



IN THE MATTER OF AN APPEAL OF THE
PLANNING COMMISSION DECISION FOR
THE **OREGON STREET INDUSTRIAL PARK**

FINAL ORDER 2008-001
SP 07-08

The above referenced application came before the Sherwood City Council on appeal from the Planning Commission for a public hearing on February 5, 2008, and February 19, 2008. Based on the record created throughout the review process and the testimony and evidence submitted to the City Council, the Council finds as follows:

1. On January 8, 2008, the City of Sherwood Planning Commission approved SP 07-08, the Oregon Street Industrial Park, and
2. On January 28, 2008, the Applicant filed an appeal of the Planning Commission's decision, and
3. On February 5, 2008, and February 19, 2008, the City Council held public hearings on the appeal; and
4. The City Council received testimony and argument from the applicant regarding the proposed conditions of approval, and
5. The City Council received advice from staff regarding the application, the applicable provisions of the Sherwood Development Code (SDC), and the proposed conditions of approval; and
6. The City Council having considered the testimony from the Applicant and advice from staff concludes that the application as conditioned meets the applicable criteria in the SDC;

NOW, THEREFORE, THE CITY ORDERS AS FOLLOWS:

Section 1: The City Council **approves** SP 07-08 subject to the findings and conditions in the Planning Commission decision dated January 14, 2008 (attached hereto as Exhibit A) except as specifically modified below:

Condition D.4 and F.3 are deleted and replaced with a new "F.3" stating "Prior to occupancy permits, submit detailed documentation, in the form of deeds, leases or contracts, on the type of use to be located within each tenant improvement. If the proposed use for all buildings is a single tenant or the uses in combination required

more parking than is provided by the existing site plan, additional parking would need to be provided through a site plan modification."

Condition C.1.a is revised to read: "Revise the engineering drawings to reflect Tract A as public right-of-way with a public street meeting all current standards unless deemed unnecessary to comply with applicable agency requirements. Should right-of-way dedication prove unnecessary or unfeasible, the applicant shall record a cross access and public utility easement over Tract A for the benefit of tax lots 500, 600 and 602. The access easement to tax lots 600 and 602 (which comprise one legal lot) shall clearly state that the access shall only be secondary subject to principal access being provided via Oregon Street. The language of the easement shall be prepared by the applicant with final approval authority from the City to verify the easement will provide secondary access to the required parcels."

Condition D.13 is revised to read: "Submit legal evidence in the form of deeds, easements, leases, or contracts that clearly establish joint ingress/egress for the 3 proposed buildings, storage yard and adjoining tax lots 500. An easement shall also be provided establishing a secondary access to tax lot 600 and 601. The "secondary access easement" may specify that the easement is only valid if primary access is provided via an alternate location. "

Section 2: The City Council adopts the findings in the Planning Commission decision. regarding compliance with the applicable approval criteria except as supplemented in the staff power point presentation presented and distributed to Council at the February 19, 2008 hearing and attached hereto as Exhibit B

Section 3. The City Council adopts the interpretations of the SDC contained in the power point materials.

Section 4: This order is and shall be effective from and after its passage by the Council.

This order was approved by Council on February 19, 2008.


Keith S. Mays, Mayor


Date

ATTEST:


Sylvia Murphy, City Recorder

Exhibit A: Planning Commission Decision dated January 14, 2008

Exhibit B: Copy of staff power point presentation.

CITY OF SHERWOOD
NOTICE OF DECISIONFile No: SP 07-08
Oregon Street Industrial Building

At the November 27, 2007 Planning Commission public hearing, the Commission opened the public record and took public testimony on the subject application. After receiving the testimony, the Commission left the record open with the following deadlines: December 7th for anyone to submit information and new evidence into the record, December 14th for anyone to respond to the new evidence/testimony entered into the record, and December 21st for the applicant to submit final comments. An addendum Staff Report was prepared dates December 31st reviewing and responding to the information submitted and providing recommendations on new and modified conditions. On January 8, 2008 the Commission considered all the information within the record including the original staff report dated November 6th, Exhibits A-O and the addendum staff report and voted to **approve with conditions** the proposed Oregon Street Industrial Building. The Planning Commission decision is based on the findings of fact and conditions contained in this notice, including exhibits.

Patrick Allen, Planning Commission Chair

Date

I. PROPOSAL/BACKGROUND

The applicant has requested site plan approval in order to construct a total of 3 separate industrial buildings ranging from 9,901 to 14,289 square feet in size and an associated storage yard. The applicant's submittal packet is attached as Exhibit A. *Note that the applicant submitted additional information included as Exhibit B on 11/16/07. This information was not included in the original review by agencies or staff. Due to time constraints on when this information submitted and the staff report due, staff did not complete a detailed analysis of this additional information, but considered it in determining whether compliance can be reached via conditions.*

- A. Applicant/Owner:
Patrick Lucas
20512 SW Roy Rogers Road, Suite 150
Sherwood, OR 97140
- B. Location: The property is located on the north side of SW Oregon Street and south of the Southern Pacific Railroad. The property address is 15104 SW Oregon Street and the property is identified as tax lots 900, 1000 and 1100 on Washington County Assessor Map 2S129D.
- C. Parcel Size: The subject property is 4.81 acres.
- D. Site Characteristics and Property History: The 4.81-acre site comprises three (3) tax lots. A partition was approved in 2002 (MLP 02-02) which created the three parcels in the development (tax lot 900, 1000 and 1100). The subject site forms an "M" shaped site that lies in a corner between the intersection of SW Oregon Street and the Southern Pacific Railroad. The property has the remnants of what used to be the Frontier Leather Co. ("Tannery"). In February 2004, the former Tannery building caught fire, and was destroyed beyond repair. The existing building remnants on the site are in the process of being removed. The site is currently under an agreement with DEQ for clean-up of hazardous materials. The site has a gentle slope and no known Goal 5 resources.

However, there were apparently small isolated wetlands that were approved by DSL to be filled in July 2003.

The property to the north, tax lot 500 also has a site plan application in review for construction within the 50 foot private access easement (SP 07-07). There is debate among the two property owners regarding the legality of each to submit for review and construct within the easement, however that is a civil matter. Staff's evaluation of each site plan will be reviewed on their own merit to ensure compliance with the code and to ensure that development of one does not preclude the development of another adjacent property.

- E. Zoning Classification and Comprehensive Plan Designation: The existing zone is Light Industrial (LI). Per section 16.32.010, the purpose of the LI zone is to provide 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.
- F. Adjacent Zoning and Land Use: The subject site is located on SW Oregon Street on the north-east side of the City. Surrounding uses include open industrial areas to the north and east, a planned unit development to the west, and two (2) residential developments to the south of the site. The Southern Pacific Railroad separates the site from uses to the west and SW Oregon Street separates the site from uses to the south.
- G. Review Type: Because the total square footage of building and parking area is greater than 40,000 square feet, the site plan requires a Type IV review with a public hearing and decision made by the Planning Commission. An appeal would be heard by the City Council.
- H. Public Notice and Hearing: Notice of the November 13, 2007 public hearing was published in the Tigard/Tualatin Times on November 1st and 8th and posted on-site and mailed to property owners within 100 feet of the site on October 24th, 2007 in accordance with Section 3.202 and 3.203 of the SZCDC.
- I. Review Criteria: Sherwood Zoning and Community Development Code, 16.32 (Light Industrial - LI), 16.58.010 (Clear Vision), 16.58.030 (Fences, Walls and Hedges), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), 16.98 (On-Site Storage), Division VI - 16.104-16.118 (Public Improvements), 16.142 (Parks and Open Space) and 16.154 (Heat and Glare).

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on October 16, 2007. Notice was published in The Times on November 1st and 8th.

Staff received comments on November 2, 2007 from Tim Ramis representing Provident Development Group, the property to the north of the subject site. The letter from Mr. Ramis is included as Exhibit C. In general Mr. Ramis and his client are opposed to the proposed access road over the easement serving their property. This issue is discussed in greater detail throughout this report.

No other public comments were received prior to the staff report dated November 6, 2007.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on October 16, 2007. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Kinder Morgan Energy has reviewed the proposal and offered the following comments on October 17, 2007:

- Kinder Morgan Energy has an 8" High Pressure Petroleum Pipeline in the general vicinity crossing Oregon Street at 2565 SW Oregon Street. This proposal as is will not be in conflict with our pipeline.

ODOT reviewed the proposal and offered no comment on October 17, 2007.

Pride Disposal provided comments stating that the site plan does not show the size or details of either enclosure.

Tualatin Valley Fire and Rescue reviewed the proposal and provided a detailed letter dated March 14, 2007 (actually received October 30, 2007) attached as Exhibit D. Concerns that potentially affect the site design, such as access, are discussed further in this report.

Tualatin Valley Water District provided comments dated October 26, 2007 stating that Tax lot 500 to the north appears not to be contiguous and/or under the same ownership as the proposed development. Access to Tax lot 500 from a proposed public street should be demonstrated. Public water service to this property shall be from a public street not an easement. A copy of their comments is included as Exhibit E

The Sherwood Engineering Department provided comments which have been incorporated into this decision and are also attached as Exhibit F. The Engineering Department also provided some general comments, which are provided below:

Grading and Erosion Control:

Retaining walls within public easements or the public right-of-way, with a height of 4 feet or higher shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department. (Please see site specific retaining wall comments under the heading "*Private Drive, Tract A*").

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

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is typically reviewed, approved and released as a part of the public improvement plans.

Other Engineering Issues:

Public easements are required over all public utilities outside the public right-of-way. Easements dedicated to the City of Sherwood are exclusive easements unless otherwise authorized by the City Engineer.

An 8 foot wide public utility easement is required adjacent to all public right-of-ways. This easement is typically utilized for the installation of franchise utilities or other utilities deemed suitable by the City of Sherwood.

This site is currently in the process of an environmental clean-up with oversight by DEQ. It is engineering staff's recommendation that no development of the site occur until DEQ has signed-off on the clean-up. This same requirement should apply to neighboring property where the Applicant proposes off-site utilities.

The City Engineer may require a geotech report if questions arise regarding the constructability of the proposed public improvements.

City code requires all existing overhead utilities be placed underground. The Applicant's submittal lacks clarity regarding this requirement. A note on Sheet 2 of the Applicant's design reads "Existing utility poles along the Oregon Street frontage are to be removed and relocated by utility provider. Relocate utilities underground within public utility easement, (PUE). Coordinate with utility providers". The first sentence of this note implies existing utility poles will be relocated while page 26 of the narrative states "As shown on the Preliminary Composite Utility Plan (Sheet 5 of 7), all utility facilities will be placed underground". Staff notes section 16.118.030 of the code, (SZCDC), requires City authorization of above ground utilities.

At the City's discretion Applicant may be required to install infrastructure for Sherwood Broadband as noted in City Ordinances 2005-17 and 2005-74.

Obtain a right-of-way permit for any work required in the public right-of-way, (reference City Ordinance 2006-20).

Washington County indicated that they had no comments.

Clean Water Services has reviewed the proposal and have provided a Service Provider Letter that indicates that no sensitive areas appear to exist on site or within 200 feet of the site.

NW Natural Gas, were also given the opportunity to comment on the proposal, but provided no written comments.

Portland General Electric has reviewed the proposal and has offered the following comment:

Have found the area where the 12" storm line is proposed to be located, is within an existing easement, which covers a PGE overhead 57kV high voltage transmission line. This easement is 25' in width, which equates to 12.5' each side of the centerline. Any uses, such as this, within the easement area must go through an internal review process to ensure the use is compatible around high voltage transmission lines, which will result in either approval or denial of the request for use of the easement. This review typically takes 4 weeks to complete.

IV. SITE PLAN REVIEW – REQUIRED FINDINGS (SECTION 16.90.020)

A. The proposed development meets applicable zoning district standards and all provisions of Chapters V, VI, VIII and IX.

The relevant criteria are found in Division V, VI, VIII and IX. Compliance with these criteria is discussed in Section IV – Applicable Code Provisions, below. Chapter 16.158 is not applicable to this site plan application as there are no Historic Resources on the site and it is not located in the Old Town Overlay.

FINDING: Compliance with the relevant criteria are discussed and conditioned as necessary throughout this report, therefore, this standard is satisfied.

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.

All public and private utilities, including water, storm and sanitary sewer, electricity and natural gas are available to serve this site. Section C.C.16.118 of this report discusses the public utility provisions in more detail and recommends conditions as needed to ensure compliance. Pride Disposal has provided comments which are discussed and conditioned further in this report. Tualatin Valley Fire and Rescue (TVF&R) gave no indication that the proposed site plan does not meet service standards.

FINDING: As discussed above, necessary requirements are discussed in detail and conditioned further in this report, ensuring this standard will be met.

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.

The applicant has indicated that CC&R documents are available or can be made conditions of approval of site plan review. The proposed site development includes separate parcels, which could potentially be under separate ownership. Confirmation on how these parcels will be maintained in accordance with the standards will be necessary. Because the applicant has not included any CC&R documents with the submittal materials, staff will require CC&R's be reviewed and approved as a condition of this land use approval.

FINDING: As discussed above, the applicant has not included CC&R's with the application materials.

CONDITION: Prior to final site plan approval, the applicant is required to submit a copy of CC&R's to the Planning Department that addresses all parcels involved.

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 Chapters 5 and 8 of this Code.

The subject site is currently occupied with a concrete pad from a pre-existing building. Clean Water Services has indicated in their Service Provider Letter that there are no sensitive areas that exist within 200 feet of the subject site.

FINDING: Based on the discussion above, this standard has been addressed.

E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

The proposed use has received a preliminary Capacity Allocation Program (CAP) trip allocation certificate based on the size of the building, the size of the property, and the uses proposed. The trip certificate is preliminary and a final trip certificate will be necessary prior to final site plan approval. The preliminary trip review indicates that additional information will be required prior to the final trip certificate being issued.

FINDING: As discussed above, the CAP submittal for this site has been reviewed; however, a final trip certificate is necessary to ensure that any changes necessitated by this approval are reflected.

CONDITION: Prior to final site plan approval, receive a final CAP trip allocation certificate from the City Engineer.

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

The applicant has submitted an analysis prepared by Charbonneau Engineering dated March 2007. The City Engineering Department has reviewed the traffic study and indicated that the proposed development meets the requirements of the CAP. This industrial site is expected to generate approximately 15 trips per acre. This number of trips exceeds the 8 trips per acre that exempts the development from mitigation, and is less than the allowed limit of 43 trips per acre.

FINDING: Based on the analysis above, this standard has been addressed but can not be fully met until the final trip certificate is issued. In order to obtain the final CAP trip certificate and meet this condition, the applicant must comply with the condition below.

CONDITION: Submit necessary documentation to the engineering department reflecting changes resulting from conditions contained in this report and verifying site acreage to obtain a Final Trip Certificate to comply with the Capacity Allocation Program.

- G. The proposed commercial, multi-family development, and mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:**
- 1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.**
 - 2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.**
 - 3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding, metal roofs, and artificial stucco material 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.**
 - 4. As an alternative to the above standards G.1-3, the Old Town Design Standards (Section 9.202) may be applied to achieve this performance measure.**

While the zone is light industrial, the proposed use of office would trigger the need to comply with this standard. As proposed, it appears the building elevation facing Oregon Street complies with this standard because the buildings are located adjacent to the street at the required setback line, a main entry into building 2 is clearly provided with canopy and articulation, and the architecture provides for a variety of materials and design treatments including windows. While the building itself appears to meet this standard, the site plans submitted do not reveal a pedestrian connection from the street to these building entrances. Further, the requirement to connect the public street with the building entrances is discussed and conditioned further in this report.

FINDING: As discussed above and conditioned further in this report, this standard is satisfied.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.32 below.

A. Division II– Land Use and Development

The applicable provisions of Division II include: 16.32 (Light Industrial) and 16.58 (Visual Clearance). Compliance with the standards in these sections is discussed below:

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.

The applicant is requesting that a wood pallet repair and storage yard be permitted to occupy the western portion of the subject site and three flex-space industrial office buildings on the eastern portion of the property. The narrative and plans are not clear on what the proposed uses of the three buildings will be. In addition, as discussed further in this decision, parking standards are met based on representation that multiple tenants will occupy the building. If one tenant is proposed to occupy all buildings, the parking standards would not be met.

The elevations do not show roll-up doors which generally would be an indication that warehousing or large shipments would be part of the proposed uses; however the site plans indicate loading areas for larger trucks.

FINDING: A wood pallet repair and storage yard, light industrial uses and professional offices are allowed uses in the LI zoning district; however because the uses proposed for the 3 flex-space buildings impact compliance with other code standards, specifically parking requirements, a condition is needed for the applicant to specify the specific users prior to final site plan approval, with confirmation prior to issuance of occupancy permits.

CONDITION: Prior to final site plan approval, submit documentation on the proposed uses to be allowed in the 3 flex-space buildings. If the use proposed results in additional parking, a site plan modification would be necessary to provide for the additional parking required.

CONDITION: Prior to occupancy permits, submit detailed documentation on the type of use to be located within each tenant improvement. If inconsistent with the final site plan approval and requiring additional parking, a site plan modification would be necessary to provide the required parking to accommodate the proposed tenant.

16.32.050.A 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.

16.32.050.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

As shown on the preliminary site plan, each lot area is over 10,000 square feet and the lot width at the front property line and at the building line measure at least 100 feet.

FINDING: Based on the analysis above, this standard has been satisfied.

16.32.050.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.

As shown of the Preliminary Site Plan, the front yard setbacks are at 20 feet and the subject property does not abut a residential zone, therefore, side and rear yard setbacks do not apply.

FINDING: Based on the analysis above, this standard is satisfied.

16.58.010 Clear Vision Areas

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. (Ord. 96-1014 § 1; 86-851)

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. (Ord. 86-851 § 3)

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. (Ord. 86-851 § 3)

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.

The subject site provides three (3) separate access points from SW Oregon Street. The plans submitted show landscaping to be located on either side of the three entrances. The applicant has not addressed the required clear vision triangles on any of the submitted plans, nor has any documentation been submitted that ensures visual clearance triangles will be maintained.

FINDING: As discussed above, staff can not confirm that this standard has been met. If the applicant meets the condition below, this standard will be met.

CONDITION: Prior to Final Site Approval, the applicant must submit a plan that shows visual clearance is maintained at all access points according to the standards of 16.58.010.

B. Chapter 5 - Community Design

The applicable provisions of Chapter 5 include: 5.100 (Site Planning), 5.200 (Landscaping), 5.3 (Off-street parking and Loading), and 5.4 (On-site Circulation). Compliance with the standards in these sections is discussed below:

16.92.010 Landscape 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.

The landscape plan, sheet L1, shows that all areas not covered with structures, walkways, paved roadways and parking on the site will be landscaped. A table has been provided on the landscape plan that indicates size and species of plants and trees to be used.

FINDING: Based on the analysis above, this standard has been satisfied.

16.92.020 Landscaping Materials

16.92.020.1 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.

A mixture of species is listed on the landscape plan, which indicates a combination of plantings will be provided. Street trees are shown on the landscape plan to meet the requirements of 16.92.

FINDING: Based on the analysis above, this standard has been satisfied.

16.92.020.2 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.

There are notes on the landscape plan that indicate, automatic sprinklers are to be installed, trees will be double staked and plantings will be spaced accordingly. Soil preparation will consist of a mix of 1 part organics and 2 parts topsoil.

FINDING: Based on the analysis above and the notes found of Sheet L1 of the applicable plan set, this standard is satisfied.

16.92.020.4 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.

The subject property was formerly developed. Any existing vegetation was previous landscaping for the old development. The proposed landscape plan does not indicate existing vegetation to remain, nor does it appear that existing vegetation is of a quality that would require saving.

FINDING: Based on the analysis above, the applicant is not required to preserve existing landscaping that was associated with the previous use.

16.92.030 Landscaping Standards

16.92.030.01 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.

The only residential zones in proximity of the subject site are located to the south and are separated from the subject site by SW Oregon Street. Therefore, a fence or wall is not practical along the entire frontage. However, landscaping features will be placed along SW Oregon Street and in front of the proposed buildings to soften the structures and keep the site aesthetically pleasing. Parking along the Oregon Street frontage is minimized. In addition, Sheet 3 of 7 indicates that a six foot high sight obscuring fence will surround the storage yard and the entire length of the storage yard that fronts on SW Oregon Street will be landscaped.

FINDING: Based on the analysis above, and the landscape plan, this standard has been satisfied.

16.92.030.2 – Parking and Loading Areas:

16.92.030.2.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 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.

The total parking and circulation area on the site is approximately 31,000 square feet. The total landscaping not associated with frontage landscaping or building landscaping is 3314

square feet which is greater than 10% of the parking and circulation area. Further, the plans show landscaping will be provided in all areas not covered by buildings, parking or circulation areas. However, it is not clear that the proposed plants are "native to the Pacific Northwest". This standard could easily be met if the landscape architect submits a letter certifying that the plants are native or are the most appropriate plants given the location and soils or if they modify the plant list to provide the required native plants.

FINDING: As discussed above, staff can not confirm that the plants proposed are native. However, staff is confident that this standard can be met if the applicant submits a letter certifying that the plants are native and/or most appropriate for the site or if they modify the plant list to provide the required native plants.

CONDITION: Submit a letter from the landscape architect certifying that the plants are native to the Pacific Northwest and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.

16.92.030.2.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, excepting clear vision areas as per Section 2.303.

The parking areas associated with the proposed site development are mostly internal except for two small parking areas that abut SW Oregon Street. The parking area at the central entrance is buffered from SW Oregon Street with a 51-foot wide landscape island from the property line. The parking area at the east entrance is buffered with a 2-foot landscape island from the property line.

FINDING: Based on the analysis above, this standard has not been met. If the applicant satisfied the following condition, this standard will be met. This standard can be met without reducing parking spaces and/or affecting vehicular moving by adjusting the entire row to the north five feet and reducing the size of the landscape island.

CONDITION: The applicant is required to submit a revised plan that shows the parking area at the central and east entrance of the site to be separated from SW Oregon Street with a minimum 10-foot wide landscape strip.

16.92.030.2.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.

FINDING: A 6-foot high sight obscuring fence is shown to be constructed on the perimeter of the property. Therefore, this standard has been met.

16.92.030.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.

As mentioned previously in this section, the parking area is approximately 31,000 square feet. The total amount of required parking lot landscaping is 3,100 square feet, or 10% of the total parking area. Of that, 50% (1,550 square feet) is required to be interior parking lot landscaping. The applicant's plans indicate there is approximately 1,413 square feet of landscaping within the interior of the parking lot in parking islands. All of the landscape islands exceed 64 square feet in size and the greatest span of parking stalls proposed is twelve (12).

FINDING: As discussed above, this standard is met.

16.92.030.E 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.

The subject site is directly north of the two intersections, SW Roy and Oregon Street and SW Hall and Oregon Street. Visual clearance for the subject site has been conditioned above.

FINDING: Based on the applicant meeting the imposed visual clearance condition of 16.58.010 this standard will be satisfied.

16.92.030.3 - 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 Community Development Plan, Part II, and the provisions of Section 16.142.

The site takes access from SW Oregon Street, which is classified as a collector. Therefore, the site is subject to a 10-foot visual corridor. Visual corridor is measured from the property line. The applicant has provided a 10-foot visual corridor for the length of the property in front of the proposed buildings; however it appears that only 8-9 feet is proposed adjacent to the storage yard. In addition, the plans indicate that the 6-foot high sight obscuring fence will be between the right of way and the visual corridor landscaping. Section 16.142.030B indicates that fences may only be located in the required visual corridor if it is within a residential development. The applicant has proposed lawn as the ground cover within the visual corridor and street trees will be provided within the landscape strip in the right of way, not in the visual corridor area.

FINDING: based on the analysis above, and the applicant's landscape plan, this standard has not been satisfied, if the applicant submits a revised plan that clearly shows the visual corridor adjacent to the storage yard will be 10 feet as measure from the property line and relocates the proposed fence so that it is not within the visual corridor, this standard will be met.

CONDITION: Prior to final site plan approval, submit a revised plan that clearly shows the visual corridor adjacent to the storage yard will be 10 feet as measure from the property line and relocate the proposed fence so that it is not within the visual corridor.

16.94.010 – General Off-street parking and loading

16.94.0101.03 - 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.

Three structures are proposed to be located on the subject site with parking provided throughout. Two structures will be located on one parcel and one will be located on another parcel. As such, it is likely that the parcels may be sold separately and the applicant has not proposed joint parking provision to guarantee the continued joint use of the parking spaces distributed throughout the site.

FINDING: Based on the analysis above, the applicant is required to meet the following condition.

CONDITION: The applicant is required to provide evidence to the Planning Department in the form of deeds, leases, or contract that clearly establishes joint parking prior to final site plan approval.

16.94.010.04 - 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 crosspatronage 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.

The applicant indicates that the subject site will consist of industrial uses. Industrial uses require 1.6 parking stall per 1,000 square feet of gross leasable area. While the original submitted plans, (exhibit A) indicate 35,653 square feet of building area requiring a minimum of 57 parking stalls, the revised plans (exhibit B) show 33,413 square feet requiring 54 parking spaces. The revised plans only show 50 parking spaces, however per the above standard, the required 54 parking spaces may be reduced by 25% requiring only 41 parking spaces.

FINDING: Based on the analysis above, with the use of this provision, 41 parking spaces would be required if only light industrial uses area proposed. It may be possible to have a small amount of other uses (like office) using this standard provided the provided total parking is no less than 25% of the required parking when taking each use individually.

16.94.010.05 - 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.

FINDING: Long-term storage of vehicles within the parking lot for the three buildings has not been proposed and is not anticipated. If an issue arises it will be addressed as a code compliance action.

16.94.010.06 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 may include adjacent on-street

parking spaces, nearby public parking and shared parking located within 500 feet of the use.

FINDING: The proposed parking is located on the subject property. This standard has been met.

16.94.010.07 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.

The applicant's plans show parking spaces will be striped; however, compact spaces, ADA spaces and loading areas have not been indicated on the plans. The provision of required ADA parking spaces will reduce the number of parking space; however as discussed above, the total required parking after utilization of the multiple use parking percent reduction is less than the requirement based on light industrial uses. Verification of adequate markings and signage will occur during site inspections prior to occupancy permits. Prior to final site plan approval, submit a revised plan that clearly shows the location of required ADA parking space.

FINDING: As discussed above, this standard has not been met, but can be met with the condition below.

CONDITION: Prior to final site plan approval, submit a revised plan that clearly shows all pavement markings including any proposed compact spaces, ADA spaces, loading areas, etc in compliance with Section 16.94.010.07.

16.94.010.08 - Drainage

Parking and loading areas shall include storm water drainage facilities approved by the City Engineer.

The plans show that catch basins will be located throughout the parking and circulation areas. It appears that the water will be collected and piped to the north and into a bio swale located on adjoining tax lot 600. The drainage plans are discussed and conditioned further in this report under Division VI "Public Improvements."

FINDING: Because this is discussed and conditioned as needed further in this report, this standard is addressed.

16.94.020 Off-street parking standards

16.94.020.02 – Minimum parking spaces

16.94.020.02 provides the required minimum and maximum parking spaces for uses permitted by the SZCDC. The required parking for industrial uses is 1.6 spaces per 1000 square feet of gross leasable area. The maximum parking is none.

The subject site will consist of industrial uses. Industrial uses require 1.6 parking stall per 1,000 square feet of gross leasable area. Based on the revised square footage of 33,413 square feet, 54 parking space would be necessary which is reduced by 25% to 41 per Section 16.94.010.04. Fifty parking stalls are shown. This number will be reduced to accommodate ADA parking spaces and as further discussed in this report, to accommodate a shared access easement to the properties to the east. It is anticipated that this will reduce the number of provided parking spaces by approximately 4 spaces, indicating that the site has 5 more spaces than minimally required based on all light industrial uses. It is possible

that the applicant may desire to provide office uses in some or all of the three buildings. The provision of office uses will be limited by the amount of parking provided. As discussed and conditioned previously, the applicant will be required to verify the uses both at the final site plan stage and at time of tenant improvements at which time, the availability of parking may be a determining factor in whether a use, other than light industrial uses, is allowed. The Planning Commission confirmed that an office associated with a light industrial tenant would not trigger review of the parking from as the "office" because it is typical for any use to have an office to support the operation.

FINDING: As discussed above, the applicant appears to be providing adequate parking. Full compliance has been conditioned earlier in this report, therefore, this standard has been satisfied.

16.94.020.A – Dimensional Standards

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.

FINDING: As shown on the Preliminary Site Plan, each parking stall will be 9 feet in width and 20 feet in length, therefore, standard has been met. No compact spaces are proposed, but 12 may be designated compact as part of the final site plan if necessary to provide better site circulation or comply with other code requirements.

16.94.020. B – Parking 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.

Appendix G indicates that aisle width for a compact or standard space parked at a 90 degree angle is 23 feet. The plans indicate that the aisle widths within the parking lot will be 24 or 36 feet in width. However, the access within the 50 foot wide easement serving tax lot 500 is, by definition, a street. Section 16.10.020 defines street as: "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." Because the plans show more than 4 parking spaces requiring backing out onto the "street", this standard has not been met. The applicant's revised plans submitted 11/15 show the parking has been relocated to be out of the private access easement. The applicant submitted an analysis by Charbonneau Engineering evaluating the parking in relation to the drive. This analysis concludes with a recommendation that the development be approved as designed¹

Based on the fact that the applicant has approximately 5 more parking spaces than minimally required (after reducing for the provision for ADA and access easement to the east) and that some spaces along the access easement could be parallel with up to 4 perpendicular spaces in groups to provide for necessary ADA parking space, it appears feasible that the parking can be re-designed to provide the minimum parking and still comply with this standard.

¹ This was based on a design that appears similar to the revised plans showing the perpendicular parking located outside of the 50 foot access easement.

FINDING: As discussed above, this standard is not met but it is possible to be met with the condition below:

CONDITION: Prior to final site plan approval, submit revised plans that clearly show no more than 4 perpendicular parking spaces backing out onto the private access easement. This may show a combination of parallel parking spaces, and groups of no more than 4 perpendicular spaces.

16.94.020.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.

The applicant's submitted plans show wheel stops adjacent to interior landscaped areas and sidewalks.

FINDING: This criterion has been satisfied.

16.94.020.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.

FINDING: There are no services drives associated with this site. Therefore, this standard does not apply.

16.94.020.E. – Credit for On-Street Parking

1. **On-Street Parking Credit.** The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space: a. Parallel parking, each 24 feet of uninterrupted curb; b. 45/60 degree diagonal, each with 10 feet of curb; c. 90 degree (perpendicular) parking, each with 8 feet of curb; d. Curb space must be connected to the lot which contains the use; e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

FINDING: The applicant is not requesting credit for on-street parking and, therefore, this standard is not applicable.

16.92.020.02. - Bicycle Parking Facilities

1. **Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main

entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture. Street furniture includes benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.

FINDING: The preliminary site plan and the landscape plan show bicycle racks are provided near building entrances. No bicycle racks are shown within the associated storage yard. A detail of the type of bike rack is provided on sheet L1 of the applicant's Plans. This standard is satisfied.

- 2. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage; Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;**

FINDING: Bicycle racks are shown to be visible from the sidewalks and building entrances as shown on the proposed site plan. This criterion has been satisfied.

- 3. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.**

FINDING: As shown on the preliminary site plan, bicycle racks will be provided for both customers and employees.

- 4. Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.**

FINDING: According to the applicant and as shown on the preliminary site plan, all bicycle racks will be located near lighted entrances and parking areas.

- 5. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.**

FINDING: The preliminary site plan shows bicycle racks are clearly visible and can only be used for bicycle parking.

- 6. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.**

FINDING: All bicycle racks are located in open areas for safety and are positioned not to create a hazard for pedestrians.

16.94.030 Off-Street Loading Standard

16.94.030.1.B indicates that the minimum standards for a 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. In addition, for buildings 20,000 square feet or greater in size, an additional minimum of 500 square feet of loading area is required.

5.303.02 states that 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.

The applicant has proposed a separate 25 x 50 foot loading space for each of the proposed buildings. Not one of the proposed buildings is over 20,000 square feet in size. Therefore, no additional square feet of loading area is required.

The loading space does not result in the obstruction of the drive aisle or required parking and does not block any of the trash and recycling receptacle located next to the loading spaces.

FINDING: Based on the analysis and discussion above, this standard has been satisfied

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.

The plans provide sidewalks along the SW Oregon Street frontage as well as seven foot wide pedestrian connection to the entrances located on the western and eastern sides of the building; however the plans do not indicate a pedestrian connection to the entry doors located along the southern facing, street frontage of the building. In order to comply with this standard, pedestrian access must be provided to all entrances.

FINDING: As discussed above, this standard has not been met. If the applicant complies with the condition below, this standard will be met.

CONDITION: Prior to final site plan approval, submit revised plans that clearly show a pedestrian access to the building entrances fronting Oregon Street.

16.96.010.02 – 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.

The proposed site development is for 3 separate industrial structures however no joint access is currently proposed or established. The subject site is also required to provide access to the north abutting property as demonstrated in a 50-foot wide private access easement. As discussed further in this report, the applicant will be required to provide a joint access easement for the benefit of the property to the east as well.

FINDING: This standard has not been met. If the applicant satisfies the condition below, this criterion will be met.

CONDITION: Prior to final site plan approval, the applicant will be required to submit legal evidence in the form of deeds, easements, leases, or contracts that clearly establish joint ingress/egress for the 3 proposed buildings, storage yard and adjoining tax lots 500, 600 and 601 on the subject site.

16.96.010.03 - 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.

The ingress and egress to these parcels connect directly to SW Oregon Street. The site plan shows 7-foot wide pedestrian connection between buildings and to the driveway entrances of the site. However, elevation drawings show entrances fronting SW Oregon and no walkways are shown to these entrances.

FINDING: Based on the analysis above, buildings two and three show entrances taking direct access from SW Oregon Street. Therefore the applicant must meet the following condition of approval.

CONDITION: Prior to final site plan approval, the applicant is required to show all ground floor entrances to have direct access to SW Oregon Street.

16.96.010.04 - Maintenance of Required Improvements

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

FINDING: The applicant has not indicated how maintenance of access will be insured. If the applicant satisfies the following condition, this standard will be met.

CONDITION: Prior to final site plan approval, the applicant is required to submit access maintenance agreements that insures ingress, egress and circulation improvements shall be kept clean and in good repair.

16.96.010.05 - 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: 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.

The subject site will gain access from SW Oregon Street, which is designated as a collector Street, which is consistent with the Transportation Plan Map and the Community Development Plan.

FINDING: Based on the analysis above, this standard has been satisfied.

16.96.030. Minimum Non-Residential Standards

16.96.030.01.B - Driveways

States that industrial developments with 250+ required parking spaces shall have 2 driveways that are a minimum of 24 feet in width each.

The proposed site plan has significantly less than 250 parking spaces. Two separate driveways are proposed to serve the parking lot area, each twenty-eight feet in width.

FINDING: This criterion has been satisfied.

16.96.030.02. Sidewalks and Curbs

A. Industrial and Commercial: A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within 500 feet of the site, and future phases of development and whenever possible to parks and open spaces.

The Preliminary Site Plan shows a private sidewalk system that connects the proposed parking areas with buildings. The plans do not provide for the continuation of a private sidewalk system to serve the property to the north. There are no transit facilities within 500 feet of the site and no parks or open spaces are nearby. There are no pedestrian connections to the associated storage yard to minimize risk of injury.

FINDING: Based on the analysis above, this standard has not been fully satisfied because the plans do not provide for the continuation of the pedestrian system to serve the property to the north. If the applicant submits a revised plan that provides a private (or public) sidewalk connecting the property to the north with the public street system, this standard will be met.

CONDITION: Prior to final site plan approval, submit a revised plan that clearly shows a pedestrian connection will be provided to connect the future development on the property to the north to the public street. Where connection crosses vehicular circulation areas, the connection must be well marked and located in a safe location.

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

The applicant's site plan shows a curb line along all interior sidewalks. The applicant has indicated in the narrative that either curbs or roll-over curbs will be placed around parking areas and planter strips

FINDING: Based on the analysis above, this criterion is satisfied.

C. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least 6 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include paint striping.

The Preliminary Site Plan shows all pedestrian sidewalks to be concrete and a minimum 6-foot in width.

FINDING: As discussed above, this standard has been met.

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

FINDING: The applicant has not requested exceptions to the private pathway/sidewalk standards. Therefore, this standard does not apply.

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.

Pride Disposal has returned comments that indicated that the site plan does not show the size or details of either of the proposed enclosures. The applicant submitted revised plans partially in response to Pride comments made directly to the applicant, however staff has not had an opportunity to review these revised plans or submit them to Pride for confirmation that they address their concerns.

FINDING: Based on the analysis above, this standard has not been met because the applicant has not provided details of the proposed enclosures. If the applicant satisfies the condition below, this standard will be satisfied.

CONDITION: Prior to final site plan approval, submit verification from Pride Disposal that the location of the trash and recycling receptacles and design can meet their service standards.

16.98.020 - Solid Waste Storage

16.98.020.01 – 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 16.98.040.

FINDING: The applicant has requested external material storage in the form of a wood pallet repair and storage yard. The subject site is within a Light Industrial (LI) zoning district that allows this type of use. This standard has been satisfied.

16.98.020.02 - Standards

Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot 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.

FINDING: The entrance to the proposed storage yard is surrounded by a six-foot high sight obscuring fence but no additional landscaping is proposed. There is not evidence in the record that there is an existing solid evergreen screening on the adjacent parcel. It may be possible that the existing vegetation and topographical difference between the subject site and the railroad right of way meets this standard. Because the site obscuring fence is not pre-existing the applicant will be required to submit a revised landscape plan that shows the storage yard with additional screening.

CONDITION: The applicant is required to submit a revised landscape plan that shows existing vegetation or new vegetation providing screening around the proposed storage yard that is no less than three feet in height and planted along the side and rear of the storage yard boundary.

16.98.020.03 - 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.

The applicant has indicated in the narrative that storage of hazardous, corrosive, flammable, or explosive materials, if any, will comply with all local fire codes and Federal and State regulations.

FINDING: The above standard will be met with the following condition

CONDITION: The applicant will be required to comply with all local fire codes, and Federal and State regulations in regard to hazardous, corrosive, flammable, or explosive materials. This is a standing condition that will not be regulated by issuance of site or building permits.

16.98.040 - OUTDOOR SALES AND MERCHANDISE DISPLAY

16.98.040.01 - Sales Permitted

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

The applicant's narrative has indicated that sales and merchandise display activities will be a part of the industrial use, however the applicant verbally indicated that no outdoor sales and display is proposed. Because the applicant has given no further detail for the Commission to determine that it is customary and integral and has not applied for or addressed the Conditional Use standards, no outdoor display or sales is permitted.

FINDING: Outdoor sales and display is not applicable or permitted without an additional Conditions Use review.

C. Division VI - Public Improvements

16.108– Streets

16.108.030.01 – Required Improvements

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.

16.108.030.04 - Extent of Improvements

Streets required pursuant to Section 16.108 shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the Standard Transportation Drawings, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.

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.

Oregon Street: This street is classified as a Collector Street as per figure 8-1 of the City of Sherwood Transportation System Plan, (TSP). Design recommendations for Collector Streets can be found in figure 8-4 of the TSP. Diagram 3 of figure 8-4 in the TSP most closely matches the applicant's design provided each side of the street is designated "No Parking". Note 2 of figure 8-4 indicate industrial zoned property shall have 6-foot wide sidewalks. The required overall right-of-way width is shown as 72 feet. This Development will be required to dedicate additional right-of-way to bring their half width of street right-of-way up to 36 feet.

The Applicant's design shows an existing half-street right-of-way of 35 feet on the north side of Oregon Street. As also indicated in the Applicant's design, a right-of-way dedication of 1 foot along the front of the property is appropriate.

Sheet 7 of the Applicant's design shows a landscape strip between the sidewalk and street measuring 4½ feet. This same sheet depicts lane widths of 10.3 feet for the section of Oregon Street east of Hall Street. This lane design calls for some additional paving within the existing right-of-way on the south side of Oregon Street.

City of Sherwood Standard Drawing ST-5-2 requires landscape strips to measure 5 feet. Making this adjustment should not affect the remaining geometry of the street other than reducing the area between back of sidewalk to right-of-way from 1 foot to 6 inches.

City of Sherwood TSP figure 8-4 requires lane widths in excess those shown by the Applicant. A widening of lane widths could be achieved by adding pavement beyond that shown in the existing right-of-way on the south side of Oregon Street.

Access spacing for Collector Streets is specified in section 16.108.050.14.B.3 code, (SZCDC). Given the location of the existing driveway serving 15200 SW Oregon Street, the Applicant's design for the western driveway of parcel 3 does not meet the spacing standards of the code. Possible remedies include but are not limited to realigning the proposed driveway to match the existing driveway or relocating the proposed driveway at least 100 feet east of the existing driveway.

Private Drive, Tract A: The Applicant proposes a private drive within Tract A and adjacent to the east property line of parcel 1. Sheet 3 of the Applicant's design shows a retaining wall along the north and east sides of Tract A. This wall ranges in height from 1.5 feet to 6 feet.

Section 16.118.050 of the code, (SZCDC) reads: "The construction of new private streets shall be prohibited unless it provides principal access to two or fewer lots or parcels i.e. flag lots." Additional language in this code section reads "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".

The proposed private street abuts tax lots 500, 900, 600 and 602 and thus does not technically qualify as access to two or fewer lots. As noted further in this report, TVWD comments indicate the necessity for right-of-way as opposed to private easements in this area. Additionally the private drive is of substandard width and proposes parking that does not meet current specifications for public streets. Also when considering the applicant's design, Tualatin Valley Fire & Rescue's Deputy Fire Marshall acknowledged she reviewed the site as a stand alone project and did not consider neighboring tax lot 500 to the north. The addendum staff report responded to testimony on this issue and staff concurred that previously it was indicated that right of way dedication would not be required for the easement. After consult with the City Engineer staff recommended to the Planning Commission that the condition be modified to clarify that the right of way dedication is not needed if deemed unnecessary to comply with other agency requirements.

Given section 16.118.050 of the code, recommendations from TVWD and potential emergency access concerns for tax lot 500, the Engineering Department recommends the private drive be public and built to public standards. Should this recommendation prove unfeasible, a cross access and public utility easement should be granted across Tract A for the benefit of tax lots 500, 600 and 602 with parking limited to allow safe passage of local and/or emergency vehicles.

To facilitate use of this access by neighboring properties, Engineering Staff recommends the applicant eliminate the retaining walls along the north and east sides of Tract A. An alternate design could show the access ending flush with the existing grade of the neighboring properties and/or clearly indicate how the road could be extended so as not to preclude or place unnecessary burden upon future neighboring development(s). In testimony the applicant argued the need to provide access to neighboring properties. The addendum staff report pointed out that while tax lot 600 to the east may have more than 150 feet of frontage along Oregon street there are many factors that may impact the potential location of an access into that site (floodplain and wetland specifically). Further, tax lot 602 does not have any frontage. Finally, 16.108.050.14.B.3 provides the spacing requirements for Collectors but also states that "where joint access is available, it shall be used." By providing a cross over easement on an existing access that is required to be built to local public street standards, the transportation system will flow more efficiently and allow for more orderly development of property.

Oregon Street/Tonquin Road Intersection: The Applicant provided a traffic study for this project. Also under item "III, 1" on page 2 of the Applicant's narrative, it notes "A supplemental letter from Charbonneau Engineering addressing the storage yard will be submitted". Staff has not yet seen a copy of this letter. Currently some the area slated for a storage yard is being used for employee parking of the neighboring site to the west, Billet Manufacturing. Engineering staff questions if the proposed storage yard will be for materials and/or vehicles and how this might impact traffic.

The City contracted with Traffic Engineer Jeff Wise of Hopper, Dennis, Jellison to review the traffic study, minus the supplemental letter addressing the storage yard. In a response dated October 29, 2007, Mr. Wise noted:

"The traffic Study finds that the intersection of Tonquin Road and Oregon Street is currently failing and meets signal warrants in the 2010 Design year. The study recommends a roundabout or a signal for mitigation. However it recommends that the development not be responsible for this mitigation as this intersection is currently failing.

The Transportation System Plan (TSP) recognizes that this intersection is failing and recommends some improvement. However it makes no specific recommendation noting that it is too close to a roundabout for a signal and there are some geometric constraints that could make a roundabout difficult. The TSP also notes that traffic volumes on Oregon Street between Tonquin Road and Tualatin Sherwood road are expected to decrease 33% by 2020 due to the extension of Adams Street. The TSP finds the Level of Service improving at this intersection from "F" to "E" by 2020 due to shifting traffic patterns."

While the Oregon Street Industrial Park project will add traffic to the already burdened intersection of Oregon Street and Tonquin Road, it is anticipated that the extension of Adams Avenue will provide traffic relief.

Highway 99W/Capacity Allocation Program: Excluding the above noted supplemental letter from Charbonneau Engineering, the applicant's traffic report was also reviewed by Jeff Wise for compliance with the City's Capacity Allocation Program, (SZCDC 16.108.070). In response to this issue Mr. Wise noted:

"The project meets the requirements of the CAP with an anticipated trip generation of 14.73 trips per acre. However, since the number of trips per acre exceeds 8, the site could be required to participate in mitigation to help improve the operation of Highway 99W."

FINDING: As discussed above, the proposed access to the site does not meet the above standard. In order to fully comply, the conditions specified below must be satisfied.

CONDITION: Prior to approval of the public improvement plans:

- a) Provide to the City documentation from DEQ approving the environmental clean-up and release of the site for construction. Such documentation shall also be included for any parcels containing off-site improvements benefiting this project.
- b) Revise the engineering drawings to reflect Tract A as public right-of-way with a public street meeting all current standards unless deemed unnecessary to comply with applicable agency requirements. Should this prove unnecessary or unfeasible, Applicant shall record a cross access and public utility easement over Tract A for the benefit of tax lots 500, 600 and 602.
- c) Revise the engineering drawings and final site plan drawings to facilitate vehicular connection to tax lots 500, 600 and 602 via Tract A by removing the proposed retaining walls.
- d) Revise the engineering drawings to reflect "No Parking" on both the north and south sides of Oregon Street.

16.108.040.03 - 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.

The applicant has shown all new improvements to serve their development will be located underground. Overhead utility lines are discussed further and conditioned in this report under section 16.118.030 "underground facilities."

FINDING: This standard has been met.

16.108.050.11-Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be 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: SW Oregon Street is not part of a future transit route as verified in the TSP. Therefore, this standard does not apply.

16.110- Sanitary Sewers

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 6.402.01.

The Applicant proposes to serve parcels 2 and 3 with new sanitary laterals to the existing sanitary main line located on the south side of SW Oregon Street. While this proposal is feasible, many utilities exist within the street between the site and the existing sanitary mainline. Given this situation, the applicant may need to relocate some existing utilities and/or redesign the sanitary services serving these parcels.

To serve parcel 1 and eventually tax lot 500 to the north, the applicant proposes to construct a new 8" sanitary mainline. This line would connect to an existing sanitary manhole located in Oregon Street and extend in a northern direction terminating with a cleanout just short of tax lot 500. Laterals from this line would then serve buildings 1 and 2 on parcel 1. The mainline is proposed within a "Private Access and Utility Easement".

CWS Design and Construction Specifications require sanitary lines serving more than one property be public and placed within public easements, thus this is a concern regarding the proposed mainline. Additionally in order to facilitate maintenance of the new mainline, the City will require the installation of a manhole instead of a clean-out at the northern end of the system.

FINDING: The applicant's plans appear feasible, but will require modifications and review and approval of the public improvement plans before this can be confirmed.

CONDITION: Obtain approval from the Engineering Department for the new sanitary sewer connection prior to issuance of building permits. The plans must provide for the sanitary sewer line to be located in, at minimum, a public utility easement and shall fully comply with City and CWS standards.

6.112.010 – Water Supply

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 6.500.

The City contracts with Tualatin Valley Water District (TVWD) for review and approval of engineering plans related to the water system. The applicant has indicated in the narrative that water systems will be installed at the required standards. Tualatin Valley Water District submitted the following comments:

“Taxlot 500 to the north appears not to be contiguous and/or under the same ownership as the proposed development. Access to Taxlot 500 from proposed public street should be demonstrated. Public water service to this property shall be from a public street not an easement.”

According to the comments above, water needs to stub to adjoining properties, which cannot be extended through an easement. The City has no objections to the proposed design but TVWD may have additional comments regarding the water system design.

FINDING: The applicant’s plans appear feasible but will require review and approval of the public improvement plans by the Engineering Department and Tualatin Valley Water District.

CONDITION: Obtain approval from the Tualatin Valley Water District for the water system proposed or show how water can be extended to adjoining properties through an alternative public street.

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 system consistent with the Comprehensive Plan.

The applicant proposes what appears to be a private storm system to serve each of the parcels. This system exits the site near the northeast corner of Parcel 1 where it enters neighboring tax lot 602 and proceeds north to tax lot 600. Upon entering tax lot 600 the line continues north until reaching the railroad tracks and the north boundary of tax lot 600. Here the line turns east paralleling the railroad tracks until discharging into a proposed water quality bioswale.

CWS Design and Construction Specifications require storm lines serving more than one property be public and placed within public easements. Additionally public storm lines must be built to CWS standards, which require manholes where public lines are expected to be extended.

Approval from the neighboring property owner for crossing tax lots 600 and 601 as well as the discharge of storm water on tax lot 601 is not apparent. While sheet 5 of the Applicant’s design includes notes reading “Storm water design to be finalized upon DEQ approval” and “All easements to be obtained prior to final engineering approval”, the applicant’s narrative is silent regarding how this will occur.

Alterations to the public storm system located within Oregon Street are also proposed. Sheet 5 of the Applicant's design shows relocated catch basins and an extension of existing corrugated metal pipe located along the site frontage. Storm run-off from this extension flows to the existing ditch on the north side of Oregon Street. Water quality treatment for the Oregon Street run-off is not proposed.

The existing storm system along the north side of SW Oregon Street does not meet current standards and will need replaced. Additionally the storm run-off will require treatment to CWS standards. The City of Sherwood's Stormwater Master Plan identifies a potential downstream area for the location of a public water quality facility. This is identified on the Proposed Improvements Map as "RC-2" and detailed on page 7-13 of the Plan. While at a different location than the applicant's bioswale, both facilities are proposed on tax lot 600.

As noted earlier in this report under "agency comments" PGE indicated that approval would need to be obtained from them for the 12 inch storm line that is to be located within their easement and in proximity to one of their transmission lines.

FINDING: Based on the analysis above, the applicant has not adequately shown how the storm water facilities will be addressed. However, it appears feasible to provide the necessary storm water facilities. If the applicant obtains approval from the Engineering Department showing the storm water facilities treating all of the site discharge in compliance with the CWS standards, this standard will be met.

CONDITION: Prior to approval of the public improvement plans, the applicant shall:

1. submit revised storm drainage plans that reflect storm water treatment for the entire site including storm run-off from the public improvements along Oregon Street in accordance with CWS standards
2. Obtain approval from PGE for the placement of the 12 inch storm line.
3. Submit documentation confirming approval for storm lines and discharge of storm water on neighboring property.

16.116.010 - Fire Protection

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 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.

The Preliminary Composite Utility Plan show fire hydrants are located on Roy Street and on the west side of the property at the corner of the proposed building. Tualatin Valley Fire and Rescue provided comments and conditions, which are included below. Approval of the plans will be necessary prior to final site plan approval demonstrating that the site layout and provision of hydrants and fire flow is adequate to serve the proposed developments on this site.

FINDING: The applicant has shown fire hydrants will be accessible in order to fight fire. However, sign off will be required from TVFR.

CONDITION: Prior to final site plan approval, the applicant must provide documentation from TVF&R that the following conditions are met:

- Provide the fire flow calculations for each building for approval.

- Once the building fire flows are approved, the number of hydrants required and placement can be approved.
- Buildings must be approved for High Piled storage.

16.118.010 - Public and Private Utilities

16.118.020 Standard

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

The applicant has indicated in the narrative that the installation of utilities will be performed according to City standards. However there is no supporting documentation that these standards will be met besides the proposed utility plan that does not indicate easement size etc.

FINDING: This standard has not been met because the submitted plans do not show all required easements and shows required improvements located within some of the easements.

CONDITION: Submit public improvement plans for review and approval that shows all public utilities and easements, including fiber optic to meet the above standards.

16.118.030 – 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.

The Engineering Department requires all existing overhead utilities be placed underground. The applicant has stated in the narrative and shown on the Preliminary Composite Utility Plan that all utility facilities will be placed underground. Staff has some question that this will in fact occur due to the location of existing PUE poles and lines that may not be able to be placed underground due to voltage.

FINDING: Staff cannot verify that this standard has been met because it is not clear which lines on the plans are existing overhead utilities. This standard could be met as conditioned below.

CONDITION: Include in the public improvement plans all existing overhead utilities and plans for undergrounding or submit documentation and receive authorization from the Planning Department that existing overhead lines are exempt from undergrounding per 16.118.030 or 16.118.040. If undergrounding is exempt and/or not possible, modifications to the site plan may be necessary to provide adequate distance from the utilities.

E. Division VIII- Environmental Resources

16.142.030.A Visual Corridors

This standard was discussed under Section V. 16.92.030.3 and found to be in compliance.

FINDING: This standard was discussed and approved earlier in this decision.

16.142.050. Trees along Public Streets or on Other Public Property

Trees are required to be planted by the land use applicant a minimum of one (1) tree for every twenty-five (25) feet of public street frontage within any new development. Planting of such trees shall be a condition of development approval. The trees must be a minimum of two (2) inches DBH and minimum height of six (6) feet.

According to the Existing Conditions Plan, there are street trees along a portion of the site. However, the applicant has shown the existing trees to be removed and new trees to be planted at one tree for every twenty feet. Section 16.142.060.D permits exceptions to the infrastructure standards in order to retain trees. Originally the applicant indicated removal of the existing street trees in order to accommodate the required setback sidewalk. The Commission determined it was appropriate to permit an exception in accordance with the code and allow a modification to the sidewalk location. The subject site is shown to have approximately 900 feet of frontage on SW Oregon Street. Therefore, 36 street trees are required. The applicant's landscape plan shows a total of 35 street trees.

FINDING: Based on the discussion above, this standard is not met. If the applicant complies with the conditions below, this standard will be met.

CONDITION: Prior to final site plan approval, submit a landscape plan that shows a total of 36 street trees along the frontage of SW Oregon Street that are a minimum of two inches in diameter and a minimum height of six feet.

Revise the public improvement plans along the northern portion of the right of way on Oregon Street to retain as many existing trees as possible. The sidewalk may be allowed within the front yard setback, in a public easement.

16.142.060 - Trees on Property Subject to Certain Land Use Applications

All site developments subject to Section 5.202 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.

The applicant has not submitted an arborist's report with this application but a tree plan has been submitted that show 6-9 trees located on the site to be removed. The landscape plan shows among others, Vine Maple, Cleveland and Columnar tree types to be planted throughout the site. Based on the amount of trees located in the proposed landscaping, staff is satisfied that the trees to be removed will be mitigated on one to one basis.

FINDING: As discussed above, this standard has been met.

16.154 - Heat and Glare

Except for exterior lighting, all other 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.

FINDING: Staff cannot verify that the exterior lighting will not shine off-site in excess of 0.5 foot candle. To date a photometric plan has not been submitted.

CONDITION: Submit a photometric plan for review and approval by the Planning Department that shows the foot candles of all exterior lighting on the site, not to exceed 0.5 foot candles off-site.

DECISION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, exhibits entered into the record and the addendum staff report, the Planning Commission finds that the proposed site plan, with conditions, will comply with the standards and; therefore the Planning Commission **approves with conditions** SP 07-08 Oregon Street Industrial Building..

VII. CONDITIONS OF APPROVAL

A. General Conditions - The following applies throughout development and occupancy of the site:

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall be limited to the preliminary plans submitted by the applicant (Exhibit A), except as indicated in the conditions of the Notice of Decision as generally consistent with the revised plans dated 11/15/05 (Exhibit B). Additional development or change of use may require a new development application and approval.
3. The developer is responsible for all costs associated with 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. Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood and other applicable agency codes and standards except as modified below:

B. Prior to grading the site:

1. Obtain City of Sherwood Building Department approval of grading plans, retaining walls and erosion control.

2. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, and verification of such shall be provided to the City Engineer.
3. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing any structures.
4. A temporary use permit must be obtained from the Planning Department prior to placing a construction trailer on-site.
5. Install tree protection fencing around trees to be retained on site.
6. Submit confirmation from DEQ that grading is in accordance with approved agreements between the developer and DEQ.

C. Prior to approval of the public improvement plans:

1. Submit public improvement plans to the Engineering Department that include (but is not limited to):
 - a. Revise the engineering drawings to reflect Tract A as public right-of-way with a public street meeting all current standards unless deemed unnecessary to comply with applicable agency requirements. Should right-of-way dedication prove unnecessary or unfeasible, the applicant shall record a cross access and public utility easement over Tract A for the benefit of tax lots 500, 600 and 602.
 - b. Revise the engineering drawings to facilitate vehicular connection to tax lots 500, 600 and 602 via Tract A by removing the retaining walls.
 - c. Revise the engineering drawings to reflect "No Parking" on both the north and south sides of Oregon Street.
 - d. Revise the engineering submittal to reflect storm water treatment for the entire site including storm run-off from the public improvements along Oregon Street.
 - e. Provide approval for storm lines and discharge of storm water on neighboring property.
 - f. Include the City required fiber optics design within the engineering drawings.
 - g. Have all public easements in place and recorded with a copy of the recorded documents provided to the Engineering Department.
 - h. Have all necessary right-of-way dedications in place and recorded with a copy of the recorded documents provided to the Engineering Department.
 - i. Provide documentation noting that all overhead utilities are to be placed underground or receive authorization from the Planning Department for any proposed overhead utilities that are exempt from undergrounding per 16.118.030 or 16.118.040. If undergrounding is exempt and/or not possible, modifications to the site plan may be necessary to provide adequate distance from the utilities.
2. Provide to the City documentation from DEQ approving the environmental clean-up and release of the site for construction. Such documentation shall also be included for any parcels containing off-site improvements benefiting this project.
3. Prior to approval of the public improvement plans, submit storm drainage plans that show how all of the water run-off will be treated in accordance with CWS standards and approval from PGE for the placement of the 12 inch storm line.
4. Submit public improvement plans for review and approval that shows all public utilities including all easements to meet the standards of 16.118.020 of the Sherwood Development Code.

5. Provide the fire flow calculations for each building for approval and provide the required number and placement of hydrants based on that information.
6. Revise the public improvement plans along the northern portion of the right of way on Oregon Street to retain as many existing trees as possible. The sidewalk may be allowed within the front yard setback, in a public easement.

D. Prior to Final Site Plan approval:

1. Submit a copy of CC&R's to the Planning Department that addresses all parcels involved.
2. Submit necessary documentation to the engineering department reflecting changes resulting from conditions contained in this report and verifying site acreage to obtain a Final Trip Certificate to comply with the Capacity Allocation Program.
3. Obtain a final CAP trip allocation certificate from the City Engineer.
4. Submit documentation on the proposed uses and tenants proposed in the 3 flex-space buildings. If the use proposed results in additional parking, a site plan modification would be necessary to provide for the additional parking required. If a single tenant is proposed, a site plan modification providing additional parking or reduction in the size of the structures will be required.
5. Submit a plan that shows visual clearance is maintained at all access points according to the standards of 16.58.010.
6. Submit a letter from the landscape architect certifying that the plants are native to the Pacific Northwest and/or are the most appropriate plants given the location and soils or modify the plant list to provide the required native plants.
7. Submit a revised plan that shows the parking area at the central and east entrance of the site to be separated from SW Oregon Street with a minimum 10-foot wide landscape strip.
8. Submit a revised plan that clearly shows the visual corridor adjacent to the storage yard will be 10 feet as measure from the property line and relocate the proposed fence so that it is not within the visual corridor
9. Provide evidence to the Planning Department in the form of deeds, leases, or contract that clearly establishes joint parking prior to final site plan approval.
10. Submit a revised plan that clearly shows all pavement markings including any proposed compact spaces, ADA spaces, loading areas, etc in compliance with Section 16.94.010.07.
11. Submit revised plans that clearly show no more than 4 perpendicular parking spaces backing out onto the private access easement. This may show a combination of parallel parking spaces, and groups of no more than 4 perpendicular spaces. The total minimum number of parking spaces on site must be no less than 41 spaces without reduction to the building square footage.
12. Submit revised plans that clearly show a pedestrian access to the building entrances fronting Oregon Street so that all ground floor entrances to have direct access to SW Oregon Street.

13. Submit legal evidence in the form of deeds, easements, leases, or contracts that clearly establish joint ingress/egress for the 3 proposed buildings, storage yard and adjoining tax lots 500, 600 and 601 on the subject site.
14. Submit access maintenance agreements that insure ingress, egress and circulation improvements shall be kept clean and in good repair.
15. Submit a revised plan that clearly shows a pedestrian connection will be provided to connect the future development on the property to the north to the public street. Where connection crosses vehicular circulation areas, the connection must be well marked and located in a safe location.
16. Submit verification from Pride Disposal that the location of the trash and recycling receptacles and design can meet their service standards.
17. Submit a revised landscape plan that shows existing vegetation or new vegetation providing screening around the proposed storage yard that is no less than three feet in height and planted along the side and rear of the storage yard boundary.
18. Submit a landscape plan that shows a total of 36 street trees along the frontage of SW Oregon Street that are a minimum of two inches in diameter and a minimum height of six feet. The trees may be a combination of existing and, if necessary, newly planted trees arranged so as to not conflict with the existing trees.
19. Submit a photometric plan for review and approval by the Planning Department that shows the foot candles of all exterior lighting on the site, not to exceed 0.5 foot candles off-site.

E. Prior to issuance of building permits (other than grading):

1. Obtain approval from the Engineering Department for the public improvement plans.
2. Obtain Final site plan approval.
3. Buildings proposed for high piled storage must be specifically approved by the Building Department and TVF&R

F. Prior to receiving an occupancy permit for any part of the building:

1. The applicant is required to provide evidence to the Planning Director in the form of deeds, leases, or contract that clearly establishes joint parking prior to occupancy.
2. The public improvements must be completed and accepted by the City.
3. Submit detailed documentation on the type of use to be located within each tenant improvement. If inconsistent with the final site plan approval and requiring additional parking, a site plan modification would be necessary to provide the required parking to accommodate the proposed tenant

G. On-going Conditions

1. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.

2. The site shall 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. The applicant will be required to comply with all local fire codes, and Federal and State regulations in regard to hazardous, corrosive, flammable, or explosive materials.
4. No outdoor sales are permitted as part of this side plan approval.

VIII.- Exhibits

- A. Applicant's submittal with narrative and supporting documents dated July, 2007
- B. Applicant revisions dated November 15, 2007
- C. Public testimony from Tim Ramis dated November 2, 2007
- D. Letter from TVF&R dated March 14, 2007 (actually received October 30, 2007)
- E. Letter from TVWD dated 10-26-07
- F. Engineering comments dated November 5, 2007
- G. Letter from Dave Wechner dated November 27, 2007 submitted at the 11/27/07 hearing
- H. letter dated December 4, 2007 from William Monahan of Jordan Schrader.
- I. letter dated December 7, 2007 from Peter Livingston (includes attachment of 11/30 letter from same)
- J. E-mail from Peter Livingston with request for May 8, 2006 letter from Michael Robinson to be included in the record
- K. E-mail from Peter Livingston with request to submit October 15, 2007 letter from Michael Robinson to be included in the record
- L. Testimony from Dave Wechner including: L-1, Copy of November 30, 2007 letter from Dave Wechner regarding the Provident Development project under review to the north, L-2 December 7, 2007 memo to Patrick Allen providing additional testimony, and L-3, copy of October 15, 2007 letter from Michael Robinson disputing the 120-day determination.
- M. Letter dated December 13, 2007 from Andrew Stamp responding to new evidence submitted in the record.
- N. Letter dated December 14, 2007 from Peter Livingston responding to new evidence submitted in the record.
- O. Letter dated December 21, 2007 from Dave Wechner – *Note that this document was received via e-mail in pdf format at the City at 4:39 PM on 12/21 and only includes one page of a two page document. It was confirmed with the City Attorney that even though this may have been in error, the record period had closed and the Commission chose not to re-open the record to allow it at the recommendation of staff and concurrence with the applicant.*

NOTICE OF APPEAL RIGHTS

This decision will become final unless a petition for review (an appeal) is filed with the City Recorder not more than 14 calendar days after the date on which the Hearing Authority took final action on the land use application, or 14 calendar days after written notice of the action was mailed, whichever date applies, pursuant to the City of Sherwood Zoning & Community Development Code, Chapter 3.4. If the 14th day falls on a Saturday, Sunday or legal holiday, then the appeal period ends on the next business day. To file a petition for review (an appeal) contact the City of Sherwood Planning Department located at 22560 SW Pine Street, Sherwood, OR 97140, or telephone (503) 625-5522

Oregon Street Industrial Park Appeal – SP 07-08

Staff follow-up response

February 19, 2008

Background/ overview

- The Planning Commission approved the Oregon Street Industrial Park site plan with conditions on January 8, 2007
- Applicant appealed on 5 conditions (3 general issues)
- Council held hearing on 2-5-08
- Continued deliberation until 2-19-08 and directed staff to meet with applicant to see if there is any “common ground”
- Staff met with the applicant via phone conference
 - Staff will review the proposed modifications to conditions determined appropriate during the course of the meeting to provide greater clarity
- Staff also will provide additional information that can be included as findings to support the general elements of the Planning Commission recommendation

Issues heard at 2-5-08 hearing

1. Conditions regarding verification of tenants was not appropriate at Final Occupancy
2. Requirement to build to public standards would preclude applicant from placing crushed concrete as road base as originally planned
3. By definition, all driveways are private streets requiring full compliance with the public street standards
4. Requiring private street to public street standards will require smaller building or loss of building
5. Requiring access to adjacent tax lots 600 and 602 will require public street
6. Access requirement to tax lot 600 and 602 is a Dolan issue and inadequate findings have been made

1. Conditions regarding verification of tenants not appropriate at Final Occupancy (Parking)

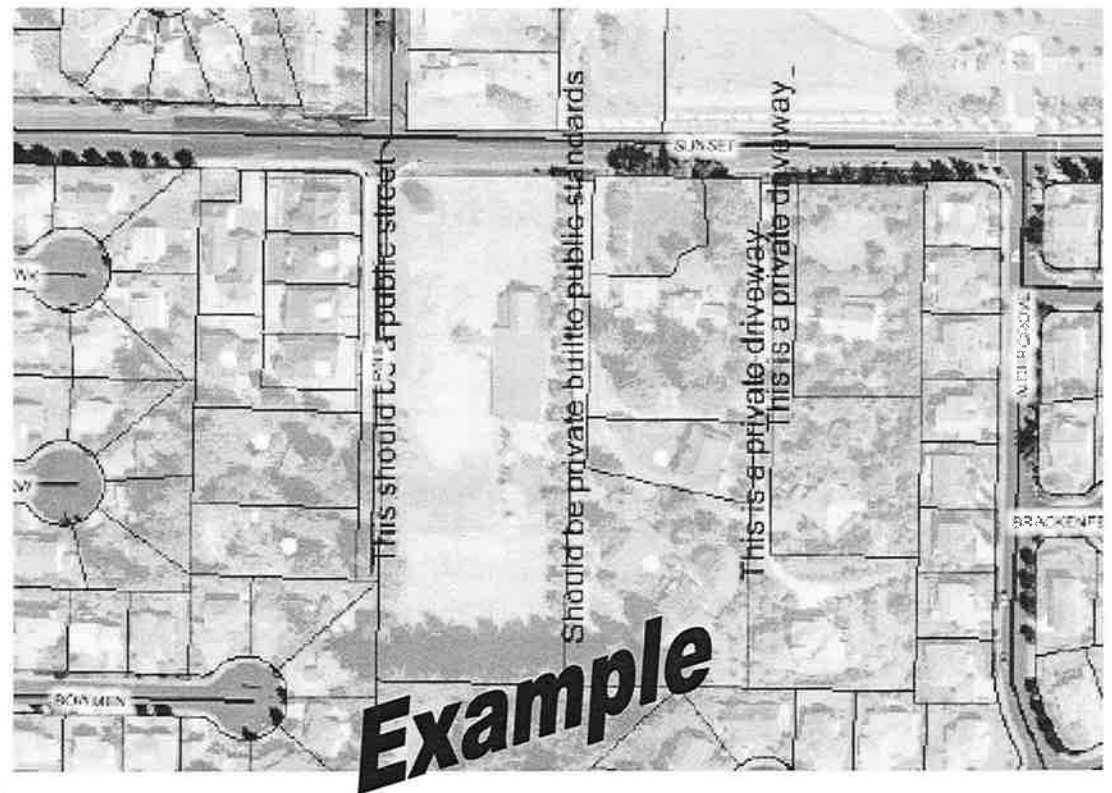
- Applicant proposed a modified condition in place of Conditions D.4, F.1 and F.3;
 - however staff continued to have concerns that the proposed condition did not fully address the standards. Staff and applicant agreed with the following condition:
 - “Prior to occupancy permits, submit detailed documentation, in the form of deeds, leases or contracts, on the type of use to be located within each tenant improvement. If the proposed use for all buildings is a single tenant or the uses in combination required more parking than is provided by the existing site plan, additional parking would need to be provided through a site plan modification.”
- It is recommended that the above condition replace condition F.3 and condition D.4 be deleted

2. Requirement to build to public standards would preclude crushed concrete as road base

- Applicant stated DEQ would not allow crushed up concrete from building to be used a base for a public street
 - DEQ confirmed that this was misunderstood and that, in fact, there are no restrictions on how the concrete is used.
 - City design standards would need to be met. Crushed concrete would need to meet compaction standards (regardless of potential contamination)
 - Concrete could also potentially be used as foundation in parking areas and potentially foundation of building if designed properly

3. By definition, all driveways are private streets

- Definition of Street is “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.”
- Any driveway is not a street; however if it provides access via an easement it is, by definition, a street.
 - This definition and the requirement that private streets be built to public standards was adopted when the TSP was implemented (May 2005).



- By definition, this is a Street because it is providing access via easement to one or more parcels.
 - Per 16.118.050 it must be built to public standards

4. Requiring private street to public street standards will require smaller building or loss of building

- Staff has evaluated the plans dated 11-15-08 submitted as Exhibit B in the Planning Commission packet and decision. It is possible to provide the required parking through a combination of parallel and perpendicular parking spaces.
 - Per section 16.94.020.02, 54 spaces are required without any reduction for multiple tenants.
 - 50 spaces were shown on the submitted plans
 - further reduced to accommodate ADA parking and meet required landscaping setbacks
 - Section 16.94.010.04 allows a reduction of up to 25% when multiple tenants are provided to account for cross-patronage.
 - Assuming a 25% reduction, 41 spaces are required and at least 42 could be provided utilizing the combination of parallel and perpendicular parking spaces.

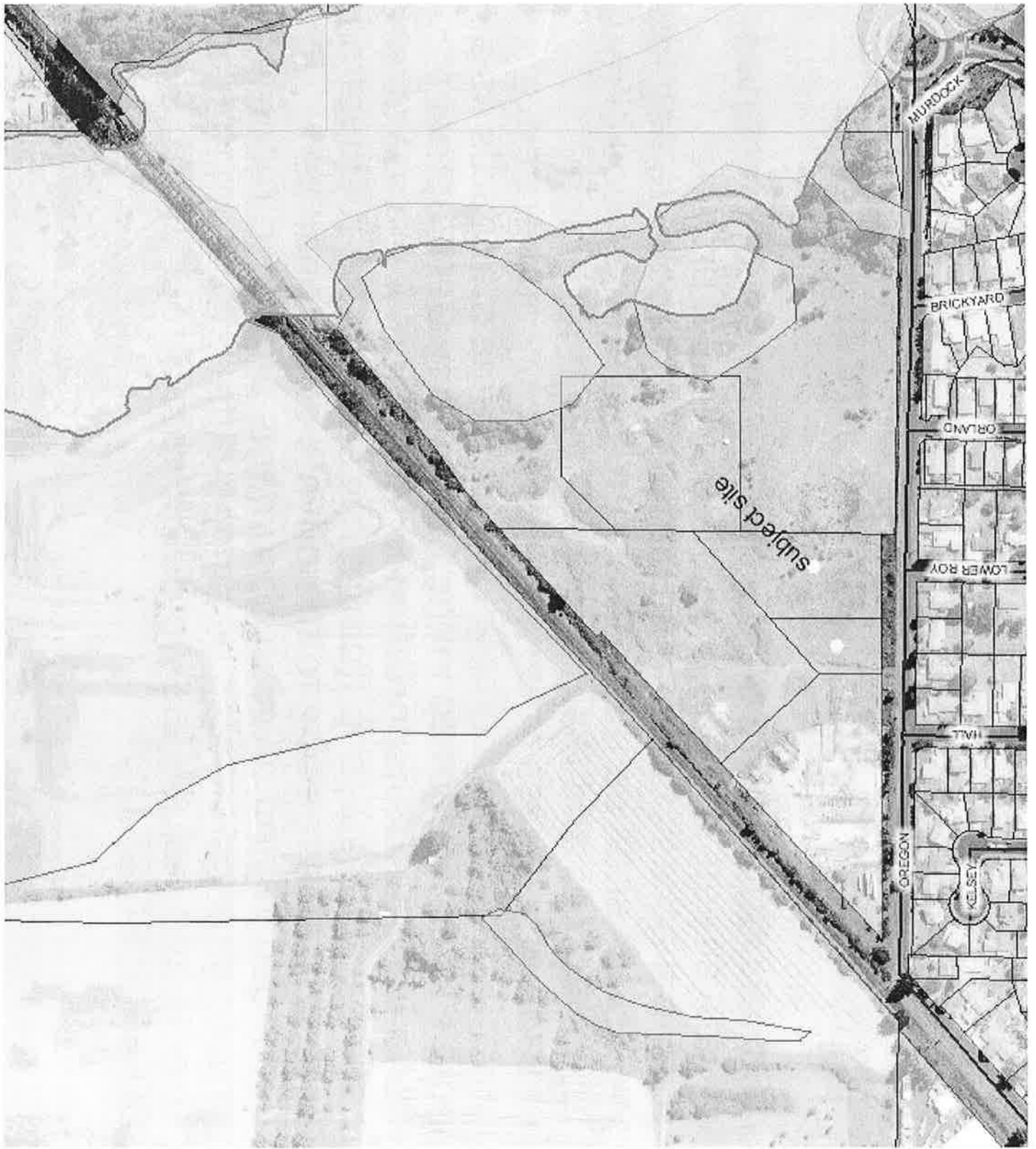
- Combination of parallel and perpendicular spaces is necessary to comply with Section 16.94.020. B:
 - Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway 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.
- Because the private street is a street and must be built to public standards, Staff interprets this requirement to apply.

5. Requiring access to adjacent tax lots 600 and 602 will require public street

- Staff verified at the 2-5-08 hearing that the Commission did not require the private street to be dedicated as public unless deemed necessary by other agencies because it was providing principal access to 2 or fewer parcels.
- Applicant argued that if access is provided to adjacent parcels to the east, the street would provide access to more than 2 parcels.

Requiring access to adjacent tax lots 600 and 602 will require public street – Cont.

- **16.118.050 PRIVATE STREETS** - The construction of new private streets shall be prohibited unless it provides principal access to two or fewer lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words “Private Street”. (Ord. 2005-009 § 5; 86-851)



Requiring access to adjacent tax lots 600 and 602 will require public street – Cont.

- It is not clear in the findings or conditions that the access to the adjacent parcel should be secondary and not the principal access
- Staff recommends modifying Condition C.1.a to state:
 - Revise the engineering drawings to reflect Tract A as public right-of-way with a public street meeting all current standards unless deemed unnecessary to comply with applicable agency requirements. Should right-of-way dedication prove unnecessary or unfeasible, the applicant shall record a cross access and public utility easement over Tract A for the benefit of tax lots 500, 600 and 602. The access easement to tax lots 600 and 602 (which comprise one legal lot) shall clearly state that the access shall only be secondary subject to principal access being provided via Oregon Street. The language of the easement shall be prepared by the applicant with final approval authority from the City to verify the easement will provide secondary access to the required parcels.

Requiring access to adjacent tax lots 600 and 602 will require public street – Cont.

- Recommended modifications to Condition D.13 –
 - Submit legal evidence in the form of deeds, easements, leases, or contracts that clearly establish joint ingress/egress for the 3 proposed buildings, storage yard and adjoining tax lots 500. An easement shall also be provided establishing a secondary access to tax lot 600 and 601. The “secondary access easement” may specify that the easement is only valid if primary access is provided via an alternate location.

6. Access requirement to tax lot 600 and 602 is a Dolan issue

- The proposed project will significantly increase trips onto Oregon Street.
 - The traffic study indicates approximately 506 ADT added to the street system from this development. All of these trips will use Oregon Street.
- The project has three accesses onto Oregon Street, which creates potential turning movement conflicts.
 - By requiring shared access to adjacent parcels, the likely number of access points onto Oregon Street is reduced, thereby reducing the transportation and public safety impacts resulting from this development.
- The City manages traffic safety by limiting access, limiting vehicle trips or requiring traffic control devices.
- The applicant is only being asked to provide shared access to one additional parcel to offset the impact of the development.
- The requested easement is minimal and proportionate given the significant additional traffic generated by the development and the need to limit access onto Oregon Street to protect public safety.

Re-cap

- It has been demonstrated that the access is a street and must be built to public standards.
- It has been demonstrated that because the requirement to provide access to adjacent parcels is secondary, the street does not need to be public.
- It has been demonstrated that Dolan findings can be made to justify requiring the applicant to dedicate an access easement to adjacent properties provided it is clear the access is secondary and not the “principal” access

Staff recommendation

- Based on the Planning Commission decision, the information submitted to the Council at the 2-5-08 hearing and subsequent follow-up with the applicant, staff recommends Council uphold the Planning Commission decision with modified conditions as expressly stated in this presentation and with the additional Dolan findings discussed in this presentation and the presentation on the 5th
 - Condition D.4, F.1 and F.3
 - Staff recommends retaining condition F.1 and replacing Conditions D.4 and F.3 with the new proposed Condition F.3 presented in this presentation
 - Condition D.13
 - Staff recommends upholding Commission condition with clarification that tax lot 601 should be 602, that the access shall only be secondary to these parcels and including the additional Dolan findings discussed in this presentation.
 - Condition C.1.a
 - Staff recommends upholding the Commission condition and findings with clarification that, should outside agencies determine right of way dedication is not required, access to tax lots 600 and 602 shall be secondary access only.

Two motions needed from Council:

- Decision on appeal
- Direction to staff to prepare final order for Mayor to sign by Friday (120 day clock expires 2/22/08)



NOTICE OF DECISION

Tax Lot: 900, 1000 and 1100
Map No 2S129D:
Case No.: SP 07-08
Date of Decision: February 19, 2008

Applicant/Owner:

Patrick Lucas
20512 SW Roy Rodgers Road, Suite 150
Sherwood, OR 07140

NOTICE: Notice is hereby given that on February 19, 2008 the Sherwood City Council found that the appellant's issue on appeal of SP 07-08 warranted modification of the original Planning Commission decision. Council therefore **APPROVED** the site plan with modified conditions; adopted findings presented in the staff presentation portion of the hearing and authorized the Mayor to sign Final Order 2008-001. The findings made to reach the decision are included within and as an attachment to, the Final Order and are attached to this notice. The decision of the City Council is the final local decision.

INFORMATION: For information on the Council decision or to obtain copies of file materials, please contact Julia Hajduk, Planning Manager at 503-625-2404 or hajdukj@si.sherwood.or.us.

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 notice.

AFFIDAVIT OF MAILING

STATE OF OREGON)
)
Washington County)

I, Karen Brown 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. SP 07-08 was placed in a U.S. Postal receptacle on 2/22/08.

Karen Brown
City of Sherwood Planning Department

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