pedestrian connections in the TSP that are not already provided for within the existing right-of-way. It should be noted that the site is limited by the presence of the wetlands in Tract A, a major arterial to the north, a collector to the west, and existing industrial development directly south of the site.

FINDING: Existing site conditions and pre-existing development on adjacent properties may deter full street connectivity on a portion of the site. A conceptual circulation plan is provided with the preliminary plans to illustrate how the site can conceptually meet the standards, however, the site is zoned for light industrial and commercial uses, so it is unlikely that a full street connection would be necessary beyond what is called for in the TSP. It will be incumbent upon the property owner to demonstrate that the existing conditions preclude full connectivity, and if so, how pedestrian or bicycle connections can be made for future proposals for development. These criteria are not applicable to the proposed subdivision.

B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

STAFF ANALYSIS: The proposed subdivision shows the location of all existing utility easements associated with the site. An 8-foot public utility easement was dedicated along the front and side lot lines with document No. 2011-030292, and is illustrated on the plat.

FINDING: The Engineering division has indicated that the easement is of adequate width to accommodate utilities. As new proposals for development come in on the lots, it will be incumbent upon the applicant to ensure that adequate easements are provided to allow access and maintenance to future public utilities. This criterion is satisfied by the proposed subdivision.

C. Drainages
Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to

the alignment and size of the drainage.

STAFF ANALYSIS: The proposed subdivision is traversed by a drainage way; therefore, this criterion is applicable. As proposed, the subdivision includes two tracts. Tract A identifies the location of the drainage way and associated corridor, and Tract B identifies the location for a future regional stormwater treatment facility.

FINDING: The applicant has proposed to dedicate the facilities as is conditioned in the Original PUD and associated Development Agreement. This criterion is satisfied by the proposal.

16.128.020 - Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

STAFF ANALYSIS: There are no cul-de-sacs proposed with this subdivision, and as proposed, it is untimely to evaluate the circulation given that the sizes of the lots are so large. It will be incumbent upon future applications to demonstrate compliance with this standard.

FINDING: As indicated previously in this decision, the site is not subject to this standard until such time that physical development is being proposed on the site.

16.128.030 - Lots

A. Size and Shape

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

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

STAFF ANALYSIS: As previously discussed, the proposed lots meet or exceeds the applicable dimensional standards for lots within the Light Industrial zoning district.

FINDING: The approved PUD did not place any additional lot restrictions on the property. This site is served by public sewer and water. This criterion is satisfied.

B. Access

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

STAFF ANALYSIS: Lots 1-4 directly abut one of the three adjacent public rights-of-way (SW Century Drive will be dedicated with this plat and constructed with future development). Lot 5 has direct public access through a private 40-foot wide access and utility easement as allowed in Chapter 16.68.

FINDING: Because the lots abut a public street, or are served by an easement to a public street, this criterion is satisfied.

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

STAFF ANALYSIS: With the exception of Lots 4 and 5, the side lot lines of each lot run perpendicular to SW Langer Farms Parkway. Lots 4 and 5 are not able to be perpendicular because of the onsite drainage way.

FINDING: To the extent that it is practical, the side lot lines run at right angles to SW Langer Farms Parkway. The proposal has satisfied this criterion.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

1. **Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.**
2. **Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.**

STAFF ANALYSIS: No on-site grading is proposed with this subdivision.

FINDING: Because no grading is associated with the proposed subdivision, it will be incumbent upon future development proposals on the site to comply with this standard. It should be noted that the site is fairly flat, so it is very likely that the amount of future grading on this property will be minimal, and that it is entirely feasible for the standards listed above to be met given the topography. This criterion is not applicable to this proposal.

Division VIII – Environmental Resources

16.142 – Parks and Open Space

STAFF ANALYSIS: The proposed subdivision is on land that is zoned Light Industrial (L-I) with a Planned Unit Development (PUD) overlay. The PUD required the provision of open space that has already occurred for those properties developed with residential uses. The vegetated corridor is being set aside in a tract to be dedicated to the public to meet a condition of the original PUD as it pertains to open space. The following criteria are the only provisions that are applicable in this Chapter to this request.

16.142.030.A Visual Corridors

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

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

3.	Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. (Ord. 2006-021)

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.050, shall be planted in the corridor by the developer. The improvements shall be included in the subdivision compliance agreement. (Ord. 2006-021)

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit. (Ord. 2006-021)

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited or trees be removed from within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c). (Ord. 2006-021)

STAFF ANALYSIS: The proposed subdivision does not include any physical development that would mandate the need for a visual corridor. Future development of the lots will be required to comply with the visual corridor standards along it's frontage with SW Langer Farms Parkway, a collector, and SW Tualatin-Sherwood Road, an arterial.

FINDING: Because the applicant is not proposing any physical development of the property at this time, and the City will have the opportunity to impose this requirement on future development proposals, this criterion is not applicable to the proposed subdivision.

16.142.060. Street Trees

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

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

1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

2. Size: Trees shall have a minimum trunk diameter of two (2) 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 until such time that physical improvements of SW Century Blvd and improvements along SW Tualatin-Sherwood Road are constructed. The applicant has proposed to dedicate the rights-of-way and defer improvements until future development occurs. The County has requested that the applicant either make the improvements or pay a fee in-lieu of the improvements prior to final plat. This condition has been incorporated into this decision. Street trees were provided along the sites frontage with SW Langer Farms Parkway with that recent improvement. This criterion is not applicable to the proposed subdivision, but will be required with future development of any of the lots that require the construction or reconstruction of new public streets.

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: This application is for a proposed subdivision, no physical improvements are proposed. This land has been farmed, and the majority of trees on site are located within Tract A. Future development proposals on the lots will be required to satisfy the requirements of this chapter. Because the property is zoned for commercial or light industrial uses, future development will be subject to site development review, and a more detailed analysis of how trees will be affected. This criterion is not applicable to the proposed subdivision.

Chapter 16.144 Wetland, Habitat, and Natural Areas

16.144.020 Standards

A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:

1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.

a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.

b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.

c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.

2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.

B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:

1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).

2. **The facility will comply with applicable requirements of the zone.**

3. **The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.**

4. **The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.**

5. **Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.**

C. When the Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site, the applicant shall provide plans that show the location of resources on the property. If resources are determined to be located on the property, the plans shall show the value of environmentally sensitive areas using the methodologies described in Sections 1 and 2 below.

The Metro Regionally Significant Fish and Wildlife Habitat map shall be the basis for determining the location and value of environmentally sensitive habitat areas. In order to specify the exact locations on site, the following methodology shall be used to determine the appropriate boundaries and habitat values:

FINDING: The applicant has identified the wetlands on site, and has provided staff with a CWS service Provider Letter that spells out all of the requirements for protection as required in the Tualatin River Basin approved HCA. According to the applicant, and as verified by the Service Provider Letter, the area has been delineated in accordance with the requirements of CWS R&O 00-7. Clean Water Services has provided comments in addition to the Service Provider Letter that have been incorporated into this report. The following Condition is warranted to ensure that the applicant continues to comply with the conditions of Service Provider Letter No. 12-000162. It will be incumbent upon future development proposals on proposed Lots 4 and 5 to ensure that their impacts to the protected resources in Tract A meet the requirements of CWS.

CONDITION: Prior to any site work or final plat approval, the applicant shall provide the City with evidence that Clean Water Services has reviewed and approved the final plat, and met the applicable conditions imposed on the letter dated May 8, 2012 from Jackie Sue Humphreys at Clean Water Services.

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 subdivision does not fully comply with the standards but can be conditioned to comply, approves the subdivision request subject to compliance with the following conditions of approval.

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

2. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by AKS Engineering and Forestry, dated April 11, 2012 except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, Tualatin Valley Water District and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.

3. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.

4. **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.

5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.

B. Prior to approval of the public improvement plans:

1. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.

2. Submit the final plat for review to the Planning Department.

C. Prior to Approval of the Final Plat:

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval. In addition, the following specific conditions shall be met prior to approval of the final plat:
2. Prior to final plat approval, the applicant shall dedicate the necessary right-of-way needed to construct SW Century Drive.
3. Prior to final plat approval, the applicant shall establish the public right-of-way and 8' public utility easement for and adjacent to SW Century Drive.
4. Prior to final plat approval, the following shall be represented on the plat and recorded with Washington County:
   a. Dedication of additional right-of-way to provide 49 feet from centerline of SW Tualatin-Sherwood Road.
   b. Dedication of additional right-of-way to provide adequate corner radius at the intersection of SW Tualatin-Sherwood Road.
   c. Provision of a non-access reservation along SW Tualatin-Sherwood Road frontage, except at the existing access point(s) approved in conjunction with this land use application.
5. Prior to any site work or final plat approval, the applicant shall provide the City with evidence that Clean Water Services has reviewed and approved the final plat, and met the applicable conditions imposed on the letter dated May 8, 2012 from Jackie Sue Humphreys at Clean Water Services.
6. Approval of the public improvement plans by the Engineering Department, and signature of a compliance agreement must be complete prior to release of the plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit.
7. The final plat shall show the following:
   a. The Community Development Director as the City's approving authority within the signature block of the final plat.
   b. A 15-foot wide public utility easement for any areas where a single public utility line is located outside a public right-of-way with an increase of five (5) feet for each additional utility line.
   c. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.

VII. Exhibits

A. Applicant's submittal with narrative and supporting documents dated
B. Public testimony from R. James Claus dated May 11, 2012
C. Letter from TVF&R dated May 9, 2012
D. Letter from CWS dated May 8, 2012
E. Engineering comments dated May 11, 2012
F. Comments from Washington County DLUT dated May 15, 2012

STATE OF OREGON)

)

Washington County)

I, Brad Kilby, Senior Planner for the Planning Department, City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case File No. SUB 12-02 Langer Farms Subdivision was placed in a U.S. Postal receptacle on June 21, 2012.

City of Sherwood

City of Sherwood
Oregon
ome of the Tualatin River National Wildlife Refuge

City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
August 28, 2012 – 7PM

AGENDA

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda:** Work session minutes 3/13/12,
   Business meeting minutes 3/27/12,
   Work session minutes 4/24/12,
   Business meeting minutes 5/22/12
   Work session minutes 7/10/12
4. **Council Liaison Announcements**
5. **Staff Announcements**
6. **Community Comments**
7. **Old Business**

   a. Public Hearing – Sentinel Self- Storage Annex (SP 12-03) (Continued from 8/14 mtg)

   The applicant proposes to build a 430 unit storage facility which will include open, covered, partially enclosed and fully enclosed units. The site is a part of the Langer PUD (PUD 95-01). This site is located on SW Langer Farms Parkway. The properties are zoned PUD- LI.

   b. Public Hearing – Residences at Cannery Square (SP 12-04) (Continued from 8/14 mtg)

   The applicant proposes to construct two multi-family buildings with a total of 101 units. The east building will be 3-stories with a total of 50,802 square feet and the west building will be 3-stories with a total of 53,227 square feet. The proposal will also provide for off-street parking and landscaping. This is part of the Cannery Planned Unit Development.

8. **New Business**

   a. Public Hearing –Langer Farms Subdivision Appeal (SUB 12-02)

   The applicant has requested preliminary subdivision approval to divide ± 55.09 acres into five individual lots and two tracts for future development consistent with the Sherwood Village PUD 95-1. The Planned Unit Development was approved in 1995 without a preliminary plat. This proposal constitutes a separate application under the provisions of the Sherwood Zoning and Community Development Code (SZCDC).

9. **Adjourn**

Next Meeting: September 11, 2012

Meeting documents may be found on the City of Sherwood website or by contacting the planning staff at 503-925-2308.

Consent Agenda

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

SHERWOOD PLANNING COMMISSION MINUTES
March 13, 2012 - WORK SESSION

WORK SESSION

1. **CALL TO ORDER:** Chair Allen opened the meeting at 8:00 p. m.

2. **COMMISSION MEMBERS PRESENT:** Chair Allen, Commissioner Walker, Commissioner Carey, Commissioner Copfer

3. **STAFF AND LEGAL COUNSEL PRESENT:** Julia Hajduk, Brad Kilby, Councilor Clark

4. **TOPICS DISCUSSED: Land Use Review (2 handouts provided)**

   A. **Land use decisions**

   B. **LCDC & LUBA**

   C. **Quasi-judicial**

   D. **Bias, conflict of interest & ex parte'**

5. **ADJOURNED:** Chair Allen adjourned the Work Session at 9:00 p. m.

City of Sherwood, Oregon
Draft Planning Commission Minutes
March 27, 2012

Commission Members Present:
Chair Allen
Vice Chair Albert
Commissioner Copfer
Commissioner Albert
Commissioner Clifford
Commissioner Cary

Staff:
Julia Hajduk, Planning Manager
Brad Kilby, Senior Planner
Zoe Monahan, Assistant Planner

Commission Members Absent:
Commissioner Walker
Commissioner Griffin

Council Liaison – Councilor Clark

1. **Call to Order/Roll Call** – Zoe called roll

2. **Agenda Review** – No changes were made to the meeting agenda.

3. **Consent Agenda** – Contained February Work Session. Commissioner Copfer made a motion to approve the consent agenda item. Commissioner Albert seconded the motion. A vote was taken and all present were in favor. The motion passed.

4. **Staff Announcement** – Julia announced that this year's Arbor Day celebration would be held April 20th at 2:00 pm. The location is a wetland area near the corner of Handley and Cedar Brook Way. The public is invited. There will be a Tonquin Trail Master Plan open house, May 23rd. The Planning Commission held a work session on legal issues. Julia felt it was very informative for those that attended and feels it could be beneficial to have a few more. Julia also announced and congratulated Zoe for completing her Master's Degree program in Public Policy and Administration.

5. **City Council Comments** – Councilor Clark reported that at the previous City Council meeting there was a continuance on the tree canopy discussion and it has been given back to staff to make revisions. Julia added that the revisions would be brought back to Council May 1st, 2012.

6. **Community Comments** – No community comments were given.

7. **Old Business** – There was no old business on the agenda.

8. **New Business** –

   a. Sherwood Community Center SP 12-01, CUP 12-01, VAR 12-01 and VAR 12-02

Chair Allen opened the public hearing on the Sherwood Community Center SP 12-01, CUP 12-01, VAR 12-01 and VAR 12-02. Chair Allen asked for any Ex Parte contact declarations or conflicts of interest. None were given. Chair Allen also reminded everyone that the job of the Planning Commission in this process is to determine if the application meets the zoning and development code criteria. While there may be other interesting factors in the proposal, making a decision about them is not the responsibility of the Planning Commission.

Brad Kilby started his staff report by explaining that the project proposed is remodeling the Machine Works Building (13,050 sf building) and parking lot #1, currently owned by the Urban Renewal Agency, into a mixed use community center. He noted that parking lot #2 was in the process of being purchased from the railroad.

The proposed use includes 28% as commercial space rented to private tenants (not exceeding the 40% permitted through the PUD). The public portion will include a 400 seat auditorium, prep kitchen, dressing rooms, lobby, and rest rooms. The applicant is proposing 2 associated parking lots – 1) on the site, 2) Rail Road right-of-way.

The application requires that the applicant obtain a Site Plan review approval, final development plan approval for PUD 09-01, a conditional use approval for the public use building within a retail commercial zone and accessory parking within the high density residential zone. A variance for the parking lot dimension and parking lot landscaping for the Rail Road parking lot will be discussed in the future.

Brad explained the plan views of potential parking lots 1 and 2. Lot 1 has two proposed layouts: 23 spaces with a drive through or 29 spaces without a drive through. Lot 2 includes 41 spaces and approx. 14,944 sq ft.

Building space is a total of 43,787 sf. Total off street parking spaces between lot #1 and lot #2 range between 64 – 70 spaces depending on which option is used for lot 1. The site is located in the Cannery portion of Old Town overlay. Based on code they will need to provide a minimum of 98 parking spaces. 64 on street parking spaces will be counted within 500 feet. The applicant maintains that they will provide a minimum of 128 and a maximum of 134. Brad noted that future phases of the PUD will also be required to provide 65% of minimum parking as they are developed.

Brad reviewed the proposed two variances. The first variance is a request to modify the dimensional standards of the parking lot. They want to reduce the depth of the stalls from 20' to 17' and the width from 9' to 8'11" which would allow them to maintain the required drive aisle width of 23'. The second variance would be to the minimum buffer standards. It would allow the buffer along Washington St. to be reduced from 10' to 7'.

Staff recommends approval of the proposal with the conditions noted in the staff report, but noted a few proposed revisions to conditions. Brad proposed modifying condition C6 to read: "The applicant shall provide plans showing a cross walk from parking lot 1 and 2 unless the City Engineer determines that it is not be feasible due to grading and ADA requirements." The applicant was required to make improvements to Washington Street and feel that they have done so. Related to the lighting plan, there was some fugitive lighting that was shining on residential property to the south. The applicant is proposing to shield the lights which will illuminate the light exiting the site, so Staff is comfortable removing the condition.

Jason Waters – Civil Engineering with the City of Sherwood spoke to the Commission and referred to condition C-6 which states that the applicant must provide half street improvements for the East side of Washington Street. Staff maintains that the conditions for the improvements will need to be kept.

Brad Kilby continued by saying the applicant has proposed changes to the façades and had given the changes to Staff on March 26, 2012. Staff has reviewed the proposed changes and their recommendations remain the same. Staff is not requiring that the entire building be bricked.

Chair Allen asked about clarification on parking. A discussion continued between Chair Allen, Julia and Brad. It was determined that on street parking within 500' is allowed to be counted as parking in this PUD. Parking within 500' counts, but the on street parking is generally adjacent to the development.

With no more questions of staff at this time Chair Allen opened the public hearing and asked the applicant to come forward for their testimony.

Jeff Sacket introduced himself as the applicant, with Capstone Partners LLC. He was in attendance with Keith Jones of HHPR the planner who prepared the application, Scott Wagner of Ankrom Moison who is the designer on the community center project and Jason Phifild of Ankrom Moison the project manager. Their team has a 4 year history with the City of Sherwood and its growth. The community center has been on everyone's mind for a great many years. This is a part of the Cannery Square PUD. Jeff extended many thanks to all who have participated in the planning. They are delighted to show you an actual real building that is almost funded and almost ready to build.

They were ready to discuss objections or concerns on some of the conditions but staff has worked with them cooperatively on adjusting some of the conditions that were appropriate and they agreed. They would like to waive their objection to C6 which had been voiced earlier. Our concern and confusion came from the PUD and sub-division process which had a long series of conditions attached to those approvals. They included constructing all the streets that have not been built, Columbia E & W, some work on Washington Street, some work on Willamette Street and Highland Drive. All of those were conditioned as a PUD. This also includes the Machine Works Building (Sherwood Community Center) frontage improvement on the East side of Washington Street but nothing beyond 3 foot of the gutter and curb line. The city wanted to recommend these conditions and therefore we wanted to waive our objections.

Mr. Sackett discussed that there is a "clash between vision and reality" and that the vision may be bigger than the URA has funds for. While the proposal for brick on the North and East sides is the vision, they have gotten a general contractor involved in the last couple of months to 1) flush out the design, 2) flush the true estimate of cost, (that has not been bid yet but will be soon), and 3) make a first class community center that works on the inside. He noted that the purpose of this building is on the inside where everything will be going on for the community so they were looking at places to trim the budget without diminishing the operations of the facility. What we asked our architects to do is to come up with options to reduce cost without hurting the functions of the inside of the building. We wanted to meet

both the letter and the spirit of the code and the architectural pattern book which was approved the by this of board as part of the PUD.

Scott Wagner, provided additional details on the building design and options for reducing the budget without diminishing the product

He referred to several illustrations which could reduce costs. He noted that use of these ideas could reduce the budget, but we have to keep in mind the codes; as an example, the number of windows is taken to account in the code.

Option A (drawing) - existing north façade: lots of brick
Option B (drawing) – removes or reduces several windows
Option C (drawing)- entries are reduced in heights
Option D (drawing)- do all of them

Other things to reduce costs: (pointing to illustration) planting and drainage with a less expensive idea. A tree and bench?, or a potted planter? Adding a 2nd story windows or storage? A corner entry?

Chair Allen asked for confirmation that Option D would have the least amount of brick and the least amount of window and so if we (the Planning Commission) find that this meets the code then all of the other options would meet the code. He also asked if the removal of the ticket kiosk, planter/drainage system would continue to meet the conditions of the original approval of the PUD. Mr Sackett indicated "yes" to both questions

Commissioner Clifford member asked if there would be anything for the roofline/rooftops (referring to the drawings). Mr. Wagner indicated "No"

Commissioner Carey asked how the different designs, would affect the design for future buildings and phases? Will the South and West side remain the same in design or are there any plans for "re-design"? Mr Wagner responded by stating that anything they build or remodel will blend in and not get in the way of the community vision. .

With the applicant's initial testimony over, Chair Allen asked for testimony on the issue.

Eugene Stewart, PO Box 534, Sherwood OR, testified that he owns the building across the railroad tracks from the building in question. He has 7 tenants but with visitors, that equates to 14 cars. He is concerned about the 400 seat auditorium. He would like to see a parking study completed to make sure that there is enough parking for this project and would not encroach on his tenants or any other resident or shop owner. As for Fire Department, he asked if fire hydrants would be located strategically so that hoses are not going across the railroad tracks. He also asked about where light rail would go if it came to town. He questioned how a drive thru for a bank would affect parking for this project. He is concerned that it is going to look like a "hodgepodge" if we approve this now and looking back on it later.

Frank Dorn 17427 SW Arbutus Drive, Beaverton OR, indicated that he owns multiple properties in Sherwood; 2 4-plexs on Washington street. He feels that Sherwood should stay in its Robin Hood type town and questions how this building is going to be part of old town if

there is a fence going all away across the rail road tracks that people can't get across unless you go down Pine street and go down Main street. He also raised questions about parking on Washington Street and whether this project would overload one side of the downtown community with parking, or 1 hour parking on Washington Street. His main concern is between Pine and Washington and how it will be connected to Old Town.

With no one else signed up to testify, Chair Allen asked for staff comments

Brad responded to the comments from Mr. Stewart and Mr. Dorn stating that there was no plan to provide a parking study. Parking was based on the 65% allowed in the Cannery portion of Old Town and approved through the PUD. If parking becomes an issue, then implementing timed parking with 15 minute to 1 hour in some areas might be reviewed but based on the proposal, it does not warrant a parking study.

As the SW Corridor planning is some way out we would not know where a light rail station would go.

ODOT would likely not allow putting separate pedestrian crossings crossing the Rail road crossing. People must cross where vehicles cross. At this time it is at Pine Street and Main Street connecting Old Town to the South Side.

Regarding the building design, the PUD has an approved architectural pattern book which stated specifically called out that this building was not going to being able to meet a lot of the Old Town design standards but try to bring it into compliance with the spirit of the code.

Jason Waters provided clarification on the Washington Street improvement conditions. He referred to Staff Report page 11 and 12, Condition E12, item A, stating that it does not affect this phase of the development.

Chair Allen asked how many parking spaces are there in Old Town Sherwood and if you don't know, what data is known on the supply of parking? What are the patterns of usage; time of day, day of week, that sort of thing? He indicated that he was persuaded by the public testimony to be concerned about the parking issue and given that there was no parking standard in Old Town, we should look into this issue. What would the spill over impact be? Should there be a condition to have a parking study performed as part of approval process?

Brad indicated that he was not sure if a parking study has ever been done and explained what a parking study would entail. He cautioned that the 65% parking requirement is in the code and was imposed at the time of the PUD and he was not sure if findings support a study as 65% meets the standards old cannery portion.

Julia agreed with Brad and added that there are no parking standards in the Smockville portion of Old Town and was not sure how to make a condition without findings since they are already meeting the standards.

Chair Allen noted that the general principle of 500 people accessing the facility raises concern if they don't know the impacts that would go outside the Cannery area. Could have a concern with an impact on parking beyond the boundaries of PUD and the Cannery overlay for Old Town and they do not know what those impacts would be and what the supply and demand

would be.

Brad recommended against imposing as a condition but considering a recommendation to council as an action item to discuss before other phases of the PUD are considered.

Commissioner Clifford questioned whether there had been any studies on the traffic and parking on Music on the Green since that is also a community event that somewhat replicates what we have going on here.

Julia indicated that no formal study had been done. Brad pointed out a memo from DKS (Exhibit C in packet), which summarized the land use and vehicle trip generation that was soon to develop west of Pine Street. The Cannery PUD traffic analysis included a conceptual site plan with 8100 sq foot of retail space and 8700 sq foot of community center west of Pine Street. Traffic studies are usually based on an event or an am vs. pm peak traffic time.

Commission Carey questioned future phases and whether allowances had been made for completely off street parking and no on street parking.
Brad indicated that the applicants will need to address this in future phases. The applicant can make the joint parking argument. The west phase would be a catalyst to create a need for parking.

Commissioner Carey asked "Where it says 30 on there in the West Phase, are we including parking lot for that potential commercial site?"
Brad replied yes, the applicant can make a joint parking argument as the community center is not in continued use

Commissioner Copfer asked for staff to put up the slide that shows the three conditions they were proposing to revise. It was confirmed that C-6 would stand as proposed, C-4 would be amended as written in the slide and C-10 would be removed.

Chair Allen proposed to add a parking study condition: C13 prior to final site plan approval completion of a parking study, identify supply and demand for parking in Old Town and projecting parking impact of the proposed development in Old Town outside the cannery overlay. He commented that there should be more study on the parking situation.

Commissioner Carey and Clifford agreed with Chair Allen

Commissioner Albert commented that he would have a hard time conditioning that. It is going against the code and putting more burden on the requirements.

Julia questioned what the study would mean to the project; after a study, what then, what happens then? She reiterated that she recommends against conditioning a parking study as it already meets standards.

Commission Copfer commented that it is better to get a study done now then find out down the road that there is a major impact after its implemented.

Chair Allen called a Break

After calling the Commission back into session, Chair Allen made a motion to amend the conditions of approval to add condition C13 – :Completion of a Parking Study Identifying Supply and Demand for Parking in Old Town, Projecting Impact of the Proposed Development in Old Town outside the Cannery Overlay." He stated that this is needed to be able to identify impact outside the overlay. Seconded by Commissioner Copfer. If the parking study is negative, then we would know what the patterns of demands are and this would inform us for the future.

Commissioner Carey asked what the action would be as a result of the study. And what if it's a negative result?

Chair Allen responded that it would be informative for future phases.

Commissioner Albert commented that this project is already meeting the requirements and we are going overboard with this condition. He asked if the applicant doesn't like this, they can appeal it to the City Council? Julia confirmed this was correct.

Chair Allen called for the vote and the motion passed 3 to 2

Chair Allen asked if there were any other changes to the conditions, after first confirming there were no fundamental concerns with the project:

- Commissioner Clifford commented that he would like to see enhanced landscaping due to the limited landscaping. He would like to see it enhanced more, adding shrubs, landscape boulders, shading, etc. Commissioner Carey asked for classification on the lots. After discussion of whether there was a specific condition he proposed to amend, he stated that he did not proposed changes to the conditions.
- Chair Allen reviewed the issue of which elevation option they needed to review. The Commissioners discussed that if they can find Option D meets the standards, that meant the other options would also meet the standards. After discussion of whether Option D would require a variance. Brad read from the pattern book that addressed the Commission's questions. If the Commission does not feel they meet the standards in the pattern book, the Commission should impose a condition for the north façade. Brad noted that, as proposed, they met the standards, so if the applicant wants other options to be considered, they should be conditioned to demonstrate compliance with the pattern book. After much discussion, Chair Allen summarized that they could be supportive of options up to and including Option B. Leaving the application as-is but if they determined to change the materials it would have to comply with the pattern book
- The Commission discussed whether they had to make a decision on the drive thru option. Brad reviewed that parking lot – 1A – without drive thru had 29 spaces and 1B with drive thru with 23 spaces. Both options meet the standards. Chair Allen asked if they need to approve one option or could they approve both since they both meet the standards. Brad confirmed that they could approve both and reminded the Commission that they would still need to go through final site review. Commissioner Clifford asked how Pride Disposal is effected with the options. Brad noted that they could have the roll out bins for pick-up but they would need to meet Pride Disposal standards.

- The Commission reviewed the slide with the conditions and confirmed:

- Elevation, no need to deal with elevation options as part of approval process
- Amends condition C4
- Removes condition C10
- Addition of condition C13as discussed

Commission Copfer made a motion that the Sherwood Planning Commission approve the application for the Sherwood Community Center and Rail Road parking lot upgrade. Site Plan 12-01, Conditional Use Permit 12-01, Variance 12-01, and Variance 12-02, based on the applicant testimony, public testimony received and the analysis, findings and conditions in the staff report with the following modifications: Amendment to condition C4, removal of condition C10 and addition of condition C13 as discussed at the hearing. Commissioner Clifford seconded
The motion passed 3 to 2

Chair Allen asked if there was any other business to discuss. With none, **Chair Allen closed the meeting.**

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

SHERWOOD PLANNING COMMISSION MINUTES
April 24, 2012 - WORK SESSION

WORK SESSION

1. **CALL TO ORDER:** Chair Allen opened the meeting at 7:10 p. m.

2. **COMMISSION MEMBERS PRESENT:** Chair Allen, Commissioner Albert, Commissioner Griffin

3. **STAFF AND LEGAL COUNSEL PRESENT:** Julia Hajduk, Brad Kilby

4. **TOPICS DISCUSSED:**

   A. **Commercial, Industrial and Public & Institutional Zones:**
   Brad Kilby discussed proposed changes to the commercial, industrial, and public & institutional zones regarding the use tables and consolidation of charters. Discussion followed.
      - Reviewed packet materials dated 4/6/12
      - Power point presentation provided

   B. **Code Clean-Up:**
   Brad Kilby discussed the code clean-up progress and discussed upcoming development activity with the commission.

5. **ADJOURNED:** Chair Allen adjourned the Work Session at 8:30 p. m.

City of Sherwood, Oregon
DRAFT - Planning Commission Minutes
May 22, 2012

Commission Members Present:
Chair Allen
Vice Chair Albert
Commissioner Griffin
Commissioner Clifford
Commissioner Copfer
Commission Albert
Commissioner Walker
Commissioner Cary

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Brad Kilby, Senior Planner

Council Liaison: Not present

1. **Call to Order/Roll Call** – Vice Chair Albert called the meeting to order. Roll call taken.

   Absentees:
   Chair Allen – will be ½ hour late

2. **Agenda Review** – No changes were made to the agenda

3. **Consent Agenda** – n/a

4. **City Council Comments** – none given

5. **Staff Announcements –** Julia provided staff announcements including:
   - The Grand opening of the Cannery Plaza will be June 2nd.
   - Open house of the Tonka Trail - Wednesday – 5:00 pm - 8:00 pm at Fire and Rescue Training Facility on Tonkin Road.
   - TSP Connectivity Refinement open house – May 31 at Police community room 5:00 pm - 6:30 pm regarding the Cedar Brook Way to Elway and Mienike and the Hwy. Property owners immediately affected have been notified but are open to the general public. Flyers are available.
   - Town Center Plan – Transportation Growth Management Grant received. The IGA has been sign and the project is ready to go and starting to form committees. Looking for a liaison from the Planning Commission for the stake holder advisory committee. Old town, six corners, 5 meetings in the course of the year, looking for a volunteer.
   - On May 2nd, council approved trees on private property clean up modification.
   - In 2008, the planning commission acting as land mark advisory board approved the demolition of red house off of 1st street. Sur-Pak is interested in moving forward with this. It has already gone through the landmark alteration review and the approval is still valid. The house may be demolished soon.

6. **Community Comments –**
   - **Susan Claus,** 22211 SW Pacific Hwy, Sherwood OR – It was her understanding that the meeting this evening was canceled. Would like a continuance as there will be a

number of people who are not here this evening that would be interested in participating. There are quite a few people who would be interested in attending.

7. **Old Business** – n/a

8. **New Business** – PA12-01 Commercial, Industrial, Public and Institutional Uses – This is a Public Hearing on those items; the purpose of this hearing is to provide the public an opportunity to submit testimony concerning this Code Clean-Up portion.

Staff Report – Brad Kilby – In response to public testimony – it was brought to his attention by another citizen calling to say that the city calendar showed that the meeting for this evening was canceled. The City website showed on the 8th that 57 people visited the website, not exclusively the calendar. It was in error that the calendar was not updated correctly. The meeting was still on the planning commission website, packet material was still there.

Julia Hajduk – There is a calendar page on the website that gives all the dates to events; council meetings, park board meetings, public notices, etc. We also sent out notices to 418 property owners in addition to the website. It was in error that the calendar was not updated correctly. Staff misunderstood which meeting was to be canceled.

Brad continued with his staff report by giving a recap of how the Code Clean-Up process has progressed. Including 3 work sessions, an open house and sending out a measure 56 notice. Measure 56 notices are sent out basically anytime you touch the zoning in any way that may or may not affect property value. We sent a notice to every commercial, industrial, public and industrial zoned property. We mailed over 418 notices with only around 20 returned. This proposal does not change anyone's zoning. The project goals are: 1) consolidate chapters, 2) ensure the nomenclature is the same across all similar districts, 3) proposing eliminating Chapter 16-24 - Office Retail Zone, 4)clarification how multi-family uses are permitted within commercially zone properties and 5) establish a use classification system. Brad gave detailed explanation on each goal.

1. Consolidate the chapters for simplicity – we have 3 chapters in the industrial zone, 5 in the commercial zone and 1 in public/institutional zone. Each zone has "allowed", "conditional" and "prohibited" uses. They also have dimensional standards and possibly have additional guidelines or standards that apply specifically to that zone. What staff has done is consolidated the 4 commercial chapters and are proposing to eliminate the office/retail into a single commercial chapter and put all of the uses into a table with the same with the dimensional standards of the codes. The use table format is where you will see the most changes. Dimensions would be consolidated down to a single table to "allow", "conditional" and "prohibited" per each zone.

2. As you go through the code, it's listed in alphabetically listed in allowed uses, conditional uses then prohibited uses. In some zones you see hospital and other areas you see hospital with emergency care facility. This should be consolidated to a general term of Hospital.

3. Proposing to eliminate Chapter 16.24 - office/retail - There are currently no properties deemed office/retail in Sherwood.
4. Proposing multi-family in a commercially zoned area. There are currently two ways to build multi-family structures on commercial properties 1) conditional use permit and 2) planned use development permit. There are design guidelines in some chapters and not in

others. We are proposing to allow multi-family housing out-right, not through a conditional use or planned unit development, but require it to be secondary to the commercial uses on site and subject to high density residential standards for density. This would just go across the board. It eliminates processes, could lead to more development that is much more attractive and provide housing for those people working in the community.

5. Proposing creating a classification system. A guidepost for staff with definitions broken down by zone; residential, industrial, commercial, etc. This will not to be used to make decisions but rather help make an interpretation, as an addition to code 16.88.

Brad summarized by saying the overall objective was not to create any non-conforming uses. In a study Brad looked at 127 businesses in different parts of the city and only found 8 non-conforming uses. Proposal would apply to Commercial, Industrial, Public and Institutional Use zones and amend to 16.88 the interpretation of similar uses. In some cases the uses were expanded, for example, the industrial zones we have included some limited commercial and personal service uses that were not previously allowed consistent with what metro allows now.

Discussion ensued between Commissioners and Staff clarifying possible changes and definitions on items like: large scale and small scale power generation, household pets vs. agriculture and recreational vehicle parks and trailer parks with overnight stays.

Vice Chair Albert mentioned that he had not asked in the beginning of the meeting if there were any potential conflicts of interest. Julia expanded on the definition of a conflict of interest vs. a potential conflict of interest.

Commissioner Cary stated that he could have a potential conflict of interest as he owns a business in Sherwood but does not own any land in the commercial or industrial zones.

With that, Vice Chair Albert moved to the public testimony portion of the meeting.

Tim Voorhees, PO Box 908, Sherwood OR – Owner of Steel Tek Industries. One of his concerns was how many other commercial/ industrial property owners did not attend this meeting and voice their opinions because they looked at the calendar and thought the meeting was cancelled. He deals with cities and their codes all the time. He has difficult time with interpretation of zoning laws with the City of Sherwood. His example was from the Industrial/Commercial: he read "General retail use **may** include but are not limited to.." Why not be direct and say what we can do or not do on our properties. See Industrial page 4 of 8. Under Industrial: "Mini warehouse, housing and self-storage, light industrial – not permitted". He believes if you refer back to the interpretations under industrials and it says "maybe". He would prefer wording such as will or will not, rather than "may". He also had concerns over the inconsistency of non-numbered pages.

Eugene Stewart, 22595 SW Pine Street, Sherwood, OR – His main concern is the process that is followed during the hearing. He feel that the City does not allow the involvement of the citizens enough and that they would like to have some input and an opportunity to voice their opinions. He received a measure 56 notice with the wording "may affect you property value", and was frustrated about not having details whether his value would be effected or not.

He stated that the in the old process he was involved in there was more public involvement and he felt it worked better.

Commissioner Walker responded to Mr. Stewart's testimony by listing the many ways notice is posted and mailed to let people know that there will be meetings held on different issues and that they would love more citizen involvement. She invited him to write some suggestions he may have on how to reach more citizens.

Tim Voorhees, PO Box 908, Sherwood OR – Owner of Steel Tek added additional testimony: Something he would like the City to take a look at is if someone comes in for a conditional use permit or asks for permission to do something on their land and they have to go back through and read all the material. He believes the staff gets paid to do the work to go make decisions against the applicant. All the research he has to do takes away from the profit of his business. He sees that if a property owner comes in and brings up a point; the city has attorneys and staff pitted against the property owner.

Susan Claus, 22211 SW Pacific Hwy, Sherwood OR – she asked if before the clock be started if she could ask a couple of questions: 1) the staff made mention of a survey they did of existing commercial property and found that these changes did not increase the non-conformity. She asked if that is part of the record. 2) She stated that the proposal would apply to all commercial, industrial and institutional of public use zones but that it is not mentioned the Langer PUD. She continued by saying that none of this applies to the Langer PUD. They have "grandfathered" zoning that goes back to 1995. They have 57 acres of industrial land that they use as commercial uses. She feels that when the codes are put together people act like they are just amorphous changes, but that they do have very serious impacts. At this point Susan asked for a continuance since she thought the meeting was cancelled she does not have all of her material together and believes two of their properties will be highly impacted by changes suggested in this code. She would like for this to be heard by the Planning Commission. Directing a comment to Commissioner Walker about comments she made earlier about public involvement Mrs. Claus voiced her concern about lack of time for the public to respond, since the staff report does not come out until 7 days before the formal hearing. When written materials are submitted by the public there is no verification that any Commissioners or City Council members have read the material. Citizens only receive 5 minutes to speak but are not given a chance to make a counter point after other testimony has been given. There are only 2 pieces of property on the highway that are impacted. Most of the general commercial that is left to be built is on the highway. She does not feel this is addressing the whole town but just the properties on the highway. there is now another Transportation System Plan amendment that will drive a road through those remaining properties on the highway. She would like to have an opportunity to speak in front of the citizens. She believes people do not show up because they are afraid or disgusted or they don't want to speak up. She feels that even if you try to sell your property, you have no idea what the staff is telling a potential buyer. Since the Planning Commission decision is only a recommendation she does not know if a language change will do any good.

Discussed was held regarding the request for a continuance. Julia updated Chair Allen on the calendar issue that showed this meeting had been cancelled. The meeting is legislative and a recommendation to the City Council. There were 418 notices to property owners as well as posting the notices around town. The Commissions considered the ramifications of continuing the hearing.

An additional blue card was submitted for public testimony and was allowed.

Susan Russell, 22852 SW Forest Creek Drive #101, Sherwood OR – she has been in communication with Brad as she was one of the 418 notices sent out that did not get delivered due to a bad address. She currently lives in the Woodhaven Crossing community which includes commercial and residential property. People there consider her the manager and seek her out if they don't understand issues within the community as she is in contact with the HOA frequently. She tried to understand if the changes would affect the property values of any of the homeowner in that community. She would like to request a continuance and allow one more public hearing that is put on the calendar and allow the homeowner's time to read the documents available.

The commission discussed the requests for continuation. Julie reiterated her staff recommendation which is that it would not hurt to continue the hearing.

Commissioner Cary asked what the pros and cons would be for taking out the conditional uses and only having permitted and non-permitted uses.

Brad's response was that generally conditional uses are uses that would not be permitted outright in a zone because they may or may not be compatible. Until something is submitted there is no way to know what would be proposed and how the property would be used and how it could affect neighboring properties.

Brad continued by saying he feels his job is not to put obstacles in front of people that want to develop, but rather to help facilitate development and if it is a permitted use he will try to help set it up so it can move through the process simply, if it is a conditional use he will try to help understand what the citizen's concerns are going to be, so they can be adequately addressed. If it is not a permitted use he will convey that at the counter so that time and money are not wasted pursuing something that is not allowed.

Chair Allen: Move to continue PA12-01 Commercial and Industrial and Public uses code update to the meeting of June 12 and return to the order of public testimony.

Commissioner Cary seconded the motion. A vote was taken and all present were in favor. The motion passed.

Chair Allen commented that he feels that the Planning Commission has made some great steps to try to broaden public input. As Commissioner Walked mention the Commission has expanded the public notice to 1000' which is one of the largest notice ranges in the entire state. That was changed after receiving public input. The public notice signs have been changed to make it easier to see that something is going on and figure out how to engage in the process. He does agree that the Commission needs to do more, but that it is a body and a process that is geared to encourage public testimony and takes it into consideration.

Vice Chair Albert closed the meeting

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

SHERWOOD PLANNING COMMISSION MINUTES
July 10, 2012 - WORK SESSION

WORK SESSION

1. **CALL TO ORDER:** Chair Allen opened the meeting at 8:00 p.m.

2. **COMMISSION MEMBERS PRESENT:** Commissioner Griffin, Commissioner Clifford, Commissioner Allen, Commissioner Walker, Commissioner Carey, Commissioner Copfer (pending re-appointment)

3. **STAFF AND LEGAL COUNSEL PRESENT:** Julia Hajduk, Chris Crean, James Copfer – pending re-appointment.

4. **TOPICS DISCUSSED: Legal Training**

   A. Chris Crean reviewed the materials Pam Beery handed out 3/13/12 at the first of a series of legal trainings with the commission. He reviewed the difference between quasi-judgment and legislative actions. He also focused on quasi-judicial criteria, findings and evidence in the record.

5. **ADJOURNED:** Chair Allen adjourned the Work Session at 9:30 p. m.

Old Business
Agenda Item
7.a

City of Sherwood
Oregon
Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
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Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Theresa Stanton

City Manager
Joseph Gall

FamilyCircle BEST TOWN FOR FAMILIES

2009 Top Ten Selection

MONEY MAGAZINE 2007 BEST PLACES TO LIVE GREAT AMERICAN TOWNS

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

DATE: August 20, 2012

TO: Sherwood City Planning Commission

FROM: Brad Kilby, AICP Senior Planner

SUBJECT: Sentinel Storage Facility

The purpose of this memorandum is to answer some of your questions as they pertain to the public hearing that was continued on August 14th to the meeting on August 28th regarding the proposed Sentinel Storage Facility SP12-03.

Specifically, the Planning Commission requested additional information regarding the following items:

- Secondary Fire Access
- Question of ownership
- National Fish and Wildlife comments
- ADA Access to the bathroom
- Fueling station regulations and licensing
- Turn Around
- Permanent communication line
- Video Surveillance

Some of the items listed deal with the specific operations of the facility, and the applicant has submitted a memorandum that is included within your packet that will speak to the operational issues. Staff specifically contacted several agencies to discuss the items that are more directly concerned with the land use itself. The findings of that research are discussed below.

Secondary Fire Access/Turn around – The SZCDC requires on-site circulation, but does not require a turn-around or secondary access to the facility. In speaking with Deputy Fire Marshal John Wolff, the Fire District recommended to the owner that they provide a secondary access but their code does not require a secondary access. Mr. Wolff indicated that a secondary access is always recommended as a proven benefit to safety and firefighting operations; however, it is not required in this instance. From an emergency access standpoint, fire trucks

would be able to get on the site and turn around; therefore, an additional turn around on the access drive is not necessary. The applicant has proposed additional signage within their testimony that staff supports.

Question of Ownership – The SZCDC only requires that the owner, or a legal representative sign the application prior to the application being accepted for review. The City does not mandate ownership of businesses or land, and it is not clear what the concern raised by one of the opponents is, or has to do with this application. Even though the applicant/owner is referring to the operation as an annex, it is clear in staff's mind that the business could function on its own, and the question of who owns the business is not germane to the review of the application provided it meets all of the local, state and federal requirements as they pertain to the use of the land. Specifically, an office is not required for this use. Although an office may be customarily associated with the use, and may someday be necessary if the site were to be operated independent of the main facility on Tualatin-Sherwood road, modifications to site plans are permitted pending additional review, and an office could be added separately.

National Fish and Wildlife Comments – A representative of the National Fish and Wildlife Service from the Tualatin River Wildlife Refuge, specifically, Erin Holmes, the Manager of the Refuge, was contacted regarding the proposal. She indicated that they would typically not comment unless the project was in their acquisition area which is adjacent to Rock Creek and includes the Onion Flats. Staff mentioned that the resource that runs adjacent to the project may be a tributary of Rock Creek to which she replied that their concern would be storm water and invasive species management. Erin mentioned that they would defer comment regarding those items to Clean Water Services and the City for those items given the project location.

ADA access to the bathroom – The City Building Official, Scott McKie indicated that the bathroom would be required to be ADA compliant. He said that it would not be likely that a 6-foot by 6-foot space would be large enough for an ADA bathroom given that there would be a requirement for a five foot clear turning radius within the restroom and the need for a setback of the toilets and cabinets, but he has not reviewed the design. He didn't think that the bathroom would have to be significantly larger to be ADA accessible, but that he has not evaluated a specific design for the bathroom. The Commission might consider adding a condition that requires the applicant to modify the site plan to reflect an ADA compliant bathroom that still meets setbacks and circulation requirements.

Fueling regulations and licensing – The Oregon Department of Environmental Quality was contacted about the diesel and propane fueling station that is proposed. As mentioned at the hearing, one of the general conditions in all of our approvals is that the applicant is responsible for obtaining any required state or federal permits as we do not specifically review a proposal

against other agency regulations. To that end, the two divisions that would potentially have regulations that pertain to fueling are the air quality and underground tank facilities. In both cases, the local liason for those divisions, Johnny Baumgartner and Greg Toran have indicated that this facility would not likely require either approval unless they were dispensing gasoline (as opposed to diesel) or the tanks they were dispensing from were placed underground. The building official indicated that he would review the set up for seismic loads and attachment.

The remaining agency would be the Tualatin Valley Fire District, and they do in fact have a permit that would be required. According to John Wolff, the Deputy Fire Marshal and TVFR liason to Sherwood, the applicant has been in contact with the district regarding a permit, and that it is not uncommon for the District to review and approve such permits. They will look at such things as tank design, piping, vehicle impact protection (i.e. bollards), separation requirements, spill containment, secondary containment, venting, drainage control, and other items.

Staff continues to recommend approval of the application based on the findings in the staff report, subject to the recommended conditions of approval.

Attachment 1 –Letter sent via e-mail from Chris Goodell at AKS Engineering and Forestry dated August 20, 2012.

Attachment 2 – Letter delivered to City staff on August 16, 2012 by Gary Langer.

SHERWOOD · VANCOUVER · SALEM AKS ENGINEERING & FORESTRY WWW.AKS-ENG.COM
13910 SW GALBREATH DR., SUITE 100 · SHERWOOD, OR 97140 P: (503) 925-8799 F: (503) 925-8969

August 20, 2012

VIA EMAIL ONLY

Patrick Allen, Chair
City of Sherwood Planning Commission
c/o Brad Kilby, AICP - Senior Planner
City of Sherwood Planning Department
22560 SW Pine Street
Sherwood, OR 97140

RE: City of Sherwood File No. 12-03 – Sentinel Self-Storage Annex – Site Plan Review

Dear Chair Allen and Members of the Planning Commission:

Sentinel Self-Storage has a tremendous amount of experience operating a self-storage business. The owners and employees understand the details of operating a self-storage business and take great pride in the fact that they have provided excellent service to its customers over the past 15 years in the City of Sherwood. The purpose of this letter is to describe some of the basic operational characteristics of the business in order to provide the Planning Commission with an improved understanding of how the business will function and operate at the Sentinel Self-Storage Annex site.

Business Overview

The proposed Sentinel Self-Storage Annex is unlike any other facility that exists in Sherwood today. It offers a wide variety of options for safe, secure, and convenient storage that will meet the needs of local business and residents. Individual secure storage units of multiple sizes as well as climate controlled storage units will be provided. Areas for storage of recreational vehicles are also featured, with over 90 percent of the spaces being covered. Other amenities proposed for the facility include a protected RV fueling and washdown station, vacuum, air compressor, and restroom. The owners' believe that these types of amenities, as well as the level of care provided by management and employees will make the Sentinel Self-Storage Annex the premier facility of its kind in the area.

It is envisioned that the Sentinel Self-Storage Annex will operate in conjunction with the existing Sentinel Self-Storage business, capitalizing upon its management experience and knowledge as well as existing local employees' skills. However, as described herein, successful operation of the Sentinel Self-Storage Annex in no way depends upon the existing Sentinel Self-Storage site. In other words, both are perfectly capable of standing on their own, separately, without shared management or operations.

Site Entry / Turn Around

- The driveway is provided for private use for access by customers of the self-storage business and not for access by others.

- Appropriate informational signage will be provided at the entryway to notify parties that the access is not a public way and is provided solely for the use of business customers and that a turn-around is not provided.
- An electronic keypad / call box will be provided at the gated entry to permit access to the facility for authorized parties. In the event that that access is unable to be obtained from the keypad / card-swipe, customers will be able to utilize the call box (land line connection to business management) provided or their own personal mobile phone to contact a representative from the business. A business representative will be available 24 hours a day / 7 days a week to accommodate any such issues including allowing access remotely and/ or a trip to the site if necessary to address such an issue.
- It is an extremely rare occurrence that such calls are placed.

Gasoline and Propane Fueling Facility

- Many owners of larger bus type recreational vehicles (Class C motor coaches) struggle to fine convenient access to fuel and propane locally. This facility will offer both.
- The fueling facility will be operated only by management and employees of the business in a manner similar to all gasoline fuel stations in Oregon. In the case of Sentinel Self-Storage Annex, customers will be able to contact the business ahead of time or at the time the service is desired and owners / employees of the business will pump gas for customers.
- The propane filling facility will operate in a comparable manner to other similar facilities that are licensed and found throughout Oregon. The customer must request propane service from the business and an appropriately licensed employee / operator of the business will perform the fueling. A liquefied petroleum gas company license will be obtained for the business and the appropriate liquefied petroleum gas fitter licenses will be obtained for the operator(s) from the Oregon State Fire Marshal (agency having permitting authority) and all applicable statutes, rules, and fire life safety codes will be implemented and adhered to.
- Even if security of these facilities was not a requirement of these licenses, they would certainly be locked to prevent unapproved use. Loss of expensive fuel by theft would be extremely detrimental to the business.

Climate Controlled Building

- The climate controlled building provides customers with the opportunity to securely store climate sensitive items that must be kept within certain temperature and/or humidity ranges. The building is not an office. Entry into the building will be obtained by customers having leased units within the building by keypad or swipe-card access. An open corridor, illuminated naturally by windows and lighting will provide access to the individual climate controlled units.

Security and Video Surveillance

- Security cameras, strategically located throughout the facility will ensure that the entire site is under surveillance. Specifically, there will be dedicated video surveillance of the washdown station to protect the many assets provided for customer use and keep vigilant watch of the sewer dump and fueling stations.

Thank you for your consideration of this information. The project and ownership team hope that this information is helpful to you while considering the merits of the application. The volunteer effort that each one of you put forward to our community is deeply appreciated.

Sincerely,

AKS Engineering & Forestry, LLC

Chris Goodell, AICP, LEED[AP]
Associate

August 16, 2012

Attention: Brad Kilby and Julia Hajduk

Attached is my rebuttal on the Planning Commission meeting of August 14, 2012, regarding Sentinel Self Storage Annex Application. This rebuttal will clarify some of the issues the Planning Commission needs to be aware of in order to sort out the facts that were led astray by one opponent and his wife. More than six community members responded with full involvement and positive remarks.

Sherwood is a growing community and because of the CC&R's in new subdivisions, this self Storage Development plan will meet the needs and provide solutions for storage in the Sherwood community.

Please include these comments in the public records for the Sentinel Self Storage Annex.

Regards,

Gary Langer

Gary W. Langer
17384 SW Timber Crossing Lane
Sherwood, OR 97140

Home Phone: 503-625-5556
Cell Phone: 503-318-7965

Attachment 2

City of Sherwood

Planning Commission

Open Record Submittal for Sentinel Self Storage Annex Application 8/14/12

The 8/14/12 Planning Commission hearing for Sentinel Self Storage generated several bits of intentionally misleading testimony from Opponents that need attention. I offer this information to help the Planning Commission stay on course and do their job without the fear that could sometimes be created by such misleading testimony. Following is a list of the meritless testimony that was thrown into the air with aspirations of causing doubt and distraction from making a Code based Land Use decision:

1. **Home Depot & Sentinel Self Storage were somehow illegally built against Zoning and Code language at the time.** - Both projects were built per Code and Zoning requirements. This comment is pure slander about two projects built over 10 years ago. Since most of the current Planning Commissioners were not involved in City Government during that time the opponent mentioning this, hopes the Planning Commission will believe and cast doubt on the Applicants integrity.
2. **Sentinel Self Storage ownership vs. Langer Family LLC ownership regarding the word "Annex" in the title of the application.** - This has nothing to do with a Land Use decision and is irrelevant regardless. Clearly a sign the opponent is grasping at ways to distract the Planning Commission.
3. **Sanitary Sewer Spillage** - An RV user could accidentally or intentionally dump their sewer anywhere at any time around Sherwood. This project actually offers a better solution so users have an easy place to dump their tanks conveniently located in the heart of Sherwood. The grading and concrete structures provide a safe dump station that will be an amenity for Sherwood.
4. **"They don't know what they are doing...."** - Sentinel Self Storage has been a successful Sherwood business since 1997. Anyone making a statement of this nature is clearly misinformed and simply trying to distract the Planning Commission from their job.
5. **There is "well water stored" in the farm field** - The opponent is trying to say that a City well will be short of ground water because of this project. There isn't a City well anywhere near this site. This statement completely lacks merit and is another feeble effort to distract the Planning Commission.
6. **Landscape ordinance is not met because of some creative use of the term Annex in the application title** - The opponent is clearly misinformed. This application meets all Code

requirements with conditions per the Staff report. This is another meager attempt to discredit the Applicants integrity.

7. **Fish and Wildlife have not been contacted** - This has no bearing on the Planning Commission's job in making a Land Use decision. The applicant has acquired a permit from the Army Corps of Engineers and Clean Water Services as is a standard requirement in applications of this nature and as conditioned by Staff prior to issuing building permits. This is another attempt to distract the Planning Commission from the actual pertinent facts in this application.
8. **Statement of Economic Interest for Matt Langer** - This has no merit or relevance with the Land Use decision process. This is just another desperate effort to distract the Planning Commission and degrade the Applicant's integrity.
9. **These are not covered RV parking spaces** - Over 90% of the parking spaces are covered. This is a facility unlike any other in Sherwood that offers covered parking with dump station, vacuum, air compressor, restroom, etc.

Going forward I hope the Planning Commission is able to sort through the opponents' baseless attacks and make an informed decision regarding the Application. One opponent last night actually said he wished no additional tax dollars or City resources would be wasted on decisions of this nature, but it is senseless ranting of this type that have that precise result. The reality is this project has followed all Code/Permit requirements and will generate much needed property tax revenue while providing a state-of-the-art storage facility loaded with amenities unlike any in our region including elaborate security systems and use of technology.

The same opponents that raised these concerns above will likely submit additional concerns of this nature into the record prior to 8/28/14. Please recognize such data for what it truly is and move business forward according to Code based facts.

I wish Planning Commissioners the best and thank them deeply for the volunteer effort they put forward to our community.

Sincerely,

Gary Langer

Old Business
Agenda Item
7.b

City of Sherwood
Oregon
Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
22560 SW Pine St
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager
Joseph Gall

FamilyCircle BEST TOWN FOR FAMILIES

2009 Top Ten Selection

MONEY MAGAZINE 2007 BEST PLACES TO LIVE GREAT AMERICAN TOWNS

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

DATE: August 20, 2012

TO: Sherwood City Planning Commission

FROM: Brad Kilby, AICP Senior Planner

SUBJECT: Residences at Cannery Square

The purpose of this memorandum is to provide you with an amended list of conditions based on your discussions at the August 14th hearing for SP 12-04.

Staff has highlighted the conditions that were changed, and continues to recommend approval of the application based on the findings in the staff report, subject to the recommended conditions of approval. The recommended conditions would be as follows:

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

2. This land use approval shall substantially comply with the submitted preliminary site plans dated May 8, 2012 prepared by HHPR Engineering except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.

3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.

4. 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.

5. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.

6. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.

7. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.

8. 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.

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

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

2. Provide an Erosion and Sediment Control Plan that is consistent with the applicable requirements of CWS and or the DEQ for the duration of construction.

C. 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 of the east or west residential development, the developer shall provide an agreement for approval by the City that requires an on-site manager for the residential buildings. The on-site manager will be required to ensure that tenants understand the parking limits prior to entering into a lease agreement, and understand and adhere to the approved parking locations.

3. Prior to final site plan approval submit revised plans showing that the developer will install a 6-foot tall fence, wall or evergreen screen along the east property line of the east residential building site, and the west property line of the west residential building.

4. Obtain construction plan approval from the Engineering Department. If the City's schedule for construction of the regional storm water quality facility coincides with the construction schedule of this phase of the site development, the applicant may then take advantage of the regional storm water quality facility and pay a fee in-lieu-of amount of $15,000.00 and not construct the on-site water quality treatment facilities. Otherwise the applicant shall construct on-site storm water quality treatment facilities that comply with City of Sherwood and CWS standards and.

D. Prior to Issuance of a Building Permit:

1. Prior to the issuance of building permits for the east and west residential buildings, the applicant shall submit revised drawings that illustrate an enhanced decorative treatment of the southeast portion of the buildings and/or sites facing SW Willamette St. Such architectural revisions shall involve variations of texture, materials, patterns, and color which are distinct yet complementary to the buildings, or shall include brick or stone elements which serve to add visual interest to the portion of the project visible from SW Willamette St.

2. Receive Sherwood Engineering Department approval of engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets).

3. Obtain approval from the Engineering Department for storm water treatment.

4. Obtain a Storm Water Connection Permit from Clean Water Services.

5. Obtain final site plan approval from the Planning Department.

6. Provide evidence in writing from the fire marshal that the applicant has submitted evidence demonstrating that the existing water lines will provide at least 20 psi of dedicated water service.

7. The applicant shall provide evidence in writing from the fire marshal that the requirements within his comments have been satisfied by the proposed development.

8. Provide a set of plans that clearly demonstrates compliance with the pitch of the roof as permitted by the approved architectural pattern book.

E. Prior to Final Inspection of the Building Official & Certificate of Occupancy:

1. Provide public utility easements for the water meter and the FDC vault and assembly in conformance with City standards.

2. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF&R, TVWD and other applicable agencies.

3 All agreements required as conditions of this approval must be signed and recorded.

4. 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.

5. All other appropriate department and agency conditions have been met.

F. On-going Conditions:

1. An on-going condition of the approval is that the site be maintained in accordance with the approved site plan. In the event that landscaping is not maintained, in spite of the assurances provided, this would become a code compliance issue.

3. Install all site improvements in accordance with the approved final site plan.

4. The applicant shall continue to comply with the conditions of approval. Including those which were established as a part of the PUD 09-01.

New Business Agenda Item 8.a

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

DATE: August 20, 2012

TO: Sherwood City Planning Commission

FROM: Brad Kilby, AICP Senior Planner

SUBJECT: Langer Subdivision Appeal

This is a friendly reminder that the packet items for the Langer Subdivision appeal were previously sent to you on July 17th for the July 24th meeting that was rescheduled. If you need new materials, please contact staff, or refer to the online packet found at:

http://www.sherwoodoregon.gov/sites/default/files/files/city_boards/planning_commission/pc_packet/2012/7-24-12/PC%20Packet%20July%2024,%202012%20REVISED.pdf

Thank you for your time.

Family Circle BEST TOWN FOR FAMILIES

2009 Top Ten Selection

Money Magazine 2007 BEST PLACES TO LIVE Great American Towns

2007 18th Best Place to Live

Sherwood 2006 All-America City Finalist

Sherwood Planning Commission Meeting

Date: August 28, 2012

☑ Meeting Packet

☑ Approved Minutes Date Approved: October 23, 2012

☑ Request to Speak Forms

Documents submitted at meeting:

Sentinel Storage presentation - Ex 1
Residences @ Cannery Square presentation - Ex 2
Langer Farms Subdivision presentation - Ex 3
Claus Written Testimony - Ex 4

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****

I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 8/28 **Agenda Item:** Sentinal / Langer Subdivision Appeal

Please mark your position/interest on the agenda item

Applicant: X **Proponent:** ____ **Opponent:** ____ **Other** ____

Name: Gary Langer

Address: 17384 SW Timber Crossing

City/State/Zip: Sherwood, OR 97140

Email Address: gblanger@frontier.com

I represent: X **Myself** ____ **Other**

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I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 8/28/12 **Agenda Item:** Sentinel

Please mark your position/interest on the agenda item
Applicant:___ **Proponent:** X **Opponent:**_____ **Other** ____

Name: Wes Freedman

Address: 21315 SW Baler Way

City/State/Zip: Sherwood, OR 97140

Email Address: WFreedman@behrcorp.com

I represent: X **Myself** ____ **Other**

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I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 8/28 **Agenda Item:** 12-03 Sentinel Storage

Please mark your position/interest on the agenda item
Applicant: ✓ **Proponent:**____ **Opponent:**____ **Other** ____

Name: CHRIS GOODELL

Address: 13710 SW GALBREATH DR, #100

City/State/Zip: SHERWOOD OR 97140

Email Address: chrisg@aks-eng.com

I represent: ✓ **Myself** ____ **Other**

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****

I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 8/29/12 **Agenda Item:** Sentinel Self Storage

Please mark your position/interest on the agenda item
Applicant: ____ **Proponent:** X **Opponent:** _____ **Other** ____

Name: Leanna Knutson

Address: 17052 SW Cobble Ct.

City/State/Zip: Sherwood, OR 97140

Email Address: leanna@innovationsmgmt.com

I represent: _____**Myself** __X__**Other**

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****

I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 8/28 **Agenda Item:** Santa Rose

Please mark your position/interest on the agenda item
Applicant:____ **Proponent:**_____ **Opponent:**_____ **Other** X

Name: Sandy Rose

Address: 14645 SW Willamette

City/State/Zip: Sherwood OR 97140

Email Address:_____

I represent: X **Myself** _____**Other**

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In any City forum or meeting: Shes an attempt at Content Restraint - Violates 1st Amend.

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I have read and understood the Rules for Meetings in the City of Sherwood.

Date: Aug 28th **Agenda Item:** Community Comment (2)

Please mark your position/interest on the agenda item
Applicant:____ **Proponent:**____ **Opponent:**_____ **Other** ____

Name: R. CRAIG

Address: Sherwood

City/State/Zip:_____

Email Address:_____

I represent: X **Myself** ____ **Other**

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I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 8/23 **Agenda Item:** Cemetery Project

Please mark your position/interest on the agenda item
Applicant:____ **Proponent:**____ **Opponent:** X **Other** ____

Name: Sandy Rome

Address: 14645 SW Willamette

City/State/Zip: Sherwood

Email Address:_____

I represent: X **Myself** ____ **Other**

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I have read and understood the Rules for Meetings in the City of Sherwood.

Date: Aug 23rd **Agenda Item:** 8(a) Langer Sub Appeal

Please mark your position/interest on the agenda item
Applicant:____ **Proponent:**____ **Opponent:**_____ **Other** ____

Name: R. CLACKS

Address: Sherwood

City/State/Zip:_____

Email Address:_____

I represent: X **Myself** ____ **Other**

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I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 8/28/2012 **Agenda Item:** 8a - Langer Farms Subdivision Appeal

Please mark your position/interest on the agenda item
Applicant: X **Proponent:**____ **Opponent:**____ **Other** ____

Name: Seth King

Address: Perkins Coie LLP, 1120 NW Couch St, Tenth Floor

City/State/Zip: Portland OR 97209

Email Address: SKing@perkinscoie.com

I represent: ____ **Myself** X **Other**

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SP 12-03
Planning Commission Public Hearing
August 28, 2012 (Continued from 8/14/2012)

Sentinel Self Storage Annex

8-28-12
Date

Planning Comm
Gov. Body

7a
Agenda Item

1
Exhibit #

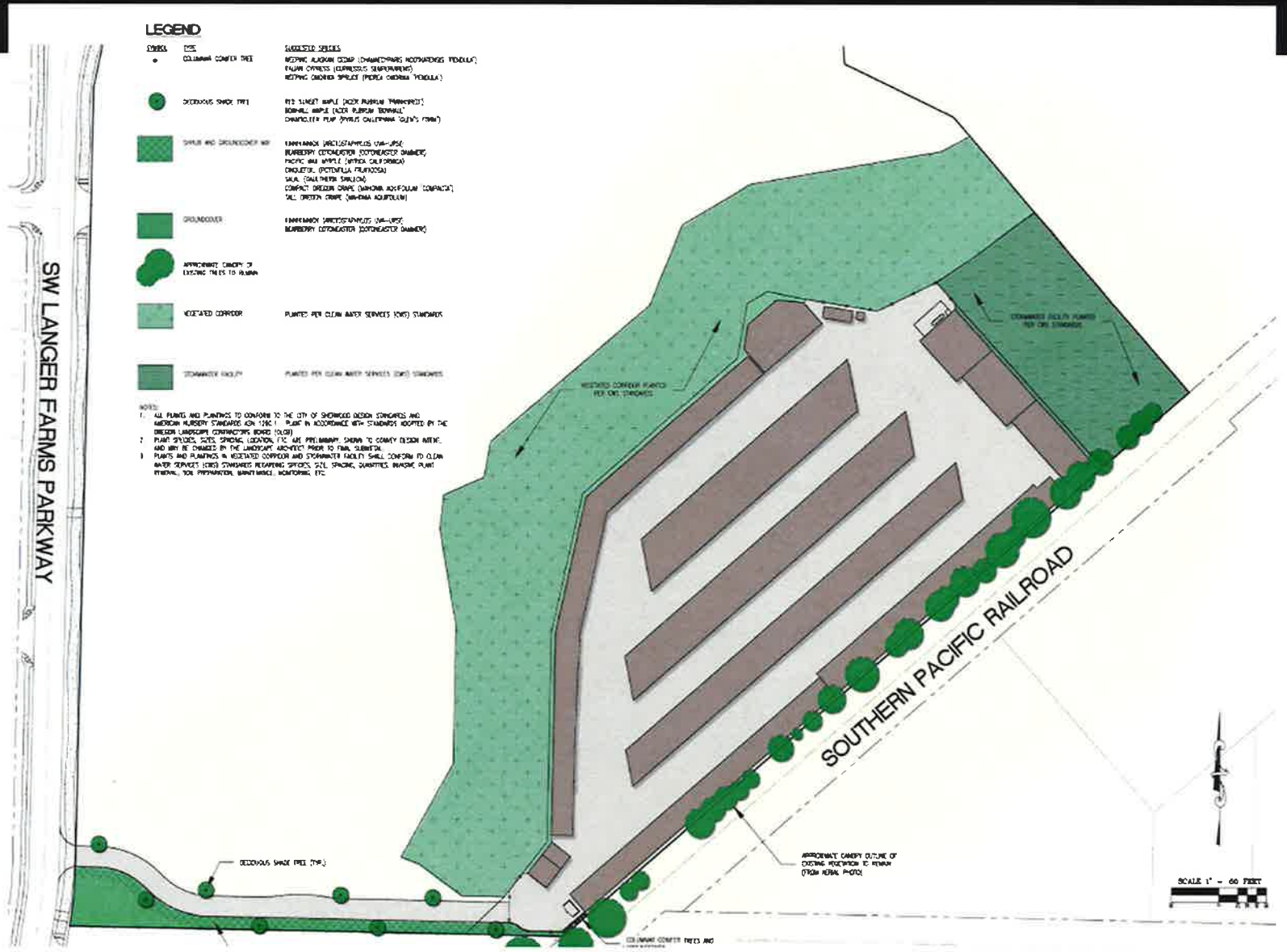
Vicinity Map



Sentinel Self Storage Proposal

- Portion of the site is Lot 5 of the approved Langer Farms Subdivision (on appeal)
- Proposal to construct 430 Storage Units on approximately 6.93 acres.

Site Plan


LEGEND
SW LANGER FARMS PARKWAY
SOUTHERN PACIFIC RAILROAD
DECIDUOUS SHADE TREE (TYP.)
SCALE 1" = 60 FEET

Staff Responses

- Secondary Fire Access – recommended but not required
- Question of ownership- issue is unclear
- National Fish and Wildlife - no comment
- ADA Access to the bathroom – require a condition

Staff Responses

- **Fueling station regulations and licensing** - Propane and Diesel – No permit required from DEQ unless underground tanks
- TVFR will require a permit
- AKS Letter Diesel vs. Gasoline

- **Turn Around** - Applicant has proposed additional signage

- **Permanent communication line** - Applicant is proposing a land line

- **Video Surveillance** - Applicant has proposed video surveillance

Staff Recommendation

- Approval with conditions
  - May want to add a condition requiring that the fueling be limited to patrons who have storage units rented within the facility.
  - Although not necessary, because it is required the Commission could require an ADA bathroom.
  - Enclosed RV wash required

SP 12-04
Planning Commission Public Hearing (continued)
August 28, 2012

Residences at Cannery Square

7 28 12
Date
Planning Comm
Gov. Body
1b
Agenda Item
2
Exhibit #

Vicinity Map



Conditions of Approval (Prior to Final Site Plan)

- C.3 – Prior to final site plan approval submit revised plans showing that the developer will install a 6-foot tall fence, wall or evergreen screen along the east property line of the east residential building, and the west property line of the west residential building.

- C.4 - Obtain construction plan approval from the Engineering Department for all public improvements including the on-site water quality facility if an alternative has not been agreed upon at time of final site plan review. If the applicant, City and CWS reach an acceptable agreement to use the regional water quality facility, the applicant may submit revised plans showing how the areas for the on-site water quality facility will be otherwise landscaped or utilized consistent with the approved development plans and the engineering compliance agreement modified accordingly to eliminate the on-site water quality facility.

Conditions of Approval (Prior to Building Permits)

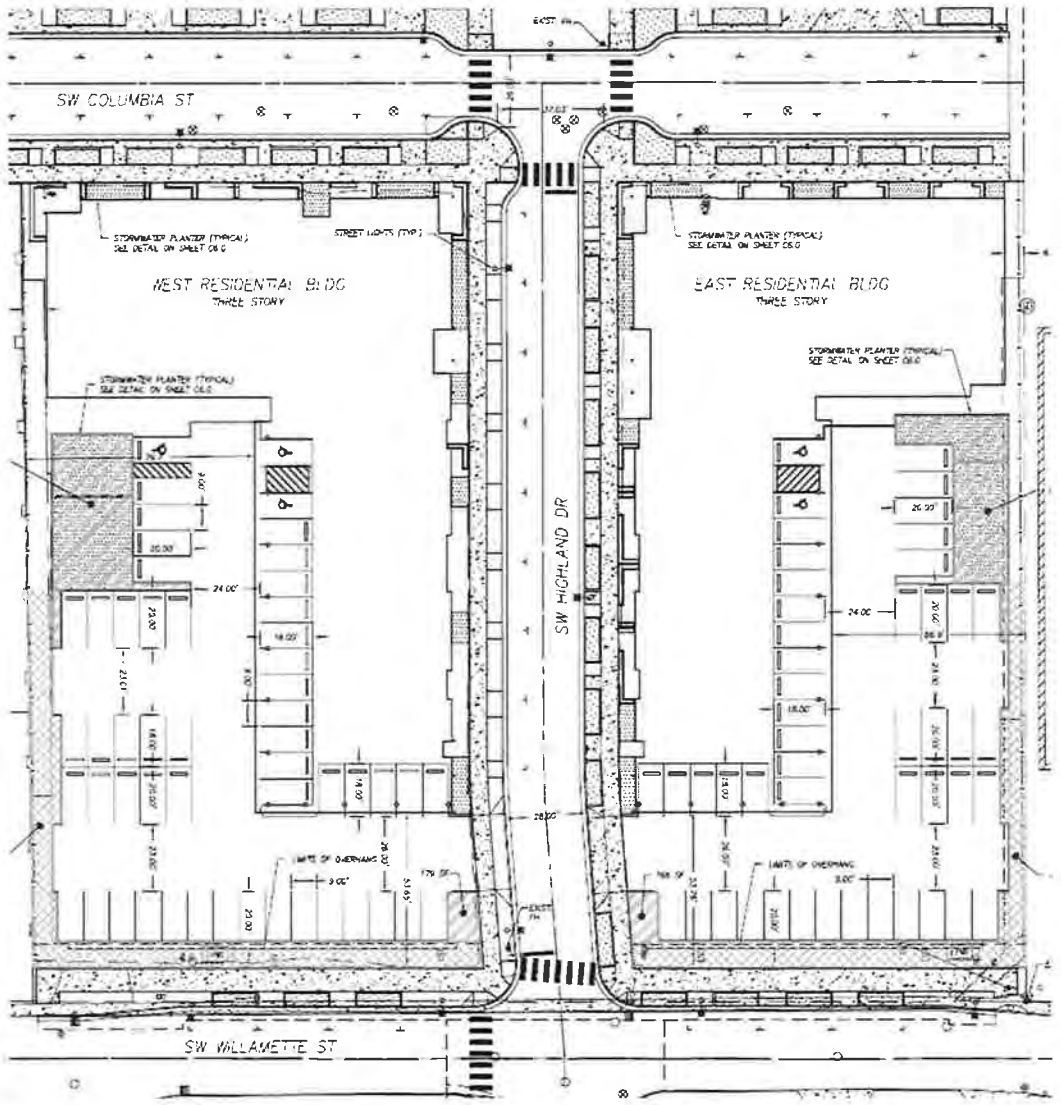
- C.3 – Prior to final site plan approval submit revised plans showing that the developer will install a 6-foot tall fence, wall or evergreen screen along the east property line of the east residential building, and the west property line of the west residential building.

- C.4 - Obtain construction plan approval from the Engineering Department for all public improvements including the on-site water quality facility if an alternative has not been agreed upon at time of final site plan review. If the applicant, City and CWS reach an acceptable agreement to use the regional water quality facility, the applicant may submit revised plans showing how the areas for the on-site water quality facility will be otherwise landscaped or utilized consistent with the approved development plans and the engineering compliance agreement modified accordingly to eliminate the on-site water quality facility.

Conditions of Approval (Prior to Final Occupancy)

- E.6 - On-site or a regional storm water treatment system that complies with City of Sherwood and CWS standards shall be either in place, operational and any necessary connection fees paid or an agreement and assurances acceptable to both the City of Sherwood and CWS shall be in place.

Site Plan


SW COLUMBIA ST
WEST RESIDENTIAL BLDG
THREE STORY
EAST RESIDENTIAL BLDG
THREE STORY
SW HIGHLAND DR
SW WILLAMETTE ST

Staff Recommendation

- Approval with conditions as amended

Planning Commission Appeal Hearing
August 28, 2012

Langer Farms Subdivision (SUB 12-02)

Aug 28, 12 Date
Planning Comm. Gov. Body
6a Agenda Item
3 Exhibit #

History

- On June 21, 2012, staff issued a decision to approve a preliminary subdivision to divide + 55.09 acres into five individual lots, and two tracts for future development consistent with the Sherwood Village Planned Unit Development, File No. PUD 95-1.
- Appealed by Jim Claus on July 5, 2012.
- The staff decision and associated attachments for SUB 12-02 **Exhibit 1**
- The appeal materials provided to the City from Jim Claus **Exhibit 2**
- A letter from the applicant's attorney, Seth King, of Perkins Coie **Exhibit 3**

Assignments of Error

Flawed Original Notice of Decision containing conflicting information that staff cites as scrivener's error.

- Specifically, Mr. Claus claims that the following sentence found on page 33 warrants reissuance of the NOD and resets the appeal clock. "This approval is valid for a period of one (2) years from the date of the decision notice, per Section 16.120.050."
- **16.120.050.B, "If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted.**
- Staff maintains that this is a harmless scrivener's error and does not constitute a material error in the decision.

Assignments of Error

- *Improper Public Notice was given by staff. Staff has relied on INFILL standards for proposed Lot 5 to grant waivers for the access without properly notifying the PUBLIC per Sherwood Zoning Code Chapter 16.68.060.*
- Section 16.68.060 was not considered for approval of this development. Section 16.68.060 standards apply to **residential developments on lots that qualify as infill**. This lot does not.
- Mr. Claus contends that staff relied on section 16.68 (Infill) to allow proposed lot 5 to achieve the access standard that requires all lots in a subdivision to abut a public street.
- The finding is correct in that all lots abut a public street, or are served by an easement to a public street as allowed by the definition of a "Lot."
- Section 16.10.020 defines a **lot** as, "A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code and with frontage on a public street, or easement approved by the City..." (emphasis added).
- The precedence for allowing such a provision has been set by prior subdivision approvals, and since the Code allows for the City to determine that the frontage can be provided via an easement approved by the City**, the finding is still accurate.**
- Mr. Claus adds that the City cannot allow such a long access. He refers to the Transportation System Plan (TSP), specifically page TSP 8-22, stating that the access will be a close-end street longer than 220 feet. **The proposed access is a driveway and utility easement, not a street.**

Assignments of Error

- *Violation of the PUD – a Major Change to the Final Development Plan dated August of 1995. Staff is requiring a change in the use of the land and requiring dedication of land in this subdivision application for public roadway and right-of-way. The land was specifically proscribed from that use in the original Langer PUD. The Langer PUD must be treated as having a Major Change and thus go through the PUD approval process noted in Sherwood Code Chapter 16.40.*
- Utilizing this logic, the City would never be able to plan for future extensions of streets, utilities, or other urban services necessary for development. Within the original PUD, Century Drive was not going to be extended through the site.
  - Subsequent to that approval, the TSP was modified in a manner that called for a future collector in the location where the applicant has proposed to dedicate right-of-way for the Century Drive.
  - That dedication, and ultimately, the future construction of Century Drive was negotiated as part of a Development Agreement with the City in 2010 with the Langer Family.
- PUD approval is an overlay zone that is applied to a property
  - the boundaries of the PUD are not changing,
  - the applicant is not asking for any land use that would be inconsistent with the prior approvals,
  - and the prior approvals did not identify which land was devoted to a specific use.
  - There is not an increase in density because it is not a residential development. Therefore, this does not constitute a modification to the PUD.

Assignments of Error

- *Staff's decision is flawed. Staff is treating the PUD as if it is outside of PUD constraints for part of the logic used to grant approval to a 5-lot subdivision of the PUD. Also, staff neglected to submit pertinent information to the record as part of this application which would have direct bearing on the original staff decision – which occurred after staff closed the comment period. As such I have included some of that missing information as it is directly pertinent to this appeal. See also Exhibit 8, copy from the 1995 code Section 3.4040 for appeals showing that parties may present old evidence or any additional evidence.*

- The subdivision was not filed at the same time that the PUD was processed in 1995. Had there been a subdivision requested at the time, the City would have requested that it be reviewed concurrently.

- According to the City Attorney's office, "A PUD decision under 16.40 is a separate and distinct decision from a subdivision decision under 16.120. See, for example, 16.40.020.B.5 – "If the PUD involves the subdivision of land ... " Apparently, this one did not when it was approved in 1995 – it was a straight PUD that did not include a subdivision. Also, as you point out, that same code section goes on to say that when the PUD also involves a subdivision, the two decisions shall be processed concurrently. This affirms the interpretation that they are separate decisions, albeit when they are proposed concurrently, they need to be processed concurrently."

- According to 16.120.030.1.a, "A subdivision application for 4-10 lots will follow a Type II process." Subdivisions are processed in accordance with the administrative provisions spelled out in Section 16.72.

Assignments of Error

- *Violation of Sherwood code Section 16.40.040(A)(2): Failure to Complete. The Planning Commission must meet to decide if the PUD is still in the public's interest.*
- Section 16.40.040(A)(2) states, "When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest."
- For all intents and purposes, this PUD has been under construction in one form or another since 1995.
- The City Council made the decision that it was in the public's interest when it approved a modification of the PUD in 2007 and agreeing to execute the developers' agreement that was negotiated in 2010 by the Sherwood City Council.

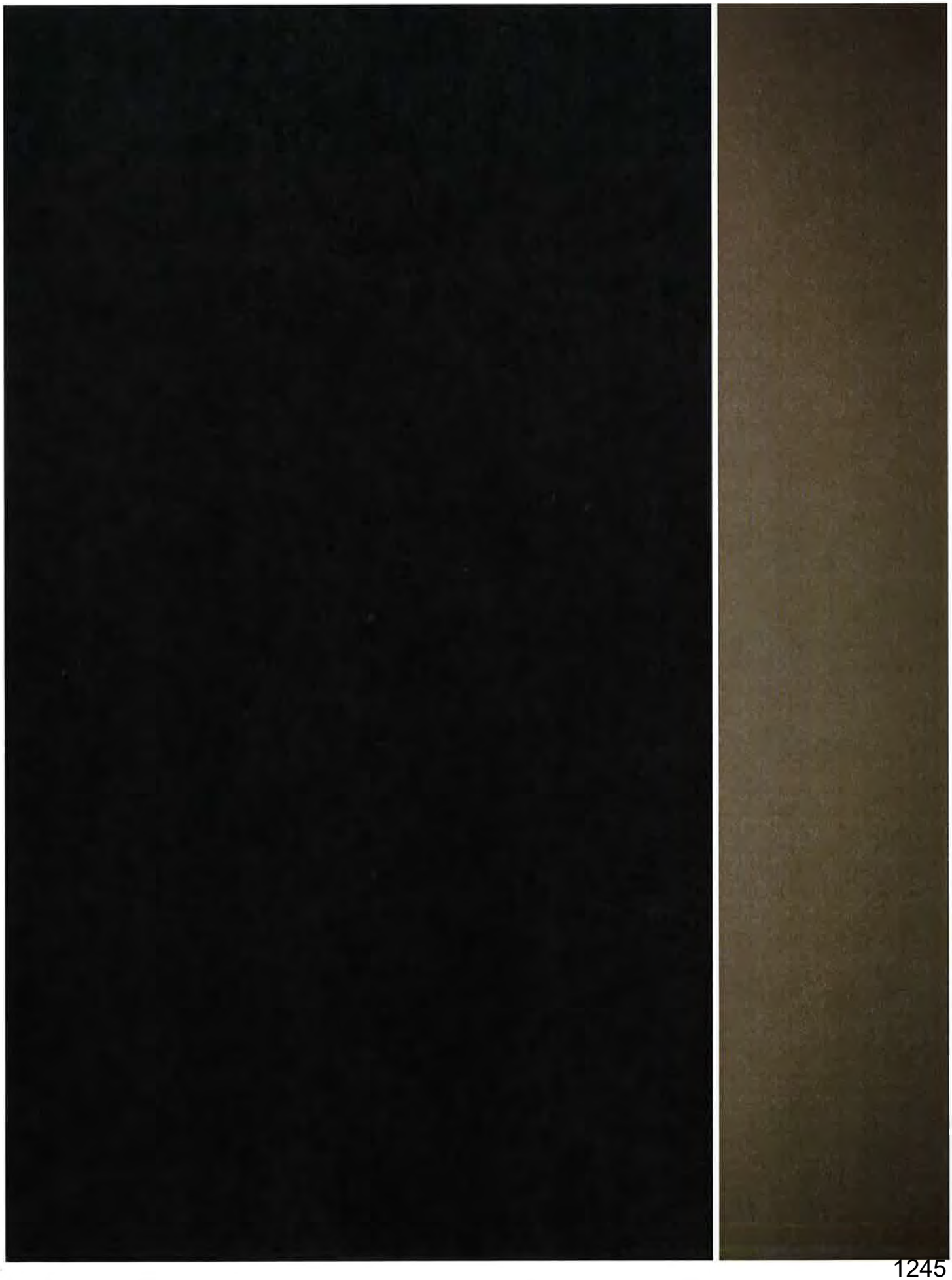
Assignments of Error

- *Violation of the intent of the PUD – staff is attempting to incorrectly administratively apply Subdivision Standards to the Langer PUD Phases 6, 7, 8, which is beyond their scope and authority. The Phases are to have Site Plan Reviews with the Planning Commission/City Council. Staff essentially has made up a new process for the PUD by incorrectly trying to grant subdivision and land division approval through a Type II procedure.*

- This approval, in no way, removes the requirement that any development subject to site plan review be reviewed by the Planning Commission/City Council for this PUD. As stated earlier under the staff response to issue #4, this is a subdivision of land for 4-10 lots, which according to section 16.120.030.1.a, is administratively processed.

Staff Recommendation

- Deny the appeal and affirm the staff decision



Copy
Original Filed In
SUB 12-02

8-28-12 Planning Comm.
Date Gov. Body
7a+8 4
Agenda Item Exhibit #
See Minutes

R. James Claus
22211 SW Pacific Highway
Sherwood, Oregon 97140
503-625-5265

August 28, 2012

Planning Commission
City of Sherwood
Pine Street
Sherwood, Oregon 97140

RE: File: SP 12-03
Sentinel Storage Application
Comments for the Site Plan Record

Dear Planning Commission--

Thank you for leaving the record open for this application. Since the last hearing on August 14, 2012 there have been additional information submitted into the record. Also, I have additional information for the Planning Commission to consider as part of this application. In no particular order I will outline my additional concerns.

The applicant has described this application and its uses on page 2 of its application:

> ***This project includes improvement of the subject site to be operated as a self storage business; an annex to the existing self storage facility located north of the intersection of SW Tualatin-Sherwood Road and SW Langer Farms Parkway. Proposed site improvements include 430 storage units (including enclosed, partially enclosed, covered, and open). This will include a mix of indoor climate controlled units, non-climate controlled units, outdoor covered and uncovered spaces. The storage units/spaces will be available for storage of all kinds of items including, but not limited to household or business materials, recreational vehicles, trailers, boats, etc.***

The applicant knows that the site plan cannot be approved by the Commission in this Type IV process unless the application complies with ALL applicable approval criteria. Per their application, p. 2:

> ***The City of Sherwood Zoning and Community Development Code holds that approval of this Site Plan Review Application is subject to review through a Type IV procedure. This written statement includes findings of fact demonstrating that the application complies with all applicable approval criteria.***

Exhibit N

In conjunction with a previous, currently contested subdivision application (Langer Subdivision SUB 12-02 also being heard on appeal August 28, 2012 at the Planning Commission) , the applicant is proposing to subdivide the 55 acre parcel into five separate parcels. The subdivision request was heard only by a member of the city planning staff because of a recent change in the city zoning code that allowed this part of the Langer PUD to be altered at the staff level. As a result of this requested subdivision, now the property owners of this part of the Langer PUD are requesting deviations from the Sherwood code standards. Their arbitrary subdivision lines are creating self-imposed hardships that the applicant in turn is requesting the Planning Commission approve; yet the applicant has not gone through the Variance Process or the Interpretation of Similar Uses of the city code to obtain the requested for variances or other interpretations of the code. (See attached).

<u>The existing Langer PUD is no longer valid with approval of this application</u>

The applicant is asking for uses and variances which are not part of the existing Langer PUD. The original PUD says that they may opt for permitted or conditionally permitted uses in the General Commercial (GC) zone in the 1995 code per Section 2.109.02 Permitted Uses and Section 2.109.03 (See attached) as well as stated from page 6 of their application:

2007 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: This project includes the improvement of the subject site into a Self Storage Business; an annex to the facility currently located north of the intersection of SW Tualatin-Sherwood Road and SW Langer Farms Parkway, as permitted under SDC2C 2.110.02.F

There is nothing in the 1995 code or the current LI code that allows for propane, diesel and/or gasoline fueling to the public. The applicant has said that this fueling use would operate as any other fueling station in the State of Oregon (see AKS letter put in the record after the August 14, 2012 hearing.) The applicant has not requested an Interpretation of Similar Uses per Chapter 16.88 -- which is a separate application and proceeding in front of the Planning Commission (with the ability to appeal that decision) that requires the applicant to :

Chapter 16.88.020 - Application Content

The request shall be submitted with a fee pursuant to Section 16.74.020 and shall include information on the following characteristics of the proposed use:

A. Description of the activity to be conducted on the site.
B. Noise and odor characteristics.
C. Description of material or product storage requirements.
D. Amount and type of traffic to be generated.
E. Description of the structures required.

The code does not outright allow the gasoline, diesel and propane fueling. The PUD Development Agreements or the initial approvals did not specify any fueling uses. The applicant cannot apply for a variance for an existing PUD per Section 16.84 of the code. In short, if the Planning Commission were to approve this application, the entire PUD would be in violation and therefore cease to exist. This is not the proceeding for the Planning Commission to allow staff to generate "findings of fact" that would allow the fueling uses-- again, the applicant has not addressed the criteria for the proposed fueling uses in the context of an interpretation of similar uses. There is no request for a variance. Even if these requests were being generated by the applicant it would put the Langer PUD in jeopardy. Existing PUDs cannot change uses and obligations mid stream without a new hearing that would remove the existing PUD and make it conform to the current PUD standards and application proceedings. See Chapter 16.40.010 - 16.40-060 et.seq. for PUDs including non-residential PUDs.

This application does not explain the full nature of the proposed gasoline and propane fueling for this site or the nature of the Oregon laws and rules governing gasoline, diesel and propane fueling. It is possible that other considerations would need to be in place for this site plan. Without the full knowledge and explanation of the fueling-- as well approval from the appropriate local authority, this site plan cannot be approved by the Planning Commission.

This is also the same problem with the "mini-warehousing" that allows in the code for commercial storage, yet the applicant in the existing storage is also storing residential oriented materials (non-commercial or industrial). (See Claus materials already submitted at the August 14th meeting.) There must be an "interpretation of similar uses" to clarify (allow or disallow with right of appeal) the mini-warehousing.

Additionally, the original Langer PUD specifically excluded an extension of Century Drive. (See original conditions of approval for Langer PUD.) The extension of Century Drive is a change in USE for part of the PUD that was not there in the original PUD-- and was specifically EXCLUDED. A parking lot is not a collector Road. The city recognizes the difference in use and standard and has opted to pay for the difference of a parking lot and the specifications that they want to require for the Century Drive extension. Again-- this is a major change to the existing PUD and requires a new hearing and a new PUD (See Chapter 16.40 et.seq.) application.

Who is the BEH working for in this site plan application?

Beery, Elsner and Hammond are contract attorneys. They apparently work for the city in various capacities. They even work for the Sherwood Urban Renewal Agency. This property is located in the urban renewal district. If BEH representatives are giving advice for the record and to the staff or planning commission, or on behalf of the Sherwood Urban Renewal Agency (SURA), they need to state for the record in what capacity and for whom they are working and giving their advice. If they are working for the City Council or SURA, obviously there is a conflict of interest since one of the City Council members and one of the SURA members is part of this application and part owner of the property in question. (see BEH Contract for personal services.)

Subdivision and partition process and standards were voted on by City Councilor Matt Langer

This application presupposes that a separate, administrative decision granting the Langer Family, LLC subdivision of the 55 acres has been approved and all the appeals exhausted. That is not true. Not only is the subdivision approval on appeal with the Planning Commission, there is a question if Councilor Matt Langer should have voted on the legislation that directly allowed this part of the Langer PUD property and property that he has an actual financial interest in to then be subdivided through an administrative, staff review Type II process. This application is for a site plan of 6.93 acres-- only a portion of the 55 acre parcel. Changes to PUDs are to be heard by the Planning Commission and the City Council. The "code clean up" Ordinance 2011-011 was approved by the City Council on October 4, 2011 (with an "Aye" vote from Councilor Langer). On or about December 11, 2011, the Langer representatives for the 55 acre parcel owned in part by Matt Langer attended a pre-application process with the city for partitioning and subdividing that 55 acre parcel at the staff level.

Annex vs. Separate Business

The applicant is trying to utilize the administrative offices of a separate parcel of land, owned in different legal ownership to obtain yet another variance to the standards. The applicant also stated that these two parcels (the Sentinel Storage parcel on Phase 4) can be sold separately. Why then would the Planning Commission allow a site plan for the "annex" that is associated with the Phase 4 parcel in the Site Plan application, to be allowed to be sold separately and distinctly? Also, the City Council just passed a Resolution to condemn a portion of the Sentinel Storage property (changing the boundaries of the existing PUD). Is this one business with non-contiguous lots, or are these two separate parcels that can be sold separately? There is no deed language being suggested that legally ties these two parcels together. The applicant through Uncle Gary Langer has already said that it is no one's business how

their family holds its property. How then can the Planning Commission allow this site plan without its own administrative building and office?

Please ask the applicant to further clarify what they are trying to do with this application and keep the record open for public comment on those further clarifications-- and ask them to extend the 120 day deadline, or turn down this proposal tonight.

Jim Claus

(plus attachments)

SHERWOOD COMPREHENSIVE PLAN PART 3 ZONING AND COMMUNITY DEVELOPMENT CODE

Prepared by

City of Sherwood, Oregon
90 NW Park Street
Sherwood, Oregon 97140
(503) 625-5522

February 28, 1995

2.109 GENERAL COMMERCIAL (GC)

2.109.01 Purpose

The GC zoning district provides for wholesale and commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Chapter 8.

2.109.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8:

A. Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.

B. General retail trade, including bakeries where product distribution is limited to retailing on the premises only.

C. Personal and business services, including day cares, preschools, and kindergartens.

D. Postal substations when located entirely within and incidental to a use permitted outright.

E. Temporary uses, including but not limited to portable construction offices and real estate sales offices, subject to Section 4.500.

F. Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.

G. Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets.

H. Commercial trade schools.

I. Motion picture and live theaters, but excluding drive-ins which are prohibited.

J. Restaurants, taverns, and lounges.

K. Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited.

L. Blueprinting, printing, publishing, or other reproduction services.

M. Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service.

N. Wholesale trade, warehousing, commercial storage and mini-warehousing, except as prohibited in Sections 2.110.04E and 2.111.04E.

O. Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing.

P. Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.

Q. Veterinarian offices and animal hospitals.

R. Agricultural uses including but not limited to farming, and wholesale and retail plant nurseries, with customarily associated commercial buildings and structures permitted.

S. Medical, dental, and similar laboratories.

T. Truck and bus yards and terminals.

U. Adult entertainment businesses, subject to Section 2.208.

2.109.03 Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Chapter 8, and are approved in accordance with Section 4.300:

A. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.

B. Radio, television, and similar communication stations, including transmitters.

C. Churches and parsonages.

D. Cemeteries and crematory mausoleums.

E. Public and private utility buildings, including but not limited to telephone exchanges, electric substation, gas regulator stations, treatment plants, water wells, and public works yards.

F. Government offices, including but not limited to administrative office, post offices, and police and fire stations.

G. Public use buildings including but not limited to libraries, museums, community centers and senior centers.

H. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.

I. Motels or hotels.

J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.

K. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.

L. Public and private schools providing education at the elementary school level or higher.

M. Any incidental business, service, process, storage or display, not otherwise permitted by Section 2.109, that is essential to and customarily associated with any use permitted outright.

2.109.04 Prohibited Uses

The following uses are expressly prohibited:

A. Junkyards and salvage yards.

B. Industrial and manufacturing uses, except as specifically permitted by Sections 2.109.02 and 2.109.03.

C. Any other prohibited use noted in Section 2.109.03.

2.109.05 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 Section 4.400.

A. **Lot Dimensions**

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

1. Lot area: 10,000 square feet
2. Lot width at front property line: 70 feet
3. Lot width at building line: 70 feet

B. **Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: None, unless the lot abuts a residential zone, then the front yard shall be that required in the residential zone.
2. Side yards: None, unless abutting a residential zone or public park property, then there shall be a minimum of twenty (20) feet.
3. Rear yard: None, unless abutting a residential zone, then there shall be a minimum of twenty (20) feet.
4. Existing residential uses shall maintain setbacks specified in Section 2.105.04.

C. **Height**

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Section 4.300.

2.109.06 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 Chapters 5, 8 and 9.

2.109.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

2.110 LIGHT INDUSTRIAL (LI)

2.110.01 Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

2.110.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

A. Veterinarians offices and animal hospitals.

B. Contractor's offices, and other offices associated with a use permitted in the LI zone.

C. Public and private utilities including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells and public works yards.

D. Glass installation and sales.

E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

F. Automobile, boat, trailer, and recreational vehicle storage.

G. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 2.110.04E.

H. Industrial hand tool and supply sales, primarily wholesaled to other industrial firms or industrial workers.

I. Other similar light industrial uses subject to Section 4.600.

J. Uses permitted outright in the GC zone, Section 2.109.02, except for adult entertainment businesses which are prohibited.

K. Dwelling unit for one (1) security person employed on the premises, and their immediate family.

L. PUDs, subject to the provisions of Section 2.202.

M. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.

2.110.03 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300:

A. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 2.110.03.

2. Appliances, including but not limited to, refrigerators, freezers, washing machines, dryers; small electronic motors and generators; heating and cooling equipment; lawn mowers, rototillers, and chain saws; vending machines; and similar products and associated small parts.

3. Cosmetics, drugs, pharmaceutical, toiletries, chemicals and similar products, except as prohibited by Section 2.110.04.

4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.

5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery; ladders; mattresses, doors and windows; signs and display structures; and similar products and associated small parts.

6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and

associated small parts, but excluding motorized equipment unless otherwise permitted by Section 2.110.02 or 2.110.03.

7. Musical instruments, toys and novelties.

8. Pottery and ceramics, limited to products using previously pulverized clay.

9. Textiles and fiber products.

10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.

B. Laundry, dry cleaning, dyeing or rug cleaning plants.

C. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.

D. Offices associated with a use conditionally permitted in the LI Zone.

E. Sawmills.

2.110.04 Prohibited Uses

The following uses are expressly prohibited:

A. Adult Entertainment Businesses.

B. Any use permitted or conditionally permitted under Section 2.111 that is not specifically listed in this Section, and any use listed in Section 2.111.04.

C. Auto wrecking and junk or salvage yards.

D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products of substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:

1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.

2. Ammonia, chlorine, sodium compounds, toxics, and similar chemicals.

3. Celluloid or pyroxylin.

4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.

5. Explosives and radioactive materials.

6. Fertilizer, herbicides and insect poison.

F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.

G. Pulp mills and paper mills.

H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.

I. Leather tanneries.

J. General purpose solid waste landfills, incinerators, and other solid waste facilities.

2.110.05 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 Section 4.400.

A. Lot Dimensions

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

1. Lot area: 10,000 sq. feet

2. Lot width at front property line: 100 feet

3. Lot width at building line: 100 feet

B. **Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

1. Front yard: Twenty (20) feet, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.

2. Side yards: None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

3. Rear yard: None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

4. Corner lots: Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

C. **Height**

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of the residential zone.

2.110.06 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 Chapters 5, 8 and 9.

2.110.07 Flood Plain

Except as otherwise provided, Section 8.202 shall apply.

4.600 INTERPRETATION OF SIMILAR USES

4.601 GENERALLY

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the Commission.

4.602 APPLICATION CONTENT

The request shall be submitted with a fee pursuant to Section 3.302 and shall include information on the following characteristics of the proposed use:

A. Description of the activity to be conducted on the site.

B. Noise and odor characteristics.

C. Description of material or product storage requirements.

D. Amount and type of traffic to be generated.

E. Description of the structures required.

4.603 APPROVALS

The Commission shall conduct a public hearing pursuant to Section 3.200 and take action to approve, approve with conditions, or deny the request for an interpretation of a similar use. The action of the Commission may be appealed to the Council in accordance with Section 3.400.

mailed to the address shown on the application.

3.403 PETITION FOR REVIEW

Every petition for review shall include the date and a description of the land use action, including adopted findings of fact, a statement of how the petitioner is aggrieved by the action, the specific grounds relied upon in requesting a review, and a fee pursuant to Section 3.301. The record of the land use action shall be considered.

3.404 COUNCIL ACTION

The review of the appealed land use action shall include a public hearing conducted by the Council at which time all parties to the action, as per Section 3.205.02, may present old evidence or any additional evidence. Public notice and hearing procedures for appeals shall be identical to the procedures used in initially taking the land use action which is being appealed. The Council may act to affirm, reverse, refer or amend the action being reviewed. The action of the Council shall be final, except insofar as further appeal to the State Land Use Board of Appeals (LUBA) may be allowed by the law of the State of Oregon.

3.400 APPEALS

3.401 GENERALLY

3.401.01 Basis of Appeal

A. Any issue which may be the basis for appeal of a land use action to the Council or to the State Land Use Board of Appeals (LUBA) shall be raised not later than the close of the final hearing on the proposal before the City, or within seven (7) calendar days as per Section 3.205.03.

B. Failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant, or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issue to the Council or to LUBA. Any aggrieved party appealing a land use action must exercise the right of petition for review to the Council prior to making any appeal to LUBA, except as provided in Section 3.401.03.

3.401.02 Appeal Eligibility

Except as otherwise permitted herein, only persons who were a party to the action being appealed, as defined by Section 3.205.02, are eligible to file for a petition for review by the Council. If the potential appellant is judged not to be a party to the action, or the issue(s) that are the basis of the appeal were not raised as per Section 3.401.01, as determined by the City, the Council shall refuse to hear the appeal and direct that the appellant be so notified in writing.

3.401.03 Exception

If the City either takes a land use action without providing a hearing as required by this Code, or takes a land use action which is substantially different than indicated in notice of the proposed action as per Section 3.203.01, an aggrieved party may, as provided by the law of the State of Oregon, appeal directly to State Land Use Board of Appeals (LUBA).

3.402 APPEAL DEADLINE

Land use actions taken pursuant to this Code shall be final unless a petition for review is filed with the City Recorder not more than twenty-one (21) calendar days after the date on which the Commission or Council took final action on the land use application. In the event the aggrieved party is the applicant, the twenty-one (21) calendar days shall be counted from the date when written notice of the action has been

Chapter 16.32 - LIGHT INDUSTRIAL (LI)*

Sections:

16.32.010 - Purpose
16.32.020 - Permitted Uses
16.32.030 - Conditional Uses
16.32.040 - Prohibited Uses
16.32.050 - Dimensional Standards
16.32.060 - Community Design
16.32.070 - Floodplain

16.32.010 - Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission. *(Ord. 93-964 § 3; Ord. 86-851)*

16.32.020 - Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII. Incidental retail sales, limited to 10% of the total floor area of a business, may be permitted as a secondary function of a permitted or conditional use, subject to the review and approval of the Hearing Authority. *(Ord. 2001-1119, § 1; 93-964)*

A. Contractor's offices and other offices associated with a use permitted in the LI zone.

B. Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, sewage treatment plants, water wells and public work yards

C. Glass installation and sales.

D. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.32.040(E).

E. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.

F. Other similar light industrial uses subject to Chapter 16.88

G. Dwelling unit for one (1) security person employed on the premises, and their immediate family.

H. PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted within the boundaries of the PUD. Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD *(Ord. 98-1051 § 1; Ord. 86-851)*

I. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86

J. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.

(Ord. 97-1019 § 1)

K. Business and professional offices associated directly with another permitted use in this zone and do not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices). *(Ord. No. 2010-05, § 2, 4-6-2010)*

L. Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices). *(Ord. No. 2010-05, § 2, 4-6-2010)*

M. Business and professional offices in buildings that received land use approval after January 1, 2010 that are designated "industrial" on Metro's 2008 Title 4 Map and that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project. *(Ord. No. 2010-05, § 2, 4-6-2010)*

N. Training facilities whose primary purpose is to provide training to meet industrial needs.

(Ord. No. 2010-05, § 2, 4-6-2010)

O. Tool and equipment rental. *(Ord. No. 2010-05, § 2, 4-6-2010)*

P. Blueprinting, printing, publishing, or other reproduction services. *(Ord. No. 2010-05, § 2, 4-6-2010)*

Q. Farm and garden supply stores and retail plant nurseries (limited in size similar to M. above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited. *(Ord. No. 2010-05, § 2, 4-6-2010)*

R. Medical, dental and similar laboratories. *(Ord. No. 2010-05, § 2, 4-6-2010)*

S. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 16.32.040

2. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electronic motors and generators, heating and cooling equipment, lawn mowers, rototillers, and chain saws, vending machines, and similar products and associated small parts.

3. Cosmetics, drugs, pharmaceuticals, toiletries, chemicals and similar products, except as prohibited by Section 16.32.040

4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.

5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.

6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and associated small parts, but excluding motorized equipment unless otherwise permitted by Section 16.32.020 or 16.32.030

7. Musical instruments, toys and novelties.

8. Pottery and ceramics, limited to products using previously pulverized clay.

9. Textiles and fiber products.

10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.

(Ord. No. 2010-05, § 2, 4-6-2010; Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964; 91-922; Ord. 86-851)

16.32.030 - Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Division VIII and are approved in accordance with Chapter 16.82:

A. Laundry, dry cleaning, dyeing or rug cleaning plants.

B. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.

C. Offices associated with a use conditionally permitted in the LI zone.

D. Sawmills.

E. Radio, television and similar communication stations, including transmitters and wireless communication towers, except for towers located within 1,000 feet of the Old Town District which are prohibited.

F. Restaurants without drive-thru limited in size similar to 16.32.020.M.

(Ord. No. 2010-05, § 2, 4-6-2010)

G. Hospitals and emergency care facilities.

H. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.

I. Commercial trade schools.

J. Wholesale building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.

K. Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms. *(Ord. 2000-1092, § 3)*

L. Power generation plants and associated facilities.

M. Veterinarians offices and animal hospitals.

N. Automobile, boat, trailer and recreational vehicle storage. *(Ord. 93-964 § 3)*

O. Daycares and pre-schools, if fully integrated with and secondary to a use elsewhere permitted in Section 16.32.020 or 16.32.030

P. Government facilities, including police, fire and vehicle testing stations.

Q. Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property or under power line easements. *(Ord. No. 2009-009, 7-21-2009; Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964)*

Chapter 16.88 - INTERPRETATION OF SIMILAR USES*

Sections:

16.88.010 - Generally
16.88.020 - Application Content
16.88.030 - Approvals

16.88.010 - Generally

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the City Manager or his/her designee. *(Ord. 98-1053 § 1; Ord. 86-851)*

16.88.020 - Application Content

The request shall be submitted with a fee pursuant to Section 16.74.020 and shall include information on the following characteristics of the proposed use:

A. Description of the activity to be conducted on the site.
B. Noise and odor characteristics.
C. Description of material or product storage requirements.
D. Amount and type of traffic to be generated.
E. Description of the structures required.

(Ord. 86-851, § 3)

16.88.030 - Approvals

The City Manager or his/her designee may authorize a use to be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone. The action of the City Manager or his/her designee may be appealed to the Commission in accordance with Chapter 16.76. *(Ord. 98-1053 § 1; Ord. 86-851)*

Chapter 16.84 - VARIANCES [24]

SECTIONS

16.84.010 - Purpose
16.84.020 - Applicability
16.84.030 - Types of Variances

16.84.010 - Purpose

This Chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this Code as exceptions to Code standards. This Chapter provides flexibility, while maintaining the purposes and intent of the Code. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use is located. In granting a variance, conditions may be imposed when necessary to protect the best interests of surrounding properties and neighborhoods, and otherwise achieve the purposes of the adopted Comprehensive Plan, the Transportation System Plan, and other Code provisions.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.84.020 - Applicability

A.

Exceptions and Modifications versus Variances

A code standard or approval criterion may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code provision does not expressly provide for exceptions or modifications then a variance is required to modify that code section and the provisions of Chapter 16.84 apply.

B.

Combining Variances with Other Approvals; Permit Approvals by Other Agencies.

Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site plan review, subdivision, conditional use, etc.); however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.

C.

Adjustments and variances cannot be applied to change any existing Planned Unit Development (PUD).

(Ord. No. 2011-003, § 2, 4-5-2011)

16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

A.

Adjustments

1.

Applicability: The following variances are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:

a.

Front yard setbacks Up to a 10 percent change to the front yard setback standard in the land use district.

b.

Interior setbacks Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.

c.

Landscape area Up to a 10% reduction in landscape area (overall area or interior parking lot landscape area.

d.

A 5% reduction in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.

2.

Approval Criteria: Adjustments shall be granted if the applicant demonstrates compliance with all of the following criteria:

a.

The adjustment requested is required due to the lot configuration, or other conditions of the site;

b.

The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

c.

The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.

d.

An application for an adjustment is limited to one lot or parcel per application.

e.

No more than three adjustments may be approved for one lot or parcel in 12 months.

B.

Class B Variances

1.

Generally

a.

The Class B variance standards apply to individual platted and recorded lots only.

b.

A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.

c.

Front yard setbacks: Up to a 20 percent change to the front yard setback standard in the land use district.

d.

Interior setbacks: Up to a 20 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.

e.

A 20% or less reduction in other Code standards or dimensions not otherwise specifically identified in this section.

2.

Approval Process: Class B variances shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3.

Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:

a.

The variance requested is required due to the lot configuration, or other conditions of the site;

b.

The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

c.

The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.

d.

An application for a Class B variance is limited to three or fewer lots per application.

e.

The variance will have minimal impact to the adjacent properties.

f.

The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

C.

Class A Variances

1.

Generally

a.

The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.

b.

An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.

c.

A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.

2.

Approval Process:

a.

Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.

b.

In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3.

Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:

a.

The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

b.

A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

c.

The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

d.

Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

e.

The hardship is not self-imposed; and

f.

The variance requested is the minimum variance that would alleviate the hardship.

(Ord. No. 2011-003, § 2, 4-5-2011)

FOOTNOTE(S):

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*[24] **Editor's note**—Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.84, §§ 16.84.010 and 16.84.020, and adding a new Ch. 16.84. Former Ch. 16.84 pertained to similar subject matter, and derived from Ords. 86-851, 91-922, 92-943, and 2003-1148; and Ord. No. 2010-015, adopted October 5, 2010. (Back)*

Chapter 16.56 - OTHER LAND USE ACTIONS*

Sections:

16.56.010 - Other Land Use Actions

16.56.010 - Other Land Use Actions

Proposed land use actions or activities for which specific procedures and standards for application and review are not included in this Code shall be submitted to the Commission, on a form determined by the City and with a fee pursuant to Section 16.74.010. The Commission may recommend approval, approval with conditions, or denial of the request to the Council. The Council may approve, approve with conditions, or deny the request, or may elect to refer the request to a more appropriate approving authority.

(Ord. 86-851, § 3)

Chapter 16.76 - APPEALS*

Sections:

16.76.010 - Generally
16.76.020 - Appeal Deadline
16.76.030 - Petition for Review
16.76.040 - Appeal Authority Action

16.76.010 - Generally

A. Issues on Appeal

The only issues which may be raised on appeal are those issues which were raised on the record before the Hearing Authority with sufficient specificity so as to have provided the City, the applicant, or other persons with a reasonable opportunity to respond before the Hearing Authority.

B. Persons Eligible to Appeal

Except as otherwise provided in this Code, only those persons who submitted written comments or appeared in person before the Hearing Authority may appeal the decision of the Hearing Authority.

C. Dismissal on Appeal

If the Appeal Authority determines that the appellant was not a person to the action before the Hearing Authority, or the issue(s) that are the basis of the appeal were not properly raised per this Section, then the Appeal Authority shall dismiss the appeal of that appellant or those issues, in writing.

D. Exception

If the City either takes a land use action without providing a hearing as required by this Code, or takes a land use action which is substantially different than indicated in notice of the proposed action as per Section 16.72.030, an aggrieved person may, as provided by the laws of the State of Oregon, appeal directly to the State Land Use Board of Appeals (LUBA).

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2003-1148, § 3; 2001-1119; 99-1079; 91-922)

16.76.020 - Appeal Deadline

Land use actions taken pursuant to this Code shall be final unless a petition for review is filed with the Planning Director not more than fourteen (14) calendar days after the date on which the Hearing Authority took final action on the land use application, and written notice of the action has been mailed to the address provided by the person in the record. If the person did not provide a mailing address, then the appeal must be filed within fourteen (14) calendar days after the notice has been mailed to persons who did provide a mailing address. *(Ord. 2003-1148, § 3; 2001-1119; 91-922)*

16.76.030 - Petition for Review

Every petition for review shall include the date and a description of the land use action, including adopted findings of fact, a statement of how the petitioner is aggrieved by the action, the specific grounds relied upon in requesting a review, and a fee pursuant to Section 16.74.010. The land use decision, supporting findings and conclusions, and evidence available upon the close of the record of the land use action and any City Staff review of the issues subject to the appeal shall be made a part of the record before the Appeal Authority. *(Ord. 2003-1148, § 3; 2001-1119; 91-922)*

16.76.040 - Appeal Authority Action

Except as otherwise provided or required by state law, the review of the appealed land use action shall include a public hearing conducted by the Appeal Authority, as determined by Section 16.72.010, at which time only those persons who testified before the Hearing Authority or submitted written comments may present evidence and argument relevant to the approval criteria. The record before the Appeal Authority shall include only the evidence and argument submitted on the record before the Hearing Authority (including all testimony, all materials submitted at any previous stage of the review, staff reports and audio tape or transcript of the minutes of the public hearing. New evidence may not be entered into the record.

Except for the hearing being on the record and no new persons being allowed, the public notice and hearing procedures for appeals shall be identical to the procedures used in initially taking the land use action which is being appealed. The Appeal Authority may act to affirm, reverse, remand, or amend the action being reviewed. The action of the Appeal Authority shall be the final City of Sherwood action on the application, unless remanded to the Hearing Authority. Upon remand, the decision of the Hearing Authority shall be the final City of Sherwood action. *(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2003-1148, § 3; 2001-1119; 99-1079; 91-922)*

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2011-011

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS III, V, VI, AND VII

WHEREAS, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years; and

WHEREAS, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

WHEREAS, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

WHEREAS, this phase includes amendments to Divisions III, V, VI and VII, specifically related to the public infrastructure, land divisions, site plan modifications and administrative process; and

WHEREAS, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on August 23, 2011; and

WHEREAS, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Development Code modifications; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the City Council held a public hearing on September 20, 2011 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission

recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibit 1-A.

Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 11-03 identified in Exhibits 1-A is hereby **APPROVED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 4th day of October 2011.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

	AYE	NAY
Clark	✓	
Langer	✓	
Butterfield	✓	
Folsom	✓	
Henderson	✓	
Grant	✓	
Mays	✓	

City of Sherwood **September 9, 2011**
Staff Report Following Planning Commission Recommendation to the City Council
File No: PA 11-03 Land Divisions, Public Infrastructure and Site Plan Modifications

Proposal: Amendments to the Development Code on this phase of the "Code Clean-Up" project include updates to: 1) site plan modifications, 2)public infrastructure with added, tables and figures, and the 3) the land division process including subdivisions, partitions and lot line adjustments.

The Planning Commission held a hearing on August 23, 2011. After discussion of the various topics within the sections, the Commission recommended several minor alterations to the proposed language. After consideration of the public testimony and staff recommended changes, the Commission voted to forward the proposed amendments to the Council for approval.

I. BACKGROUND

A. Applicant: This is a City-initiated text amendment; therefore the applicant is the City of Sherwood.

B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.

D. Public Notice and Hearing: Notice of the August 23, 2011 Planning Commission hearing on the proposed amendment was published in *The Gazette* on 8/1/11 and *The Times* on 8/18/11. Notice was posted in 5 public locations around town and on the web site on 7/22/11. Regular updates were provided in the City newsletter.

While this does apply citywide, it does not affect the permissible uses of any property; therefore Measure 56 notice was not required or provided. DLCD notice was provided 7/1/11.

E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

F. Background:
The city began the comprehensive code clean-up project in 2010 as a way to update all sections of the code to provide clarity to citizens and developers and to address any local, county, regional or state standards that have gone into effect and that require changes to the code. The Planning Commission has reviewed and the City Council has adopted multiple sections of the Code recently including the topics: residential uses, variances, street trees, and open space requirements for subdivisions.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:
The City sent request for comments to the standard agency notification list. The City has received no responses to date.

Public:
No formal public comments have been received to date on the proposed amendments; however the City and Commission have received input from the public during informal listening sessions and via public surveys. In addition, staff held a "brown bag" lunch meeting with private consultants and developers to get feedback on these issues.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3.

16.80.030.1 - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

Need Identified
As discussed briefly above, the following proposed Code amendments were identified to clarify and create greater flexibility and organization for those that are seeking land use approval or modifications to existing site plans. The Planning Commission held a series of work sessions to discuss the proposed changes and considered public input before the changes were recommended. The following analyzes separately how the relevant chapters and divisions meet the need requirement.

Site Plan Modification § 16.90.030
Currently, the Sherwood Zoning and Community Development Code, Section 16.90.020.3.0, requires all "proposed changes" to approved site plans to be "submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee". This ambiguous, one-size-fits-all language has been a stumbling block to developers making changes, including improvements, to approved site plans. It has also resulted in staff reports in excess of 30 pages for a simple change to the parking layout or addition of a very small, accessory building to the site. While some proposed modifications to approved plans do warrant a full re-review, others can be processed quickly and efficiently at little cost to the developer or the community.

Division VI. Public Infrastructure
This chapter regulates and describes standards for public improvements to the City's infrastructure when development occurs. Several of the provisions included in this chapter need reorganizing, updating or removal because they are better suited in other sections of the Municipal Code or are technical design standards better addressed in the Engineering Design and Standards Detail Manual. For example, the Street Renaming procedure is Council policy design and not a land use decision. The Street Design Modifications process is arbitrary and confusing so a clearer process that is initiated at the time of land use submittal has been developed.

Other steps that have been taken to improve the clarity of the document include:

- Technical street design standards have been removed
- Language was inserted to refer to the Transportation System Plan and Engineering Design Manual instead of a specific criteria described in the development code
- Language requiring a rough proportionality finding
- New requirements for when a Transportation Study is required

Division VII. Subdivisions, Partitions and Lot Line Adjustments
The current chapters are divided between the preliminary plat approval and the final plat approval. There is also a property or lot line adjustment chapter along with a chapter on lot design standard requirements. This has led to confusion regarding which standards and criteria apply to partitions, subdivisions and lot line adjustments. The proposed Code amendments reorganize these chapters into "subdivision" "partition" and "lot line adjustment" rather than "preliminary plat," "final plat" and "partitions." Currently, there is no specific subdivision chapter and the requirements for subdivisions are intermixed among the three chapters, causing confusion and misinterpretation of the requirements and order of the process for the particular land division process. By reorganizing the chapters, it will make the submittal requirements, process and criteria easier for the applicant to locate based on the type of land division requested. It also helps to clarify the appropriate process for recording the final plat at Washington County and provides the appropriate deadlines for processing these applications. Other changes help provide greater flexibility in the development process including allowing the entire subdivision to have an overall "average lot size" rather than a minimum lot size for each individual lot. The provisions retain a maximum amount that a lot size can be "flexed" to ensure that lot sizes do not get reduced below a buildable or acceptable amount. The proposed changes also allow smaller subdivisions (4-10 lots) to follow a Type II (staff review) process. Finally, a new process was developed for re-platting and vacating plats to help make the process clear as the current code is silent on the issue.

Upon review of the Comprehensive Plan, the following policies or strategies relate to all or some of the proposed amendments:

Comprehensive Plan and Code
Chapter 6 Transportation Goal 2
Develop a transportation system that is consistent with the City's adopted comprehensive land use plans and with the adopted plans of state local and regional jurisdictions. The proposed amendments to the public infrastructure chapter were evaluated to ensure that they were consistent with the adopted local, state and regional jurisdictions. Specifically, the amendments provide for added reference to the Transportation System Plan and clearer requirements for transportation studies.

Applicable Regional (Metro) standards
There are no known Metro standards that this proposed amendment would conflict with.

Consistency with Statewide Planning Goals
Goal 1- "Citizen Involvement"
The purpose statement of Goal 1 is "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

The proposed code changes do not include changes to the City's citizen involvement program, which is in compliance with Goal 1. Public outreach for this project includes informal listening sessions and staff held a "brown bag" lunch meeting with private consultants and developers to get feedback on these issues.

Goal 2- "Land Use Planning"
The purpose statement of Goal 2 is "to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions".

The proposed code changes affect the land use process by making it easier to follow and use but do not change the way the land use application Code requirements are applied or the policy framework for which they are established. The City's land use planning process and policy framework, which are in compliance with Goal 2, will not change.

16.80.030.2 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The amendments will not result in a change of uses otherwise permitted and will have no impact on the amount of traffic on the transportation system; therefore this policy is not applicable to the proposed amendment.

Added Code language to the chapters are identified with blue underline and deletions are identified with ~~a red strikethrough~~ Moving text from one section to another is identified with ~~green double strike through~~ and where the language moved to is identified with green double underline.

16.90.020 Site Plan Review j

A. Site Plan Review Required

Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use, and prior to the issuance of a sign permit for the erection or construction of a sign

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

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

2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.

3. The activity involves non-conforming uses as defined in Chapter 16.48.

4. The activity constitutes a change in a City approved plan, ~~as~~ per Section 16.90.020 and is not considered a modification.

5. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.

6. The activity is subject to site plan review by other requirements of this Code.

7. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

~~7. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020~~

B. Exemption to Site Plan Requirement

1. Single and two family uses

2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks,

3. Major modifications

4. Minor modifications

~~B. Exemptions~~

~~The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76.~~

~~CB. Plan Changes~~16.90.030 Site Plan Modifications and Revocation

~~1A.~~ ~~Changes~~Modifications to Approved Site Plans

~~Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one half (1/2) the original site plan review fee.~~

1. Major Modifications to Approved Site Plans

a. Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:

(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);

(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

(3) A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

(4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

(5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;

(6) A reduction of more than 10 percent of the area reserved for common open space; or

(7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items (1)-(2) as determined by the Review Authority.

b. Approval Criteria. An applicant may request a major modification as follows:

(1) Upon the review authority determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

(2) The application shall be subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.

(3) The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

(4) Notice shall be provided in accordance with Chapter 16.72.020.

(5) The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria.

2. Minor Modifications to Approved Site Plans

a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification as provided, above.

b. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.

c. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

d. Minor Modification Approval Criteria. The review authority shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as above.

B. Revocation

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

Division VI.

PUBLIC ~~IMPROVEMENTS~~INFRASTRUCTURE
Chapter 16.104

GENERAL PROVISIONS*
Sections:
16.104.010 ~~Standards~~ Purpose
16.104.020 Future Improvements
16.104.030 Improvement Procedures
* Editor's Note: Some sections may not contain a history.

16.104.010 ~~Standards~~ Purpose

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

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

(Ord. 2006-021; 2005-006 § 5; Ord. 86-851)

16.104.020 Future Improvements

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in the Transportation System Plan (TSP) Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only. The precise alignments and locations of a public improvements shall be established during the ~~actual development~~land use process and shall be depicted on public improvement plans submitted and approved pursuant to § 16.~~106 and~~108 and other applicable sections of this Code.

(Ord. 2005-006 § 5; Ord. 86-851)

16.104.030 Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and ~~shall be~~ installed in accordance with Chapter 16.10~~106~~.8. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, ~~N~~no public improvements shall not be undertaken until land use approval has been granted, ~~an~~ a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

(Ord. 2005-006 § 5; Ord. 86-851)

~~Chapter 16.106~~

~~IMPROVEMENT PLAN REVIEW*~~

~~Sections:~~

~~16.106.010 Preparation and Submission~~
~~16.106.020 Construction Permit~~
~~16.106.030 Construction~~
~~16.106.040 Acceptance of Improvements~~
~~* Editor's Note: Some sections may not contain a history.~~

~~16.106.010 Preparation and Submission~~

~~Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.~~

~~A. Review Fee~~

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

~~B. Engineering Agreement~~

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

~~1. Surveying sufficient to prepare construction plans.~~

~~2. Preparation of construction plans and specifications.~~

~~3. Construction staking, and adequate inspection.~~

~~4. Construction notes sufficient to develop accurate as-built plans.~~

~~5. Drawing of accurate as-built plans and submission of reproducible mylars to the City.~~

~~6. Certificate stating that construction was completed in accordance with required plans and specifications.~~

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

~~16.106.020 Construction Permit~~

~~A. Approval~~

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

~~B. Permit and Fee~~

~~Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.~~

~~C. Easement Documents~~

~~Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.~~

~~D. Improvement Guarantees~~

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

~~1. Liability Insurance~~

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

~~2. Performance Bond~~

~~To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by~~

~~a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.~~

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

~~16.106.030 Construction~~

~~A. Initiation of Construction~~

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

~~B. Inspection~~

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

~~C. As-Built Plans~~

~~A complete set of reproducible plans showing the public improvements as-built shall be filed with the City upon completion of the improvements.~~

~~D. Suspension of Improvements Activity~~

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

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

~~16.106.040 Acceptance of Improvements~~

~~A. Final Inspection~~

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

~~B. Notification of Acceptance~~

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

~~C. Maintenance Bond~~

~~At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.~~

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

~~Chapter 16.108~~

~~STREETS*~~ Chapter 16.106

TRANSPORTATION FACILITIES

Sections:

16.~~108~~106.010 Generally
16.~~108~~106.0~~2~~30 Required Improvements
16.~~108~~106.~~040~~ 030 Location
16.~~108~~106.~~050~~ 040 ~~Street~~ Design
16.~~108~~106.~~060~~ 050 Sidewalks
16.~~108~~106.~~070~~ 060 Hwy. 99W Capacity Allocation Program (CAP)
16.~~108~~106.~~080~~ 070 Bike Paths
*** Editor's Note: Some sections may not contain a history.**

16.~~108~~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 ~~of said streets~~, as shown on the ~~Transportation Plan~~(TSP) Map and in~~, shown in~~ Figure 1, of Chapter 6 of the Community Development Plan, and ~~in~~ other applicable City standards. The following table depicts the guidelines for the street characteristics.

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
Principal Arterial (99W)	122'	4-6	12'	Prohibited	6'	6'	5'	14'
Arterial	60-102'	2-5	12'	Limited	6 feet	6-8 f'	5'	14' if required
Collector	58-92'	2-3	11'	8' optional	6'	6-8'	5'	14' median turn lane
40' Commercial/Industrial Not Exceeding 3000 vehicles per day	64'	2	20'	8'	none	6'	5'	none
50' Commercial/ Industrial Exceeding 3000 vehicles per day	64'	2	12'	8'	5'	6'	5'	none
Neighborhood 1,000 vehicles per day	64'	2	18'	8'	None	8'	5' with 1' buffer	none
Local	52'	2	14'	8'on one side only	None	6'	5' with 1' buffer	none
Alley	16-25'	1-2	10-12'	One side if 20'	none	none	none	none
Downtown Street Standard	60'	2	11'	7'	none	12' pedestrian zone	4' (included in pedestrian zone	none

B. Street Naming

1. All streets created by ~~the~~ subdivision or partition ~~process~~ will be named prior to submission of the final plat.

2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.

3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.

4. All streets named shall conform to the general requirements as outlined in this Section.

5. ~~Private streets, a~~At the request of the owner(s), ~~a private may be named and addresses issued with the approval of the City~~the City may approve a private street name and address. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

~~C. Street Renaming~~ *Note: Move to Municipal Code Title 12 on Streets, Sidewalks and Public Places

~~1. An action to rename a street in the City may be initiated by the Council:~~

~~a. On its own action; or~~

~~b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.~~

~~2. A petition for naming or renaming a street shall include the following:~~

~~a. A statement of the reasons for the proposed name change.~~

~~b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.~~

~~c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.~~

~~3. Notice and Hearing~~

~~a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.~~

~~b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:~~

~~(1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and~~

~~(2) Notice by publication in a newspaper of general circulation in the area of the subject road.~~

~~c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.~~

~~d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.~~

~~e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.~~

~~f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.~~

~~D~~C. Street Name Standards

1. All streets named or renamed shall comply with the following criteria:

   a. Major streets and highways shall maintain a common name or number for the entire alignment.

   b. Whenever practicable, names as specified in this Section shall be utilized or retained.

   c. Hyphenated or exceptionally long names shall be avoided.

   d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.

   e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.

2. The following classifications (suffixes) shall be utilized in the assignment of all street names:

   a. Boulevards: North/south arterials providing through traffic movement across the community.

   b. Roads: East/west arterials providing through traffic movement across the community.

   c. Avenues: Continuous, north/south collectors or extensions thereof.

   d. Streets: Continuous, east-west collectors or extensions thereof.

   e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.

   f. Lanes: Short east/west local streets under 1,000 feet in length.

   g. Terraces: short north/south local streets under 1,000 feet in length.

   h. Court: All east/west cul-de-sacs.

i. Place: All north/south cul-de-sacs.

j. Ways: All looped local streets (exceeding 180 degrees).

k. Parkway: A broad landscaped collector or arterial.

3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.

4. All proposed street names shall be approved, prior to use, by the City.

~~E~~D. Preferred Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

1. Original holders of Donation Land Claims in Sherwood.

2. Early homesteaders or settlers of Sherwood.

3. Heirs of original settlers or long-time (50 or more years) residents of Sherwood.

4. Explorers of or having to do with Sherwood.

5. Indian tribes of Washington County.

6. Early leaders and pioneers of eminence.

7. Names related to Sherwood's flora and fauna.

8. Names associated with the Robin Hood legend.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-006, § 5; Ord. 92-947, § 1; Ord. 91-922)

Note: Section 16.108.020, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) and permanently relocated in the Municipal Code).

16.~~10~~8106.~~03~~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. The following figure provides

the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

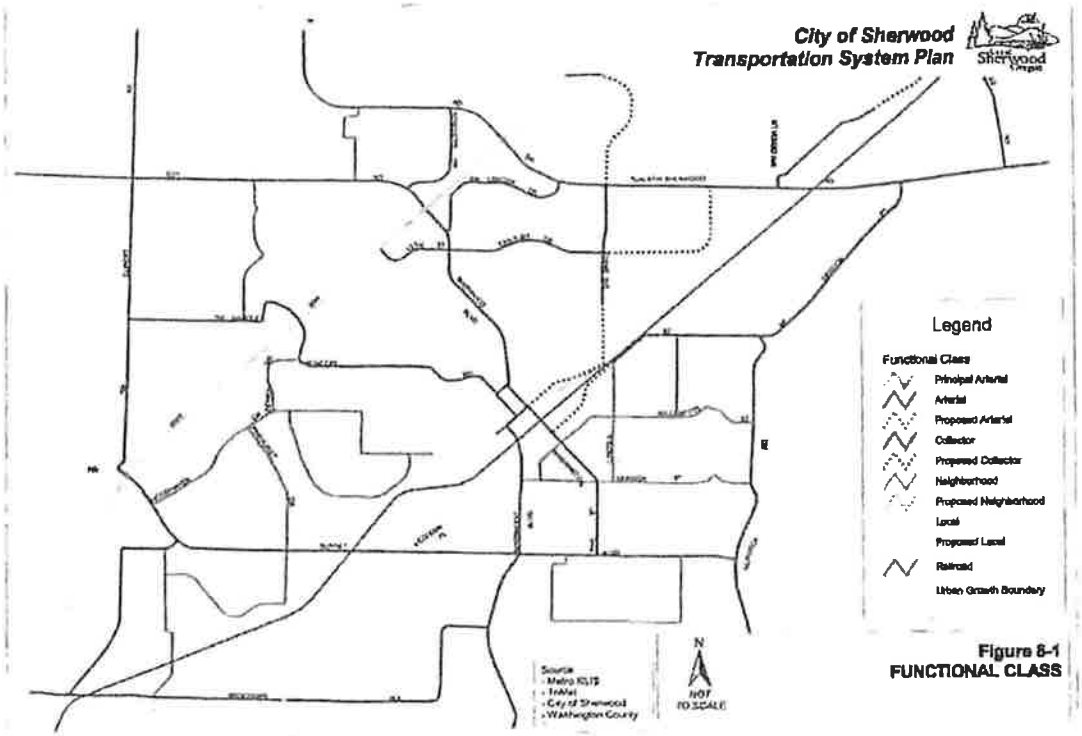


Figure 8-1
FUNCTIONAL CLASS

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 ~~Transportation System Plan~~TSP and

applicable City ~~standards and~~ specifications included in the City of Sherwood Construction Standards~~, and~~ 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. ~~An a~~AApplicants may be required to dedicate land ~~and build~~ for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development.

2. ~~If the City could and would otherwise require~~ 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 ~~which~~ that would contribute only a minor portion of the anticipated future traffic on the street.

~~Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.~~

E. ~~Street~~ Transportation Facilities Modifications

1. A m~~M~~odification~~s~~ to a standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted ~~Sherwood Transportation System Plan~~ (TSP) may be granted in accordance with the procedures and criteria set out in this section.

2. ~~Types of Modifications. Requests fall within the following two categories:~~

~~a. Administrative Modifications. Administrative modification~~ A mModification requests concerns a deviation from the ~~construction of facilities, rather than their~~ general design

standards for ~~of~~ public facilities, ~~and are limited to the following when a deviating deviation from standards~~ in this Chapter, Section 16.58.010, ~~the~~ I or Chapter 8 ~~contained~~ in the adopted Transportation System Plan~~:~~. The ~~following~~ standards that may be modified ~~through the following process~~ include but are not limited to:

~~(1) Surfacing materials for roads or pedestrian facilities.~~

~~(2) Asphalt and/or base rock thickness less than required.~~

~~(3) Pavement marking layout.~~

~~(4) Exceeding the maximum street grade.~~

~~(5) Type and/or location of signage.~~

~~(6) Channelization.~~

~~(7) Intersection interior angles and curb radii less than required.~~

~~(8) Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested.~~

~~(9) Access-related modifications onto collectors, arterials, and state routes provided other substantive criteria such as sight distance and limited access points are met; and provided further that access to a lesser classification of road is not available.~~

~~(10) Needed changes as a result of a field investigation during construction.~~

~~(11) Similar revisions to the standards.~~

~~b. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety-related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8 cross sections in the adopted Transportation System Plan:(1)~~

a. Reduced sight distances.

~~(2)~~b. Vertical alignment.

~~(3)~~c. Horizontal alignment.

~~(4)~~d. Geometric design (length, width, bulb radius, etc.).

~~(5)~~e. Design speed.

~~(6)~~f. Crossroads.

~~(7g~~. Access policy.

~~8.~~h. A proposed alternative design which provides a plan superior to these standards.

~~(9)~~i. ~~All other standards.~~Low impact development.

j. Access Management Plans

~~3. Procedure. A modification request shall be classified as an administrative decision by the City Engineer. When a modification is requested to provide a green street element that is not included in the Construction Standards, the below process shall be followed, however no fee shall be required.~~

~~a. Administrative Modification. Administrative modifications may be requested at any time and are processed as Type II applications, unless defined under (C)(2) below. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.~~

~~b~~3. ~~Design~~ Modification Procedure

a. ~~Design Mm~~A modifications ~~shall~~ be proposed with the ~~submittal~~ application for land use approval.~~land use approval.~~

~~in conjunction with the application for the underlying development proposal and~~

b. A ~~The~~ modification is processed as a Type III application. ~~Design m~~Modification requests shall ~~be~~ be processed in conjunction with the underlying development proposal. ~~unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:~~

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.

~~(1) Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable.~~

~~(2) Include a letter of Concurrency from the City Engineer.~~

~~(3) Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments.~~

~~(4) In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard.~~

~~(5) For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.~~

4. Criteria for Modification: ~~Street modifications~~ Modifications may be granted when criterion 4a and any one of ~~-~~criteria 4b through ~~4f~~ 4e are met:

~~a. A letter of concurrency is obtained from the City Engineer or designee.~~ f

a ~~In reviewing a modification request, c~~ Consideration shall be given to public safety, ~~-~~durability, cost of maintenance, function, appearance, and other appropriate factors, ~~such as~~ 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.

~~f. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as 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.~~ (Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009 § 5; Ord. 91-922; Ord. 86- 851, § 3)

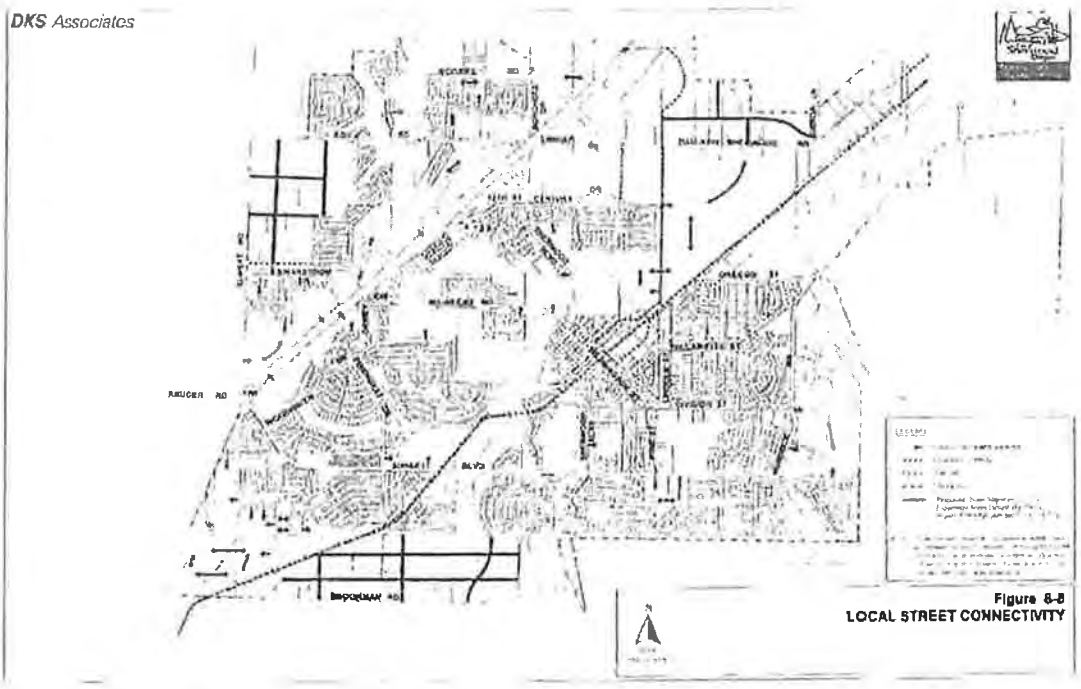
16.~~108~~106.~~040~~030 Location

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).



2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.

a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the ~~Review Authority~~decision-maker.

b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.

c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property

line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.

3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.

4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.

5. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.

6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP. ~~Transportation System Plan~~.

7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:

   a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.

   b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

   c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

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.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-017 § 5; Ord. 2005-009, § 5; Ord. 91-922; Ord. 86-851)

D. Additional Setbacks

Generally ~~Additional~~ 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.

TABLE INSET:

	Classification	Additional Setback
1.	~~Major~~ Principle Arterial (99W)	61 feet
2.	~~Minor~~ Arterial	37 feet
3.	Collector	~~29 feet~~ 32 feet
4.	~~Local~~ Neighborhood Route	~~26 feet~~ 32 feet
5.	Local	26 feet

16.~~108~~106.~~050~~040 ~~Street~~ Design

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood's ~~Design~~Engineering Design and Standard Details ~~Construction~~ Manual.

A. Reserve Strips

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

B. Alignment

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

C. Future Extension

Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the proposed development and provide athe required roadway width~~necessary for the future development~~. Dead-end streets less than 100' in length shall ~~either~~ comply with ~~City cul-de-sac standards of Section 16.108.060, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.~~the Engineering Design Manual.

A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."

D. Intersection Angles

~~1. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no~~ all cases, the applicant shall comply with ~~refer to~~ the Engineering Design Manual. ~~shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.~~

~~2. Arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections.~~

E. Cul-de-sacs

1. All cul-de-sacs shall ~~be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and shall~~ be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac ~~and~~ shall not be ~~no~~ more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.

2. All cul-de-sacs shall terminate with a ~~circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead~~ turnaround in accordance with the specifications in the Engineering Design ~~and Construction~~ Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.

~~the near side of the intersecting street to the farthest point of the cu~~4.3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sacs or dead-end streets ~~are~~ is planned, to connect the ends of the streets together, connect to other streets, ~~and/~~or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, ~~and other~~ the Engineering Design ~~and Standards Detail~~ Manual or other provisions identified in this Code for the preservation of ~~in order to preserve~~ trees.

F. Grades and Curves

Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual. ~~not exceed six percent (6%) for arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (.1/2%).~~

G. Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

I. Median Islands

As illustrated in ~~Chapter 8 of the~~ adopted Transportation System Plan, Chapter 8, median islands may be required ~~used on~~ arterial or collector streets for the purpose of controlling access, providing ~~for~~ pedestrian ~~or~~safety or for aesthetic purposes.

~~J. Curbs~~

~~Except in the Old Town Overlay District where curbless (woonerf) streets are permitted, or as otherwise approved by the City Engineer, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height. K.~~

J. Transit Facilities

Developments along an existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, ~~shall be~~ 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).

~~L~~K. Traffic Controls

1. ~~For~~ An application for a proposed residential developments that will generate more than ~~with over~~ an estimated 200 average daily vehicle trips (ADT) ~~For developments of five (5) acres or more, the City may require~~ requires must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. ~~Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prioissuance of a construct~~

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

~~M~~L. Traffic Calming

~~1~~. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:

a. Curb extensions (bulb-outs).

b. Traffic diverters/circles.

c. Alternative paving and painting patterns.

d. Raised crosswalks, speed humps, and pedestrian refuges.

e. Other methods demonstrated as effective through peer reviewed engineering studies.

2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

M.~~N.~~ Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the ~~City of Sherwood Transportation Technical Standards and the standards of this Division~~ Engineering Design Manual.

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.

   a. Minimum right-of-way radius at intersections shall conform to city standards.

   b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the ~~City~~ Engineering Design ~~and Construction~~ Manual.

   c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.

   d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.

   e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:

GRAPHIC UNAVAILABLE: Click here

2. Roadway Access

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

   a. Local Streets:

   Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

   b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

c. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

~~There~~ Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

(1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

(2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:

(a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

(b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

(3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

3. Exceptions to Access Criteria for City-Owned Streets

a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and reviewed and approved by the City Engineer ~~after considering the applicant's compliance with this Chapter~~as ~~T~~the access management plan must be included as part of the part-of-land use submittal or an application for modification as described in § 16.106.020 E. (Transportation ~~–~~Facilities Modifications) ~~and the Engineering Design Manual~~.

~~b. An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application, including citations and numbers of engineering publications used to demonstrate compliance.~~

~~c. An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:~~

~~(1) The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard on each side of the subject property, as set forth in Section 16.108.050.N.2. measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 (1,200 + 500) feet in length.~~

~~(2) The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.~~

~~(3) The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing.~~

~~Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.~~

~~(4) The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.~~

~~(5) Notice for a proposed access management plan shall include all property owners within the study area defined above.4~~

b. Access in the Old Town (OT) Overlay Zone

~~a.~~ Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

~~b. Partial Access Management Plan.~~

~~(1) A partial access management plan shall include:~~

~~(a) Drawings identifying proposed or modified access points.~~

~~(b) A list of improvements and recommendations necessary to implement the proposed or modified access.~~

~~(c) A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.~~

~~(2) Access permits shall be required even if no other land use approval is requested.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 5; 2005-006, § 5; Ord. 86-__851)

~~16.118.050~~ N. Private Streets

1. The construction of a new private streets, serving a single-family residential developments shall be is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).

2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.

3. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.

4. A private street shall also be signed differently from public streets and include the words "Private Street".

16.~~108~~106.060 Sidewalks

A. Required Improvements

1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

2. For Highway 99W, ~~major or minor~~ arterials, or in special industrial districts, the ~~Commission~~ 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 ~~Review Authority~~City Manager or designee.

B. ~~Sidewalk~~ 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.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009, § 5; 2000-1103; Ord. 86-851)

Chapter 16.~~106~~108-

IMPROVEMENT PLAN REVIEW*

Sections:

16.~~106~~108.010 Preparation and Submission
16.~~106~~108.020 Construction Permit
16.~~106~~108.030 Construction
16.~~106~~108.040 Acceptance of Improvements
* Editor's Note: Some sections may not contain a history.

16.~~106~~108.010 Preparation and Submission

~~Required.~~ An improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of ~~said~~ the plans shall be submitted to the City for review. An Improvements plans shall be accompanied by a review fee as per this Section.

A. Review Fee

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

B. Engineering Agreement

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

1. Surveying sufficient to prepare construction plans.

2. Preparation of construction plans and specifications.

3. Construction staking, and adequate inspection.

4. Construction notes sufficient to develop accurate as-built plans.

5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.

6. Certificate stating that construction was completed in accordance with required plans and specifications.

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

16.~~106~~108.020 Construction Permit

A. Approval

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

B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Easement Documents

~~Necessary construction and/or permanent e~~Easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

D. Improvement Guarantees

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

1. Liability Insurance

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

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred twenty-five percent (~~100~~125%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be ~~provided~~ in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, ~~or~~ a cash deposit, or irrevocable standby letter of credit, ~~or other form of security acceptable to the City.~~

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

16.~~10~~108.030 Construction

A. Initiation of Construction

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

B. Inspection

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

C. As-Built Plans

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

D. Suspension of Improvements Activity

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

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

16.~~105~~108.040 Acceptance of Improvements

A. Final Inspection

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

B. Notification of Acceptance

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

C. Maintenance Bond

Prior to ~~At the time of~~ City acceptance of public improvements, the applicant shall ~~file with~~ provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting ~~to provide for correction of~~ any defective work or maintenance that becomes~~ing~~ apparent or arises~~ing~~ within ~~one~~ two (12) years after final acceptance of the public improvements.

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

Division VII.-LAND DIVISIONS

SUBDIVISIONS, ~~AND~~ PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS

Chapter 16.120

~~GENERAL PROVISIONS~~SUBDIVISIONS*

Sections:

16.120.010 Purpose
16.120.020 General Subdivision Provisions
16.120.030 ~~Platting Authority~~Approval Procedure: Preliminary Plat
16.120.040 Approval Criteria: Preliminary Plat
16.120.050 Final Subdivision Plat
16.120.060 Improvement Agreement
16.120.070 Bond
16.120.080 Filing and Recording

* Editor's Note: Some sections may not contain a history.

16.120.010 Purpose

Subdivision ~~and land partitioning~~ regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

(Ord. 86-851, § 3)

16.120.020 General Subdivision Provisions

A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and

2. The final plat shall reflect all conditions of approval of the preliminary plat.

B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

C. Future re-division

When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this Division.

D. Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

E. Lot averaging

Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:

1. The average lot area for all lots is not less than allowed by the underlying zoning district.

2. No lot created under this provision shall be less than 90 % of the minimum lot size allowed in the underlying zoning district.

3. The maximum lot size cannot be greater than 10 % of the minimum lot size.

F. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat ~~or included in the deed restrictions~~.

~~D~~G. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.

16.120.~~020~~030 ~~Platting Authority~~Approval Procedure-Preliminary Plat

A. Approval Authority

1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.

a. A subdivision application for 4-10 lots will follow a Type II review process.

b. A subdivision application for 11-50 lots will follow a Type III review process.

c. A subdivision application for over 50 lots will follow a Type IV review process.

2. Approval of subdivisions ~~and partitions~~ is required in accordance with this Code before a plat for any such subdivision ~~or partition~~ may be filed or recorded with ~~Washington~~ County. Appeals to a decision may be filed pursuant to Chapter 16.76.

~~B. Future Partitioning~~

~~When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.~~

~~C. Required Setbacks~~

~~All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions.~~

~~D. Property Sales~~

~~No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code.~~

B. Phased Development

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.

2. The criteria for approving a phased subdivision review proposal are:
a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities;

(1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and

(2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.

3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

~~C. Required Findings~~**16.120.040 Approval Criteria: Preliminary Plat**

No preliminary plat shall be approved unless:

~~1~~A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

~~2~~B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

~~3~~C. The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).

~~4~~D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

~~5~~E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

~~6~~F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

~~7~~G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

~~I~~H. The ~~preliminary~~ plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

~~8.~~ J. A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome-Standards) or §16.142.020(Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053, § 1; Ord. 94-991, § 1; Ord. 91-922, § 3; Ord. 86-851)

~~Chapter 16.122~~

~~PRELIMINARY PLATS*~~

~~Sections:~~

~~16.122.010 Generally~~

~~* Editor's Note: Some sections may not contain a history.~~

~~16.122.010 Generally~~

~~A. Approval Required~~

~~All subdivisions and partitions are subject to preliminary plat approval through the Type II, Type III or Type IV review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall, however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.~~

~~B. Action~~

~~The City shall review preliminary plat applications submitted in accordance with Section 16.70 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.~~

~~**Chapter 16.124**~~

~~**FINAL PLATS***~~

~~Sections:~~

~~**16.124.010 Generally**~~

~~**16.124.020 Final Plat Review**~~

~~**16.124.030 Creation of Streets**~~

~~* Editor's Note: Some sections may not contain a history.~~

~~**16.124.010 Generally**~~

16.120.050 Final Subdivision Plat

A. ~~Time Limits~~Procedure

1. Unless otherwise noted below, ~~Within two (2) years after approval of the preliminary plat, a final plat shall be submitted.~~final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.

2. The subdivider shall submit ~~to the City six (6) copies of~~ the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.

3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.

4. All requirements for signature of the mylar shall be completed within two (2) years of approval of the final plat.

B. Extensions

~~After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval.~~If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, ~~T~~the City may, upon written request

by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected. For preliminary plat approvals granted ~~on or after~~between January 1, 2007 ~~through~~ and December 31, 2009, the approval shall be extended until December 31, 2013.

~~C. Staging~~

~~The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.~~

~~D~~C. ~~Shown on Plat~~Approval Criteria: Final Plat

~~The following information shall be shown on the final plat:~~By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (*e.g.*, road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;

5. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

6. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

7. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance Division VI of this Code, and the bond requirements of 16.120.070.The amount of

the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;

8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

~~1. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.~~

~~2. Legal description of the plat boundaries.~~

~~3. Existing surveys related to the plat by distances and bearings, and referenced as follows:~~

~~a. The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.~~

~~b. Adjoining corners of all contiguous subdivisions.~~

~~c. Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.~~

~~d. Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.~~

~~4. Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.~~

~~5. The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.~~

~~6. Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.~~

~~7. Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as~~

~~not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.~~

~~8. Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.~~

~~9. The following certificates, which may be combined where appropriate:~~

~~a. A certificate signed and acknowledged by all parties having any record title interest in and to the land subdivided, consenting to the preparation and recording of the map and dedicating all parcels of land shown on the final map and intended for public use.~~

~~b. An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by a professional seal.~~

~~c. Provisions for all other certifications required.~~

~~E. Submitted With Plat~~

~~The following information shall be submitted with the final plat:~~

~~1. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing the interest of all parties.~~

~~2. Sheets and drawings showing the following:~~

~~a. Traverse data showing the error of closure, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners.~~

~~b. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.~~

~~3. Copies of any deed restrictions and dedications, including building setbacks.~~

~~4. Proof that all taxes and assessments on the tract are paid for the current year.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 2003-1148, § 3; Ord. 98-1053 § 1; Ord. 86-851, § 3)

16.120.060 Improvement Agreement

~~16.124.020 Final Plat Review~~

A. Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

B. Performance Security

The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

~~A. Approval~~

~~The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.~~

~~B. Exceptions~~

~~The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:~~

~~1. The street creation is required by the City and is essential to general traffic circulation.~~

~~2. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.~~

~~C. Easements~~

~~Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:~~

~~1. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or~~

~~2. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.~~

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

~~c. Utilities~~

~~Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.~~

~~d. Drainages~~

~~Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.~~

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

16.120.070 Bond

A. Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.

2. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

3. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.

4. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.

5. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

~~C. Staff Review~~

~~If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions.~~

16.120.080 Filing and Recording of Final Subdivision Plat

~~D. Plat Approval~~

A. County Review

When the City ~~Manager or his/her designee~~ determines that the plat conforms to all requirements, the plat shall be authorized for review by the County.~~pproved~~. ~~Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat.~~

~~E~~B. ~~County Approval~~Recording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to ~~Washington County~~the County, to determine that there has been compliance with all provisions of State and local statutes. ~~The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers.~~ Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

~~F~~C. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

~~G. Required Findings~~

~~No final subdivision plat shall be approved unless:~~

~~1. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.~~

~~2. Streets and roads held for private use have been approved by the City.~~

~~3. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.~~

~~4. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, sanitary sewer, storm water, and water supply systems.~~

~~5. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:~~

~~a. Adequate water service shall be deemed to be connection to the City water supply system.~~

~~b. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.~~

~~c. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.~~

~~6. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; 94-991; Ord. 86-851, § 3)

~~16.124.030 Creation of Streets~~

~~Chapter 16.126~~

~~DESIGN STANDARDS*~~

~~Sections:~~

~~16.126.010 Blocks~~

~~16.126.020 Easements~~

~~16.126.030 Pedestrian and Bicycle Ways~~

~~16.126.040 Lots~~

~~* Editor's Note: Some sections may not contain a history.~~

~~16.126.010 Blocks~~

~~A. Connectivity~~

~~1. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.~~

~~2. Block Length. Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.~~

~~3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.~~

~~Figure 7.401 – Block Connectivity~~

~~GRAPHIC UNAVAILABLE: Click here~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 5; 2000-1103, § 3; Ord. 86-851, § 3)~~

~~16.126.020 Easements~~

~~A. Utilities~~

~~Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.~~

~~B. Drainages~~

~~Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.~~

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

~~16.126.030 Pedestrian and Bicycle Ways~~

~~Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.~~

~~(Ord. 86-851, § 3)~~

~~16.126.040 Lots~~

~~A. Size and Shape~~

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

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

~~B. Access~~

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

~~C. Double Frontage~~

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

~~D. Side Lot Lines~~

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

~~E. Grading~~

~~Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:~~

~~1. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.~~

~~2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851 § 3)~~

Chapter 16.~~128~~122

LAND PARTITIONS*

Sections:

16.~~128~~122.010 Generally

16.122.020 Approval Criteria: Preliminary Partition Plat

16.122.030 Approval Criteria: Final Plat

16.~~128~~122.~~020~~040 ~~Subdivision~~ Partition Compliance

16.~~128~~122.~~020~~050 Dedications

16.~~128~~122.~~040~~060 Filing Requirements

* Editor's Note: Some sections may not contain a history.

16.~~128~~122.010 Generally

A. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.

B. City Action

The City Manager or his/her designee shall review the partition applications submitted in accordance with Section 16.70 and shall approve, approve with conditions or deny the application. ~~The action of the City Manager or his/her designee shall be noted on two (2) copies of the partition, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.~~

~~C.~~ 16.122.020 ~~Required Findings~~Approval Criteria: Preliminary Plat

Partitions shall not be approved unless:

~~1~~A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX, and complies with Chapter 16.128 (Land Division Design Standards). ~~with the standards of the underlying zoning district and other applicable standards of this Code.~~

~~2~~B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.

~~3~~C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:

~~a~~1. Connection to the City water supply system shall be deemed to be ~~Adequate~~ adequate water service ~~shall be deemed to be connection to the City water supply system~~.

~~b~~2. Connection to the City sewer system shall be deemed to be adequate ~~Adequate~~ sanitary sewer service ~~shall be deemed to be connection to the City sewer system~~ if sewer lines are within ~~one-hundred fifty (150)~~ three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within ~~one hundred fifty (150)~~ three-hundred (300) feet.

~~c~~3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

~~4~~D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

~~D~~E. Future Development Ability

In addition to the findings required by Section 16.~~128~~122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City

Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 98-1053, § 1; 91-922, § 3; Ord. 86-851)

16.122.030: Final Partition Plat

By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

A. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;

B. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.

C. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

D. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;

E. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

F. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);

G. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

16.~~128~~122.~~020~~040 Future Subdivision Compliance

~~A. Generally~~

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

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

~~16.128.030 Dedications~~

~~A. Generally~~

~~The City's requirements for dedication of public lands as per this Code, including road rights-of-way and greenways, shall apply to partitions. Actual public improvements may not be required at the time of partition, at the discretion of the City Manager or his/her designee.~~

~~B. Dedications Acceptance~~

~~The City Manager shall accept all public dedications by his or her signature on the partition plat prior to filing with the County.~~

~~C. Owner Declaration~~

~~If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; Ord. 86-851, § 3)

16.~~128~~122.~~040~~050 Filing and Recording Requirements

A. Generally

Within twelve (12) months after City approval of a land partition, a partition plat shall be submitted to ~~Washington~~ the County in accordance with its final partition plat and recording requirements.

B. Time Limit

The applicant shall submit the copy of the recorded partition to the City within 30 days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.

C. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development

approval would be affected. For partitions granted ~~on or after~~between January 1, 2007 and ~~through~~ December 31, 2009, the approval shall be extended until December 31, 2013.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-06, § 2, 4-6-2010; Ord. 86-851, § 3)

Chapter 16.~~120~~124

PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS*

Sections:

16.124.010 Approval Process
16.~~120~~124.~~010~~020 ~~Generally~~Approval Criteria
16.~~120~~124.~~010~~030 Filing and Recording Requirements
* Editor's Note: Some sections may not contain a history.

16.~~120~~124.010 ~~Generally~~Approval Process

A. The City Manager or his or her designee may approve a property line adjustment ~~without public notice or a public hearing provided that:~~ by means of a Type I procedure as governed by Chapter 16.72, using approval criteria contained in this Chapter.

B. Time Limit on Approval

The property line adjustment decision shall be effective for one year from the date of approval.

C. Extension of Approval

If the adjustment is not recorded with the County within one year, the land use approval expires and must be resubmitted. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to one year upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the property line adjustment and that no other development approval would be affected.,

16.124.020 Approval Criteria

A. The City Manager or his/her designee shall approve or deny a request for a property line adjustment in writing based on findings that the following criteria are satisfied:

1. No new lots are created

2. The adjusted lots comply with the applicable zone requirements.

3. The adjusted lots continue to comply with other regulatory agency or department requirements.

B If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

~~(~~16.~~130~~124.~~020~~030 Filing and Recording Requirements

A. Recording Requirements If a property line adjustment is approved by the City, it does not become final until reviewed and approved by ~~Washington~~ County in accordance with its property line adjustment recording requirements.

B. Time Limit The applicant shall submit the copy of the recorded property line adjustment survey map to the City within 30 days of recording and shall be completed prior to the issuance of any building permits on the re-configured lots.

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

16.126 REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS

16.126.010. Generally
16.126.020 Basis for Denial.
16.126.030. Timing of Vacations.
16.126.040 After Sale of Lots.
16.126.050 Lot Consolidations

16.126.010. Generally

A. Any plat or portion thereof may be re-platted, consolidated or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. All applications for a plat shall be made in accordance with the subdivision or the partition provisions within this Division and processed under the Type I procedure.

16.126.020 Basis for Denial

The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys.

16.126.030. Timing of Vacations

All approved plat vacations shall be recorded in accordance with Section 16.122.010:

A. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

B. The vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

16.126.040 After Sale of Lots

When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area.

16.126.050 Lot Consolidations

Upon approval of a Type I lot consolidation by the City Manager or designee, and upon demonstrating compliance with approval conditions:

A. For the consolidation of lots or parcels of a recorded plat, the lot consolidation shall be finalized by a replat of the subdivision or partition.

B. The County may consolidate parcels or tracts of land that are not within a recorded plat.

Chapter 16.~~12~~6128 LAND DIVISION DESIGN STANDARDS *

16.~~12~~6128.010 Blocks
16.~~12~~6128.020 Pedestrian and Bicycle Ways
16.~~12~~6128.030 Lots

* Editor's Note: Some sections may not contain a history.

16.~~12~~6128.010 Blocks

A. Connectivity

1. Block Size.

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

2. Block Length

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

Figure 7.401 -- Block Connectivity

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009, § 5; 2000-1103, § 3; Ord. 86-851, § 3)

~~A.~~B. Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

~~B~~C. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

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

16.~~12~~6128.020 Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

(Ord. 86-851, § 3)

16.~~12~~6128.030 Lots

A. Size and Shape

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

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

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

C. Double Frontage

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

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

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

1. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.

2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

Sections:

16.72.010 Generally
16.72.020 Public Notice and Hearing
16.72.030 Content of Notice
16.72.040 Planning Staff Reports
16.72.050 Conduct of Public Hearings
16.72.060 Notice of Decision
16.72.070 Registry of Decisions
16.72.080 Final Action on Permit or Zone Change

16.72.010 Generally

A. Classifications

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

1. Type I

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

a. Signs
b. Property Line Adjustments
c. Interpretation of Similar Uses
d. Temporary Uses
e. Final subdivision and partition plats
f. Final Site Plan Review
g. Time extensions of approval, per Sections 16.90.020; 16.124.010
h. Class A Home Occupation Permits
i. Interpretive Decisions by the City Manager or his/her designee
j. Tree Removal Permit - a street trees over five (5) inches DBH, per Section 16.142.050.B.2 and 3.
k. Adjustments
l. Replatting, Lot Consolidations and Vacations of Plats
m. Minor Modifications to Approved Site Plans

2. Type II

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

a. Land Partitions
b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.4, below.
d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum

of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.

e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.

f. Class B Variance

g. Street Design Modification

h. Subdivisions between 4-10 lots

3. Type III

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

a. Conditional Uses

b. Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.4, below.

c. Subdivisions ~~— Less than~~between 11- 50 lots.

4. Type IV

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

a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.

b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.

c. Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.

d. Site Plans subject to Section 16.90.020.4.G.6.

e. Industrial Site Plans subject to Section 16.90.020.4.H.2.

f. Subdivisions -- ~~More than~~over 50 lots.

g. Class A Variance

5. Type V

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

a. Plan Map Amendments

b. Plan Text Amendments

c. Planned Unit Development – Preliminary Development Plan and Overlay District.

REQUEST FOR RECORDS

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Fax (503) 625-5524
Phone (503) 625-5522
Website: www.ci.sherwood.or.us

City of Sherwood

JUN - 4 2012

Recorder's Office

ORS 192.420 allows for the right "of every person" to inspect any nonexempt public record of a public body in Oregon. The City will respond to record requests within five (5) business days and will provide records within twenty (20) business days. Time required will depend upon the volume of records requested, the available staff to respond to the request, and the difficulty in determining whether the records are exempt from disclosure. The City's need to consult with other agencies may also need to be taken into account. ***Submit your request to a specific department or the City Recorders office if unknown.***

Today's Date: June 4, 2012

Name: Jim CLAUS
Print

Address: 22211 SW PAC HWY SHERWOOD
Street City Zip

Phone: 503-625-5265 **Email:** CLAUSSL@AOL.COM

Records Request (s):

____ View a Record (on site)
____ Photocopies (.15 single/.25 double sided) (8.5x11)
____ Audio/Video/Data Disk $25 each

Record (s) Description (Detail may reduce search time, attach additional page if needed)

e-copies of any contracts for services or letters of engagement between City of Sherwood, Sherwood Urban Renewal Agency, City Council, city manager and Beery Elsner & Hammond attorneys/firm including but Not Limited to Jim Deery, Paul Elsner, Chris Crean. This would cover their dealings since 2000.

Staff time is billed in 15-minute increments according to the calculations shown on the current fee schedule, available on the City of Sherwood website listed above. An estimate of charges will be calculated and a 50% deposit required upon receipt of request. Balance will be due upon pick-up of record(s) requested.

Estimated Fees: 0 **Deposit Amount:** —

Date Record (s) Picked Up: emailed **Customer Initials:** —

Staff Only: Records provided electronically 6-18-12

Request Received By:

Name Sylvia Murphy City Recorder
Department

Deposit Paid ___ **Check #** ___ **Cash** ___ **Visa/MC** ___
Balance Paid / **Check #** / **Cash** / **Visa/MC** /

CITY OF SHERWOOD
PERSONAL SERVICES CONTRACT

THIS AGREEMENT made and entered into this 29th day of May, 2003, by and between CITY OF SHERWOOD, a municipal corporation of the State of Oregon, hereinafter called CITY, and BEERY & ELSNER, LLP, hereinafter called CONTRACTOR.

W I T N E S S E T H

WHEREAS, CITY has need for the legal services of a law firm with the particular training, ability, knowledge, and experience possessed by CONTRACTOR, and

WHEREAS, CITY has determined that CONTRACTOR is qualified and capable of performing the professional services as CITY does hereinafter require, under these terms and conditions set forth,

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. LEGAL SERVICES TO BE PROVIDED:

   A. CONTRACTOR will be responsible for CITY legal representation as authorized by the Mayor, City Council and/or City Manager or their designees.

   B. Unless otherwise specified by CITY, CONTRACTOR will:

      1. Draft and/or review ordinances, resolutions, contracts, orders, agreements, and other legal documents.

      2. Conduct legal research, prepare memoranda, and provide advice to the CITY.

      3. Be responsible for representing CITY in litigation and administrative proceedings.

      4. Attend meetings of the City Council on the fourth Tuesday of each month. Attend other City Council, Planning Commission, Staff and other municipal meetings on request.

      5. Assist in the development of legislation and administrative policies.

      6. Ensure that all CITY's ordinances are in compliance with state statutes.

2. COMPENSATION:

A. Payment will be made to the CONTRACTOR for the services identified based upon a detailed monthly billing showing work performed.

B. Hourly rates:

Partners	$165.00
Senior Of Counsel	$165.00
Associates	$135.00
Paralegals	$ 90.00
Legal Assistants	$ 75.00

C. The direct cost for such items as long distance charges, mileage, messenger services, printing, copy charges and the like will be billed to CITY.

D. Payment by CITY shall release CITY from any further obligation for payment to CONTRACTOR for services performed or expenses incurred as of the date of and included in the statement of services. Payment shall not be considered acceptance or approval of any work or waiver of any defects therein. CONTRACTOR may impose a finance charge of 1.0% on unpaid balances net 45 days.

E. CITY certifies that sufficient funds are available and authorized, or will be authorized, for expenditure to finance the cost of this Contract.

3. CONTRACTOR IDENTIFICATION:

CONTRACTOR's Employer Identification Number (EIN), as designated by the Internal Revenue Service is 93-1234801.

4. STATUS OF CONTRACTOR AS INDEPENDENT CONTRACTOR:

CONTRACTOR shall be an independent CONTRACTOR for all purposes and shall be entitled to no compensation other than the compensation provided for under paragraph 2 of this Contract.

5. SUBCONTRACTING:

CONTRACTOR shall not subcontract its work under this contract, in whole or in part, without the written approval of CITY.

6. TERM AND TERMINATION:

At any time with or without cause, CITY or CONTRACTOR shall have the right to terminate this Contract. If CITY terminates the Contract it shall deliver full payment to CONTRACTOR for services rendered to the date of termination. Termination by CITY must be done by resolution of the City Council. If CONTRACTOR terminates the contract, it shall provide CITY with not less than sixty (60) days' written notice.

7. INDEMNITY AND INSURANCE:

A. Indemnity: CONTRACTOR acknowledges responsibility for any and all liability arising out of the performance of this contract and agrees to hold CITY harmless from and indemnify CITY for any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from CONTRACTOR's acts, omissions, activities or services in the course of performing this Contract.

B. Professional Liability Insurance: CONTRACTOR shall maintain professional liability insurance which shall provide coverage as required by the Professional Liability Fund of the Oregon State Bar to protect CONTRACTOR from any and all claims, demands, actions and suits for malpractice arising from CONTRACTOR' S work performed under this contract.

8. NOTICES:

All notices shall be made in writing and may be given by personal delivery or by mail, addressed as follows:

CITY: Ross Schultz, City Manager
City of Sherwood
20 NW Washington St.
Sherwood, OR 97140

CONTRACTOR: Paul C. Elsner
Beery & Elsner, LLP
Suite 380
1750 SW Harbor Way
Portland, OR 97201

9. WORK IS PROPERTY:

All work, including, but not limited to documents, drawings, papers, electronic media, and photographs, performed or produced by CONTRACTOR under this Contract, shall be the property of the CITY.

10. COMPLIANCE WITH LAWS:

CONTRACTOR shall comply with all federal, state and local laws and ordinances applicable to public contracts as to the work to be done under this Contract.

11. INTEGRATION:

This Contract contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the same subject.

IN WITNESS THEREOF, CITY has caused this Contract to be executed in duplicate originals by its duly authorized undersigned agent and CONTRACTOR has executed this Contract on the dates below.

CITY OF SHERWOOD

DATED: 5/29/03 BY: Ron E. Shultz

CONTRACTOR

DATED: 6/11/03 BY: [signature]

Sherwood/finance/psa01

Beery Elsner & Hammond LLP

March 7, 2012

Tom Pessemier, Interim City Manager
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Re: Legal Counsel Services

Dear Tom:

It is our pleasure to continue to serve as legal counsel for the City of Sherwood. We are in the process of performing an annual review of all of our existing service agreements to be sure they are up-to-date. Our current contract with the City became effective in 2003 and continues until terminated under the terms of the agreement.

We write to let you know that we have decided to forgo any request for a rate increase for the fiscal year 2012-2013. However, in order for us to keep up with rising costs and inflation, a future rate adjustment is likely in 2013-2014. We hope that our deferral of a rate adjustment this fiscal year will in some small measure help the City manage its budget in the coming year.

Please feel free to call with any questions, and our sincere thanks for the opportunity to provide service to the City of Sherwood.

Sincerely,

Pamela J. Beery

PJB/sb

t 503.226.7191
f 503.226.2348
e info@gov-law.com
1750 SW Harbor Way Suite 380
Portland OR 97201-5106
www.gov-law.com

Beery Elsner & Hammond LLP

March 12, 2010

Jim Patterson, City Manager
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Dear Jim:

It has been our pleasure to continue to serve as legal counsel for the City of Sherwood. We are in the process of performing an annual review of all of our existing service agreements to be sure they are up-to-date.

Our current rates have been in place since 2008. In consideration of that fact, and of our valued relationship with the City, but mindful of increasing costs, we are writing to allow the City to consider a proposed hourly rate increase to be effective, if approved, on July 1, 2010, as follows:

Partners and Of Counsel:	from $180.00 to $200.00
Associates:	from $165.00 to $175.00
Paralegals:	to remain $125.00
Legal Assistants:	to remain $95.00

We highly value our working relationship with you and your staff, and while our costs are rising, we are still mindful of the City's budget. We will continue to monitor our billings and make efficient use of our staff. We are committed to keeping the City's costs down while maintaining quality service.

t 503.226.7191
f 503.226.2348
e info@gov-law.com
1750 SW Harbor Way Suite 380
Portland OR 97201-5106
www.gov-law.com

Please feel free to call to discuss this proposal or if you have any questions. Thank you for the opportunity to provide service to the City of Sherwood.

Sincerely,

Pamela J. Beery

PJB/sb

January 21, 2009

SENT VIA US MAIL

Jim Patterson, City Manager
City of Sherwood
20 NW Washington Street
Sherwood, OR 97140-7851

Dear Ross:

It is our pleasure to continue to serve as legal counsel for the City of Sherwood. We are in the process of performing an annual review of all of our existing service agreements to be sure they are up-to-date.

With particular consideration of the current national and regional economic conditions, we are writing to let you know that we have decided to forgo any request for a rate increase for the fiscal year 2009-2010. We hope that our deferral of a rate adjustment this fiscal year will in some small measure help the City get through the coming year and provide the chance to review the City's fiscal alternatives going forward.

Please feel free to call with any questions, and thank you for the opportunity to provide service to the City of Sherwood.

Sincerely,

Paul C. Elsner

PCE/sb

{00021146; 1 }

Beery Elsner & Hammond LLP

March 17, 2008

Ross Schultz, City Manager
City of Sherwood
20 NW Washington Street
Sherwood, OR 97140-7851

Dear Ross:

It has been our pleasure to continue to serve as legal counsel for the City of Sherwood. We are in the process of performing an annual review of all of our existing service agreements to be sure they are up-to-date.

The current rates have been in place since July 2006. In consideration of that fact, and of our valued relationship with the City, but mindful of increasing costs, we are writing to allow the City to consider a limited proposed hourly rate increase to be effective, if approved, on July 1, 2008, as follows:

Partners and Of Counsel:	from $165.00 to $180.00
Associates:	from $145.00 to $165.00
Paralegals:	from $90.00 to $125.00
Legal Assistants:	from $75.00 to $95.00

We highly value our working relationship with you and your staff, and while our costs are rising, we are still mindful of the City's budget. We will continue to monitor our billings, make efficient use of our staff, and are committed to keeping the City's costs down while maintaining quality service.

G:\Admin\Billing & Rates\2008\2008 Rate Letters\Sherwood rate ltr.doc

t 503.226.7191
f 503.226.2348
e info@gov-law.com
1750 SW Harbor Way Suite 380
Portland OR 97201-5106
www.gov-law.com

Please feel free to call to discuss this proposal or if you have any questions, and thank you for the opportunity to provide service to the City.

Sincerely,

Pamela J. Beery

PJB/sb

cc: Jim Patterson

BEERY, ELSNER & HAMMOND, LLP

ATTORNEYS AT LAW

PAMELA J. BEERY*
PAUL C. ELSNER
JOHN H. HAMMOND, JR.

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March 23, 2006

Ross Schultz, City Manager
City of Sherwood
20 NW Washington St.
Sherwood, OR 97140-7851

RE: Personal Services Agreement – Special Legal Counsel

Dear Ross:

It is our pleasure to continue to serve as special legal counsel for the City of Sherwood. We are in the process of performing an annual review of all of our existing service agreements to be sure they are up to date.

Our current contract with the City of Sherwood became effective May 29, 2003 and continues until terminated under the terms of the agreement. We have not sought a rate increase in three years (the current rates have been in place since 2003). However, our costs have increased considerably and we are writing at this time to allow the City to consider the following proposed hourly rate increases to be effective, if approved, on July 1, 2006, with any contract extension the City wishes to grant:

Partners and Of Counsel:	to remain at $165.00
Senior Associates:	from $135.00 to $145.00
Junior Associates:	from $125.00 to $135.00
Paralegals:	to remain at $90.00
Legal Assistants:	to remain at $75.00

We value our working relationship with you and your staff highly, and while our costs are rising, we are still mindful of the City's budget. We will continue to monitor our billings, make efficient use of our staff, and are committed to keeping the City's costs down while maintaining quality service.

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Please feel free to call to discuss this proposal or if you have any questions, and thank you for the opportunity to provide service to the City of Sherwood.

Sincerely,

Pamela J. Beery

PJB/ec

BEERY, ELSNER & HAMMOND, LLP
ATTORNEYS AT LAW

PAMELA J. BEERY*
PAUL C. ELSNER
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THOMAS SPONSLER †
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* Also admitted in Washington
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May 20, 2005

Ross Schultz
City Manager
City of Sherwood
20 NW Washington St.
Sherwood, OR 97140

RE: Personal Services Agreement – City Attorney Services

Dear Ross:

It is our pleasure to continue to serve as City Attorney for Sherwood.

We are in the process of performing an annual review of all of our existing service agreements to be sure they are up-to-date. Our contract with the City became effective May 29, 2003 and continues until terminated under the terms of the agreement.

We are writing to let you know that, based on the City's current budget situation, we have decided to forgo any request for a rate increase for the fiscal year 2005-2006. We hope this will in some small measure help the City get through the coming year and provide the chance to review the City's fiscal alternatives.

Please feel free to call with any questions, and thank you for the opportunity to provide service to Sherwood.

Sincerely,

Pamela J. Beery

PJB/ec

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APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
August 28, 2012

Commission Members Present:
Chair Allen
Commissioner Copfer
Commissioner Griffin
Commissioner Cary (via phone)
Commissioner Clifford (via phone)

Staff:
Julia Hajduk, Planning Manager
Brad Kilby, Senior Planner
Tom Pessemier, Community Development Director
Bob Galati, City Engineer

Commission Members Absent:
Vice Chair Albert
Commissioner Walker

Council Liaison: Councilor Clark
Legal Counsel: Chris Crean

1. **Call to Order/Roll Call**
   Chair Allen called the meeting to order and Julia Hajduk called the roll and stated that Commissioners Cary and Clifford would vote via conference call when needed for a quorum.

2. **Agenda Review**
   Chair Allen stated he would dispense with the consent agenda, and move directly to Council Liaison comments, staff announcements, and community comments, then get Commissioners Cary and/or Clifford on the phone for the business before the commission and finish with the consent agenda.

3. **Council Liaison Comments**
   Councilor Clark commented that the City Council passed a resolution certifying the explanatory statement for the Tonquin Employment Area Annexation to accompany the ballot title previously passed by Council which will go on the November 2012 ballot. Council also passed a resolution declaring the need to acquire property and establish agreements for the connection of SW Langer Farms Parkway to Hwy 99.

4. **Staff Announcements**
   Planning Manager Julia Hajduk reminded the Commission of the Sherwood Town Center Open House on October 3, 2012, commented regarding the sign code amendments that have been adopted by Council and a brochure that Senior Planner Brad Kilby is distributing, and solicited attendees for Planning Commissioner training being offered by the Oregon City Planning Director's Association to be held September 27, 2012.

5. **Community Comments**
   Robert James Claus, 22211 SW Pacific Hwy, Sherwood. Mr. Claus commented regarding the rules of the Oregon Commission of Ethics, economic interest, and conflicts of interest. Mr. Claus commented regarding the value of land and zoning, transparency of City processes and the

boundaries of volunteering for public office. Mr. Claus cited law cases concerning bad tendencies and political speech and commented on first amendment rights in Oregon.

Julia Hajduk connected Commissioner Cary via conference call.

6. Old Business

a. Public Hearing- Sentinel Self Storage Annex (SP 12-03) Continued from 8/14/12 Planning Commission meeting.

Chair Allen conferred with Julia Hajduk regarding the wording for the Public Hearing statement and stated that because the public hearing had been held at the previous meeting he needed only to ask for any ex parte contact, bias or conflicts of interest. Commissioner Cary disclosed that he had ex parte contact with Wes Freadman regarding the project and that it did not have any bias on his decision.

Brad Kilby, Senior Planner stated that the hearing had been continued from August 14 to August 28 for additional public testimony. Brad showed a presentation (see record, Exhibit 1) and reminded the commission that the subject property was approximately 55 acres that was bound by Langer Farms Parkway, a railroad, Oregon Street, and farmland to the south of the site. Brad added that the property was a portion of Lot 5 from the approved Langer Farms Subdivision that was on appeal later in the evening. Brad commented that the proposal was to construct 430 storage units on approximately 6.9 acres and stated he will speak to issues from the previous hearing.

Showing the Site Plan, Brad stated there was a secondary fire access included in his memo. Brad added that a secondary access is always recommended by Tualatin Valley Fire and Rescue (TVF&R) and Deputy Fire Marshall John Wolffe stated that with this case the secondary access was not required. Regarding ownership Brad commented that the code requires the property owner to sign the application so they are aware that an application has been filed for land use on their property. Brad stated the manager Erin at the Tualatin River Wildlife Refuge was the liaison for the U.S. Fish and Wildlife Service who indicated that the area is not in their acquisition area, even though it might be a tributary to Rock Creek and they would not have any comments over and above Clean Water Services for storm water and resource protection. Brad stated that Sherwood Building Official, Scott McKie, had indicated that a 6' x 6'bathroom was probably too small for ADA Access as the occupant needs to have a turning radius inside the stall and sink area, but the area may not need to be too much larger, possibly 7' x 7'. Brad said the applicant's representative, Chris Goodell, confirmed that the fuel would be diesel and propane as indicated in the testimony at the previous meeting and the fuel would require permits from TVF&R, but not the Department of Environmental Quality (DEQ). Brad explained that the DEQ is concerned about underground tanks and air quality. DEQ's local representative confirmed that gasoline requires permits, but not diesel and propane. Brad commented that he further questioned the applicant regarding who would use the fuel and was told it would not be open to the public but to renters in the facility who will have to prearrange a time to fill up with an attendant. Brad expounded on the TVF&R permits for the fuel stating that the seismic loads, stability of the structure, emergency shut off and spillage issues will be reviewed prior to permitting. With respect to a turn around, the applicant has proposed additional signage and a permanent land line to call the office to provide access through the gate, but TVF&R will not require a turn around. Brad added that video surveillance is not required by the code, but the applicant has maintained

that it is a common practice in the industry and they will have video surveillance of various components of the storage facility.

Brad stated that staff continues to recommend approval with conditions and suggested that if the Commission is not comfortable with the language they could add a condition requiring that the fuel access be limited to patrons who have rented space in the facility, require an ADA bathroom, even though the Building Official will require it. Brad added that the RV wash has to be designed so that the storm and sewer do not mix per Clean Water Services, water from washing vehicles is put in the sewer system, and it cannot be open above because rain mixes with the sewer.

Chair Allen stated the record was left open for testimony and asked Brad for written testimony. Brad entered and read Exhibit K, a letter from Jim Haynes; Exhibit L, a letter from Scott Haynes; Exhibit M, an email from Casey Overcamp supporting the project, and Exhibit N, a letter from Jim Claus. As Mr. Claus was present the five page letter was not read. Julia added that a letter from the Chamber was received (see record, Exhibit O), but as they were also present to testify the letter was not read. Chair Allen opened the hearing for public testimony.

Robert James Claus, 22211 SW Pacific Hwy, Sherwood. Mr. Claus expressed his astonishment at the testimony and commented regarding the 1995 code and gas stations being prohibited as an accessory, incidental, or main use. Mr. Claus commented regarding the application getting an exception and if permits are issued they are revocable. Mr. Claus commented regarding a mini warehouse becoming a ministorage, a lumber yard becoming Home Depot, and the annex being an extension of a non-conforming use which, he stated, the code bars you from doing. Mr. Claus commented regarding clarifying language in the code before Council and disqualifying the PUD, and stated it would be administering variances for self-imposed hardships because of the parceling. Mr. Claus commented on the rush to get revenues, overlooking the 95 code, and previous City Manager, Jim Rapp's dislike for mini storage, self-service, and car lots. Mr. Claus commented on the last facility of this type that came before the Commission that was "refused because it did not meet the design standards" but had the same application in a general commercial zone that staff said it conformed to the code. Mr. Claus stated there were two laws in Sherwood; laws for people that curry political favor particularly within the urban renewal boundaries, and laws for the rest of us outside of it. Mr. Claus commented that the code, fire problems, and drainage problems were being ignored and the PUD was given in order to ignore the zoning. Mr. Claus stated he would appeal the decision and he would try his best to terminate this PUD, even if it takes a lawsuit.

Leanna Knutson, 17052 SW Cobble Court, Sherwood. Ms. Knutson stated she was President of the Sherwood Chamber of Commerce and was present to give support for the Sentinel Self-Storage expansion project on behalf of the hundreds of members the Chamber represents. Ms. Knutson commented on the mission of the Chamber and stated that business development and expansion creates jobs, fuels the City's tax base, and promotes the standard of living that we love about Sherwood. Ms. Knutson commented that the Chamber supports the expansion because it supports local opportunities. Ms. Knutson commented regarding the Residences at Cannery Square stating that the Chamber wanted to offer its support for that project and like the Sentinel Self-Storage expansion the apartment complex harmonizes the economic aspirations of our community.

Chair Allen commented that the public testimony has been closed for the Capstone project and the commission cannot take that part of her testimony into consideration.

Gary Langer, 17384 SW Timber Crossing Lane, Sherwood. Mr. Langer asked if there were enough commissioners to make a decision. Chair Allen affirmed that there was a fourth Commissioner participating by phone. Mr. Langer commented that there has been a lot of research for the development of this project, it will be a state of the art facility, and he wanted to share some of the positive aspects of the project. Mr. Langer commented that there was a lot of community support, where he lives you cannot have boats, cars and RV's out, and this facility works really well for the city of Sherwood. Mr. Langer commented on the design and planning for the project and facilities in Tigard, Tualatin, Wilsonville, and the new one on Cipole Road adding that RV repair can be done on site. Mr. Langer stated he wanted to address some objections raised by previous testimony. Mr. Langer commented regarding Home Depot and Sentinel being illegally built and stated the projects were done over ten years ago and done by code and he was unsure why the issue keeps reoccurring. Regarding sewer spillage into the water, Mr. Langer stated that the facility will have a safe dump station because of design, grading and structure. Mr. Langer commented that Sentinel has been in business since 1997, has a lot of repeat customers, and is at capacity much of the time. Mr. Langer commented that there was no water stored in the farm field and there was not a well near the site that it was set up for drainage and the wetland area. Mr. Langer commented on the landscaping ordinance not being met because of the use of the term annex and stated that the application meets all of the code requirements which have been approved by staff. Mr. Langer commented that 90% of the RVs will be covered and the site will be clean as he lives in Sherwood, too.

Sandford Rome, 14645 SW Willamette Street, Sherwood. Mr. Rome commented on the term *standing* and testimony received from residents outside of Sherwood. Mr. Rome commented that he would like to see this project go forward with the added conditions for approval. Mr. Rome commented regarding long term residents, standing, and the things he has seen in this town over the years. Mr. Rome commented regarding having to pay additional taxes for repairs or changes in the City and long term residents who have also had to pay. Mr. Rome commented regarding building a state of the art facility and not having it come back to the citizens and asked how the Commission might correct the problems that arise and said the City should have an addressable procedure for fixing any unforeseen problems immediately. Mr. Rome referenced streets that were not completed properly in the past. Mr. Rome commented on the standing of the Langer family and their rights to develop their property. Mr. Rome commented on the Cannery square and standards that were not met. Mr. Rome repeated his comments regarding problems being solved and stated if it is the City's dollar it is his dollar.

Chris Goodell, representing the applicant, Langer Family LLC, from AKS Engineering, 13910 SW Galbreath Drive, Ste. 100 Sherwood. Mr. Goodell stated he prepared a memo regarding the questions from the Commission at the last hearing that was included in the packet which included business operations. Mr. Goodell commented that the fuel in question will be diesel and not gas. Mr. Goodell stated there were project engineers, and the owner/ operator and applicant, were present to answer any questions. Mr. Goodell asked for the Commission's approval.

Wes Freadman, 21315 SW Baler Way, Sherwood. Mr. Freadman stated he was a supporter of the project and commented that all of the problems have been addressed. Mr. Freadman commented that Sentinel was at maximum capacity and if Sherwood residents did not want a storage facility it

would be empty. Mr. Freadman commented that the facility will be a good neighbor, good use of the land and tax revenue and he thought it should be approved.

With no one else signed up to testify, Chair Allen closed the public testimony and asked for any questions from the Commission.

Chair Allen asked regarding the code that applies to the project and referenced the Permitted Uses in the General Commercial Zone which states it "includes wholesale trade, warehousing, commercial storage, and mini warehousing". Mr. Allen commented that he would have thought commercial storage as a "business that sells storage" and asked if he was reading it correctly and in the correct version of the appropriate code. Brad confirmed and stated he wanted to clarify that under the Langer PUD, the applicant is allowed to construct in phases 6, 7, and 8, uses that were permitted in 1995, as well as uses that would be permitted under today's code. Brad stated this was his understanding of what council agreed to and was the intent in the 2007 minor modification. Brad stated that in the Staff Report it says that mini storage is a permitted use at the time that the PUD was approved and staff believes it is an allowed use in this zone.

Brad continued by commenting on the issue raised regarding Home Depot and the Sentinel Storage being illegal uses and stated that Home Depot was approved by the courts through a writ of mandamus and Sentinel Storage was approved through another action, that people had the opportunity to appeal, but those uses are allowed and in affect today.

Chair Allen commented on the issue of *standing* and stated that from a legal standpoint his understanding was standing was the ability to come and testify and if you do not like the decision to go appeal it. Chair Allen added that Land Use in Oregon is broad and everyone the Commission has heard from, has standing to be able to come and testify and carry their arguments. Attorney Chris Crean confirmed and stated that under Oregon law, at this level, any person may participate in a local land use proceeding and anyone who participates then has *standing* to appeal that decision. Chair Allen commented that the point being made regarding standing was more broad in that, irrespective of legal standing, some opinions may be entitled to different weight than others and his opinion was that any time someone comes to the Planning Commission he does not think of it as standing, but considers what their interests are. Chair Allen commented regarding a previous storage decision brought up in earlier testimony and stated his recollection differs from the testimony that was heard as the only one he could recall was the one that was built. Chair Allen stated the Planning Commission was rebuked by members of SURPAC for allowing it.

Chair Allen commented that he did not think additional conditions were necessary as they were adequately dealt with in other regulation. Chair Allen asked if other Commissioners had comments or questions. None were provided.

Motion: From Commissioner James Copfer for the Planning Commission to approve the application for the Sentinel Self-Storage Annex (SP 12-03), based on the applicant testimony, public testimony received, and the analysis, findings, and conditions in the Staff Report; seconded by Commissioner Griffin. All Commission members present voted in favor. (Commissioner Cary voted yes by phone, Vice Chair Albert and Commissioners Clifford and Walker were absent.)

Chair Allen called a five minute recess and the call with Commissioner Cary was terminated.

b. Public Hearing Residences at Cannery Square (SP 12-04 Continued from 8/14/12 Planning Commission meeting.

Chair Allen reconvened the public hearing for SP 12-04 and stated that public testimony had been closed. Chair Allen asked the Commissioners regarding any ex parte contact, bias, and potential or actual conflicts of interest.

Julia added that Commissioner Clifford was on the phone via conference call and there was still a quorum with a different commissioner.

Commissioner Griffin declared that he had a short conversation with Jeff Sacket from Capstone regarding the look of the buildings following the previous meeting that would not affect his vote.

Chair Allen stated that the public testimony had been closed, but there was written testimony that was received in a timely manner but was not in the record. Chair Allen stated they would enter the letter verbally into the record and re-open the testimony for anyone who wished to testify on any issues raised by that comment. Chair Allen stated he would give latitude to the responses, but asked that no new information be entered into the record because they should not be considered by the commission and will complicate matters.

Brad Kilby read the letter from John and Jackie Bolton, 22515 SW Lincoln Street, Sherwood (see SP 12-04, Exhibit J) which commented on raising their family in a historic house on Lincoln Street, the unofficial collaboration between the developer and the City, and changes in zoning laws over the years that allow an apartment building in the middle of a neighborhood. The Boltons stated that they were adamantly opposed to the building and questioned having a three level apartment building in the middle of one of the oldest neighborhoods in the city, adding that it will change the dynamics of Old Town Sherwood in a negative way. The Boltons commented on congestion in downtown Sherwood, traffic on Willamette street from the Old Town Field House and that an apartment complex will worsen the problem. The Boltons commented on the concern for safety the of children in the neighborhood who walk to school and the effect of a hundred more cars on the road. The Boltons commented on changing Old Town area with a structure that does not fit in and asked for consideration of the negative impacts to the families that live in the neighborhood. The Boltons commented that just because zoning codes allow it to be built, does not mean it is a good thing to be built and residents in the area most affected should be taken into consideration when making the decision. The Boltons commented that the complex will not keep Sherwood and old town going in a positive direction and commented on voting for ballot measures and council members that help Sherwood be great and fair to citizens.

Chair Allen opened public testimony for the limited purpose of hearing testimony in response to the issues raised in the letter.

Sandford Rome, 14645 SW Willamette Street, Sherwood. Mr. Rome commented regarding the project being harmonious with the neighborhood stating he has been working with Brad Kilby regarding language to be forthcoming. Mr. Rome commented that there was no way to build a four story building in a two story neighborhood and keep it harmonious. Mr. Rome commented on the number of cars in the neighborhood and suggested that with one hundred units there will be more than one hundred additional cars. Mr. Rome commented that the traffic study was provided by Capstone and if you study any apartment complex in town by the number of trips in

and out for seven days you would see that a 54 unit apartment, such as the Murdock Apartments, does something over 300 trips a day. Mr. Rome challenged the credibility that the traffic study was objective in studying apartment complexes in the city. Mr. Rome commented regarding pictures that he had submitted at a previous Planning Commission meeting regarding Lincoln Street improvements and remaining road problems and lack of sidewalks. Mr. Rome commented regarding putting drivers onto Tualatin Sherwood Road or Oregon Street and taking the most direct route, which is provided by Lincoln Street. Mr. Rome commented that it was difficult to drive by Willamette Street as the road ends at Murdock with a round-about. Mr. Rome commented that the project was like two army barracks with car parking underneath and the city has tried for two years to make it a viable project, disregarding comments and design standards. Mr. Rome commented on how the project was being financed and stated it was a dormitory type structure, with 51 units in each building, on roughly an acre. Mr. Rome commented on the need to provide for the neighborhood to make it harmonious and suggested two stories with fewer units or another building on the property. Mr. Rome asked how the city was going to pay property owners back for the damages done when the project is finally finished and opponents were right again.

Chair Allen closed the public testimony. Planning Manager, Julia Hajduk inquired regarding procedure to receive the applicant's final testimony. Chris Crean stated the applicant should have testified during the public testimony. Chair Allen reopened the public testimony in case there was any lack of clarity to receive the applicant's testimony with a five minute time limit.

Jeff Sacket, Capstone Partners, 1015 NW 11th Ave, Ste. 243, Portland. Mr. Sacket commented that he disagreed with regards to the project being incompatible with the neighborhood and stated the project has conformed with every regulation whether it was from the Code, the Planning Commission, or the Architectural Planning Book approved by the Planning Commission and City Council. Mr. Sacket commented that the project was handsome and he expects the project to be a welcome addition to Old Town and Sherwood as a whole. Mr. Sacket commented regarding the traffic engineer's analysis and stated DKS is a reputable local and regional traffic engineer that is beyond reproach adding that Capstone hired them to evaluate the traffic situation as they saw fit as well as respond to the City Engineer's requests. Mr. Sacket commented that Capstone is not traffic experts, but hire traffic experts and do as they advise.

Chair Allen closed the public testimony and stated there were updated staff comments.

Brad Kilby commented on the reputation of DKS and the number of traffic studies they perform and stated that the traffic studies were based on the 8th edition of the International Traffic Engineers Manual which is the accepted manual used by cities, counties and traffic engineers in determining traffic counts. Brad showed a presentation with the conditions of approval (see record, Exhibit 2) and commented that they were provided in the Planning Commission packet, with the exception of two conditions in the presentation. Brad stated that the first conditions of approval added are prior to final site plan approval which included in C.3 the verbiage "or evergreen screen" to the condition, from the last hearing, that required the applicant to install a 6-foot tall fence, wall *or evergreen screen* along the east property line of the east residential building, and the west property line of the west residential building. Brad explained that another condition was C.4 which contained language discussed regarding meeting Clean Water Services (CWS) requirements within the City in the event that the regional storm water quality facility came online and is to obtain construction plan approval for those facilities prior to final site plan approval or in the event that they were not required to do that a compliance agreement had to be

put into place to eliminate the water quality facility. Brad read the condition for the benefit of Commissioner Clifford who was on the phone: *Obtain construction plan approval from the Engineering Department for all public improvements including the on-site water quality facility if an alternative has not been agreed upon at time of final site plan review. If the applicant, City and CWS reach an acceptable agreement to use the regional water quality facility, the applicant may submit revised plans showing how the areas for the on-site water quality facility will be otherwise landscaped or utilized consistent with the approved development plans and the engineering compliance agreement modified accordingly to eliminate the on-site water quality facility.*

Brad commented that the next set of conditions were to be completed prior to building permits but they appeared to be the same as prior to final site plan approval and he moved on to conditions of approval prior to final occupancy. Brad read the condition E.6 which read *On-site or a regional storm water treatment system that complies with City of Sherwood and CWS standards shall be either in place, operational and any necessary connection fees paid or an agreement and assurances acceptable to both the City of Sherwood and CWS shall be in place.*

Chair Allen asked Brad to read the conditions of approval prior to building Permits from the revised staff report. Brad read D.1 *Prior to issuance of building permits for the east and west residential buildings, the applicant shall submit revised drawings that illustrate an enhanced decorative treatment of the southeast portion of the building and/or sites facing SW Willamette Street. Such architectural revisions shall involve variations of texture, materials, patterns, and color which are distinct yet complementary to the building, or shall include brick or stone elements which serve to add visual interest to the portion of the project visible from SW Willamette street* and stated that this language was requested by the commission. Brad read D.8 which states *Provide a set of plans that clearly demonstrates compliance with the pitch of the roof as permitted by the approved architectural pattern book* and commented that this was opposed to what the code called for.

Brad concluded and stated staff would recommend approval as amended.

Chair Allen commented on being harmonious with the neighborhood and said he was considering this issue. Chair Allen commented regarding what the neighborhood is, what it is to be harmonized with, and what is the aim to have it be. Chair Allen commented that the area was a transitional are; it was not Old Town or the lower density residential area nearby. Chair Allen commented that this area has been on track for years and was included in the Old Town Overlay five or six years ago. Chair Allen commented that we had the Cannery PUD a couple of years ago and now have this site plan, adding that the Commission is considering an area that is at least a transitional area between the existing residential and Old Town and at most an extension of Old Town proper in relation to Cannery Square and the Community Center. Chair Allen commented that the applicant has done a good job in trying to address that issue and make it harmonious in that transitional way. Chair Allen commented regarding traffic and street improvement issues and stated his opinions about those issues are on the record from the Commission's previous recommendation to Council regarding the PUD. Chair Allen commented that the narrower question is if this plan is consistent with that approved PUD and he believed it did and the revisions to the conditions strengthened that.

Commissioner Copfer stated he agreed with Chair Allen and wanted Sanford Rome to know that the Commission did hear regarding Lincoln Street, however it is the Commission's responsibility to look at if the application meets the PUD and it does.

Commissioner Griffin commented regarding the changes to the southeast side of the building and that he thought the comments from citizens were heard. Mr. Griffin commented regarding the traffic study being done by request from concerned citizens and the retention of a reputable company to perform the study. Mr. Griffin commented that the application was solid and it will add traffic to Old Town that may spark some activity in the area perhaps for Saturday Market or in new restaurants.

Commissioner Clifford commented (via phone) that he agreed as far as the application meeting the code and that he had looked over the plans and accompanying documents. Mr. Clifford commented on his concern regarding parking and the amount provided. Mr. Clifford commented regarding the application being a good project to bring together people using fewer vehicles, walking more, using public transportation, and utilizing the Old Town area. Mr. Clifford commented regarding the trash area in the interior of the building being an asset to keeping the project clean and orderly and on the enhancement of the southern portion of the buildings with more architectural detail.

Motion: From Commissioner James Copfer for the Planning Commission to approve the application for Residences at Cannery Square (SP 12-04) based on the applicant testimony, public testimony received, the analysis, finding, and conditions as revised in the Staff Report, seconded by Commissioner Russell Griffin. All Commission members present voted in favor. (Commissioner Clifford voted yes by phone, Vice Chair Albert and Commissioners Cary and Walker were absent.)

Chair Allen called a brief recess; the call with Commissioner Clifford was not terminated.

7. New Business

a. Public Hearing- Langer Farms Subdivision Appeal (SUB 12-02)

Chair Allen opened the public hearing on the appeal on the Planning Manager's decision of SUB 12-02 by reading the public hearing statement which stated the appeal was filed by Jim Claus. Chair Allen asked for the disclosure of any ex parte contact, bias or conflicts of interest. Chair Allen stated as it was legislative, ex parte did not strictly apply, but disclosed a conversation with Jim Claus the previous Friday regarding a courtesy advisory that he (Mr. Claus) was sending an email with a number of issues raised that did not pertain to the Langer Farms Subdivision Appeal.

Legal Counsel, Chris Crean clarified that the hearing was quasi-judicial, not legislative.

Commissioner Griffin disclosed that he had contact with the Clauses through piano lessons and church but it would not affect his ability to make a decision.

Chair Allen asked for the Staff Report.

Brad Kilby gave a presentation (see record, Exhibit 3) explained that the hearing was for the appeal of SUB 12-02 the Langer Farms Subdivision, he would summarize the application, and

then go through his understanding of the appellant's assignments of error. Brad stated that the Planning Commission packet contained the all of Mr. Claus's testimony and Staff's responses.

Brad stated that on June 21, 2012 a decision to approve a subdivision of five lots and two tracks for a 55.09 acre site known as the Langer property was issued and the Sentinel Storage application approved earlier in the evening was a 6.93 acre portion of lot 5 of the subdivision. Brad stated that the decision was appealed in a timely manner by Jim Claus on July 5, 2012. Brad commented that the staff decision and associated attachments were in the Planning Commission packet as Exhibit 1, the appeal materials provided by Mr. Claus were Exhibit 2, and a letter from the applicant's attorney, Seth King of Perkins Coie, was Exhibit 3.

Brad commented on the assignments of error and began by stating that Mr. Claus believed there was a *Flawed original Notice of Decision containing conflicting information that staff cites as scrivener's error.* Brad explained that the Scrivener's error included language that stated *"this approval is valid for a period of one (2) years from the date of the decision notice, per Section 16.120.050."* Brad commented that 16.120.050 states that if the final plat is not approved within two years, the preliminary plat approval shall expire and a new plat must be submitted. Brad commented that this was a harmless Scrivener's error and it did not constitute a material error in the decision.

Brad commented that the second assignment of error was that *Improper Public Notice was given by staff and staff has relied on INFILL standards for proposed Lot 5 to grant waivers for the access without properly notifying the PUBLIC per Sherwood Zoning Code Chapter 16.68.060.* Brad stated that 16.68.060 applies to infill development standards which only apply to residential properties and not to light industrial or general commercial. Brad commented that Mr. Claus contends that staff relied on this section to allow the proposed lot to achieve the access standard when in fact the definition of a lot allowed staff to make that call adding that a lot *is a parcel of land of at least sufficient size to meet the minimum zoning requirements of this code and with frontage on the public or easement approved by the City.* Brad commented that there is precedence within the City for allowing lots to be accessed via an access easement and staff believes that the finding remains accurate. Brad added that there was a reference to 16.68 in the staff analysis but it was not relied upon for making the finding that the applicant could propose to access the site through an easement. Brad commented that Mr. Claus added that the City cannot allow such a long access and stated that the proposed access is a driveway and utility easement, not a street so it is not subject to the TSP.

Brad commented that the third assignment of error was that the application was a *Violation of the PUD – a Major Change to the Final Development Plan dated August of 1995. Staff is requiring a change in the use of the land and requiring dedication of land in this subdivision application for public roadway and right-of-way. The land was specifically proscribed from that use in the original Langer PUD. The Langer PUD must be treated as having a Major Change and thus go through the PUD approval process noted in Sherwood Code Chapter 16.40.* Brad stated staff disagrees and commented that Mr. Claus is contending that by extending and requiring the right-of-way dedication for the continuation of SW Century Boulevard that staff has changed the use of the land. Brad commented that utilizing that logic the City would never be able to plan for future street extensions, explaining that SW Century Drive came subsequently after the PUD and was added to the TSP as a connecting street. Brad commented that the dedication and future construction was agreed to in a modification of the PUD

and the Developer's Agreement in 2010. Brad commented that the PUD approval is an overlay zone that is applied to a property and in order to constitute a major change a threshold had to be met. Brad explained that the boundaries of the PUD are not changing by requiring the road; the applicant is not asking for a major change that would be inconsistent with prior approvals; the prior approvals did not identify which land was devoted to a specific use; and the final development plan is only a phasing plan with some proposed accesses for this portion of the site off of what was North Adams Ave at the time, which is now SW Langer Farms Parkway. Brad added that there is not an increase in density because it is not a residential development and therefore does not constitute a modification in the Planned Unit Development.

Brad commented that the next assignment of error was *Staff's decision is flawed. Staff is treating the PUD as if it is outside of PUD constraints for part of the logic used to grant approval to a 5-lot subdivision of the PUD. Also, staff neglected to submit pertinent information to the record as part of this application which would have direct bearing on the original staff decision – which occurred after staff closed the comment period. As such I have included some of that missing information as it is directly pertinent to this appeal. See also Exhibit 8, copy from the 1995 code Section 3.4040 for appeals showing that parties may present old evidence or any additional evidence.* Brad stated that the subdivision is not subject to 3.4040 but subject to standards in the code today as it was not filed at the same time that the PUD was processed in 1995, therefore it was not required to be processed at the same time as the PUD was approved. Brad stated that according to the City Attorney's office "a PUD decision under 16.40 is a separate and distinct decision from a subdivision decision under 16.120.' Brad referred to language in 16.40.020.B.5 which states "If the PUD involves the subdivision of land ..." and pointed out that *if* was the key word. Brad stated that this PUD did not involve the subdivision when it was approved in 1995 and [per the attorney] "this affirms the interpretation that they are separate decisions, albeit when they are proposed concurrently, they need to be processed concurrently." Brad stated that if we were to work under this assumption that you could not ever come back and subdivide your property then businesses or large commercial complexes like Albertsons would not be able to go in and subdivide their property because it was not considered at that time; or Safeway would not be able to take off the small commercial portion where Starbucks and those businesses are. Brad stated that this is a common practice in commercial development to divide the land for the purposes of financing and selling the property and, as long as they meet the standards, then staff would review any subdivision application under today's regulations. Brad added that a subdivision application for four to ten lots will follow a Type II process and Mr. Claus maintains that staff did not have the ability to review this application and it should have been reviewed at a higher level and staff disagrees.

Brad stated that the next assignment of error was a *Violation of Sherwood code Section 16.40.040(A)(2): Failure to Complete. The Planning Commission must meet to decide if the PUD is still in the public's interest* and staff disagreed. Brad commented that the actual language for 16.40.040(A)(2) states, "*When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.*" Brad commented that this PUD has been under construction since 1995 with subsequent modifications to the PUD and City Council has reviewed and approved changes and modifications to developer agreements since 1995. Brad commented that staff believes that the City Council made the decision that was in the public's

interest when it approved the modifications in 2007 and agreed to negotiate the developer's agreement in 2010 by the Sherwood City Council.

Brad stated that the next assignment of error was a *Violation of the intent of the PUD – staff is attempting to incorrectly administratively apply Subdivision Standards to the Langer PUD Phases 6, 7, 8, which is beyond their scope and authority. The Phases are to have Site Plan Reviews with the Planning Commission/City Council. Staff essentially has made up a new process for the PUD by incorrectly trying to grant subdivision and land division approval through a Type II procedure.* Brad commented that staff believes the appellant is wrong because this application is a distinct application and not a PUD, but a subdivision of the PUD. Brad commented that the applicant is still required to come in and file for site plan review on each one of these lots as they come in to develop. Brad added that per the language referenced earlier 16.120.030.1.a which says that subdivision of land for four to ten lots is administratively processed meaning that it gets decided by the Planning Manager.

Brad stated that staff recommends denial of the appeal and an affirmation of the staff decision.

Chair Allen asked for questions of staff, seeing none Chair Allen called for applicant testimony from Seth King. Julia Hajduk set the timer for 30 minutes to time the applicant.
Seth King, Land Use Attorney at Perkins Coie, 1120 SW Couch Street, Portland. Mr. King stated he was present on behalf of the applicant, Langer Family LLC, with members of the development team including Matt Grady from Gramor Development, Alex Hurley project engineer, Keith Jones the project planner, and several members of the Langer family. Mr. King stated that the applicant believes there is substantial evidence in the whole record to support the conclusion that this subdivision application satisfies all of the applicable criteria and therefore should be approved. Mr. King referred the Commission to the letter dated July 17, 2012 which is part of the packet. Mr. King offered to answer any questions and asked to reserve the remainder of the time for rebuttal.

Chair Allen asked for any questions from the Commission. Having none, Chair Allen asked for public testimony for or against other than the appellant. Seeing none, Chair Allen asked for testimony from the appellant, Jim Claus.

Mr. Claus inquired about having 30 minutes to testify. Chair Allen confirmed.

Robert James Claus, 22211 SW Pacific Hwy, Sherwood. Mr. Claus stated he would add to the record items containing the ordinance where Mr. Langer, as a City Councilman, voted on the ordinance that allowed this subdivision occur and the City contract with Beery, Elsner, and Hammond (see record, Exhibit 4). Mr. Claus commented that he would give an overview of what he saw wrong with this process and spoke of his years teaching at the University of British Columbia where he was asked to debate against a man named Eric Todd; one of those rare people who had a doctorate in law from Harvard. Mr. Claus commented that Mr. Todd would turn about how the American Constitution protected Americans better than the Canadian system and said that Mr. Claus would see the complete corruption of Oregon's Land Use Planning because there is no14th amendment requirements and protections to any real degree. Mr. Claus commented regarding British Columbia using the British North American Act that has specific language that says "we loath to give government officials discretionary power for fear we will corrupt them" and Mr. Todd's guarantee of corruption of the system in Oregon because there is no sales tax and will

not be driven by good land use decisions but political decisions. Mr. Claus commented that there was a PUD on Langer's farm ground in order to borrow tax money to support staff and that he believes the parceling to be the worst denegation he has seen in this town. Mr. Claus commented regarding the tax base, excess, and new taxes going to the City. Mr. Claus commented on when he worked in San Francisco on Urban Renewal Plans where the Mayor used imminent domain to take property where the money was to be paid back in ten years so that everything then goes back on the tax roll. Mr. Claus added that the money was paid back in nine and a half years due to his math. Mr. Claus commented that the farm ground is being taken and the excess value is used to borrow bonds to run this city. Mr. Claus referred to the statements from Mr. Todd regarding corruption and staff eventually becoming an entity in and of themselves and alluded it wasn't just the union he worked for which manipulated elections.

Mr. Claus commented that the government workers had become an entity in and of themselves and are concerned as a stakeholder. Mr. Claus commented regarding the subject property and people like Wal-Mart being told where to build because they originally wanted to build on Broadhurst's and Shannon's property. Mr. Claus commented regarding the Broadhurst and Shannon property being a superior location at a lower price and the Mayor not wanting Wal-Mart or Opus there, adding that it would have been a lifestyle mall. Mr. Claus commented on the zoning being driven by financial needs not the enabling statute and was no longer promoting or protecting health, safety, and welfare, and aesthetics, but financing for the staff. Mr. Claus commented that City Hall stands as a monument to waste, fraud and abuse and stated it was where much of the urban renewal money went. Mr. Claus commented on the plaza and regarding old town being a the only classic central business district left in Oregon until it was turned into the Spanish Plaza model that it is now. Mr. Claus commented that it was centered on government and he maintained that the Cannery Square park was built so the staff would have a place to have lunch and suggested it was not built for children because it was without a bathroom. Mr. Claus commented that we have seen this system easily corrupted in Sherwood because we have a strong City Manager form of government. Mr. Claus commented regarding council person's stating "we have a good staff" and the City Manager having a group of staff that works for him adding that if a City Councilor talks to staff their job is threatened, and they can be called upon to resign. Mr. Claus commented on the City having a contract attorney that represents the City Manager, the Council, and the Mayor and commented regarding no attorney representing the interests of the City although the charter calls for it. Mr. Claus commented regarding getting rid of the City Attorney and staff operating ultra vires-ly and beyond the scope of their authority. Mr. Claus commented that code never intended to allow staff to make the discretionary interpretations they are making in a PUD. Mr. Claus commented on the location of Home Depot and a former City Manager calling it a lumber yard, deeming the application complete, the City Council finding out about it 120 days after, the subsequent lawsuit, and commented that it was the first shift from our plan to moving our retail on to light industrial. Mr. Claus added that the land across the street from Home Depot is light industrial and the buildings were not supposed to be there. Mr. Claus commented that we have drifted down that road to discretionary power for salaried government officials that is only constrained by the 14th Amendment and federal court, not constrained in Oregon. Mr. Claus commented regarding having four minutes to testify at meetings, but if you ask for answers and do not leave, you will be escorted out. Mr. Claus commented that this is being done because the only way that staff can move to that money is to be given discretionary power.

Mr. Claus commented regarding the commission not reading the 95 Code and that most do not have a copy and he does. Mr. Claus stated that the request on a PUD to make variances is not permitted in that code or in the latest edition, yet if you look at these subdivisions you have variances. Mr. Claus referred to Ambler Realty vs. The Village of Euclid and commented regarding the fifth amendment being set aside, a substantial benefit and value left in the property then referred to Nectow vs. Cambridge regarding having an exception in a code. Mr. Claus commented that the PUD was written so you could not have exceptions because you have already given away half of the world in the zoning. Mr. Claus commented regarding the code not allowing fueling and mini-storage because staff made discretionary decisions to finance this town. Mr. Claus commented regarding appealing to LUBA and it not being able to stop it.

Mr. Claus commented on a man named Jim Roberts from Madison who said the world spins because of dumb and if we don't have enough dumb we will all fall off of it and not stopping dumb but creating a record. Mr. Claus referred to Kelo vs. Newhaven where the Institute for Justice fought the suit because a big pharmaceutical company wanted the land and the city wanted money to increase the tax base, so kicked everybody out of an area that was not blighted. Mr. Clause commented that the pharmaceutical company waited until they won the case and never built. Mr. Claus commented that the case went to the supreme court, and this is a case study of urban renewal destroying zoning. Mr. Claus commented regarding the same litigation in Norwood and his involvement with the Small Business Administration's concern for taking people's property and the city paying the true price of what that property was worth, adding that the Ohio supreme Court said the enabling statute does not allow that kind of taking. Mr. Claus commented that Sherwood is moving toward a staff with a vested interest to keep the money coming in, having discretionary power to make decision, and freezing the rest of us out of business. Mr. Claus commented that the zoning has to be run by the staff so they can build the Downtown Center after destroying the Robin Hood Theater which was a better gift and there was no reason to destroy it as it represented historic buildings. Mr. Claus commented regarding the City needing money to build in Old Town .

Mr. Claus commented that the subject property was no longer a PUD but a catch as catch can subdivision and put forward that a mass merchandizer will come in and get staff to say it meets all of the requirements turning 13 Acres into Wal-Mart just like it did in Corvallis. Mr. Claus commented that the citizens will live with it because it generates lots of tax dollars but that it was a zero sum tax game except it puts money into our staff and into politician's hands and cheats school children. Mr. Claus repeated that Wal-Mart and Opus wanted to go on the highway, and Fred Meyer will go on the highway and stated that once they go there you won't build another one. Mr. Claus commented that the City is putting its value over there and using it up and explained that retail is the classic zero sum game; meaning somebody gains and somebody loses. Mr. Claus called Wal-Mart the merchant of death because they come into a trade area and they take the business from everybody else. Mr. Claus commented that there was $475 billion on groceries and supermarket sale and once you put in Wal-Mart and Fred Meyer on urban renewal you are going to kill Safeway and Albertsons, thus killing your own tax base. Mr. Claus added that this means you are not going to have enough money to pay the school children back in twenty years, because you have denigrated your own tax base. Mr. Claus stated he did not believe this was a PUD for a number of reasons which staff outlined and he believed the Langer's have the political influence which they did for Sherwood Plaza. Mr. Claus stated this was simply a mission in getting people to see what is going on and to say to institute of justice they need not worry about New Haven, Oregon has them beat cold. Mr. Claus asked if the Commission understood

that what has been done is taken something that was originally Fred Meyer, which Metro stopped, and turned it into RV parking, Wal-Mart, and a Target, and swinging business over there. Mr. Claus commented that the next step is part of a conspiracy to restrain trade and his conversation with Chair Allen regarding Cedar Brook Way.

Mr. Claus commented regarding the property near Cedar Brook Way being class A as it has everything it needs, including visibility, accessibility, and parking which are the location, location, location of retail. Mr. Claus stated that if they don't stop they will never build this area out and commented regarding a road through his property that cannot be built on because of the size of parcel and what can be put there. Mr. Claus commented about the eight hour American Bar and Appraisal classes and people talking for eight hours. Mr. Claus commented regarding LUBA seeing the non-disclosure and of people thinking their financial interests don't impact their elected members and their family. Mr. Claus commented regarding LUBA looking at this as stealing from school children or saying the application is not a PUD. Mr. Claus commented that it was a clever way to combine sick eminent domain proceedings with police power proceedings and turning the zoning of general commercial and retail over to the staff and certain elected officials. Mr. Claus commented that it was the end of market driven zoning as we know it, because there is no competition when staff tells buyers and retailers where to go. Mr. Claus commented regarding sovereign immunity, not being able to sue, and that a citizen only gets the rare privilege of pure political speech in front of the Commission. Mr. Claus commented that the staff has the privilege all of the time and it is called sovereign immunity. Mr. Claus commented that what is going to happen is it will lead to a suit and depositions will be taken. Mr. Claus commented regarding being able to build on Columbia because of the footprint and the new owner being able to build after he sold the property for a giveaway price. Mr. Claus commented regarding having urban renewal of all of the zoning in this town and reiterated that the subject property was not a Planned Unit Development. Mr. Claus commented regarding the cannery, the contract attorney signing a contract with Capstone LLC, the layout of the site and the public not knowing and the inability to appeal. Mr. Claus commented that citizens cannot complain regarding the work the attorneys do for the Mayor or the City Manager, but a City attorney would have had to report it. Mr. Claus commented that this will be a wonderful case study about how a town converted farm ground into a major industrial retail commercial center, shut down more competitive property, and had the staff determine where you will build. Mr. Claus commented that there are all of the technical reasons in the code to not approve the application but it was comical to see what has been done with it. Mr. Claus commented regarding every family owning land in the town that has tried to develop and being put out of business by the process. Mr. Claus commented regarding Metro running a pathway on his property and the rash people will get. Mr.Claus commented regarding the property on Columbia that was sold and the McFall subdivision watershed. Mr. Claus stated that nobody can live with that and in the end the City is putting money out there to dump 20% of it to staff. Mr. Claus stated he will appeal the decision even though he won't win and something will have to turn around. Mr. Claus commented regarding being insulted, using police and said the City must have something to hide.

Chair Allen asked if any commission members had questions. Seeing none, Chair Allen thanked Mr. Claus and asked how much time the applicant had remaining for rebuttal. Julia Hajduk replied that the applicant had 28 minutes and 41 seconds.

Seth King, on behalf of the applicant, Land Use Attorney at Perkins Coie, 1120 SW Couch Street, Portland. Mr. King commented that the appellant spoke for approximately 28 minutes without

addressing a single approval criterion applicable to preliminary subdivision plat or carrying the burden on any of his appeal issues. Mr. King commented that Mr. Claus did not present any substantial evidence that undermined the substantial evidence that is already in support of approval of the application. Mr. King stated there was no request for a continuance or that the record be held open. Mr. King commented that on the basis of those items the appellant has not carried its burden to present any reason to deny the application. Mr. King stated that conversely, based on the applicant's materials, staff presentation, and the letter from Perkins Coie dated July 17, 2012, there is substantial evidence in the record to support approval of the application subject to the conditions included in the original staff decision. Mr. King stated that because there was no request for a continuance or that the record be held open, the Planning Commission would be able to reach a decision tonight. Mr. King commented on Mr. Claus's concern that financial needs were driving land use decisions in the City and stated that there was no evidence of this being the case for this application. Mr. King commented regarding Mr. Claus's references that there was no right to request variances in the 1995 Code and stated that the 1995 Code is not at issue in this application and the code that was in effect at the time the application was submitted is applicable. Mr. King commented regarding Mr. Claus's attacks on the potential uses and end users of the property and stated this application does not concern the particular uses or end users and there is no evidence relating to what uses or end users there might be therefore it is not relevant to the decision. Mr. King commented regarding the issues Mr. Claus raised regarding the Planned Unit Development and its processes and stated that this application does not concern the Planned Unit Development as it is a subdivision application independent of the PUD. Mr. King concluded his rebuttal testimony by requesting that the Commission deny the appeal and affirm the staff decision.

Chair Allen asked for questions of Mr. King. Mr. Claus asked for rebuttal to Mr. King's testimony. Chris Crean noted that there was no provision for appellant rebuttal and explained that the ordinance requirements for an appeal hearing allow the applicant to split his time between presentation and rebuttal, but there is no provision for appellant rebuttal which is reserved exclusively for the applicant.

Chair Allen closed the public testimony and moved to final staff comments. There were no final staff comments.

Mr. Claus stated (from the back of the room) that Susan Claus would like to testify (inaudible). Chair Allen stated he called earlier for testimony for and against and no one came forward to testify.

Chair Allen called for a discussion on the appeal and remarked on a comment that the Commission does not have or has not read the 1995 Code and observed that the 1995 Code was courteously provided by the appellant, it is part of the record of this decision, and the Commission has had access to it for a number of weeks. Chair Allen stated he had looked through the relevant portions of the 1995 Code in considering his decision.

Chair Allen commented regarding the wide range of issues addressed in the testimony, whether staff had the authority to divide a big lot into smaller lots, if the correct code was followed, and whether staff made the correct decision under that code adding that he did not find anything persuasive in the written materials or in the testimony. Chair Allen commented that the correct

code was followed and it was a subdivision decision, not a PUD decision, and he could not find a basis to overturn the staff decision.

Commissioner Copfer added he would agree and stated he had read the 95 code and materials provided several times, that staff has completed the work, and he sees nothing to stop the subdivision.

Commissioner Clifford stated that he has reviewed the submittal documents, studied the plans provided, and read the letters and appeal documents. Mr. Clifford commented that staff's responses to the appeal were clear and the application did meet code requirements.

Commissioner Griffin commented that staff has done an adequate job in researching and making sure that what they do on behalf of the City is correct and legal. Mr. Griffin commented on the using the advice of an attorney and the path used to reach a decision. Mr. Griffin commented that the decision could be appealed to a higher board and he did not have anything at this level to say no to this application and perhaps City Council would feel differently.

Chair Allen inquired regarding if the proper method was to approve the application or to deny the appeal. Julia Hajduk deferred to legal regarding the proper method and clarified that the next level of appeal would be to the Land Use Board of Appeals (LUBA).

Chris Crean commented that the motion would be two parts: to uphold the appeal and reject the staff recommendation or, conversely, to deny the appeal and affirm the staff recommendation.

Motion: From Commissioner James Copfer for the Planning Commission To Deny The Appeal Of Langer Farms Subdivision (SUB 12-02) And Uphold The Staff's Findings, The Staff Decision To Move The Subdivision Forward, seconded by Commissioner Russell Griffin. All Commission members present voted in favor. (Commissioner Clifford voted yes by phone, Vice Chair Albert and Commissioners Cary and Walker were absent.)

8. Consent Agenda

The consent agenda consisted of various minutes from March 13, March 27, April 24, May 22, and July 10, 2012.

Motion: From Commissioner James Copfer for the Planning Commission To Adopt the Consent Agenda as Written, seconded by Commissioner Russell Griffin. All Commission members present voted in favor. (Commissioner Clifford voted yes by phone, Vice Chair Albert and Commissioners Cary and Walker were absent.)

Chair Allen commented that the next meeting was September 11, 2012 which include the Cedar Brook Way TSP. Julia confirmed and added that it also included the Langer Phase 7 commercial development project.

9. Adjourn

Chair Allen adjourned the meeting.

Submitted by Kirsten Allen
Kirsten Allen, Department Program Coordinator

Amended minutes approved Nov 27, 2012.

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Incorrect date: Change to July 10, 2012

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Chapter 16.32 - LIGHT INDUSTRIAL (LI)*

Sections:

16.32.010 - Purpose

The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

(Ord. 93-964 § 3; Ord. 86-851)

16.32.020 - Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII. Incidental retail sales, limited to 10% of the total floor area of a business, may be permitted as a secondary function of a permitted or conditional use, subject to the review and approval of the Hearing Authority.

(Ord. 2001-1119, § 1; 93-964)

A. Contractor's offices and other offices associated with a use permitted in the LI zone.

B. Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, sewage treatment plants, water wells and public work yards.

C. Glass installation and sales.

D. Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.32.040(E).

E. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.

F. Other similar light industrial uses subject to Chapter 16.88

G. Dwelling unit for one (1) security person employed on the premises, and their immediate family.

H. PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted within the boundaries of the PUD. Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD.

(Ord. 98-1051 § 1; Ord. 86-851)

I. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86

J. Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.

(Ord. 97-1019 § 1)

K. Business and professional offices associated directly with another permitted use in this zone and do not cat customers (such as financial, insurance, real estate, legal, medical and dental offices).

(Ord. No. 2010-05, § 2, 4-6-2010)

L. Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).

(Ord. No. 2010-05, § 2, 4-6-2010)

M. Business and professional offices in buildings that received land use approval after January 1, 2010 that are designated "industrial" on Metro's 2008 Title 4 Map and that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.

(Ord. No. 2010-05, § 2, 4-6-2010)

N. Training facilities whose primary purpose is to provide training to meet industrial needs.

(Ord. No. 2010-05, § 2, 4-6-2010)

O. Tool and equipment rental.

(Ord. No. 2010-05, § 2, 4-6-2010)

P. Blueprinting, printing, publishing, or other reproduction services.

(Ord. No. 2010-05, § 2, 4-6-2010)

Q. Farm and garden supply stores and retail plant nurseries (limited in size similar to M. above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.

(Ord. No. 2010-05, § 2, 4-6-2010)

R. Medical, dental and similar laboratories.

(Ord. No. 2010-05, § 2, 4-6-2010)

S. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 16.32.040
2. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electronic motors and generators, heating and cooling equipment, lawn mowers, rototillers, and chain saws, vending machines, and similar products and associated small parts.
3. Cosmetics, drugs, pharmaceuticals, toiletries, chemicals and similar products, except as prohibited by Section 16.32.040
4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.
5. Building components and household fixtures, including but not limited to furniture, cabinets, and

upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.

6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and associated small parts, but excluding motorized equipment unless otherwise permitted by Section 16.32.020 or 16.32.030
7. Musical instruments, toys and novelties.
8. Pottery and ceramics, limited to products using previously pulverized clay.
9. Textiles and fiber products.
10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.

(Ord. No. 2010-05, § 2, 4-6-2010; Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964; 91-922; Ord. 86-851)

16.32.030 - Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Division VIII and are approved in accordance with Chapter 16.82:

A. Laundry, dry cleaning, dyeing or rug cleaning plants.
B. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.
C. Offices associated with a use conditionally permitted in the LI zone.
D. Sawmills.
E. Radio, television and similar communication stations, including transmitters and wireless communication towers, except for towers located within 1,000 feet of the Old Town District which are prohibited.
F. Restaurants without drive-thru limited in size similar to 16.32.020.M.

(Ord. No. 2010-05, § 2, 4-6-2010)

G. Hospitals and emergency care facilities.
H. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.
I. Commercial trade schools.
J. Wholesale building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
K. Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms.

(Ord. 2000-1092, § 3)

L. Power generation plants and associated facilities.

M. Veterinarians offices and animal hospitals.

N. Automobile, boat, trailer and recreational vehicle storage.

(Ord. 93-964 § 3)

O. Daycares and pre-schools, if fully integrated with and secondary to a use elsewhere permitted in Section 16.32.020 or 16.32.030

P. Government facilities, including police, fire and vehicle testing stations.

Q. Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property or under power line easements.

(Ord. No. 2009-009, 7-21-2009; Ord. 2002-1136 § 3; 2001-1119; 98-1051; 93-964)

16.32.040 - Prohibited Uses

The following uses are expressly prohibited:

A. Adult entertainment businesses.

(Ord. 86-851, § 3)

B. Any use permitted or conditionally permitted under this Chapter that is not specifically listed in this Section, and any use listed in this Section.

C. Auto wrecking and junk or salvage yards.

D. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.

E. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of the following products or substances, except for any incidental business, service, process, storage, or display that is essential to and customarily associated, in the City's determination, with any otherwise permitted or conditionally permitted use:

1. Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.
2. Ammonia, chlorine, sodium compounds, toxins, and similar chemicals.
3. Celluloid or pyroxylin.
4. Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.
5. Explosives and radioactive materials.
6. Fertilizer, herbicides and insect poison.
7. Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.

F. Metal rolling and extraction mills, forge plants, smelters and blast furnaces.

G. Pulp mills and paper mills.

H. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.

I. Leather tanneries.

J. General purpose solid waste landfills, incinerators, and other solid waste facilities.

(Ord. 93-964 § 3)

K. Restaurants with drive-thru facilities.

L. Business and professional offices in buildings that received land use approval after January 1, 2010 that are designated "industrial" on Metro's 2008 Title 4 Map and that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) that occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.

(Ord. No. 2010-05, § 2, 4-6-2010)

M. Retail trade, except as permitted by Section 16.32.020 above.

(Ord. 2001-1119, § 1)

16.32.050 - 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.

(Ord. 91-922, § 3)

A. Lot Dimensions

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

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

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

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

C. Height

Except as otherwise provided, the maximum height shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

(Ord. 86-851, § 3)

16.32.060 - 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.

(Ord. 91-922, § 3; Ord. 86-851)

16.32.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092, § 3; 88-979; 87-867; Ord. 86-851)

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2012-011

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISION, II and IV, RELATING TO COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL AND PUBLIC USE CLASSIFICATIONS

WHEREAS, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years, and

WHEREAS, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

WHEREAS, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

WHEREAS, The amendments are specifically related to the uses within all Commercial, Industrial, and Public and Institutional zoning classifications; and

WHEREAS, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearings were held before the Planning Commission on May 22, 2012 and June 12, 2012; and

WHEREAS, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Development Code modifications; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the City Council held a public hearing on August 7, 2012 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in Exhibits 1-A through 1-D.

Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 12-01 identified in Exhibits 1-A through 1-D is hereby **APPROVED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code approved by this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 7th day of August 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

	AYE	NAY
Clark	✓	
Langer	✓	
Butterfield	✓	
Folsom	✓	
Henderson	✓	
Grant	✓	
Mays	✓	

City of Sherwood
Planning Commission Recommendation to the City Council
File No: PA 12-01 Commercial, Industrial, Public, and Institutional Uses

July 20, 2012

Recommendation: The Planning Commission Recommends that the City Council amend Chapters 16.22 (Office Commercial), 16.24 (Office Retail), 16.26 (Neighborhood Commercial), 16.28 (Retail Commercial), 16.30 (General Commercial), 16.31 (Employment Industrial), 16.32 (Light Industrial), 16.34 (General Industrial), and 16.36 (Institutional and Public). The overall objective of this proposal is to eliminate barriers to good quality development, and to clarify the language in a manner that is easier to understand. The proposal would accomplish five objectives. First, it would consolidate the Commercial Chapters into Chapter 16.22, and the Industrial Chapters into Chapter 16.31. Second, it will ensure that the nomenclature of uses is consistent throughout the use tables. Third, the amendments would eliminate Chapter 16.24 (Office Retail) since there is not any property within the City Limits with that zoning designation. Fourth, the changes would clarify how multi-family uses are permitted within commercial zones. Finally, the amendments would establish a use classification system within Chapter 16.88 Interpretation of Similar Uses.

I. BACKGROUND

A. Applicant: This is a City initiated text amendment.

B. Location: The proposed amendment is to the text of the development code and, applies citywide.

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission considered the matter on May 22, 2012 and June 12, 2012. At the close of the hearing, the Planning Commission decided to forward a recommendation to the City Council for their consideration on the matter. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.

D. Public Notice and Hearing: Notice of the May 22, 2012 Planning Commission hearing on the proposed amendment was published in *The Times* on 5/10/12, and published in the May edition of the Gazette. Notice was also posted in five public locations around town and on the web site on 5/2/12. In addition, a separate notice was sent to all commercial, Industrial, and Public and Institutionally zoned properties in town consistent with the provisions of ORS 227.186. The Planning Commission continued the hearing to June 12, 2012 at their May 22nd hearing.

DLCD notice was mailed on April 18, 2012.

E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

F. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process.

Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues, but over time, the changes have been inconsistent with other language in the Code, or have often times put different sections of the code at odds with other sections. Beginning in late 2009, City staff and the Planning Commission began to review and identify issues with the development code that needed to be amended, and/or clarified. The City Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. As a result, a number of Code "clean-up" items were identified and placed into a work program for review and consideration.

This particular recommendation accomplishes five objectives including:

1. Consolidating three industrial chapters into one, and four commercial zoning chapters into one chapter, similar to what was accomplished with the Residential Zoning Chapter.

2. It would also include clarifying the "use" classifications within the use tables of each commercial, industrial, and public and institutional zone. Currently, the nomenclature for uses varies from one chapter to the next. Under this proposal, the uses would be uniformly labeled to the extent that it makes sense for each zone type.

3. The amended language would eliminate Chapter 16.24 (Office Retail) from the Sherwood Zoning and Community Development Code. Currently, there are no properties within the city that carry that designation. Furthermore, the zone itself is so similar to the retail commercial zone that it does not make sense to have both when one can perform the same function as the other.

4. The amended language would clarify how residential uses on commercially zoned properties are regulated as currently it is inconsistent among zones, and they are permitted as either a PUD or Conditional Use. Currently, multi-family developments located within the commercial zones are permitted through a planned development at densities of 16.8 to 24 dwelling units per acre. This is within the range of the prescribed density for the High Density Residential (HDR) zone.

   Residential apartments are also possible in the commercial zones through the conditional use process; however, there is a stipulation that requires the units to be located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building. The language is essentially the same in all zones except in the Office Retail zone; which is proposed to be eliminated.

   The Retail Commercial (RC) and General Commercial (GC) zones stipulate, "The residential portion of a mixed-use can be considered clearly secondary to commercial uses in mixed-use developments when traffic trips generated, dedicated parking spaces, signage and the road frontage of residential uses are all exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor."

   The proposal would allow higher density residential uses as a permitted use within the commercial zones subject to the provision that already exists within the RC and GC zoning districts throughout all commercial districts. This would eliminate a barrier by simplifying the process while maintaining the requirements and presumably the community's desire to allow residential uses on commercially zoned land when it is ancillary to the commercial use.

5. Finally, the amended language would establish a use classification system. The use classification system would be located within chapter 16.88 Interpretation of Similar Uses. The use classification system attempts to describe the general characteristics of a use type, and provide examples of the uses that would generally fall within the category. This is a system that is used in quite a few other jurisdictions within the region, and generally serves two distinct purposes.

This change helps to give staff some clear direction on the types and characteristics of uses that are generally accepted by the community in making interpretations on uses that may be unlisted. The second benefit of a use classification system is that it allows the use tables to be much more abbreviated, and only requires that a specific use be listed when it is not intended to be included within a specific zoning district.

The current code language resides in Division II Land Use and Development, and Division III Planning Procedures. The Chapters within the Sherwood Zoning and Community Development Code (SZCDC) that would be affected by this proposal include Chapters 16.22 through 16.36 and Chapter 16.88, Interpretation of Similar Uses.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:
DLCD notice was sent on April 18, 2012. The City has not received any comments to date on the proposed amendments.

Public:
There has been extensive public outreach and opportunities for the public to provide their personal opinions and comments on Commercial/Industrial/Public and Institutional zones over the past year.

The consolidation and use classifications were discussed with the Planning Commission at length in several work sessions and meetings over the past year, and discussed with the public at the November Code Clean-up Open House.

The proposed language was "tested" in September of this past year. In order to test the language that the Planning Commission and staff developed, 132 businesses throughout Sherwood in the commercial, industrial, and institutional and public zones were surveyed. Staff utilized company websites and city permits to determine the use of each business and tried to match it up to the uses that would be permitted under the revised language. One obvious objective was to ensure that we were not creating a lot of non-conforming uses by implementing the revised language. The other objective was to determine if the use classifications were appropriate for what was actually occurring within the underlying zones.

Of the 132 businesses surveyed, 12 of the existing business would not be permitted, or would be considered existing non-conforming uses for a variety of reasons. Eleven (11) of those 12 uses are found in the industrial districts, and are either in conflict with the metro language for industrial services in that they occupy too much of the building, or are unlisted, and would fall within a use category that is more readily associated and permitted within a commercial zone. The 12th non-conformity was a single family residence in the Retail Commercial zone. It was determined that the proposed changes did not increase nonconformities.

Approximately 418 ballot measure 56 Notices were mailed to all owners of Commercial, Industrial, or Institutional and Publicly zoned lands within the City on May 2nd. Staff has received several telephone calls and counter calls, but once the changes have been explained,

the people have generally been supportive or not interested. No one from the public has voiced any objection to the proposal as of the date of this report.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.A and C

16.80.030.A - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language of a document that implements the Comprehensive Plan and is reviewed in that light. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations. The proposed language continues to implement the Land Use goals and policies as they apply to Commercial, Industrial, and Public and Institutional zoning uses.

There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. The Functional Plan does place limits on the amount of commercial uses that would be allowed in Employment areas. The proposed use tables are consistent with Title 4 Industrial and Other Employment Areas in that they limit the amount of retail and personal service uses within the Industrial and employment lands as applicable.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with this text change. Staff is not aware of any other state or local regulations that the proposed amendment would conflict with. The language has been drafted in a manner that strives to provide clarity within the Code to staff, property owners, and developers.

The proposed amendments have been discussed in several public venues, and staff has always been available to discuss the proposed changes, and has invited public comments throughout the course of the discussion. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

Formal notice was also published in the newspaper two weeks prior to the hearing, published in the May issue of the Gazette, has been posted around town in several conspicuous places, and is provided on the City's website.

A Ballot Measure 56 Notice was also provided to all property owners of Commercial, Public and Institutional, and Industrially Zoned property, and was published in the City Newsletter (the Archer).

FINDING: As discussed above in the analysis, there is a need for the proposed amendments in order to clarify the Sherwood Zoning and Community Development Code. The proposed amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, The Planning Commission recommends approval of PA 12-01as amended on June 12, 2012.

V. EXHIBITS

Exhibit 1-A: Proposed Commercial Zone Code Amendments "Clean Copy"
Exhibit 1-B: Proposed Industrial Zone Code Amendments "Clean Copy"
Exhibit 1-C: Proposed Public and Institutional Zone Code Amendments "Clean Copy"
Exhibit 1-D: Proposed Interpretation of Similar Uses Code Amendments "Clean Copy"
Exhibit 1-E: Proposed Commercial Zone Code Amendments with "Track Changes"
Exhibit 1-F: Proposed Industrial Zone Code Amendments with "Track Changes"
Exhibit 1-G: Proposed Public and Institutional Zone Code Amendments with "Track Changes"
Exhibit 1-H: Proposed Interpretation of Similar Uses Code Amendments with "Track Changes"

Chapter 16.22

COMMERCIAL LAND USE DISTRICTS*

Sections:
16.22.010 Purpose
16.22.020 Allowed Uses
16.22.030 Development Standards
16.22.040 Special Criteria
16.22.050 Community Design
16.22.060 Floodplain
* Editor's Note: Some sections may not contain a history.

16.22.010 Purpose

A. Office Commercial (OC) - The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets. *(Ord. 90-921, § 1)*

Note: *The Office Commercial (OC) zone was originally established by Ord. 86-851; the zoning district designation was repealed in its entirety by Ord. 87-870. The zone was re-established by Ord. 90-921, and further amended.*

B. Neighborhood Commercial (NC) - The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. *(Ord. 87-870, § 5; Ord. 86-851)*

C. Retail Commercial (RC) - The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII. *(Ord. 87-870, § 5; Ord. 86-851)*

Note: *Ord. 87-870 established the Retail Commercial zone, which repealed and replaced the former Community Commercial (CC) zone.*

D. General Commercial (GC) - The GC zoning district provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Division VIII. *(Ord. 86-851, § 3)*

Note: it is proposed that the entire Office Retail (OR) chapter be deleted in its entirety.

16.22.020 Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
B. Uses listed in other sections of this code, but not within this specific table are prohibited.
C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement

of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.

D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC[1]	RC	GC
RESIDENTIAL				
• **Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.[2, 3]**	P	P	P	P
• **Residential Care Facilities**	N	N	C	C
• **Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.**	P	P	P	P
CIVIC				
• **Hospitals**	N	N	C	C
• **Correctional institutions**	N	N	N	C
• **Cemeteries and crematory mausoleums.**	N	N	C	C
• **Police and fire stations and other emergency services**	N	C	C	C
• **Vehicle testing stations**	N	N	N	C
• **Postal services - Public**	N	C	C	C
• **Postal substations when located entirely within and incidental to a use permitted outright.**	P	P	P	P
• **Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices**	C	C	C	C
• **Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.**	N	N	C	C
• **Small-scale power generation facilities.**	P	P	P	P
• **Large-scale power generation facilities.**	N	N	N	C
• **Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements**	C	N	C	C

[1] See special Criteria for the NC zone, 16.22.050

[2] The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor. (Ord. 2002-1136 § 3; Ord. 87-870, § 5)

[3] Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

	OC	NC[1]	RC	GC
• Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses,	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial Trade Schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities[4]	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P

[4]If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than 50% of the total area

	OC	NC[1]	RC	GC
• **Business support services such as duplicating, photocopying, mailing services, fax and computer facilities**	P	P	P	P
• **Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building**	C	C	C	C
Childcare				
• **Day cares, preschools, and kindergartens, when clearly secondary to a permitted use**	P	P	P	P
• **Day cares, preschools, and kindergartens as a stand-alone use.**	N	P	P	P
General Retail – sales oriented				
• **General retail trade, not exceeding 10,000 square feet of gross square footage.**	P	P	P	P
• **General retail trade greater than 10,000 square feet of gross square footage**	N	P	P	P
• **Tool and Equipment Rental and Sales, Including Truck Rental**	N	N	C	P
• **Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)**	N	N	P	P
• **Wholesale building material sales and service**	N	N	N	P
• **Retail building material sales and lumberyards.**	N	N	C[5]	P
Personal Services				
• **Health clubs and studios less than 5,000 square feet in size.**	P	P	P	P
• **Health clubs and studios greater than 5,000 square feet in size**	N	N	C	P
• **Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.**	N	P	P	P
• **Public or commercial parking (non-accessory)**	C	C	P	P
• **Veterinarian offices and animal hospitals.**	N	N	C	P
• **Animal boarding/Kennels and daycare facilities with outdoor recreation areas[6]**	N	N	C	C
Eating and Drinking establishments				

[5] All activities are required to be within an enclosed building

[6] Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service"

	OC	NC[1]	RC	GC
• **Restaurants, taverns, and lounges without drive-thru**[7]	P	C	P	P
• **Restaurants with drive-thru services**	N	N	P	P
INDUSTRIAL				
• **Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use**	N	C	C	P
• **Medical or dental laboratories**	N	N	C	P
WIRELESS COMMUNICATION FACILITIES				
• **Radio, television, and similar communication stations, including associated transmitters.**	N	N	N	C
• **Wireless communication towers and transmitters**[8]	C	C	C	C
• **Wireless communication facilities on City-owned property**	P	P	P	P
• **Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure**	P	P	P	P
OTHER				
Agricultural uses including but not limited to: • **Farm equipment sales and rentals** • **Farming and horticulture**	N	N	P	P
• **Truck and bus yards**	N	N	N	P

16.22.030 Development Standards

A. Generally

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. (Variance and Adjustments)

B. Development Standards

Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table

[7] Limited to no more than 10% of the square footage of each development in the Adams Avenue Concept Plan area

[8] except for towers located within 1,000 feet of the Old Town District which are prohibited.

	OC	NC	RC	GC
Lot area	10,000 sq. ft	1 acre (for single district)	5,000 sq. ft	10,000 sq. ft
Lot width at front property line	60 ft	85 ft	40 ft	70 ft
Lot width at building line	60 ft	100 ft	40 ft	70 ft
Front yard setback[9]	0	20 ft	0	0
When abutting residential zone	0	0	Same as abutting residential zone	Same as abutting residential zone
Side yard setback[9]	0	0	0	0
when abutting residential zone or public park	10 ft	Same as abutting residential zone	10 ft	20
Rear yard setback[9]	0	0	0	0
when abutting residential zone or public park	20	10 ft	10 ft	20 ft
Corner lot[9]	0	20 ft on any side facing street		
Height[10,11]	2 stories or 30 ft	Least restrictive height of abutting residential zone	50 ft [13, 14]	50 ft[13, 14]

16.22.060 NC Special Criteria

All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone, and:

A. Shall be conducted entirely within enclosed buildings, except for:

1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.

2. Circumstances where the nature of the permitted or conditional use

[9] Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030)
[10] Maximum height is the lessor of feet or stories
[11] Solar and wind energy devices and similar structures attached to buildings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.
[13] Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area
[14] Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.

B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.

C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one-hundred (100) feet at the building line.

D. Permitted and conditional uses may operate only between the hours of 7:00 AM and 10:00 PM. (Ord. 87-870, § 5)

16.22.040 Community Design

A. 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.

16.22.050 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.
(Ord. 2000-1092, § 3; 88-979; 87-870)

Chapter 16.31

INDUSTRIAL LAND USE DISTRICTS*

Sections:

16.31.010 Purpose
16.31.020 Uses
16.31.030 Development Standards
16.31.040 Employment Industrial (EI) Special Restrictions
16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions
16.31.060 Community Design
16.31.070 Flodplain

*Editor's Note: Some sections may not contain a history.

16.31.010 Purpose

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

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

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority. (Ord. 2010-014, § 3, 10-5-2010)

B. **Light Industrial (LI)** - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission. (Ord. 93-964 § 3; Ord. 86-851)

C. **General Industrial (GI)** - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres. (Ord. 86-851, § 3)

16.31.020 Uses

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

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88

D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI[1]
RESIDENTIAL			
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	P	P	P
• Small-scale power generation facilities.	P	P	P
• Large-scale power generation facilities.	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			

[1] See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040

Uses	LI	GI	EI[1]
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs.	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities[2, 3]	C	C	C
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities[4]	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices.[5]	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities[6]	P	P	C
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.[6]	C	C	C
General Retail – sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10 % of the total floor area of the business.[7]	C	C	P
• Tool and Equipment Rental and Sales, Including Truck Rental.[7]	P	P	P

[2] If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than 50% of the total area
[3] Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.
[4] Limited to Cardlock or wholesale- no public retail fuel sales.
[5] Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.
[6] Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.

Uses	LI	GI	EI[1]
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries).	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards[7]	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size.	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.[7]	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals.	C	C	C
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas[7]	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru[7]	C	C	C
• Restaurants with drive-thru services	N	N	N
INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental).	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses.	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants.	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials.	P	P	N
• Pharmaceuticals in facilities up to 50,000 square feet building size.	P	P	P
• Pharmaceuticals in facilities larger than 50,000 square feet building size.	N	C	N
• Building components, furniture, fixtures, signs.	P	P	N
• Non-motorized recreational vehicles and equipment.	P	P	N

[7] Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.
[7] Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service"

Uses	LI	GI	EI[1]
• Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone.	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products.	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals.	N	C	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills.	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	N	N	N
• Meat, fish, poultry and tannery processing.	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	N	C	N
• Solid waste transfer stations.	N	C	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities.	N	N	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters.	C	C	C
• Wireless communication towers[8] and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

[8] Except for towers located within 1,000 feet of the Old Town District which are prohibited.

16.31.030 Development Standards

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

B. Development Standards

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

Development Standards by Zone	EI	LI	GI
Lot area- Industrial Uses:	3 acres[9]	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback[11]	20 feet	20 feet	None
Side Yard Setback[10]	None	None	None
Rear Yard Setback[11]	None	None	None
Corner lot street side[11]	20 feet	20 feet	None
Height[11]	50 feet		

[9] Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies. (Ord. 2010-014, § 3, 10-5-2010)

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

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

16.31.040 Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
    a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project, and
    b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than 5 acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel. (Ord. 2010-014, § 3, 10-5-2010)

B. Land Division Restrictions

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

16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.

B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.

C. Commercial development may not be located within 300 feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. 2010-014, § 3, 10-5-2010)

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, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2010-014, § 3, 10-5-2010)

Chapter 16.36

INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT*

Sections:

16.36.010 Purpose

16.36.020 Permitted Uses

16.36.030 Conditional Uses

16.36.040 Prohibited Uses

16.36.050 Dimensional Standards

16.36.060 Community Design

16.36.070 Floodplain

* Editor's Note: Some sections may not contain a history.

16.36.010 Purpose

The IP zoning district provides for major institutional and governmental activities such as schools, public parks, churches, government offices, utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

(Ord. 86-851, § 3)

16.36.020 Permitted Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
B. Uses listed in other sections of this code, but not within this specific table are prohibited.
C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
D. Additional limitations for specific uses are identified in the footnotes of this table.

	IP
RESIDENTIAL	
• **Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City. (Ord. 97-1019 § 3; Ord. 86-851)**	C
CIVIC	
• **Cemeteries and crematory mausoleums.**	C
• **Police and fire stations and other emergency services**	C
• **Administrative Offices-Government**	C
• **Postal services - Public**	C
• **Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.**	C
• **Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.**	C
• **Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements**	C
• **Religious Institutions**	C
• **Public and private schools providing education at the elementary school level or higher**	C
COMMERCIAL	
• **Commercial Trade Schools, commercial educational services and training facilities**	N
• **Public Golf courses**	C
WIRELESS COMMUNICATION FACILITIES	
• **Radio, television, and similar communication stations, including associated transmitters.**	**C**
• **Wireless communication towers and transmitters**[1]	C
• **Wireless communication facilities on City-owned property**	P

[1] except for towers located within 1,000 feet of the Old Town District which are prohibited.

• **Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure**[2]	P

16.36.050 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.

	IP
Lot Dimensions	Except as otherwise provided, no minimum lot areas or dimensions are required.
Front yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Side yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Rear yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Height	Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone. (Ord. 91-922, § 3)

16.36.060 Community Design

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

(Ord. 91-922, § 3; Ord. 86-851)

[2] Provided the applicant can demonstrate to the satisfaction of the City that the location of the antennas on City-owned property would be unfeasible.

16.36.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092, § 3; 88-979; 87-867; Ord. 86-851)

Chapter 16.88

INTERPRETATION OF SIMILAR USES*

Sections:
16.88.010 Generally
16.88.020 Application Content
16.88.030 Approvals
16.88.040 Uses
* Editor's Note: Some sections may not contain a history.

16.88.010 Generally

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the City Manager or his/her designee.
(Ord. 98-1053 § 1; Ord. 86-851)

16.88.020 Application Content

The request shall be submitted with a fee pursuant to Section 16.74.020 and shall include information on the following characteristics of the proposed use:

A. Description of the activity to be conducted on the site.

B. Noise and odor characteristics.

C. Description of material or product storage requirements.

D. Amount and type of traffic to be generated.

E. Description of the structures required.

(Ord. 86-851, § 3)

16.88.030 Approvals

The City Manager or his/her designee may authorize a use to be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone, and described in section 16.88.040 below. The action of the City Manager or his/her designee may be appealed to the Commission in accordance with Chapter 16.76.
(Ord. 98-1053 § 1; Ord. 86-851)

16.88.040 Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use

categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. *Residential uses* are intended for habitation by one or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation. Residential uses include, but are not limited to the following housing types:

   (1) Single-family detached - A structure consisting of a single dwelling unit which is for occupancy by one or more persons on a single parcel or lot.

   (2) Single-family attached - A structure consisting of one or more attached single dwelling unit which is for occupancy by one or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes and rowhouses.

   (3) Two-family- A structure consisting of two dwelling units on the same parcel or lot. Two family homes are commonly referred to as a duplex.

   (4) Multi-family - A structure consisting of (3) three or more dwelling units on the same parcel or lot. Multi-family homes include, but are not limited to garden apartments, apartments, condominiums, and in some cases attached townhomes or rowhouses on a single lot or parcel.

   (5) Institutional and Residential Care Facilities – A facility licensed by or under the authority of the Department of Health and Human Services under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Examples include residential care homes, group homes, halfway homes, etc.

B. Civic Use Types

1. *Civic uses* are basic governmental and private services intended to provide for the basic living, religious, educational, recreational, cultural, protective, and other similar needs of all citizens within the community. Examples include but are not limited to:

   (1) Churches, Mosques, Temples and other religious facilities

   (2) Hospitals

   (3) Schools

(4) Major and minor utilities

(5) Transportation facilities

(6) Police and fire stations

(7) Post offices

(8) Senior centers

(9) Community centers

(10) Libraries

(11) Museums

(12) Fraternal lodges

(13) Veterans organizations

(14) Public parking garages

(15) Cemeteries and crematory mausoleums

(16) Public gardens, parks, trails, and playfields

(17) Government offices

(18) Treatment plants

(19) Public works yards

2. *Wireless Communication uses* are uses that are associated with the provision of cellular, broadband, or other communication types that involve the placement of towers, relay stations, and similar infrastructure to provide service. Generally, wireless communication facilities include:

   (1) Towers

   (2) Transmitters

   (3) Antennae

   (4) Similar infrastructure intended to be protected by the Telecommunications Act of 1996.

C. Commercial Use Types

1. Commercial use types are uses that include the sale or rental of goods and services that are customarily associated with those businesses that are not considered to be

civic or industrial uses. Examples of commercial use types can be identified through several different subcategories as follows:

a. *Entertainment and Recreation uses* establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of commercial recreation and entertainment uses include:

(1) Adult entertainment businesses

(2) Theaters or Cinemas

(3) Drive-in theaters

(4) Country clubs

(5) Recreational vehicle parks

(6) Private sports and racquet clubs

(7) Golf courses

(8) Arcades or electronic game centers

(9) Health and fitness clubs

(10) Bowling alley

(11) Ice/roller skating rinks

b. *Hospitality and lodging uses* are uses that provide temporary, short term lodging including:

(1) Bed and breakfast means a dwelling unit that offers guest rooms or suites for a fee for a limited period of time not to exceed thirty (30) days, with incidental eating and drinking service provided from a single kitchen for guests only.

(2) Hotel means an establishment that provides guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels.

(3) Motel means an establishment that provides guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A

motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room.

c. *Motor vehicle related uses* include the sales, servicing, rental, and storage of motorized vehicles including automobiles, trucks, motorcycles, boats, recreational vehicles, trailers, helicopters, airplanes, scooters, construction equipment, tractors, semi-trucks, and similar type uses. This category includes:

(1) Motorized vehicle and sport craft repairs and service

(2) Automotive, boat, trailer and recreational vehicle storage.

(3) Vehicle fueling stations

(4) Car wash facilities

(5) Junkyards

(6) Salvage yards

(7) Manufactured home sales and display areas.

d. *Office and Professional Services uses* are uses where business services are provided to the general public, or in some cases, where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Office and Professional Services generally provide clerical, duplicating, photocopying, mailing services, fax and computer services, executive, management, or administrative services for private firms or organizations. Office and Professional Services uses do not include medical and dental offices. Examples of office and professional services include, but are not limited to:

(1) Law offices

(2) Architecture and engineering offices

(3) Accounting offices

(4) Call centers

(5) Financial, insurance, and real estate offices

e. *Medical and Dental Office uses* are offices that provide personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, naturopaths, dentists, physician assistants, physical therapists, chiropractors, massage therapists, and similar uses. Medical laboratories are allowed under this classification as an accessory use. Examples include, but are not limited to:

(1) Clinics

(2) Veterinary offices

(3) Animal hospitals

(4) Dentist offices

(5) Doctors' Offices

(6) Urgent care facilities

f. *Childcare uses are uses* that provide nonmedical care for children on less than a twenty-four (24) hour basis that are regulated under the most current Oregon Revised Statute ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group Childcare uses include the following uses:

(1) In-home daycare means any use that provides day care to fewer than six (6) children within the care givers primary residence.

(2) Daycare Facility means any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.

g. *General Retail uses* are uses that engage in the sale or rental of commonly used merchandise and goods that are consumed for everyday living. The City of Sherwood classifies general retail uses into large format and small format. Large format facilities are 10,000 square feet or greater and small format are retail facilities that are less than 10,000 square feet. General Retail uses may include but are not limited to:

(1) Grocery Stores

(2) Department Stores

(3) Convenience Stores without fuel sales

(4) Furniture Stores

(5) Hardware Stores

(6) Pharmacies

(7) Book Stores

(8) Electronics Stores

(9) Auto Parts Stores

(10) Sporting Goods Stores

(11) Toy Stores

(12) Jewelry Stores

h. *Personal Services uses are uses* that people come to rely on for their personal needs, but are not necessarily required on a daily basis. Examples of Personal Service uses include, but are not limited to:

(1) Barbershops and beauty salons

(2) Dry cleaning pick-up stores with limited equipment

(3) Laundromats (self-service laundries)

(4) Locksmiths

(5) Shoe repair shops

(6) Tailors and seamstresses

(7) Health and fitness clubs

(8) Dance or music studios

(9) Pet grooming

(10) Indoor pet daycare

i. *Eating and Drinking Establishments* are uses that sale prepared food and beverages for consumption on or off of the site on which the business sits. Examples include but are not limited to:

(1) Restaurants (including drive-through, fast food, and sit-down)

(2) Taverns and lounges

(3) Coffee shops

(4) Ice cream shops

(5) Sandwich Shops

D. Industrial Use Types

1. *Distribution, warehousing, and storage uses* are uses that engage in warehousing, storing, or distributing goods primarily to retailers; to industrial, commercial, institutional, or professional businesses. Generally, these uses are not open to the public. Uses within this category, may include but are not limited to:

   (1) Moving companies

   (2) Mini-storage

   (3) specific retail storage and distribution

   (4) Freight delivery

   (5) Beverage distribution.

2. *Laboratory uses* are facilities that primarily engage in the research, development, and controlled production of electronic, industrial, medical, dental, biotechnological, and scientific commodities.
3. *Metal Fabrication and Engineering uses* are uses that involve the design and processing of metals to create new products. Examples include but are not limited to:

   (1) Machine shops

   (2) Fabrication shops

   (3) Welding Shops

4. *Small-scale Industrial Service uses* are uses that manufacture finished parts or products primarily from previously prepared materials; and provide industrial services within an enclosed building. These uses include the outdoor storage of products, materials, equipment, or bulk fuels. Examples include uses that assemble and process food products, appliances, textiles and fiber products, pottery, glass, small electronics, maintenance equipment, vending machines, cosmetics, and tools. This category may also include:

   (1) Contractor's storage and equipment yards

   (2) Laundry and dry cleaning plants

   (3) Fabric dyeing facilities

   (4) Auto dismantling within an enclosed building

   (5) Manufacture of stone works and concrete products (excluding concrete ready-mix plants)

   (6) Commercial bakeries

(7) Small scale energy facilities include facilities, such as solar panels, that produce energy but are generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%.

5. *Large-scale Industrial Service uses* are uses that use mechanical or chemical transformation of materials or substances to manufacture or process new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this classification. Also included, is the blending of materials such as lubricating oils, plastic resins, or metals. Examples of large-scale Industrial Service uses include, but are not limited to:
   (1) Sawmills
   (2) Pharmaceutical manufacturers
   (3) Pulp and paper mills
   (4) Distillation of oil, coal, wood, or tar compounds and the creosote treatment of products
   (5) Metal rolling and extraction mills
   (6) Forge plants
   (7) Smelters
   (8) Blast furnaces
   (9) Sand and gravel pits
   (10) Rock crushing facilities
   (11) Aggregate storage and distribution facilities
   (12) Concrete or asphalt batch plants
   (13) Solid waste transfer stations
   (14) Large Scale energy facilities are facilities that generally exceed the impacts associated with a small-scale energy facility, and may include power plants, solar farms, and other similar uses.
6. *Hazardous Facilities* are uses that manufacture, process, or dispose of chemicals and compounds that are determined by a public health official to be detrimental to the health, safety, and welfare of the community and may include acids, paints, dyes, toxins, explosive materials, ammonia, chlorine, sodium compounds, fertilizers, herbicides, incesticides, and similar chemicals or compounds.

E. Agriculture Use Types

1. *Agricultural uses* are uses that facilitate farming and horticulture. Allowed uses include the sales and rental of farm equipment, farm activities as defined by ORS 215, which states, ""farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm

use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection."

PERKINSCOIE

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May 10, 2022

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F. +1.503.346.2024

VIA ELECTRONIC MAIL TO RUTLEDGEE@SHERWOODOREGON.GOV

Chair Jean Simson
City of Sherwood Planning Commission
c/o Community Development Department
22560 SW Pine St
Sherwood, OR 97140

Re: Sentinel Storage II Site Plan Modification Application
City File No. LU 2022-004 MM
Applicant's Response to Claus Testimony

Chair Simson and Members of the Planning Commission:

This office represents the Langer family in their Sentinel II Site Plan Modification application (City File No. LU 2022-004 MM) ("Application"), which is pending before the City of Sherwood ("City") Planning Commission. This letter responds to opposition testimony presented by Jim and Susan Claus at the April 26, 2022 Planning Commission meeting. For the reasons explained below, the contentions raised by Mr. and Mrs. Claus lack merit. The Planning Commission should deny their contentions and approve the Application.

I. Applicant Responses.

A. Mr. Claus misconstrues ORS 92.040 and the Development Agreement.

1. The Development Agreement does not modify the vesting provisions of ORS 92.040.

When a city approves a subdivision for land inside an urban growth boundary, the city's laws in effect at the of subdivision application govern development on the land "unless the applicant elects otherwise." ORS 92.040(2). The City may establish a time period not to exceed 10 years for how long vesting under the subdivision lasts. ORS 92.040(3).

The subject property is located inside the UGB, and the Langers submitted an application to subdivide it in 2012, which the City ultimately approved. In conjunction with the subdivision, the Langers did not elect for the City to apply different standards to development of the property. Therefore, the standards in effect at the time of the 2012 application, which included the standards applicable through the Amended and Restated Development Agreement among the City and Langers ("Development Agreement"), governed development on the property for a 10-year period of time. That is the beginning and the end of the analysis required under ORS 92.040(2) and (3) in this case.

Although Mr. Claus contends that the Langers' agreement that the standards applicable pursuant to the Development Agreement would expire in 2017 was a waiver by the Langers of the full 10-year vesting period under ORS 92.040, and as a result, when the Development Agreement expired in 2017, the standards vested under ORS 92.040 also expired, he is mistaken. None of the provisions of the Development Agreement expressly or by implication indicate that the Langers waived any rights they had under ORS 92.040 when they entered the Development Agreement.

Likewise, in the absence of any express provisions that the election under the local code provision memorialized in the Development Agreement constituted an election under ORS 92.040, there is no reasonable argument that the City intended the Development Agreement to shorten the 10-year vesting period under ORS 92.040(3).

Finally, the plain text of ORS 92.040 does not provide an exception that the vesting period under the statute is modified based upon an earlier development agreement.

For all of these reasons, the Planning Commission should deny Mr. Claus' contention on this issue.

2. Hypothetical Development Scenario.

Additionally, the Planning Commission need not worry itself with the hypothetical scenario identified in Section 3 of Mr. Claus' letter because the Planning Commission's task tonight is to decide about an actual, not a hypothetical, application. Moreover, Mr. Claus' hypothetical scenario involved a development agreement with no expiration date. It is undisputed that the Development Agreement in the present case had an

expiration date. Therefore, the far-fetched scenario Mr. Claus outlines could not happen with this development.

3. *Group B* Decision.

Finally, Mr. Claus misapplies the decision by the Land Use Board of Appeals ("LUBA") in *Group B, LLC v. City of Corvallis*, __ Or LUBA __ (LUBA No. 2015-019, August 25, 2015). Correctly construed, LUBA stated in that decision that, even if specific development is not approved at the time of subdivision, if a local government approves a lot size and configuration in that subdivision decision that is premised upon a particular type or location of future development, the local government is precluded by ORS 92.040(2) from applying different or conflicting standards to that future development. *Id.* For the Langer Farms Subdivision, the City approved a lot size and configuration that was premised upon the Langers developing uses that were permitted under the base zone at the time of final approval of the Langer Planned Unit Development. *See* p. 9 of the decision for City File No. SUB 12-02 (Langer Farms Subdivision) addressing use issues. Accordingly, the City is barred for a 10-year period from applying different or conflicting standards to the Langers' future development of the property, which would include new use standards that would prohibit uses allowed under the base zone at the time of final approval of the Langer Farms Planned Unit Development. For these reasons, the Planning Commission should deny Mr. Claus' contentions regarding the *Group B* decision.

B. The identity of the landowner is irrelevant because the benefit of the Development Agreement was not personal to any particular individual or entity.

Mrs. Claus contends that that the Development Agreement was personal to Pamela and Clarence Langer and Langer Family, LLC. She is mistaken. Section 5 of the Development Agreement provided that the benefits and burdens of the agreement "shall run with the land." In other words, they were not personal to any particular individual or entity but would bind/benefit whoever owned the land. As a result, there is no need to sort through the various Secretary of State entity documents provided by Mrs. Claus to understand who manages the Langer entities or how they relate to one another. The Planning Commission should deny Mrs. Claus' contention on this point.

II. Conclusion.

For all of these reasons, the Planning Commission should deny the contentions raised by Mr. and Mrs. Claus and approve the Application.

We have asked City staff to place a copy of this letter in the official record for this matter and to place a copy before you at tonight's meeting. Please consider it before making your decision on the Application. Thank you for your consideration of this request.

Very truly yours,



Seth J. King

cc: Eric Rutledge (via email)
Josh Soper (via email)
Matt Langer (via email)
AKS Engineering & Forestry (via email)

D17

Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140

May 10, 2022

City of Sherwood
Planning Commission
c/o Eric Rutledge, Associate Planner
22560 SW Pine St.
Sherwood, OR 97140

Re: LU 2022-004 MM
Applicant: Langer Storage II
Written information for the Planning Commission Public Hearing Record

Dear Planning Commission members:

I am submitting this and other information to the record in opposition of the above referenced land use application for 575 storage units in a zone that does not allow the same. Earlier testimony was submitted to the record highlighting opposition to the storage as an expanded use that has "vested" that the new applicant is trying to claim. First, the applicant is not a party to the expired Amended and Restated Development Agreement between the City of Sherwood, Clarence Langer Jr. and Pamela Langer as to Phase 4 of the Langer PUD, and the Langer Family LLC as to the remainder phases. And secondarily, that agreement expired January 1, 2017. Langer Storage 2, LLC is not a party to the expired agreement— and that agreement expired more than five years ago.

An essential part of the Langer PUD 95-1 was that it followed the 1995 Sherwood Development Code. Jim Claus submitted a copy of the entire 1995 Sherwood Development code for the record, in part because it is the base document the applicant is claiming applies to the Langer PUD 95-1. As such, this new applicant is citing ORS 92.040 which they claim somehow bootlegs them (as a completely separate business entity that was never party to the expired Amended and Restated Agreement with the City) into asking the city to use the 27-year-old code for their current land use planning application request.

ORS 92.040 provides:

(1) Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording. However, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.

(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property **unless the applicant elects otherwise. (Emphasis added).**

Please note the following 1995 code language, that if the Langer PUD 95-1 still had any entitlements to this 27-year-old code, they have violated the mandatory "shall" language of the general provisions for the PUD Section 2.202.04 (A & B) and made their "election" otherwise.

Specifically, reviewing Sherwood 1995 Code Section 2.202.04 B1:

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan **SHALL BE CONSIDERED THE SAME AS A NEW PETITION, and SHALL BE MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 2.202** (caps and bolding added).

The applicant admits that this application before the Planning Commission is a major modification to a site plan within the Langer PUD 95-1 yet is not following the process required in the 1995 code which includes Planning Commission Review and Council action per Section 2.202.02 (C) and (D). Two separate public hearings are to be held; the Planning Commission SHALL hold the public hearing pursuant to Section 3.400 of the code and may act to

recommend to the Council approval or approval with conditions based on an outlined findings of fact contained in the code. The City Council then SHALL conduct another de-novo (new) public hearing pursuant to Section 3.200 and may approve, conditionally approve, or deny the application with an outlined finding of fact. Instead of the two-hearing process, the applicant has entered into a one-hearing process in front of the Planning Commission for their major modification.

If the applicant has selected a hearing process different than the 1995 code hearing process for major changes and modifications process, the applicant has elected a different version of the Sherwood code and does not have a "safe harbor" to mix and match codes—using the 1995 code as to allowed uses at the time 27 years ago, but selecting an updated version of the Sherwood development code to use in which to process the land use application request. In short, the applicant cannot have it both ways. As an example, staff refers to the current Sherwood Development Code Sections 16.31, 16.72, 16.90, 16.92, 16.94, 16.96, 16.98, 16.106, 16.108, 16.110, 16.112, 16.114, 16.116, 16.118, 16.142, 16.146, 16.148, 16.150, 16.152, 16.154, 16.156 for processing this land use application, not sections of the 1995 Sherwood Development code. (See page 2 of the Staff Report dated April 19, 2022.)

KING!

Another problem the applicant has with trying to mix and match Sherwood development codes is that the Langer PUD-95-1 has not had the requisite renewal hearings as outlined in the 1995 Sherwood Code Section 2.202.04 (A) 2 Failure to Complete:

a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission **SHALL** (caps and bolding added) hold a public hearing to determine whether or not the PUD's continuation in whole or in part, is in the public interest.
b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

The Langer 95-1 PUD was approved in 1995. There is no record of any subsequent Planning Commission public hearings directly addressing Section 2.202.04 (A) 2 Failure to Complete for Langer PUD 95-1. ***This is mandatory code language***—not whimsical, at the discretion of city staff or officials code language suggestions. The Langer PUD 95-1 approval has several phases and is still not fully built out, some 27 years later. Lack of following the 1995 Sherwood Development code for Langer PUD 95-1 demonstrates an election to a later version of the Sherwood Development code and again does not allow the applicant to claim a safe harbor

within ORS 92.040 language because an election was made not to follow the 1995 code that requires mandatory procedures and processes for PUDs approved under that code.

This land use application must be denied. The current applicant, Langer Storage 2, LLC, is an interloper trying to lay down next to and revive an expired agreement between the City and other parties so this applicant can build 575 storage units on a piece of property which does not allow that use. In addition, there are so many violations of not using the 1995 Sherwood Code and making elections for later codes, that even their attempt to invoke ORS 92.040 is laughable at best to allow their request to build storage units in a zone that does not allow such uses. Again, this application must be denied.

Please add this document to the record for the LU 2022-004 MM file.

Thank you--

Susan Claus

Susan Claus
Attachments

I. BACKGROUND

A. Applicant: Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

Owner: Langer Storage 2, LLC
15585 SW Tualatin-Sherwood Rd.
Sherwood, OR 97140

B. Location: 21900 SW Langer Farms Parkway (Tax Lot 2S129DC00900)

C. Review Type: Type IV Major Modification

D. Public Notice: Notice of the application was provided in accordance with 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before April 6, 2022. Notice of the application was also published in a local newspaper (Tigard Times) on April 7 and April 21, 2022.

E. Review Criteria: SZCDC Chapter 16.31 Industrial Land Use Districts; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.90 Site Planning; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.98 On-Site Storage; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.146 Noise; Chapter 16.148 Vibrations; Chapter 16.150 Air Quality; Chapter 16.152 Odors; Chapter 15.154 Heat and Glare; Chapter 16.156 Energy Conservation

F. History and Background: The land has been owned and farmed by the Langer family since the late 1800's. The subject property is part of Phase 8 of the Sherwood Village PUD that the Sherwood City Council approved in 1995. The site was developed as a self-storage facility in 2016. The land use and land division approvals issued by the City include:

- 1995 Planned Unit Development (PUD 95-1, including modifications)
- 2012 Langer Farms Subdivision (SUB 12-02)
- 2016 Partition Plat of Lot 4 of Langer Farms Subdivision (MLP 16-02)

R. James Claus
22211 SW Pacific Highway
Sherwood, Oregon 97140
503-625-6051 Fax

May 10, 2022

City of Sherwood
Planning Commission
22560 SW Pine St.
Sherwood, OR 97140

Re: LU 2022-004 MM
Applicant: Sentinel Storage II
Owner: Langer Storage 2, LLC

Dear Planning Commissioners:

I write in opposition to the above-numbered application for a major modification to the existing self-storage development located at 21900 SW Langer Farms Parkway. Please enter this letter into the record of these proceedings.

As a follow-up to the letter I submitted at the first hearing in April, I noticed that both the applicant for the 2012 subdivision and the applicant for the 2016 land use approval were Langer Farms LLC. The applicant in this matter is Langer Storage 2, LLC. In other words, the applicants are different entities.

Nothing in ORS 92.040(2) authorizes an entity that was not the original applicant for subdivision approval to take advantage of the laws governing the development at the time of the subdivision application (in this case, the 2012 SZDC). In other words, ORS 92.040(2) is personal to the applicant, and to the proposed land uses envisioned as part of the 2012 subdivision application.

In this case, not only did the 2012 subdivision applicant request no changes to the actual development of the subject property, but the ownership of the property has changed. As noted by the Oregon Court of Appeals in *Athletic Club of Bend, Inc. v. City of Bend*, 239 Or App 89

(2010) and by the Oregon Land Use Board of Appeals in *Group B LLC v. City of Corvallis,* LUBA No. 2015-019 (2015), the purpose of ORS 92.040(2) is to give the subdivision applicant protection to develop the property for the intended uses envisioned at the time of the subdivision application. Here, we have a different applicant than the applicant for the 2012 subdivision approval, which proposed no particular development. Not only that, we have an intervening land use approval in 2016 by the same applicant for the subdivision approval, that was made at a time when a self-storage building was not authorized by the LI-PUD zoning.

If the subdivision applicant wanted to site a three-story self-storage building like the one being proposed by the applicant in this case, they could have either 1) raised the ORS 92.040(2) argument at that time, or 2) relied upon the unexpired Agreement they had entered into with the City to develop the three-story self-storage building pursuant to the 1995 SZDC. The fact that they chose not to do so is proof that it was never Langer Farms LLC's intent to develop a three-story self-storage building, and nothing in ORS 92.040(2) allows a subsequent owner to rely on a completely different type of development than what was envisioned by the subdivision applicant at the time of subdivision approval. Consequently, this application must be denied.

Pursuant to ORS 197.797(6)(b), I ask that the Commission keep the record open for at least 7 days from the date of tonight's hearing to allow me and others to respond to any new testimony, materials, or evidence submitted into the record at tonight's hearing.

Sincerely,

Jim Claus

Jim Claus

Sentinel Self-Storage Annex II
Site Plan Modification Application

Submitted to:	City of Sherwood Planning Department 22560 SW Pine Street Sherwood, OR 97140
Applicant/ Property Owner:	Langer Storage 2, LLC 15585 SW Tualatin-Sherwood Road Sherwood, OR 97140
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062
	Contact: Chris Goodell, AICP, LEED[AP] Email: chrisg@aks-eng.com Phone: (503) 563-6151
Site Location:	21900 SW Langer Farms Parkway
Washington County Assessor's Map:	2S129DC, Tax Lot 900
Site Size:	±6.14 acres
City Zoning:	Light Industrial (LI) Planned Unit Development (PUD)

Chicago Title
Company of Oregon

1433 SW 6th Avenue
(503)646-4444

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Matt Langer
21650 SW Langer Farms Parkway
Sherwood, OR 97140

Customer Ref.: _____
Order No.: 472521008337
Effective Date: November 8, 2021 at 08:00 AM
Charge: $350.00

The information contained in this report is furnished by Chicago Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of property ("the Property") as of the Effective Date is:

Langer Storage 2 LLC, an Oregon limited liability company

Premises. The Property is:

(a) Street Address:

21900 S.W. Langer Farms Parkway, Sherwood, OR 97140

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

1. Unpaid Property Taxes are as follows:
   Fiscal Year: 2021-2022
   Amount: $68,726.07, plus interest, if any
   Levy Code: 088.10
   Account No.: R2201837
   Map No.: 2S129DC00900

   Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

2. City Liens, if any, in favor of the City of Sherwood. No search has been made as to the existence of any liens. A search will be conducted, for an additional charge, only upon request of the Assured herein named.

3. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
   Granted to: The City of Sherwood
   Purpose: Storm sewer
   Recording Date: December 6, 1994
   Recording No.: 94-109104
   Affects: The Northerly and Easterly portions

   And as shown on the recorded plat of LANGER FARMS.

4. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
   Granted to: The City of Sherwood
   Purpose: Public utilities
   Recording Date: April 22, 2011
   Recording No.: 2011-030292
   Affects: The West 8 feet

   And as shown on recorded PARTITION PLAT NO. 2017-019.

5. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
   Granted to: The City of Sherwood
   Purpose: Stormwater
   Recording Date: April 22, 2011
   Recording No.: 2011-030294
   Affects: A strip through the central portion

   And as shown on the recorded plat of LANGER FARMS.

6. Easements for the purposes shown below and rights incidental thereto as delineated or as offered for dedication on the recorded plat of LANGER FARMS;
   a: Purpose: Private utility
   Affects: A strip through the Southerly portion

b: Purpose: Private access
Affects: A strip through the Southerly portion

c: Purpose: Storm drainage
Affects: A strip through the Southerly portion

Said Easements are also shown on recorded PARTITION PLAT NO. 2017-019.

7. Easement for the purpose shown below and rights incidental thereto, as granted in a document:
Granted to: The City of Sherwood
Purpose: Water line
Recording Date: August 27, 2014
Recording No.: 2014-054287
Affects: The Southwesterly portion

And as shown on recorded PARTITION PLAT NO. 2017-019.

8. Restrictions, but omitting restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said restriction is permitted by applicable law, as shown on recorded PARTITION PLAT NO. 2017-019:
Recording Date: June 27, 2017
Recording No.: 2017-050998

9. Building Setback Covenant and Agreement, including the terms and provisions thereof;
Recording Date: July 19, 2017
Recording No.: 2017-056720

10. A Line of Credit Deed of Trust to secure an indebtedness in the amount shown below,
Amount: $5,530,000.00
Dated: August 1, 2018
Grantor: Langer Storage 2 LLC, an Oregon limited liability company
Trustee: Brad L. Williams, C/O UPF Services, LLC
Beneficiary: Riverview Community Bank
Loan No.: 840068874
Recording Date: August 21, 2018
Recording No.: 2018-058024

11. An Assignment of Rents of all moneys due, or to become due as rental or otherwise from said Land, to secure payment of an indebtedness, shown below and upon the terms and conditions therein;
Assigned to: Riverview Community Bank
Recording Date: August 21, 2018
Recording No.: 2018-058037

12. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

ADDITIONAL NOTES

NONE

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Tony Schadle
5034694150
Tony.Schadle@TitleGroup.FNTG.com

Chicago Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201

EXHIBIT "A"
Legal Description

Parcel 1, PARTITION PLAT NO. 2017-019, recorded June 27, 2017 as Recorder's Fee No. 2017-050998, in the City of Sherwood, County of Washington and State of Oregon.

Exhibit A
Exhibit D18

Washington County, Oregon **2018-058023**
D-DBS
Stn=6 M FERNANDES **08/21/2018 12:44:15 PM**
$10.00 $11.00 $5.00 $60.00 **$86.00**

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

After recording return to:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204

Send tax statements to:
Same as above
No change

LAWYERS TITLE 90180045 JB

BARGAIN AND SALE DEED

Langer Family LLC, an Oregon limited liability company, Grantor, conveys to Langer Storage 2 LLC, an Oregon limited liability company, Grantee, all right, title, and interest in the real property described as follows:

Parcel 1, PARTITION PLAT NO. 2017-019, recorded June 27, 2017, Recorder's No. 2017-050998, in the City of Sherwood, County of Washington and State of Oregon.

The property is otherwise known as 21900 SW Langer Farms Parkway, Sherwood, Oregon 97140. The true consideration for this conveyance is other than monetary consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated as of June 25th, 2018.

Langer Family LLC

By Langer Asset Management, Inc., Manager

By _____
Matthew D. Langer, President

1 BARGAIN AND SALE DEED
P:\DOCS\LANFAM\45298\DOC\3SM9726.DOC

STATE OF OREGON)
) ss.
County of Washington)

Subscribed and sworn to before me on June 25th, 2018, by Matthew D. Langer, president of Langer Asset Management, Inc., an Oregon corporation, manager of Langer Family LLC, an Oregon limited liability company.

Notary Public – State of Oregon

OFFICIAL STAMP
JENNIFER HEASLEY
NOTARY PUBLIC-OREGON
COMMISSION NO. 955710
MY COMMISSION EXPIRES OCTOBER 18, 2020

Jun-27-03 01:13P SENTINEL STORAGE .. 503 625 4164 P.03

Jun-27-03 11:21 From-[illegible] To-[illegible] P.01/02 F-[illegible]

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone: (503)986-2200
Fax: (503)378-4381
www.sos.state.or.us/corporation/cpn.htm

Ref #2571

Registry Number: 631905-82
Date of Organization: 06/04/1998
Type: DOMESTIC LIMITED LIABILITY COMPANY

6/30/2003

LISA NAGACKA
FAX: (503) 222-3068

FILED
JUN 30 2003
OREGON
SECRETARY OF STATE

RE: LANGER FAMILY LLC
APPLICATION FOR REINSTATEMENT AMENDED

Please complete and return this letter and any enclosed documents for filing the requested reinstatement/reactivation.

Submit $120.00 for the required fees.

The above entity hereby requests to be active on the records of the Corporation Division. The effective date of administrative dissolution is 7-01-02.

The reason(s) for administrative dissolution has been eliminated or did not exist.

By: Karen Langer Date June 27, 2003
(Authorized Signature) (503) 625-7070

Any fees submitted with this document are nonrefundable and will be held for 45 days. If the document is returned for filing within 45 days no additional fees will be due unless otherwise stated in this letter.

Business Registry
Corporation Division
(503) 986-2200

GFC-30

LANGER FAMILY LLC

63190582-6525747 REIANA

Exhibit D18

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone: (503) 986-2200
Fax: (503) 378-4381
www.sos.state.or.us/corporation

REINSTATEMENT ANNUAL REPORT

Registry Number: 631905-82
Date of Organization: 06/06/1996

Type: DOMESTIC LIMITED LIABILITY COMPANY

LANGER FAMILY LLC
RON D FERGUSON
8555 SW TUALATIN RD
TUALATIN OR 97062

FILED
JUN 30 2003
OREGON
SECRETARY OF STATE

Name of Domestic Limited Liability Company
LANGER FAMILY LLC

Registered Agent
RON D FERGUSON
8555 SW TUALATIN RD
TUALATIN OR 97062

Jurisdiction
OREGON

If the Registered Agent has changed, the new Agent has consented to the appointment.

The following information is required by statute. Please complete the entire form.

1) Type of Business
Limited Liability Company

2) Principal Place of Business (Str. address,city,state,zip)
15583 SW Tualatin-Sherwood Highway
Sherwood, Oregon 97140

3) Mailing Address (Address,city,state,zip)
222 SW Columbia Street, Suite 1625
Portland, Oregon 97201-6618

4) ☒ Member ☐ Manager Name & Address
Clarence D. Langer, Jr.
15583 SW Tualatin-Sherwood Highway
Sherwood, Oregon 97140

5) ☐ Member ☐ Manager Name & Address

6) Signature
* Clarence D. Langer Jr.

7) Printed Name
Clarence D. Langer, Jr.

8) Date
* on June 27, 2003

9) Daytime Phone Number
* (503) 625-7070

Return the completed form and fee to Secretary of State, Corporation Division, 255 Capitol St. NE, Suite 151 Salem, OR 97310-1327. Note: You can also fax to (503) 378-4381. Filing fees may be paid with VISA or MasterCard. Submit the card number and expiration date on a separate page for your protection.

SF 6-30

AM/PM: 08:00:00

Amendment to Annual Report - Limited Liability Company

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone (503) 986-2200

Exhibit D-13

FILED

APR 07 2010

OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 631905-82

ENTITY TYPE: ☑ DOMESTIC ☐ FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink.

To change the Registered Agent, use Change of Registered Agent/Address, Form 214.

1) NAME OF ENTITY: Langer Family, LLC

2) PRINCIPAL PLACE OF BUSINESS: (Street Address)
15585 SW Tualatin-Sherwood Rd
Sherwood, Oregon 97140

3) ADDRESS FOR MAILING NOTICES:
15585 SW Tualatin-Sherwood Rd
Sherwood, Oregon 97140

LIST MEMBERS AND/OR MANAGERS NAMES AND ADDRESSES

4) MEMBERS: (Name and street address)

Gary Langer
Barbara Langer — 14020 SW 98th Tigard, OR 97224
Katie Langer
Lillian Langer
Steven Langer — 4025 NE Arnold Lane McMinnville, OR 97128
Scott Langer
Lucas Langer — 16986 Silver Pine Rd San Diego, CA 92127
Emmalee Hettinga
Kendall Hettinga — 15585 SW Tualatin-Sherwood Rd Sherwood, 97140
Matthew Langer
Lucy Langer
Lily Langer — 21315 SW Baker Way Sherwood, OR 97140

5) MANAGERS: (Name and street address)

Clarence Langer 15585 SW Tualatin-Sherwood Rd
Sherwood, Oregon 97140

Pamela Langer 15585 SW Tualatin-Sherwood Rd
Sherwood, Oregon 97140

6) EXECUTION: (Must be signed by at least one member or manager.)
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature: Clarence Langer
Printed Name: Clarence Langer
Title: Manager
Date: Aril 2, 2010

CONTACT NAME: (To resolve questions with this filing.)
Pamela Langer

PHONE NUMBER: (Include area code.)
503-625-7070

FEES

63190582-11777024

120 - Amendment to Annual Report - Limited Liability Company (01/10)

Business Registry Business Name Search

Exhibit D18

New Search

Merger Transaction Data

Image Date	Action	Transaction Date	Effective Date	Status		
02-15-2017	ARTICLES OF MERGER	02-15-2017		FI		

New Search

Merger Survivor

Registry Number	Name Status	Name	Entity Type	Jurisdiction
631905-82	CUR	LANGER FAMILY LLC	DLLC	OREGON

New Search

Merger Non Survivor

Registry Number	Name Status	Name	Entity Type	Jurisdiction
486860-83	CUR	LANGER BROS., L.L.C.	DLLC	OREGON

New Search

Merger Correspondent

No Correspondent found.

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Business Registry Business Name Search

Exhibit D18

New Search

Merger Transaction Data

Image Date	Action	Transaction Date	Effective Date	Status		
	ARTICLES OF MERGER	12-31-2020		FI		

New Search

Merger Survivor

Registry Number	Name Status	Name	Entity Type	Jurisdiction
631905-82	CUR	LANGER FAMILY LLC	DLLC	OREGON

New Search

Merger Non Survivor

Registry Number	Name Status	Name	Entity Type	Jurisdiction
419537-95	CUR	SIX CORNERS, LLC	DLLC	OREGON
1160949-96	CUR	LANGER BALER LLC	DLLC	OREGON

New Search

Merger Correspondent

Type	MAL	MAILING ADDRESS				
Name	DEAN	T	SANDOW			
Addr 1	FARLEIGH WADA WITT					
Addr 2	121 SW MORRISON ST STE 600					
CSZ	PORTLAND	OR	97204		Country	UNITED STATES OF AMERICA

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AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
May 13, 2015
OREGON SECRETARY OF STATE

REGISTRY NUMBER

63190582

REGISTRATION DATE

05/04/1998

BUSINESS NAME

LANGER FAMILY LLC

BUSINESS ACTIVITY

OWNING, ACQUIRING, MANAGING, AND MAINTAINING REAL PROPERTY FOR INVESTMENT AND THE PRODUCTION OF INCOME.

MAILING ADDRESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

MATTHEW LANGER

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

Corporation Division
www.filinginoregon.com

OREGON SECRETARY OF STATE

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

05-13-2015

Exhibit D18

Corporation/Limited Liability Company - Information Change

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200
Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary. Fax: (503) 378-4381

FILED
OCT 04 2018
OREGON SECRETARY OF STATE

REGISTRY NUMBER: 631905-82

ENTITY TYPE: (●) DOMESTIC ( ) FOREIGN

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

1. NAME OF CORPORATION OR LIMITED LIABILITY COMPANY:

Langer Family LLC

Complete only the sections that you are updating.

2. BUSINESS ACTIVITY

3. PRINCIPAL PLACE OF BUSINESS: (Street Address)

4. THE REGISTERED AGENT HAS BEEN CHANGED TO:

5. REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:
Must be an Oregon Street Address, which is identical to the registered agent's office.

6. ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

7. THE NEW REGISTERED AGENT HAS CONSENTED TO THIS APPOINTMENT.

8. THE STREET ADDRESS OF THE NEW REGISTERED OFFICE AND THE BUSINESS ADDRESS OF THE REGISTERED AGENT ARE IDENTICAL.
The entity has been notified in writing of this change.

9. INDIVIDUAL WITH DIRECT KNOWLEDGE (Names and Addresses)
List the name and address of at least one individual who is a director, or controlling shareholder of the corporation (member or manager of the LLC) or an authorized representative with direct knowledge of the operations and business activities of the corporation or LLC.

10. NAME(S) AND ADDRESS(ES)OF CORPORATE OFFICERS OR LLC MEMBERS/MANAGERS
Corporations list the name and address of one President and one Secretary (ORS 60.787, ORS 65.787, ORS 62.455, ORS 554.315).
Limited Liability Companies list the name and addresses of the managers for a manager-managed limited liability company or the name and address of at least one member for a member-managed limited liability company (ORS 63.787). Please attach a separate sheet of paper if needed.
If making changes to this section, list all current names and addresses. This replaces what is currently on the record.

PRESIDENT OR OWNER(S) (MEMBERS): (Names and Addresses)

SECRETARY OR MANAGER(S): (Names and Addresses)

Langer Asset Management, Inc.
c/o Farliegh Wada Witt
121 SW Morrison St #600
Portland, OR 97204

11. EXECUTION: I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, obscure, alter, or otherwise misrepresent the identity of any person including officers, directors, employees, members, managers or agents. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

SIGNATURE: [signature]

PRINTED NAME: Dean T. Sandow

TITLE: Attorney-in-fact

CONTACT NAME: (To resolve questions with this filing)
Dean T. Sandow

PHONE NUMBER: (include area code)
(503) 228-6044

Information Change 12/17

FEES
No Processing Fee

LANGER FAMILY LLC

63190582-19399817 AAR

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Apr 25, 2022
OREGON SECRETARY OF STATE

REGISTRY NUMBER

63190582

REGISTRATION DATE

05/04/1998

BUSINESS NAME

LANGER FAMILY LLC

BUSINESS

OWNING, ACQUIRING, MANAGING, AND MAINTAINING REAL PROPERTY FOR INVESTMENT AND THE PRODUCTION OF INCOME.

MAILING ADDRESS

FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

MATTHEW D LANGER

C/O 121 SW MORRISON ST #600
121 SW MORRISON ST #600
PORTLAND OR 97204 USA

MANAGER

MATTHEW D LANGER

C/O 121 SW MORRISON ST #600
121 SW MORRISON ST #600
PORTLAND OR 97204 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

04-25-2022

Exhibit D18

Registry number 1381386-98

FILED
NOV 21 2017
OREGON
SECRETARY OF STATE

ARTICLES OF ORGANIZATION

LANGER STORAGE 2 LLC
an Oregon limited liability company

The undersigned natural person, acting as organizer under the Oregon Limited Liability Company Act, adopts the following articles of organization:

Article 1

The name of the limited liability company is LANGER STORAGE 2 LLC ("Company"), and the Company will be perpetual.

Article 2

The Company will be managed by a manager as provided in an operating agreement.

Article 3

A manager of the Company shall not be personally liable to the Company or its members for monetary damages for conduct as a manager, except for liability of the manager for (a) acts or omissions that involve intentional misconduct or a knowing violation of the law by the manager, (b) conduct that violates ORS 63.235 pertaining to unpermitted distributions to members or loans to managers, or (c) any transaction from which the manager will personally receive a benefit in money, property or services to which the manager is not legally entitled. If the Oregon Limited Liability Company Act is amended to authorize limited liability company action further eliminating or limiting the personal liability of managers, then the liability of a manager of the Company shall be eliminated or limited to the fullest extent permitted by the Oregon Limited Liability Company Act, as amended. Any repeal or modification of this Article by the members of the Company shall not affect adversely any right or protection of a manager of the Company existing at the time of such repeal or modification.

Article 4

The Company shall indemnify each manager as against all liability, damage, or expense resulting from the fact that such person is or was a manager, to the maximum extent and under all circumstances permitted by law, except that the Company shall not indemnify a manager against liability, damage, or expense resulting from the manager's gross negligence.

Article 5

The name of the initial registered agent is Dean T. Sandow, and the address of the initial registered office is 121 SW Morrison #600, Portland, Oregon 97204. The address where the Corporation Division may mail notices is c/o Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

Article 6

The name and address of the organizer is Dean T. Sandow, Farleigh Wada Witt, 121 SW Morrison #600, Portland, Oregon 97204.

LANGER STORAGE 2 LLC

138138698-18483712 NEWORG

Article 7

The effective date of the Company's existence is the date of filing of these Articles by the Corporation Division.

I, the undersigned organizer, declare under penalties of perjury that I have examined the foregoing, and to the best of my knowledge and belief, these Articles of Organization are true, correct, and complete.

Dated November 20, 2017.

Dean T. Sandow, Organizer

The person to contact about this filing is:

Dean T. Sandow
Farleigh Wada Witt
121 SW Morrison #600
Portland, Oregon 97204
503.228.6044
dsandow@fwwlaw.com

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 27, 2018
OREGON SECRETARY OF STATE

REGISTRY NUMBER

138138698

REGISTRATION DATE

11/21/2017

BUSINESS NAME

LANGER STORAGE 2 LLC

BUSINESS ACTIVITY

TO OWN AND OPERATE STORAGE FACILITY

MAILING ADDRESS

C/O DEAN T SANDOW - FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 60I0
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

AUTHORIZED AGENT

DATE SIGNED

11-27-2018

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Nov 23, 2021
OREGON SECRETARY OF STATE

REGISTRY NUMBER

138138698

REGISTRATION DATE

11/21/2017

BUSINESS NAME

LANGER STORAGE 2 LLC

BUSINESS

TO OWN AND OPERATE STORAGE FACILITY

MAILING ADDRESS

C/O DEAN T SANDOW - FARLEIGH WADA WITT
121 SW MORRISON #600
PORTLAND OR 97204 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 6010
PORTLAND OR 97204 USA

JURISDICTION

OREGON

REGISTERED AGENT

DEAN T SANDOW

121 SW MORRISON #600
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MANAGER

93121896 - LANGER ASSET MANAGEMENT, INC.

C/O FARLEIGH WADA WITT
121 SW MORRISON ST STE 600
PORTLAND OR 97204 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

DEAN T SANDOW

TITLE

REGISTERED AGENT

DATE

11-23-2021

D19

Susan Claus
22211 SW Pacific Hwy
Sherwood, OR 97140

May 10, 2022

Sherwood Planning Commission
c/o Eric Rutledge, Associate Planner
Sherwood Planning Department
22560 SW Pine Street
Sherwood, Oregon 97140

Re: LU 2022-004 Major Modification
Applicant/Owner: Langer Storage II

Request to leave the record open for 7 days for additional written information and testimony

Dear Planning Commission:

Per ORS 197.797(6)(b), I would like to formally request for the Planning Commission to keep the land use hearing record remain open for (7) seven days. I would like to submit information and testimony and respond to the new information received on this land use application.

Please add this request to the record for the LU 2022-004 MM file.

Thank you,

Susan Claus

Susan Claus