



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, March 4, 2014

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

6:45 pm Executive Session
Pursuant to ORS 192.660(2)(h) Pending Litigation

7:00 pm City Council Regular Meeting

URA Board of Directors Meeting
(Following regular Council Session)



Home of the Tualatin River National Wildlife Refuge

EXECUTIVE SESSION

1. PENDING LITIGATION ORS 192.660(2)(h)

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT

- A. Approval of February 18, 2014 City Council Meeting Minutes
- B. Resolution 2014-014 Appointing Andy McConnell to the Budget Committee
- C. Resolution 2014-015 Appointing Coleen Swihart to the Library Committee

5. PRESENTATIONS

- A. TVFR State of the District Report (Fire Chief, Mike Duyck)

6. NEW BUSINESS

- A. Resolution 2014-016 Approving the Terms of an Employment Agreement Between Sylvia Murphy and the City of Sherwood (City Manager, Joe Gall)
- B. Resolution 2014-017 Providing City Council consent of Mayoral appointment of Councilor Krisanna Clark as Councilor Liaison to Sherwood Chamber of Commerce for 2014

7. PUBLIC HEARINGS

- A. Ordinance 2014-006 amending the Dimensional Table in Section 16.12.030.c of the SZCDC as it relates to front yard setbacks within the Medium Density Residential Low, Medium Density Residential High, and High Density Residential Zoning Districts (Brad Kilby, Planning Manager)

8. CITIZEN COMMENTS

9. COUNCIL ANNOUNCEMENTS

AGENDA

**SHERWOOD CITY COUNCIL
March 4, 2014**

**6:45 pm Executive Session
Pursuant to ORS 192.660 (2)(h)**

7:00 pm City Council Regular Meeting

**URA Board of Directors Meeting
(following the Council Meeting)**

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

Amended Agenda, Item 6.B added

10. CITY MANAGER AND DEPARTMENT REPORTS

11. ADJOURN TO URA BOARD OF DIRECTORS MEETING

How to Find Out What's on the Council Schedule:

City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

To Schedule a Presentation before Council:

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: murphys@sherwoodoregon.gov



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 18, 2014

REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:02 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Dave Grant, Krisanna Clark, Bill Butterfield and Matt Langer. Councilor Robyn Folsom arrived at 7:03 pm.
4. **STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Ty Hanlon Police Captain, Julia Hajduk Community Development Director, Julie Blums Finance Director, Craig Sheldon Public Works Director, Bob Galati City Engineer, Planning Manager Brad Kilby, Scott McKie Building Official, Rich Sattler Utility Manager, Paul Ortiz Program Analyst, Colleen Resch Administrative Assistant and Sylvia Murphy City Recorder. City Attorney Pam Beery.

Mayor Middleton stated that the agenda would be amended to move Resolution 2014-009 from Consent to New Business. No objections from the Council were received. Mayor Middleton addressed the amended Consent Agenda and asked for a motion.

5. CONSENT

- A. **Approval of February 4, 2014 City Council Meeting Minutes**
- B. **Resolution 2014-007 Appointing a Budget Officer for the FY14-15 Budget**
- C. **Resolution 2014-008 Authorizing the City Manager to sign the 2014 IGA with the Portland Police Bureau for the purposes of participation in the Regional Justice Information Network**
- E. **Resolution 2014-010 Authorizing the Marjorie Stewart Senior Center name change to the Marjorie Stewart Center**

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT THE CONSENT AGENDA AS AMENDED, SECONDED BY COUNCILOR BUTTERFIELD. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

6. PRESENTATIONS

A. Transportation System Plan (TSP) Update

City Engineer Bob Galati came forward with consultant Chris Majeski, Transportation Engineering Consultant with DKS. Mr. Majeski presented information to the Council, (see record, Exhibit A) and provided a brief overview of a transportation plan update. He said the key elements they look for is going out 20 years in the future with a master plan, looking at public facilities, public roadways, and making sure we can accommodate 20 years of growth. He said as this is done, they come up with improvement projects and try and match those with City goals and said the challenging part of this is balancing all the different modes of traveling into Sherwood, walking, biking, transit and driving to ensure it is equitable for all types of users and how to make it an efficient system, balancing revenue streams with expenditures to make the improvements. He said the pieces that go into the master plan are a plan for each mode of travel, i.e. a pedestrian plan, a biking plan, etc. He said all of these have a core element and there are also specifics for finance strategies as well as implementing code. He said we start with the City's goals and objectives and develop evaluation criteria based on the goals and use that to select with the committee what projects make the most sense to plan for. He explained the requirements for doing this and said there is a State OAR, stating every City must have a transportation system plan and it is the transportation element of your comprehensive plan and is a long range look at what is needed to manage facilities and provide services to all users. He explained the benefits of the plan as how to spend funds, understanding the big picture of future improvements, leveraging projects to allow others to be completed and balancing limited revenue streams. He explained an adopted plan helps with pursuing grants. He provided plan background and said the first plan was adopted in 2005 and said things have changed since then and said the 20 year horizon was the year 2020 and we are nearing this and are now looking at 2035. He said there have been amendments to the plan since 2005, such as Tonquin Area Plan and Adams Ave. North Plan. He said since 2005 the City has grown and population has increased. He explained another driving force to this update is a Metro requirement, with new local regional agency requirements. He referenced the exhibit and explained Metro has always had a Regional Transportation Plan and recently completed a Regional Transportation Functional Plan and this has new requirements local agencies must follow including a timeline to update plans and Sherwood is currently in that timeline. He explained Metro requirements aim at managing the system and they want you to focus on intersection improvements, signal upgrade or turn lane upgrade, and make the most of your current network before regional projects are brought forward, such as widening a corridor to 5 lanes. He said this is focused on prioritizing funds and safety and minimizing maintenance costs. He said they have introduced system measures we have to look at such as monitoring freight mobility on Tualatin-Sherwood Road and Hwy 99W, how does the City's plan affect freight movement during peak hours and is there a complete grid of major roadways that allows efficient circulation. He said to go about meeting these needs, their scope of work process is to assess what the infrastructure is today, how well it works, and then with a 20 year forecast with growth occurring in Sherwood and the surrounding urban growth area, how do the needs change. He stated we identify projects to address the needs and prioritize them and provide a recommendation and go through an adoption process. He said it's matching projects with needs. He explained the public involvement process is a key part and said they formed a citizen advisory committee to work with them and hold evening meetings, they have discussed community needs and the members are currently assisting DKS evaluate potential projects. He said they have held two open houses to date, posted information on the City website and in the Sherwood Gazette and said they are scoped for three briefings between the Planning Commission and the Council moving towards the adoption process. He said there are also the public hearings prior to adoption. He said they have accomplished identifying the needs for the existing year and looking 20 years in the future. He said we are doing this for all modes and said the graphics are tools they are

using with the committee and the public to show issue areas. He referenced a map in the exhibit and explained. He stated the areas of the map in red, indicated high traffic areas for walking and bicycling and motor traffic in peak hours. He said they are looking at every intersection in the community to try and identify hot spots.

He said the needs identification piece has been done and the next step is to identify solutions. He said to do this they took all the projects in the TSP and all projects identified in other concept plans or regional efforts, including the County and Metro and screened these to identify Sherwood's needs. He said to evaluate and prioritize they had the Citizen Advisory Committee help them select evaluation criteria from the City's transportation goals and policies and scored the projects. He said this helped to prioritize the projects.

He explained the final steps to the screening process is back to the Metro requirements to identify things that are lower in cost, operation based such as traffic signal enhancements before we look at major corridor widening projects. He said we currently have the entire project list and have gone through a technical evaluation of how that aligns and are working with their advisory committee and have shared the draft list with the public. He said that in this process we have begun to flag what they think a subset of projects might be that fit within the City's revenue constraints over the next 20 years. He said they are looking at a few scenarios, one that is more constrained is a back cast of the last 5 years and what is the City's average annual revenue for transportation and if this is projected out 20 years, how much money will the City have to work with, he said this is about \$11 million for City money. He said another view is to acknowledge as a region there are urban growth areas outside the City limits that are part of the Sherwood planning area and if that was annexed in and if that development occurred and there were SDC's or transportation development taxes collected, that generates additional revenue and that scenario would have about \$60 million to apply towards capital improvement projects.

He explained they are doing this work through an ODOT grant and that grant expires at the end of June 2014 and said this is the target for the adoption and said they are moving quickly to refine the list and put a draft plan together that can be circulated and receive comments on. He said in late May early April we would start the public hearing process for potential adoption. He offered to answer questions and Julia Hajduk Community Services Director added that this is something that was originally scoped as a work session and based on input from the Mayor we wanted to give the public and the Council an opportunity to provide feedback.

Mayor Middleton asked for Council questions, none were received.

Mayor Middleton addressed the next agenda item.

7. NEW BUSINESS

A. City Recorder Performance Evaluation

City Manager Gall stated the Council has received a document tonight, (see record, Exhibit B) and asked Pam Beery the City Attorney to explain. He stated the staff report and resolution addresses the evaluation only and the employment agreement will come back to the Council at a future meeting.

Pam Beery recapped and provided background information and stated the City Recorder is one of four positions in the City Charter that reports to the City Council and it's the Council responsibility to evaluate the performance and determine terms of employment. She said pursuant to the process and criteria the Council developed they compiled an evaluation form, received feedback from the Councilors and said the attachment is a compilation of that feedback received in executive session and in writing. She said if the Council approves the resolution tonight that would approve the evaluation and conclude the evaluation process. She said we are in the process of preparing an updated employment agreement, she offered to answer Council questions.

Mayor Middleton confirmed the legislative number for the Resolution as 2014-012 and with no Council comments, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2014-012, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Council President Henderson confirmed with Ms. Beery that the Council would see the updated contract prior to their next meeting. Ms. Beery replied yes and said it's almost completed and the employee would like to review the agreement. She explained it would probably be listed under the Consent Agenda and hopefully be part of the next meeting packet.

Mayor Middleton addressed the next agenda item.

B. Resolution 2014-011 Amending the FY 2013-14 Fee Schedule to comply with State Building Codes regarding Investigative Fees

Building Official Scott McKie came forward and recapped the information provided in the staff report.

Mayor Middleton confirmed the fee is for those who are in violation of not getting permits and is not a new fee being imposed. Scott replied this is correct and explained the code allows the building official to assess a penalty, it is not a mandatory penalty, it's to the discretion of the building official.

The Mayor asked for Council questions, with none received he asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO ADOPT RESOLUTION 2014-011, SECONDED BY COUNCILOR BUTTERFIELD, MOTION PASSED 7:0. ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

C. Ordinance 2014-003 Temporarily Prohibiting the Location of Medical Marijuana Facilities within the City of Sherwood and Declaring an Emergency

Julia Hajduk Community Development Director explained the ordinance is to temporarily prohibit the siting of medical marijuana facilities and said at this time it's a gray area and is not clearly allowed or not allowed in the code, but beginning March 1st there will be provisions through the state to allow these facilities to be registered and to give us time to evaluate where these facilities would best be sited, zoning wise and whether or not there should be any additional or different regulations, such as parking

regulations or sign criteria. She said to allow time to do this staff is recommending making it clear that they are not allowed until we are able to get the legislation passed. She said many jurisdictions are doing something similar and we are proposing 150 days. She said she understands public testimony is at the Council discretion.

Councilor Grant asked at the end of the 150 days, does it goes away. Julia confirmed it is a temporary prohibition and after 150 days it will not be prohibited if we don't have something clearly in place there will be the continued gray area.

Mayor Middleton asked to receive public testimony, with none received the following motion was made.

MOTION: FROM COUNCILOR GRANT TO READ CAPTION AND ADOPT ORDINANCE 2014-003, SECONDED BY COUNCILOR LANGER, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed Resolution 2014-009, moved from the Consent Agenda.

D. Resolution 2014-009 Authorizing the City Manager to enter into a contract with General Pacific, Inc. to supply an Advanced Metering Infrastructure (AMI) System

City Manager Gall stated the City has been working on this project since 2005 and the Council has people that would like to provide comments on the resolution. He informed the Council that the current budget has \$300,000 budgeted for this project. Craig Sheldon Public Works Director stated in 2005-06 the City was looking at partnering with PGE to bring AMI to the City, known as Smart Meters. He said PGE moved forward with their project and throughout the City we have AMI PGE meters. He said with the water project at that time, the City choose not to partner with PGE. He said in 2008 we brought utility billing in house and explained the workload increase of going to a monthly billing cycle. He said in 2008 we looked at efficiencies of the system and in 2011 at the Council Goal Setting session we discussed initiating an AMI or AMR program and with the current billing issues we were not comfortable moving forward. He said in the last budget process we asked for \$300,000 to move forward with the project and held a Council work session. He listed other jurisdictions that have the AMI or AMR programs and said AMI is more efficient than AMR and doesn't require a drive by reading of a meter.

Craig said security wise the City has an identity theft policy and explained the information coming through the system is no different from what we see now. He explained the benefits to the customer and the City. He said in November we issued and RFP for the entire system to lock in a price over a multiyear contract. Craig explained our Water Management Conservation Plan which calls out water loss and explained the requirements. He explained the history of the plan and lack of having data information. He said the City does water audit through the state and this system will help do this and the system would produce more data for future Councils to set rates. He explained the various other plans the City has in place and said a water meter plan is no different. He explained AWWA (American Water Works) standards. He explained the growth in Sherwood and meters coming to a life of 20 years and said the City needs to do something about this with moving forward with a plan or wait for the system to not be accurate. He said the AMI or AMR systems are not new to the water industry and explained NW Natural Gas is read through an AMR system.

He explained the RFP process the City took in November and said we had 4 vendors apply. He said today we are asking for \$1.3 million over the course of 5-6 years and said it will come through the O&M

(Operation and Maintenance) Budget, it is not a capital project and if we don't have the funds we aren't going to proceed. He said we need to do some sort of meter replacement anyways. He explained the cost and cost savings with the current meter reading processes and efficiencies. He explained it is about a 7 year payback and said there are a lot of fixed costs in the water business. He said these are ways to invest to be able to save money in the future.

Craig explained the reason for the \$1.3 million in the resolution is because this is over a period of time. He said if we don't have the money in the budget then we don't move forward and said the City has multi-year contracts throughout the City.

Councilor Grant asked Craig to explain the concerns regarding security. Craig commented of concerns regarding obtaining people's information, seeing into people's homes, seeing through a water meter. Craig said our current meter reader could gather more information now and this is not what we want to do, we want to know the consumption. Craig spoke of conservation and needing data and currently the City doesn't have the data. He explained the system as being an internal system and not a third party and the City would be installing the meters.

Councilor Folsom asked for definition of AMI and AMR, Craig replied (Automatic Meter Reading) is a drive by type of approach and AMI (Automatic Meter Infrastructure) System. He explained some of the features of AMI and the efficiencies of automatic reads and explained the expanded features that are available and said the City is not looking at the extra features. Ms. Folsom asked regarding NW Natural Gas and PGE currently having these systems in the City, Craig confirmed and explained. Ms. Folsom asked regarding the aging meters and resources and needing to do something. Craig replied and explained some businesses have vaults that require two staff members to conduct a reading, the requirement of two staff is to meet OSHA standards. He said in the last 1 and ½ years, he estimates the City changed out 170 meters and said the meters that were installed within the last ten years will only need to change out the registers and we will still get another ten years of life out of the meter. He said it's the older meters that are from the 1990's that are still in the ground and have met their life expectancy. Ms. Folsom commented regarding inefficient readings and ability to detect leaks. Craig agreed and commented on benefits to the customer.

Councilor Butterfield asked if Craig was planning on using a hybrid system. Craig stated that the AMI is the better system and eventually will tie everything together and will make data collection easier for everyone. He said the main focus is to get the program up and save money. Councilor Butterfield asked if 90% of the meters are in the ground and said they don't have audio or video. Craig commented that there will be a radio inside the meter box and you can determine how often you want it recorded. Councilor Butterfield asked what we are saving. Craig replied about \$88,000 in meter reading costs but you still have to do some customer service. He commented on the savings of benefits, overhead, salary and replacement vehicles. He noted that it is somewhat green with a lower carbon footprint. He said there will be some billing cost savings. He stated they will not eliminate a position but use that position in other areas and they are not planning on coming back in the future asking for another position. Councilor Butterfield asked if that would remain a full time position. Craig said yes but with only 1/10 of the time for meter reading.

Council President Henderson asked Craig to explain how General Pacific Inc.'s software will integrate with our system. Craig said that was part of the criteria and he compared the systems that were considered and said their system is more proven than the others.

Mayor Middleton asked for public comment.

Kurt Kristensen, Sherwood resident came forward and provided a document to the council (see record) and discussed his experience with valves and putting electronics in the ground and would not recommend this and suggested using a pole system. He said this may be the way to go but we need a solid pilot project in house and he is not convinced with outsourcing and discussed the downfalls. He commented on security issues that we have had with how clever hackers have become and he would not want too many outside contractors to have an access to Sherwood. He suggested a 3 to 5 year pilot project in house and to move slowly ahead. He is not convinced there are savings in this gimmick and noted that they are not going to abolish a position. He said some of these projects with electronics that turn out to be more not less. He said in 2005 they were promised reasonable water rates and we have not had that and said there are more increases coming. He suggested being prudent and using the money to pay down the loan balance. He commented on how high his water bill is in the summer and asked the Council to factor all that in.

Neil Shannon, Sherwood resident approached the Council and said he is a member of the Budget Committee and was at the meeting where the \$300,000 was added to the water bureau budget. He said the Budget Committee does not approve of the use of the AMR system and said they allocated funds based on the water bureau request for funds to justify the use of the AMR system. He said he has attended the work sessions and is familiar with what is being presented. He said the benefits and pay back are not there and said 7 years is not very good and he questions the pay back analysis and there is no labor reduction although there may not be future labor costs. He said Craig indicated that if they did not fund the ARM system they would need a contingency of \$12,000 for enhanced maintenance of the existing system. He said Craig testified at the Budget Committee meeting when asked about leaks he stated they have few leaks. He is concerned about privacy not so much about the City misusing the data but it would allow a third party to read the data and they could publish that data or misuse it and that would not be secure. He expressed concern that the City is acting as a utility but has no liability. He referred to an email he sent and said he does support the concept of replacing as many as 350 meters that are $\frac{3}{4}$ inch or larger but he seriously questions replacing 4500 residential meters of $\frac{5}{8}$ inch diameter.

Nancy Taylor, Sherwood resident came forward and said that she opposes the AMI only because as a rate payer and if paying high rates she would like a human being to benefit from it. She commented that water rights will be the conversation of the future and we are not talking about that.

With no further public comments Mayor Middleton asked the Council for questions.

Councilor Butterfield commented about technology and hackers being a part of the world we live in and said he is not concerned about this technology and the security of the system.

Mayor Middleton clarified that the meters staff will be putting this on, are the meters that would have to be replaced anyways, so it is kind of a pilot program. He asked if it doesn't work to our satisfaction we are not committed to the million. Craig said it is pending our budget and said we are not spending the money if it is not there. He commented that they are putting this out over five years which is why the payout is 7 years. He noted that they will change out those meters that they are having issues with and the ones with registers that are easy to change. He said they are also going to look at replacing the larger meters to save on confined space entry. Mayor Middleton said he thought it was a good idea.

Finance Director Julie Blums added that when they brought the rate study forward this entire project was contemplated in the study to be done over a period of time and it is not an additional project that would raise those rates.

Councilor Clark commented that it is a multiyear contract but clarified that it is a no obligation contract. Craig said it is no different than other multiyear contracts and if we are dissatisfied there is language that we can get out of the contract.

Mayor Middleton clarified that Craig would bring back results next year. Craig said yes and noted that they have done tests and it works and he feels comfortable with the system.

Councilor Clark stated that we should start the project as budgeted as a pilot project and find out if it is feasible.

Councilor Langer asked about other municipalities that use this system. Utility Manager Rich Sattler commented on the research they have done and said they have had good feedback and they are seeing those efficiencies.

Councilor Henderson asked Julie to comment on the rate study she mentioned earlier. Julie said that last fall they completed the water rates study and they recommended a 1% increase and Council chose to forego that increase and wait for the master plan to be completed then reevaluate the rates. She said part of the study was to determine what are the operational needs and what are the capital needs and this project was part of the analysis.

Councilor Henderson asked Rich if any community has completely automated their system or are they all implementing in phases. Rich said Gresham is completely automated and received a grant that obligated them to put it in in one year. He commented on the benefits of safety and reduction of injuries in the field. He said the system has a 20 year warranty and in the first 10 years 100% replacement, so there is good backing on the product.

With no other discussion, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERON TO ADOPT RESOLUTION 2014-009, SECONDED BY COUNCILOR LANGER, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next item on the agenda and the City Recorder read the public hearing statement.

8. PUBLIC HEARINGS

A. Ordinance 2014-004 Approving an amendment to the Transportation System Plan and Comprehensive Plan regarding extension and designation of SW Langer Farms Parkway north of Highway 99w and West

Community Development Director Julia Hajduk said this is a legislative hearing but it does have an applicant and said at the Planning Commission we follow the same hearing schedule as a quasi-judicial where the applicant has 30 minutes to present after the staff report to be split between opening remarks

and a rebuttal at the end. She said she recognizes this is a long time at a Council Meeting and recommended Council give the applicant the opportunity to come forward after Brad gives the staff report and briefly discuss anything Brad did not mention and then provide a few minutes for rebuttal.

Planning Manager Brad Kilby approached the Council and provided a presentation (see record, Exhibit C) on PA 13-03 which is a proposal from Washington County to basically put lines on the transportation system plan map and said it will give direction to the property owner of regulatory certainty as the property develops in the future that says this is the facility the City expects will be constructed on that as you develop on your property. He referred to the Site Aerial map and said the property is west and north of Home Depot at the signal intersection. He said there are two accesses to SW Roy Rogers Road but neither has access onto Hwy. 99W and that is why they have not been able to develop. He said when widening Roy Rogers Road the County realized it creates conflict to the current accesses and it is a full access and essentially you could come out of the property and turn left crossing traffic. He stated the property is zoned commercial and referred to the Property Lines map and said to develop the rear portion of the property they have to annex into the City but nobody will be interested in developing until they understand the access. He said the County wants to designate it a collector in the TSP and by designating a collector as opposed to a local it gives the owners the opportunity to take their traffic out to the signalized intersection, and then they can ask for transportation credits for building that facility and for a benefit to the City, having it designated as a collector. He said as they develop out intensely they will generate quite a bit a traffic due to the zoning. He referred to the Zoning map and said if brought into the City it would have a similar commercial designation. He said the Planning Commission recommended after two hearings on December 10 and January 28 to adopt the legislation and put this on the map. He referred to the Functional Classification Plan map and explained at the intersection you would see the dash line. He commented on the reference to Adams Avenue Concept Plan and said there was action by Council in 2011 to redesignate Adams Avenue as Langer Farms Parkway. He referred to property access consideration and said the County has proposed this for safety and to provide access. He noted the forecasted traffic evaluation is 5000 daily trips which is a worst case scenario and it would warrant a collector. He said it is not likely because we still are suburban.

He commented on the issues raised at the Planning Commission meeting. He said nearby residents were concerned about a possible access across the ravine and adjacent to Hunter Ridge and the Wildlife Refuge and said it is not physically or financially feasible. He said this proposal is not proposing to extend it across the ravine. He stated the Planning Commission is recommending that the Council approve the proposal and place the collector onto the City's TSP functional classification map and said that is staff's recommendation as well.

Mayor Middleton asked who owns the property that he has referred to with the ravine. Brad said part of it is federally owned and referred to the location of the Anderson property and the power lines and said achieving the forecasted 5000 daily trips is way down the road. He referred to the other properties and said it may be in probate but it wasn't clear when he looked at the County documents.

Mayor Middleton asked the applicant to come forward.

Stefanie Slyman with Harper Houf Peterson Righellis, Inc. approached the Council as the applicants' representative and introduced Dan Erpenbach of Washington County as the applicant. She said in July they met and held a public meeting that was noticed to property owners and residents within 1,000 feet of the subject property. She stated they have been addressing the concerns they heard.

Dan Erpenbach commented on the congestion at the intersection of Tualatin Sherwood Road and Hwy. 99W and said 50,000 people go through in a day and noted that the undeveloped property will develop with that much exposure. He said in the past the County and City have been chasing traffic demands and now have an opportunity to get a head of the curve and put a plan on paper to help development in this area. He said Washington County is proposing a 4 pronged approach to this area: widening Tualatin Sherwood Road, putting in an Intelligent Transportation System, managing access and creating off-corridor circulation. He said there is no single solution but combining them will help reduce the congestion. He stated this amendment will manage access and create off-corridor circulation.

Mayor Middleton opened the public hearing.

Jim Claus, 22211 SW Pacific Hwy came forward and said Walmart has the lowest income of any mass merchandiser and the lowest expenditure per trip. He referred to drawing traffic from 15 miles and particularly during the holidays. He stated there are 7 basic origin destination trips that you learn in traffic engineering and this is not developing around them, to and from work trips you have now this is creating an entirely new origin of destination trip. He said you are changing the fundamental traffic. He said you have a much further trip in and are changing your profile. He stated the fact is with Walmart coming in we now have a traffic problem. He noted the problem will expand and this is late in the day to begin to change the traffic patterns in this town. He commented on changing the profile of the intersection. He referred to comments that it will develop and said it may put people out of business.

With no further comments Mayor Middleton closed the public hearing. With no discussion from the Council the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERON TO READ CAPTION AND ADOPT ORDINANCE 2014-004, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton called for recess at 8:33 pm and reconvened at 8:45 pm.

Mayor Middleton addressed the next agenda item.

B. Ordinance 2014-005 Approving an amendment to the Transportation System Plan and Comprehensive Plan regarding extension and designation of SW Baler Way north of Tualatin-Sherwood Road

Brad came forward and provided the Council with a presentation (see record, Exhibit D). He said this was also heard at the December 10th meeting and continued to the 28th to give the opponent some additional time to provide information and discuss with the County. He said this is a proposal from the County to extend SW Baler Way north and ultimately there would be a local connection continuing north to tie near Home Depot and the collector would turn and come back to Langer Farms Parkway and connect into a collector system that would run parallel to Tualatin Sherwood Road in the future at Barrows. He said the properties are zoned commercial and light industrial with the PUD for phase 4 of Langer Family PUD. He referred to the intersection of Arrow and Olds Place and said Arrow would be the connection that ultimately could eventually tie into Galbreath and go on up to 124th or Cipole. He said that would be the logical location. He said the County provided the application to provide access to

the properties and commented on the discussion of the signal being removed but said the point is to do a collector and provide alternative access to the properties north by doing a collector around the back of Sentinal Storage and to eventually tie into Langer Parkway north which would provide access to the properties north. He commented on the Adams Avenue concept plan that was considered in 2009. He said there is potential for those properties to develop but they will also have to deal with power line restrictions and easements. He commented on the zoning and said it makes sense to serve them with a collector system. He stated the traffic engineers estimated 6,000 average daily trips for this area and asked why more than the other side of 99W and said they don't anticipate intense development on the other side because of the power line restrictions and everything that is going on in that area. He stated the Planning Commission recommends the Council hold a public hearing and place the proposed local collector street on the City's TSP to give access to the properties and as a safety precaution to provide circulation off Tualatin Sherwood Road. He asked for Council questions.

Council Langer recused himself from participating and said the proposed road extension could be designed and constructed adjacent to property that is owned by his family and could result in a pecuniary benefit to himself or members of his family said although this is only a potential conflict of interest and does not require that he recuse himself, he is stepping down because he believes the public process should be free of any appearance of impropriety and will be better served if he does not participate.

Mayor Middleton asked the applicant to come forward. Ms. Slyman and Mr. Erpenbach came forward and stated they have nothing further to add but reiterated that this TSP amendment is also part of the County's four pronged approach to helping improve safety and capacity on Tualatin Sherwood Road.

Mayor Middleton opened the public hearing.

Phil Grillo came forward as a representative for TakFal Properties and said in order to be brief he referred to the January 28 letters he submitted to the Planning Commission and said that is still their position. He said they have been communicating with the County on this issue and but are of the understanding that the County is not willing to have any future discussion and they are now at a standstill. He said they may be agreeable to the improvement he is suggesting for the connection to Baler but maybe not amenable to helping with the connection they are requesting with Hwy 99. He commended the Council and staff for encouraging ODOT to work with them and discussed his interactions with ODOT regarding the right-in off Hwy 99 and said that ODOT Region 1 seemed agreeable to the right-in only access. He said there is a notion that this can be decided later and the problem with that is that with TPS amendments to properties already developed and projects that significantly change the existing access there is no new land use process for a hearing and it will just go into a condemnation proceeding where it will just be a discussion between us and the County and the County will decide what to do. He said that is why it is important when land use issues and transportation issues come together you need to flush out the details now. He said they are not trying to get to a design element but to a conceptual understanding of what will happen and said they have provided reasonable conditions of approval. He mentioned the LUBA case is still pending and they were expecting a decision on the 12th and LUBA has asked for a two week continuance and they expect a decision on the 26th.

Ty Wyman approached the Council as an attorney for MGPX Properties, LLC. He said he was here before the Council 6-8 months ago speaking on behalf of the Sherwood Market Center, then owned by Regency Centers, a National Real Estate Investment Trust. Mr. Wyman explained the chain of real estate ownership and their investments.

MGPX's owners were unable to attend tonight but did attend the Planning Commission meeting and have met with staff from Washington County. He noted that they purchased the property and knew it was at a cross roads but they wanted to invest in this community. He echoed Mr. Grillo's comments and stated that there is no time pressure as it is a legislative enactment and reminded the Council of the pending LUBA decision. He stated this decision is based on the premise of removal of a traffic signal. He said removal of the signal is not a foregone conclusion and the signal is shown in the existing TSP. He said we need to have that process first. He asked why do we need to decide now where in 8 days we will have the LUBA decision about the legality of the sign removal premise.

Jim Claus, 22211 SW Pacific Hwy approached the Council and stated that people are objecting to a procedural thing. He referred to certain rules not being enforced. He said it is easy to trace how the rules are being interpreted differently. He commented on procedural due process which means the rules need to apply evenly. He said the rules are being changed based on the individuals involved. He said litigation is inevitable. He commented on the Community Center and the water line disaster.

With no further public comments Mayor Middleton asked the County for a rebuttal.

Ms. Slyman and Mr. Erpenbach came forward with a rebuttal and referred to Mr. Grillo's comments about the conceptual design for access off of Baler to be part of the TSP amendment and argued that it is not relevant and those decisions will happen later. She commented that it is increasing opportunities for access to the property. She referred to the comments that Baler is premised on the signal removal and said it is not and the signal removal is part of a separate Washington County Tualatin Sherwood Road widening project. She said this TSP amendment is to promote better circulation and access off of Tualatin Sherwood Road and waiting for a LUBA decision is not an issue.

Mayor Middleton closed the public hearing and asked for Council comments.

Councilor Butterfield asked Brad to comment on the Planning Commission's decision. Brad said there were two fundamental questions that were considered. He said first, would this be a viable option whether the signal is removed or not and they decided it would be an alternative as there still has to be a connection to those properties. He said the question is does it warrant a collector or a local street and he said the County made the case with traffic numbers to make it a collector and he said Baler is a collector too so that makes sense. He commented on access to the properties and stated that access is not discussed in the TSP. He said that in the future if this signal comes out and as part of the right away decision there may be opportunities to consider this again.

Councilor Clark asked if there is a proposed light at the intersection of Adams Avenue/Baler Way and Tualatin Sherwood Road. Brad said yes. Councilor Clark asked if they were proposing a new light there. Brad said there is an existing light there. Councilor Clark asked what the distance is between these two intersections. Brad said maybe between 500-600 feet.

Councilor Henderson referred to a map on page 158 of the packet and asked how the County's proposed right-in right-out would benefit the businesses to the west of Les Schwab regarding access. Brad responded that there is an easement across the back property and noted there is a need for at least two accesses. He commented on options for other access and said there will be considerations the City will have with the Fire District regarding access for fire, life and safety. Discussion followed about access and easements for the existing businesses in the area.

Bob Galati said strictly for the TSP it provides connectivity for the Baler Way extension and also sets the east west connection with Arrow Street which is also part of our current plan for a north bypass part of

the whole system. He said we understand that the extension of the roadway is necessary and part of the roadway improvement project to offset the impacts of the removal of the signal. He said the concept of not providing it as part of the plan is not there and said they see it as a necessary component of the future design of the roadway improvement project. He stated it is not a question of if it will be built it will probably need to be part of the mitigation for the removal of the signal. He said the roadway will probably be built into the site so that access to the site will be mitigated for the removal of the light but he does not see extending east towards Langer Farms Parkway at this time but said as development occurs, and it will with access, the development will extend the road so we will get the road as development occurs beyond what it is now. He said there are two aspects. He stated this meets the requirement and criteria for a TSP amendment and the other items more specific to the design of the roadway are not to be part of this process and will be mitigated later.

Julia reiterated there are two separate issues, the TSP amendment that identifies the road and helps facilitate the discussion about mitigation but it is not the mitigation. She said as the County mentioned it is the four-pronged solution for congestion on Tualatin Sherwood Road. She said it is just having the line on a map that helps them move forward to build something.

With no other comments or questions from the Council the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2014-005, SECONDED BY COUNCILOR BUTTERFIELD. MOTION PASSED 6:0, (COUNCILOR LANGER RECUSED).

Mayor Middleton addressed the next agenda item.

9. CITIZEN COMMENTS

Steve Hofthouse came forward to discuss the possibility of a dog park and asked how to go about presenting the issue. Councilor Butterfield thanked him for coming to the meeting and said next month Mayor Middleton will be attending the Parks and Recreation Board meeting and there will be a discussion of how to proceed. Discussion followed about site selections and other ideas. Mayor Middleton said that he will send out a reminder to those interested.

Jim Claus, 22211 SW Pacific Hwy came forward and discussed the request to comment form. He commented on the legality and the grammar used. He commented on the City and legal counsel conspiring to violate the 14th amendment. He commented regarding the language of impugning the character of people. He commented regarding anytime someone complains the Council can throw them out based on content. He commented regarding the 4 minute time limit to speak with a Council 1 minute option. He commented regarding the Council being able to preclude comments and the language being sloppy grammar.

Mayor Middleton addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS

Councilor Folsom said the Cultural Arts Commission would like to know how Council would like them to support the new facility. She suggested a joint work session in the future perhaps May or June.

Councilor Langer announced that the new Mathnasium is open. He said the YMCA Dine and Dash is the first week in March. He said the Chamber Annual Awards Dinner is earlier this year and the website has nomination information.

Councilor Henderson reported on the Charter Review Committee and asked the City Recorder Sylvia Murphy to discuss the new timeframe for approving ballot titles in order to have them in the May election.

Ms. Murphy said the Committee is proposing a joint work session with the City Council on Tuesday, February 25th. She stated new election law requires the Council to adopt ballot titles and have them to the City Recorder by February 28th by 5:00 pm in order to be eligible for the May ballot. She said they are proposing a joint work session to review the Charter Review Committee's work and if they come to a conclusion the Council may open a regular meeting, have a public hearing and adopt the proposed ballot titles. She noted that if they are unable to reach a conclusion, the Council will still have time before the February 28th deadline to potentially meet again.

Mayor Middleton reported that the Planning Commission will be bringing front yard setbacks before the Council in the future.

Mayor Middleton addressed the next agenda item.

11. CITY MANAGER AND DEPARTMENT REPORTS

Mr. Gall said he has nothing further to report.

Mayor Middleton addressed the next agenda item.

12. ADJOURN

Mayor Middleton adjourned the meeting at 9:30 pm.

Submitted by:

Sylvia Murphy, MMC, City Recorder

Bill Middleton, Mayor

TO: Sherwood City Council

FROM: Julie Blums, Finance Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-014, Appointing Andy McConnell to the Budget Committee

Issue:

Shall the City Council appoint Andy McConnell to the Budget Committee.

Background:

The Budget Committee consists of the City Council and seven Sherwood citizens. There is currently one position open on the Budget Committee. Staff received eight applications to serve on the Committee and Mayor Middleton and Julie Blums, Finance Director interviewed all eight candidates. The Mayor and staff recommend that Andy McConnell be appointed to the Budget Committee to serve a three year term ending June 30, 2017.

Financial Impacts:

None

Recommendation:

Staff respectfully requests adoption of Resolution 2014-014 appointing Andy McConnell to the Budget Committee.



RESOLUTION 2014-014

APPOINTING ANDY MCCONNELL TO THE BUDGET COMMITTEE

WHEREAS, there is one vacancy on the Budget Committee for a citizen member; and

WHEREAS, Mayor Bill Middleton, the Council Liaison to the Budget Committee and Julie Blums, Finance Director have interviewed applicants and endorse Mr. Andy McConnell to serve on the committee.

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

Section 1. Andy McConnell is appointed to the Budget Committee for a three year term, ending June 30, 2017.

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

Duly passed by the City Council this 4th day of March 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Council Meeting Date: March 4, 2014

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Pam North, Library Manager
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Resolution 2014-015, Reappointing Coleen Swihart to the Library Advisory Board

ISSUE:

Should the City Council reappoint Coleen Swihart to the Library Advisory Board?

BACKGROUND:

Coleen Swihart was originally appointed by Resolution 2009-002 and has served her assigned term. She has requested reappointment to the board. According to Chapter 2.12.030 of the Sherwood Municipal Code "The terms of office of board members shall be four years and members may be reappointed to serve two consecutive terms, per ORS 357.465."

RECOMMENDATION:

Staff respectfully recommends approving Resolution 2014-015 reappointing Coleen Swihart to the Library Advisory Board.



RESOLUTION 2014-015

**A RESOLUTION REAPPOINTING COLEEN SWIHART TO THE
LIBRARY ADVISORY BOARD**

WHEREAS, Coleen Swihart was appointed by Resolution 2009-002, has served her assigned term and has requested reappointment; and

WHEREAS, the Library Advisory Board, with assistance of staff, is recommending reappointment to the Mayor and City Council; and

WHEREAS, according to Chapter 2.12 of the Sherwood Municipal Code, members of the Library Advisory Board shall be appointed by the Mayor with consent of the City Council.

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

Section 1. The Mayor is authorized to reappoint Coleen Swihart to a four-year term, expiring at the end of March 2018.

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

Duly passed by the City Council this 4th day of March 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager
Through: Pam Beery, City Attorney

SUBJECT: Resolution 2014-016, Approving the Terms of an Employment Agreement between Sylvia Murphy and the City of Sherwood

Issue:

Shall the City Council approve the terms of a new employment agreement between Sylvia Murphy and the City of Sherwood?

Background:

With the recent conclusion of the annual performance review of Sylvia Murphy, City Recorder, by the Sherwood City Council, the only remaining action item was to draft a new employment agreement for the position. In conjunction with this performance review, Council determined that the City Recorder's employment agreement was out of date and in some cases did not reflect the current city personnel policies for senior management staff.

The attached Resolution 2014-016 provides an updated employment agreement for Sylvia Murphy, City Recorder for the City of Sherwood. Per the Sherwood City Charter, the City Recorder position is one of four positions that reports directly to the Sherwood City Council versus the City Manager.

Financial Impacts:

The compensation and benefits outlined within the employment agreement will have an immaterial impact on the current General Fund administration budget.

Recommendation:

Staff respectfully requests adoption of Resolution 2014-016 by the City Council approving the terms of an employment agreement with Sylvia Murphy, City Recorder.



RESOLUTION 2014-016

APPROVING THE TERMS OF AN EMPLOYMENT AGREEMENT BETWEEN SYLVIA MURPHY AND THE CITY OF SHERWOOD

WHEREAS, the Sherwood City Council approved Resolution 2014-012 on February 18, 2014 accepting the annual performance evaluation of Sylvia Murphy, City Recorder; and

WHEREAS, as part of the annual performance evaluation, the need for an updated employment agreement between Sylvia Murphy and the City of Sherwood was identified by the City Attorney; and

WHEREAS, a draft employment agreement has been negotiated and drafted and now requires Council approval;

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

Section 1. The Mayor is authorized to sign, on behalf of the City, an employment agreement between the City of Sherwood and Sylvia Murphy in a form substantially akin to that attached here as Exhibit "A".

Section 2. This resolution is and shall be effective from and after its passage by the Council.

Duly passed by the City Council this 4th day of March 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT is made and entered into effective January 1, 2014, by and between the CITY OF SHERWOOD, OREGON (“CITY”), and SYLVIA G. MURPHY (“EMPLOYEE”).

WITNESSETH:

WHEREAS, CITY has employed EMPLOYEE as City Recorder since March 27, 2006; and

WHEREAS, CITY and EMPLOYEE desire to update and modify the previous written agreement governing EMPLOYEE’s employment, to continue to foster a professional and businesslike relationship, to protect EMPLOYEE’s peace of mind and to serve as the basis for continued effective communication;

NOW THEREFORE, CITY and EMPLOYEE mutually agree:

1. Terms and Conditions of Employment

- (a) CITY and EMPLOYEE agree that EMPLOYEE shall continue to serve at will, solely at the pleasure of the City Council, pursuant to the terms of this Agreement.
- (b) The term of this Agreement shall be for a period of three calendar years from January 1, 2014 through December 31, 2016, subject to the termination provisions contained herein.
- (c) EMPLOYEE agrees to devote exclusive service to the CITY. However, EMPLOYEE may be allowed outside employment with the approval of the City Council and if such employment is not in conflict with the CITY’s needs or interests.

2. Duties

- (a) EMPLOYEE shall continue to serve as the City Recorder of the CITY, to perform the duties and functions specified in the City Charter, Municipal Code and the laws of the State of Oregon, and other duties as the City Council may, from time to time, assign.
- (b) EMPLOYEE or a designee shall attend all meetings of the City Council, including regular sessions, work sessions, and executive sessions, unless otherwise excused. EMPLOYEE further agrees to attend events and functions as needed to assist the Mayor and City Council and to represent the CITY.

3. Compliance with Laws; Standard of Conduct

- (a) In performing the services contemplated by this Agreement, EMPLOYEE shall faithfully observe and comply with all federal, state and local laws, City Charter, ordinances and applicable regulations.

(b) Except in the case of EMPLOYEE engaging in behaviors that constitute gross negligence or misconduct, the CITY agrees to bring any performance issues to the attention of EMPLOYEE in writing, such communication to be authorized by a majority of the City Council. EMPLOYEE shall be provided a reasonable period of time in which to correct the asserted performance issue.

4. Hours of Work; Vacation and Administrative Leave

(a) It is recognized that EMPLOYEE must devote time outside the normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take time off as she shall deem appropriate during normal office hours.

(b) EMPLOYEE is eligible to earn and accrue the same paid vacation time as other exempt employees, and shall retain any accrued vacation as of the effective date of this Agreement.

(c) EMPLOYEE may take up to five days each calendar year as administrative leave to be used at EMPLOYEE's discretion. Such leave shall not accrue beyond any given calendar year, and shall have no cash value upon termination of EMPLOYEE's employment.

5. Compensation and Benefits

(a) Effective January 1, 2014, CITY agrees to pay EMPLOYEE an annual salary of \$79,542 to be paid in installments at the same interval as CITY pays its other employees. This salary represents a five percent (5%) increase over her salary as of the date of this Agreement. EMPLOYEE shall also be entitled to receive a Cost of Living Adjustment (COLA) to her salary in the same percentage amount as may be given the CITY's exempt employees, and to receive salary increases in an amount to be determined by the City Council. EMPLOYEE'S salary will be reviewed in conjunction with EMPLOYEE's yearly performance evaluation. Following completion of the annual performance evaluation, the City Council may award EMPLOYEE a salary increase of two and one-half percent (2.5%) up to five percent (5%), at Council's discretion.

(b) In recognition of the EMPLOYEE's achievement of certification as Master Municipal Clerk (MMC), conducting this effort on her own time, and in further recognition of the significantly increased workload she handled during the past year, CITY further awards EMPLOYEE a one-time cash bonus in the amount of \$3,500, payable on or before March 1, 2014.

(c) CITY and EMPLOYEE agree to participate in and contribute to the Oregon State Public Employees Retirement System in accordance with CITY policies applicable to all other management employees.

(d) EMPLOYEE shall be entitled to the same sick leave benefits as other exempt employees of the CITY. EMPLOYEE shall retain any sick leave accrued prior to the effective date of this Agreement. Sick leave shall have no cash value.

(e) EMPLOYEE shall be entitled to the same medical insurance, life and disability insurance, and other health and welfare benefits that are provided to other exempt employees.

(f) EMPLOYEE shall be entitled to the same current and future benefits provided to other exempt employees, including paid time off for designated holidays.

6. Professional Development

(a) CITY agrees to budget for and pay the dues for EMPLOYEE to belong to relevant professional organizations. CITY further agrees to budget for and pay for the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and other occasions adequate to continue the EMPLOYEE's professional development, and to adequately pursue necessary official and other functions of the CITY, including but not limited to the annual conference of the Oregon Association of Municipal Recorders and such other national, regional, state and local organizations and committees thereof where EMPLOYEE is a member.

(b) CITY further agrees to budget and to pay for the travel and subsistence expenses of EMPLOYEE for short courses and seminars that are necessary for professional development of the EMPLOYEE and for the benefit of the CITY.

7. Expense Reimbursement

EMPLOYEE shall be entitled to the same expense reimbursement, including the same cellular phone stipend, as other senior management employees of the CITY receive.

8. Indemnification

CITY shall defend, save harmless and indemnify EMPLOYEE against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission by EMPLOYEE within the course and scope of her duties as City Recorder. CITY will settle or defend any such claim or suit and pay the amount of any defense, settlement, or judgment rendered thereon to the extent not covered and paid by applicable insurance coverage carried by the CITY. CITY may satisfy its obligation hereunder by tendering any such claim to CITY's insurer, provided the insurer accepts such tender. EMPLOYEE will be solely responsible to defend, save harmless and indemnify the CITY against any claim or liability arising out of acts or omissions of EMPLOYEE which are outside the course and scope of her duties as City Recorder.

9. Termination, Severance Pay and Benefits

(a) At-Will Termination Right. This Agreement may be terminated by either the CITY or EMPLOYEE for any reason whatsoever upon giving thirty (30) calendar days' written notice to the other party.

(b) Not for Cause Termination. In the event EMPLOYEE is involuntarily terminated by CITY before expiration of this Agreement for reasons other than those identified herein as bases

of For Cause Termination, and EMPLOYEE is willing and able to perform her duties as City Recorder then in that event CITY agrees to pay EMPLOYEE a lump sum cash payment of six months' salary. CITY will further continue to provide EMPLOYEE's benefits for six months, or until EMPLOYEE is professionally re-employed, whichever comes first.

(c) For Cause Termination. In the event EMPLOYEE is terminated for gross negligence or misconduct that is deemed detrimental, in the CITY's sole determination, to the best interests of the CITY, then CITY shall have no obligation to pay any of the severance or benefit payments provided in this Section.

(d) Regardless of the nature of the termination of employment, EMPLOYEE shall be entitled to a lump sum payment equivalent to all accrued vacation benefits, which payment shall be made within thirty (30) days of the effective date of termination or resignation.

(e) If the CITY unilaterally (i.e., without concurrence of EMPLOYEE) reduces the salary or other financial benefits of EMPLOYEE in greater percentage than any applicable across-the-board reduction for all exempt employees of the CITY, then EMPLOYEE may deem this Agreement to be involuntarily terminated without cause and she shall thereby be entitled to severance pay and benefits as provided for in this Section.

(f) In the event any individual member of the City Council or a minority of City Council members, suggest or recommend in any forum or venue, that EMPLOYEE should be terminated or should resign, EMPLOYEE has the right to request in writing a formal motion for a vote of confidence from a majority of the entire Council while meeting in public session in full compliance with the state public meeting law. The entire Council shall be obligated to make and vote on such motion no later than its next regularly scheduled public meeting. If the entire Council does not take the required action, then EMPLOYEE may at EMPLOYEE's option deem her employment to be terminated and EMPLOYEE shall be entitled to severance pay and benefits as provided for herein.

10. General Provisions

(a) Entire Agreement. This Agreement contains the entire Agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the same subject.

(b) Modification. Nothing shall restrict the ability of the CITY and EMPLOYEE to amend or adjust the terms of this Agreement at any time. However, no amendment or adjustment shall be valid unless in writing and signed by an authorized representative of the CITY and by EMPLOYEE.

(c) Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be affected and shall remain in full force and effect.

(d) Successors in Interest. The rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors in interest, heirs, and assigns.

(e) Governing law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Oregon.

(f) Dispute Resolution. In the event the parties have a dispute concerning the terms of this Agreement, the terms and conditions of the employment relationship or the violation of any federal, state or local law relating to the employment relationship and they have not otherwise resolved the matter through any attempted mediation, conciliation or other voluntary dispute resolution process they choose to use prior to the initiation of arbitration, then the dispute shall be resolved by binding arbitration in accordance with the then effective arbitration rules of (and by filing a claim with) Arbitration Service of Portland, Inc., and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. Each party shall bear equally the expense of the arbitrator and all other expenses of conducting the arbitration. Each party shall bear its own expenses for witnesses, depositions and attorneys, if deemed necessary.

IN WITNESS WHEREOF the CITY OF SHERWOOD, OREGON, has caused this Agreement to be signed and executed by its Mayor, Bill Middleton, and SYLVIA G. MURPHY has signed and executed this Agreement, both in duplicate, on the day and year noted below each signature.

Bill Middleton
Mayor

Sylvia G. Murphy
EMPLOYEE

Dated: _____, 2014

Dated: _____, 2014



RESOLUTION 2014-017

**PROVIDING CITY COUNCIL CONSENT OF MAYORAL APPOINTMENT OF
COUNCILOR KRISANNA CLARK AS COUNCILOR LIAISON TO
SHERWOOD CHAMBER OF COMMERCE FOR 2014**

WHEREAS, in January 2014, Mayor Bill Middleton nominated City Councilor Krisanna Clark to continue as the Council Liaison to the Sherwood Chamber of Commerce for the current year; and

WHEREAS, Councilor Clark had served as the Council Liaison to the Chamber in 2013; and

WHEREAS, after careful consideration, Mayor Middleton has selected Councilor Clark to serve again in this Council Liaison role; and

WHEREAS, Mayor Middleton requested City Staff draft a resolution to allow the Sherwood City Council to consent to the appointment per the City Council Rules.

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

Section 1. Councilor Krisanna Clark shall be confirmed as the 2014 City Council Liaison to the Sherwood Chamber of Commerce.

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

Duly passed by the City Council this 4th day of March 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Brad Kilby, Planning Manager
through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2014-006, an amendment to the dimensional table in section 16.12.030.c of the SZCDC as it relates to front yard setbacks within the Medium Density Residential Low, Medium Density Residential High, and High Density Residential Zoning districts

Issue:

Should Council adopt Ordinance 2014-006 and amend the City of Sherwood Zoning and Community Development Code (SZCDC) to allow the front yard setbacks in the Medium Density Residential Low, Medium Density Residential High, and High Density Residential Zones to be reduced?

Background:

The applicant, DR Horton, is the developer of the Daybreak Subdivision which is a 34-lot single-family development in northwest Sherwood. Shortly after obtaining preliminary approval, they approached the City about reducing the front yard setbacks within the development. Instead of seeking numerous adjustments or variances to which there were no underlying circumstances to justify, staff advised the applicant to seek a code amendment.

The front yard setback in all residential zones is currently 20 feet and the applicant proposed:

- 20 foot setback to the garage
- 14 foot setback to the primary structure
- 10 foot setback to the porch

The Planning Commission held a public hearing on February 11, 2014 and generally supported the proposal to allow a 14 foot setback to the primary structure but did not support reducing the front porch setback to 10 feet.

Additionally, there are provisions within Section 16.50.050 of the development code that allow encroachments such as eaves, uncovered porches and decks, and other architectural features of a building to encroach up to five feet into the front yard setback. The Planning Commission recommended that these architectural encroachments not be permitted in setbacks for the three zones. The Planning Commission recommendation, with analysis and findings is attached as Exhibit 1 to the Ordinance. The Planning Commission recommended code language is attached as Exhibit 2; Exhibit 1-C shows the track changes version for easier reference.

Financial Impacts:

The applicant paid an application fee which is intended to cover the costs associated with processing this amendment. It is not anticipated that adoption or denial of the amendments will have cost impacts to the city.

Recommendation:

Staff respectfully requests that the Council hold a public hearing and adopt Ordinance 2014-006, an Ordinance amending the dimensional table in section 16.12.030.C of the SZCDC relating to front yard setbacks within the Medium Density Residential Low, Medium Density Residential High, and High Density Residential zoning districts.

Attachments:

Ordinance

Exhibit 1: Planning Commission Recommendation to the City Council dated 02/17/2014

1-A Application materials submitted by the Applicant

1-B Planning Commission recommended development code changes – clean format

1-C Planning Commission recommended development code changes – track changes format

1-D Examples of existing homes in Sherwood with reduced setbacks

Exhibit 2 Planning Commission recommended Code Language



ORDINANCE 2014-006

AMENDING THE DIMENSIONAL TABLE IN SECTION 16.12.030.C OF THE SZCDC AS IT RELATES TO FRONT YARD SETBACKS WITHIN THE MEDIUM DENSITY RESIDENTIAL LOW, MEDIUM DENSITY RESIDENTIAL HIGH, AND HIGH DENSITY RESIDENTIAL ZONING DISTRICTS

WHEREAS, the City received an application for a text amendment to the Sherwood Zoning and Development Code amending the provisions of Chapter § 16.12.030; and

WHEREAS, the applicant proposed to reduce the front yard setbacks in the Medium Density Residential Low, Medium Density Residential High and High Density Residential zones; and

WHEREAS, after testimony from the public, staff and the applicant, the Sherwood Planning Commission recommended to the City Council that the setbacks be amended and added a restriction that any applicant seeking a fourteen-foot front yard setback cannot also apply the five-foot setback reduction for architectural features as found in Chapter § 16.50.050; and

WHEREAS, the proposed amendment was reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing before the Planning Commission on February 11, 2014; and

WHEREAS, the Planning Commission voted to forward a recommendation to the City Council for the proposed Development Code modifications to Chapter 16.12.030; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the City Council held a public hearing on March 4, 2014, and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

Section 1. Findings

After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the City Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit 1 finding that the text of the SZCDC shall be amended as documented in attached Exhibit 2.

Section 2. Approval

The proposed amendment for Plan Text Amendment (PA) 13-05 identified in Exhibit 2 is hereby **APPROVED**.

Section 3. Manager Authorized

The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the Municipal Code in accordance with City ordinances and regulations.

Section 4. Applicability

The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5. Effective Date

This ordinance shall become effective the 30th day after its enactment by the City Council and approval of the Mayor.

Duly passed by the City Council this 4th day of March 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	_____	_____
Langer	_____	_____
Butterfield	_____	_____
Folsom	_____	_____
Grant	_____	_____
Henderson	_____	_____
Middleton	_____	_____

PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL

File No: PA 13-05 Front Yard Setbacks Amendment

On February 11, 2014, the Planning Commission considered an amendment to the City of Sherwood Zoning and Community Development Code to change the required front yard setbacks in the Medium Density Residential Low, Medium Density Residential High, and High Density Residential. After considering the applicant’s materials, public testimony, and the findings in the staff report, the Planning Commission voted to recommend approval of the request to the Sherwood City Council with the following amendments:

1. Reduce the front yard setbacks in those three zones to 14 feet for the main structure, and 20-feet to the face of the garage.
2. Add an annotation to the table in 16.12.030.C for the MDRL, MDRH, and HDR zone that prohibit the encroachments allowed for in 16.50.050 which states, “Architectural Features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to five (5) feet into a front or rear required yard setback...”

The Planning Commission recommendation is based on the findings in this report.



Signed:

Brad Kilby, AICP Planning Manager

Applicant’s Proposal: A proposal to amend the front yard setback requirements within the Medium Density Residential Low, Medium Density Residential High, and High Density Residential zones. Currently, all residential zones within the City of Sherwood require a minimum front yard setback of 20-feet. As proposed, the setback to the garage entrance would remain 20-feet, but the setback, to the front of the primary structure would be 14 feet, and the setback to the porch would be 10-feet.

I. BACKGROUND

- A. Applicant: DR Horton, Inc.
Attn: Andy Tiemann or Kati Gault
4380 SW Macadam Avenue, Suite 100
Portland, OR 97209
- B. Location: The proposed amendment is to the text of Chapter 16.12 Residential Zoning Districts of the Sherwood Zoning and Community Development Code (SZCDC) and would apply to all properties zoned Medium Density Residential Low, Medium Density Residential High, and High Density Residential.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on February 11, 2014. At the close of their hearing, they will forward a recommendation to the City Council who will consider the proposal, and make the final decision whether to approve, modify, or deny the proposed language. Any appeal of the City Council’s decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.

- D. Public Notice and Hearing: Notice of the February 11, 2014 Planning Commission hearing on the proposed amendment was published in *The Times* on January 8th, January 16th, and published in the January and February editions of the Gazette. Notice was also posted in five public locations around town on January 21, 2014 and has been on the City's website since December 10, 2013. In addition, an article discussing the proposal was provided in the January edition of the *Sherwood Archer*.

DLCD notice was mailed on December 10, 2013.

- E. Review Criteria: The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

- F. Background: The SZCDC provides the dimensional requirements for the individual zoning districts. Among setbacks, the dimensional requirements speak to minimum lot sizes, lot dimensions, frontage requirements and building heights. All of the residential zones within the City of Sherwood require a minimum front yard setback of 20-feet. There are provisions within the development code that allow encroachments such as eaves, uncovered porches and decks, and other architectural features of a building to encroach into the front yard setback. If the Council is inclined to follow the Planning Commission recommendation and reduce the setbacks as requested then it should also consider adding a foot note within table 16.12.030 that states, "Reductions in front yard setbacks for architectural features as described in 16.50.050 is not allowed."

In November of 2013, DR Horton, a developer who had recently obtained preliminary approval of the Daybreak Subdivision, a 34-lot single-family development in northwest Sherwood, approached the City about reducing the front yard setbacks within the development. Instead of seeking numerous adjustments or variances to which there were no underlying circumstances to justify such an action, staff advised the applicant to seek a code amendment.

Within the communities of Tualatin, Tigard, Beaverton, and Newberg, the front yard setbacks vary anywhere from 10 all the way up to 35 feet. Front yard setbacks are generally determined based on aesthetic desires of a community. In many cases, the garages are required to be setback a minimum of 20-feet from the front property line to provide enough room in front of the garage to allow a car to be parked in the driveway. Front yards for all other portions of the structure vary as discussed above.

Within the City of Sherwood, every new lot is required to provide an eight-foot public utility easement within the front yard, so it would not be prudent to reduce the front yard setback below the requested ten foot setback proposed for the porch. Also, within Sherwood, there are already homes that have setbacks that vary between 10 and 20 feet. Varied setbacks provide for a variety of benefits to the homeowner. If the setbacks are varied within the development itself, the front yard variations provide visual interest, and bring the main focus of the streetscape to the main entrance of the home. Examples of existing homes in Sherwood along with the approved setbacks are provided as Exhibit 1-D to this report.

By reducing the front yard setbacks the community will inevitably see one of two results. First, with no maximum lot coverage standard, the homes could be made larger. If a larger home is not desired, then the reduced setbacks on the front would result in larger rear yards. Setbacks are traditionally required to provide space between buildings to allow air and light into a development. Setbacks also create buffers between homes and the

adjoining streets. This is not a question of whether or not a setback is needed, but rather, what the appropriate setback is.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent a request for comments to potentially affected agencies on December 20, 2013. DLCD notice was also sent on December 20, 2013. The City has not received any agency comments to date on the proposed amendments.

Public:

There has been extensive outreach to the community on behalf of this proposal, including an article in the City newsletter, announcements at public meetings, as well as being promoted several times on the City's website to a headline, but despite our efforts, announcements, or notices, there simply does not seem to be any interest in this proposal from the public.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.A and C

16.80.030.A - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

The City's Development Code is an integral part of the Comprehensive Plan, and while this specific proposal does not include changes to the goals and policies of the Comprehensive Plan, it is a proposal that would amend language of the Development Code. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations. The proposed changes would amend the language within the development code for three residential zones. (The MDRL, the MDRH, and the HDR zone.)

Upon review of the Comprehensive Plan, the only policy that specifically relates to this proposal would be Policy 3 in Community Design. That policy states, "The natural beauty and unique visual character of Sherwood will be conserved." There is not an associated goal that would correspond to this request. Setbacks are intended to provide plenty of light, air, and fire separation. Within the residential land use policies, there is a discussion of quality, variety, and flexibility which arguably, a flexible dimensional standard can provide. There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language. It is important to note that the existing rear, side, and corner side yard setbacks would not be amended as part of this proposal, and was not requested by the applicant.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. Metro discusses densities and efficiency, but does not speak to setbacks.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with this text change. Staff is not aware of any other state or local regulations that the proposed amendment would conflict

with. The minimum separation requirements are typically associated with the Building and Fire Codes. In both instances, the minimum separation is less than what would be required.

As discussed previously, the public has been provided with a variety of avenues to provide input, and staff has always been available to discuss the proposed changes. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

Formal notice was also published in the Tigard Times, the Sherwood Gazette, the City's website, and the Archer newsletter. Notice of the proposal has been posted around town in several conspicuous places, and is provided on the City's website.

FINDING: This issue is primarily a question of aesthetics since there is usually not a structure immediately adjacent to a front yard. As discussed above, there is not necessarily a need for the proposed amendments, but they would provide some additional benefit to the individual landowner. To the extent that they are applicable, the proposed amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will not result in a change of uses otherwise permitted and will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

IV. EXHIBITS

- 1-A Applicant's Materials
- 1-B Proposed development code changes – Clean format
- 1-C Proposed development code changes – Track changes format
- 1-D Examples of existing homes in Sherwood with reduced setbacks



Home of the Tualatin River National Wildlife Refuge

Case No. PA 13-05
Fee 5330
Receipt # 972153
Date 11-21-13
TYPE V

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Variance (list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots _____)
- Other: Text Amendment

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Departments/Planning/Fee Schedule.

Owner/Applicant Information:

Applicant: D.R. Horton - Portland Division Phone: 503-222-4151 ext. 1104
 Applicant Address: 4380 SW Macadam Ave #100 Email: AETiemann@drhorton.com
 Owner: D.R. Horton - Portland Division Phone: 503-222-4151 ext. 1104
 Owner Address: 4380 SW Macadam Ave #100 Email: AETiemann@drhorton.com
 Contact for Additional Information: Andy Tiemann, Project Manager

Property Information:

Street Location: n/a
 Tax Lot and Map No: n/a
 Existing Structures/Use: n/a
 Existing Plan/Zone Designation: n/a
 Size of Property(ies) n/a

Proposed Action:

Purpose and Description of Proposed Action: Text amendment to Zoning and Community Development Code
Division II, Section 16.12.30 Residential Land Use Development Standards to amend front yard setbacks with MDRL, MDRH and HDR
zones.

Proposed Use: n/a

Proposed No. of Phases (one year each): n/a

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.


Applicant's Signature

11-21-13
Date


Owner's Signature

11-21-13
Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 * copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc. - *Not Applicable*
- At least 3 * folded** sets of plans - *Not Applicable*
- At least 3 * sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects) - *Not Applicable*
- Signed checklist** verifying submittal includes specific materials necessary for the application process - *Not applicable*

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

NARRATIVE & COMPLIANCE REPORT
TEXT AMENDMENT TO MDRL, MDRH & HDR SETBACKS
(SECTION 16.12.030 C)

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LIST OF EXHIBITS

- A COPIES OF APPLICATION FORM AND CHECK FOR FEE
- B COPY OF LETTER TO PLANNING COMMISSION

I. PROPOSAL SUMMARY

GENERAL INFORMATION

Applicant/Property Owner:

D.R. Horton, Inc.
 4380 SW Macadam Avenue, Suite 100
 Portland, OR 97239
 Contact: Andy Tiemann / Kati Gault

Design Team:

Process Planner/Civil
 Engineer/Surveyor:

Pacific Community Design, Inc.
 12564 SW Main Street
 Tigard, OR 97223
 Tel: 503.941.9484
 Fax: 503.941.9485
 Contact: Stacy Connery, AICP
 Amber Shasky-Bell

Proposal:

Text Amendment to Municipal Code -
 Section 16.12.030(C) Development
 Standards per Residential Zone to Modify
 Front Yard Setbacks of MDRL, MDRH & HDR
 Zones

REQUEST & PROJECT DESCRIPTION

The Applicant proposes text amendment to the City of Sherwood Zoning and Community Development Code, Section 16.12.030(C) Development Standards per Residential Zone to modify front yard setbacks of MDRL, MDRH & HDR Zones. The proposed amendment consists of replacing the front yard setback requirements of 20 feet for Medium Density Residential (MDRL), Medium Density Residential High (MDRH), and High Density Residential (HDR) Districts with the proposed setbacks shown in the table below.

Proposed Text Amendment

Development Standard by Residential Zone	MDRL	MDRH	HDR
Setbacks (in feet)			
Front yard	20	20	20
<i>Front Porch</i>	<i>10</i>	<i>10</i>	<i>10</i>
<i>Garage Entrance</i>	<i>20</i>	<i>20</i>	<i>20</i>
<i>Front Building</i>	<i>14</i>	<i>14</i>	<i>14</i>

The proposed amendment is intended to create setbacks that allow buildings and porches to project in front of garages. This will allow for greater diversity in front elevations and more appealing street frontages by lessening the predominance of garages. In some cases, the reduced front porch and front building setbacks will allow residential units to have a larger rear yard area through the adjustment of building footprint towards the lot front.

The Applicant, a property owner in Sherwood, submitted a letter to the Planning Commission on September 20, 2013 (see Exhibit B) and attended the Planning Commission Meeting held October 8, 2013 to receive initial feedback from the Planning Commission. The Applicant discussed the need for this proposed text amendment with the Planning Commission. The Planning Commission explained that the City accepts and reviews such applications to allow developers to provide a high quality product and encouraged the Applicant to submit a formal text amendment request. The Applicant is now doing so with this application.

Section II of this report addresses compliance with the City of Sherwood Comprehensive Plan. Section III of this report addresses compliance with the applicable sections of the Zoning and Community Development Code and with the Transportation Planning Rule.

II. COMPLIANCE WITH CITY OF SHERWOOD COMPREHENSIVE PLAN

CHAPTER 4 - LAND USE

E. RESIDENTIAL LAND USE

Policy 6 (C): RESIDENTIAL ZONES OBJECTIVES

The following subsection defines the five residential land use classifications to be used in the land use element giving the purpose and standards of each. All density ranges are for minimum lot sizes and shall not restrict larger lots within that residential designation. For each residential designation on the Plan/Zone Map, maximum density has been indicated. The maximum density represents the upper limit which may be allowed - it is not a commitment that all land in that area can or should develop to that density. The implementing ordinances contained in the City Zoning Code define the circumstances under which the maximum density is permissible. Density transfers are applied in instances where appropriate to achieve the purposes of the Plan such as the encouragement of quality planned unit developments, flood plain protection, greenway and park acquisition, and the use of efficient energy systems. Unless these circumstances pertain, the maximum density allowable will be specific in the zoning standards for each designation.

3) Medium Density Residential Low (MDRL)

Minimum Site Standards:

8 DU/Acre, 5,000 sq. ft. lot minimum

This designation is intended to provide for dwellings on smaller lots, duplexes, manufactured homes on individual lots, and manufactured home parks. The designation is applicable in the following general areas:

- Where there is easy access to shopping.
- Where a full range of urban facilities and services are provided in conjunction with development.
- Where major streets are adequate or can be provided in conjunction with development.

4) Medium Density Residential High (MDRH)

Minimum Site Standards:

11 DU/Acre, 3,200-5,000 sf lot minimum

This designation is intended to provide for a variety of medium density housing styles, designs, and amenities in keeping with sound site planning. Included in this designation are, low density apartments and condominiums, manufactured homes on individual lots, and row housing. This designation is applicable in the following general areas:

- Where related institutional, public and commercial uses may be appropriately mixed or are in close proximity to compatible medium density residential uses.
- Where a full range of urban facilities and services are provided in conjunction with development.
- Where medium urban densities can be maintained and supported without significant adverse impacts on neighborhood character or environmental quality.

5) High Density Residential (HDR)

Minimum Site Standards:

16 DU/Acre, 2,000-5,000 sf lot minimum

This designation is intended to provide for high density multi-family urban housing with a diversity in style, design and amenities in keeping with sound site planning principles in the following general areas:

- Where related public, institutional and commercial uses may be mixed with or are in close proximity to compatible high density residential uses.
- Where a full range of urban facilities and services are available at adequate levels to support high density residential development.
- Where direct access to major fully improved streets is available.

- Where high density development will not exceed land, air or water carrying capacities.

Response: No amendment is proposed to the minimum lot area development standards or residential density standards of the MDRL, MDRH, and HDR zones. The proposed amendment will not result in a change in the residential density of the MDRL, MDRH, and HDR zones. The garage entrance setback will remain 20 feet. The reduced front building and front porch setbacks may allow future site development to provide larger rear yards by locating the building footprint closer towards the front lot line. Therefore, the proposed setbacks are consistent with minimum site standards for each of the subject residential zones.

The proposed setbacks are consistent with the intent of the MDRL, MDRH, and HDR zones as no changes are proposed to the Zoning Map and no changes are proposed to Section 16.12.020 Allowed Residential Land Uses. In addition, the proposed text amendment encourages a greater variety of medium and high density housing designs while keeping with sound site planning. Allowing the building and porch to extend past the garage lessens the predominance of garages along street frontage, creating a more appealing and pedestrian oriented street frontage. In addition, the front building entrance will be located closer to the street frontage, encouraging pedestrian activity. Adequate driveway parking continues to be provided by maintaining a 20 foot garage setback.

O. COMMUNITY DESIGN

3. GENERAL OBJECTIVES

Policy 4: Promote creativity, innovation and flexibility in structural and site design.

- **Strategy:** Encourage visual variety in structural design.

Response: The proposed modifications to front setbacks will allow for greater diversity in front elevations and allow for more appealing street frontages by lessening the predominance of garages along street frontages. By allowing a greater diversity in elevations, the proposed text amendment encourages greater visual variety in structural design.

III. COMPLIANCE WITH CITY OF SHERWOOD MUNICIPAL CODE

CHAPTER 16.12. RESIDENTIAL LAND USE DISTRICTS

16.12.010 Purpose and Density Requirements

C. Medium Density Residential (MDRL)

The MDRL zoning district provides for single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre.

D. Medium Density Residential High (MDRH)

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing, multi-

family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

E. High Density Residential (HDR)

The HDR zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

Response: As described above, residential density standards are not affected by the proposed text amendment. No amendment is proposed to the minimum lot area development standards or residential density standards of the MDRL, MDRH, and HDR zones. The garage entrance setback will remain 20 feet. Adequate driveway parking continues to be provided by maintaining a 20 foot garage setback. The reduced front building and front porch setbacks may allow future site development to provide larger rear yards by locating the building footprint closer towards the lot front line. The primary result to the community is the affect on street frontage. Allowing the building and porch to extend past the garage lessens the presence of the garage, making for a more appealing and pedestrian-oriented street frontage. In addition, the front building entrance will be located closer to the street frontage, encouraging pedestrian activity. Therefore, the proposed setbacks are consistent with the purpose and density requirements of each of the residential districts.

16.12.030 Residential Land Use Development Standards

C. Development Standards per Residential Zone

Existing Text

Development Standard by Residential Zone	MDRL	MDRH	HDR
Setbacks (in feet)			
Front yard	20	20	20

Response: This application is a request for a text amendment to Section 16.12.030(C) to amend front setback standards for MDRL, MDRH, and HDR Districts. The existing front yard setback is 20 feet for each of the MDRL, MDRH, and HDR Districts. Setbacks illustrated in the table below are proposed to modify the front yard setbacks in each of these three (3) districts to allow for greater diversity of front elevations.

Proposed Text

Proposed Development Standards	MDRL	MDRH	HDR
Setbacks (in feet)			
Front Porch	10	10	10
Garage entrance	20	20	20
Front building	14	14	14

CHAPTER 16.72. PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 Generally

A. Classifications

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

5. Type V

The following legislative actions shall be subject to a Type V review process:

b. Plan Text Amendments

B. Hearing and Appeal Authority

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

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

e. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

Response: Compliant with Section 16.72.010(A)(5)(b), the proposed application is submitted as a Type V legislative application, subject to a public hearing before the Planning Commission and before the City Council.

CHAPTER 16.80. PLAN AMENDMENTS

16.80.010 Initiation of Amendments

An amendment to the City Zoning Map or text of the Comprehensive Plan may be initiated by the Council, Commission, or an owner of property within the City.

Response: The Applicant is also an owner of property within the City. Compliant with this Section, the Applicant has initiated the proposed text amendment.

16.80.020 Amendment Procedures

Zoning Map or Text Amendment

C. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010

D. Public Notice - Public notice shall be given pursuant to Chapter 16.72

- E. **Commission Review** - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030
- F. **Council Review** - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

Response: A copy of the application form and check for fee is provided as Exhibit A. The City will provide for Public Notice for a Type V Text Amendment in accordance with Chapter 16.72. This application is subject to a public hearing before the Planning Commission and a public hearing before the City Council. The Applicant understands that the Planning Commission will make a recommendation to City Council and that City Council will make the final decision.

16.80.030 Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.

Response: The Applicant, a property owner in Sherwood, submitted a letter to the Planning Commission on September 20, 2013 (see Exhibit B) and attended the Planning Commission Meeting held October 8, 2013 to receive initial feedback from the Planning Commission. The Applicant discussed the need for this proposed text amendment with the Planning Commission. The Planning Commission explained that the City accepts and reviews such applications to allow developers to provide a high quality product and encouraged the Applicant to submit a formal text amendment request. The Applicant is doing so with this application.

Section II of this report demonstrates compliance with the Comprehensive Plan. Section III of this report demonstrates compliance with the Zoning and Community Development Code. Per Section 16.80.010, the Applicant has initiated the text amendment.

B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.
2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of

the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.
4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

Response: No amendment to the Zoning Map is proposed. Therefore, the standards of this Section are not applicable.

C. Transportation Planning Rule Consistency

1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.
2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.
3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - a. Limiting allowed uses to be consistent with the planned function of the transportation facility.
 - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.
 - c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

Response: The Text Amendment is only proposed to amend front setbacks of the MDRL, MDRH, and HDR Districts to allow buildings and porches to extend in front of garages. The proposed amendment will have no affect on residential density within the MDRL, MDRH, and HDR Districts. The 20 foot setback is maintained for garage entrances, continuing to provide

for adequate driveway parking. No changes are proposed to the Zoning Map. The proposed amendment to modify front setbacks will not result in a development standard that independently results in the creation of more or less residential lots than allowed by current standards. Given that the proposed amendment does not directly impact density standards, the proposed amendment will not result in an increase of trips. The current types and levels of land use within the subject zones are maintained with the proposed text amendment. The proposed amendment will not change the functional classification of an existing or planned transportation facility. In addition, the proposed amendment does not change any standard implementing a functional classification. Therefore, the proposed amendment will not significantly affect existing or planned transportation facilities.

IV. PROPOSAL SUMMARY & CONCLUSION

This Narrative & Compliance Report describes the proposed text amendment and demonstrates compliance with the applicable standards of the City of Sherwood Comprehensive Plan and Zoning and Community Development Code. Therefore, the Applicant respectfully requests approval of the proposed text amendment to City of Sherwood Zoning and Community Development Code, Section 16.12.030(C) Development Standards per Residential Zone.



DATE: 9-20-13

TO: City of Sherwood Planning Commission

FROM: Ryan O'Brien, DR Horton Entitlement Manager
office: 503-222-4151, ex. 1115 cell: 503-502-7546
fax: 1-866-640-0447
RMObrien@drhorton.com

SUBJECT: Requested Comments on Proposed Changes to the Development Code

We are requesting comments from the Sherwood Planning Commission regarding changes to the front yard setbacks in the MDRL, MDRH and HDR zones. The current code requirement is 20 feet. We would like the following changes:

- 10 feet - Porch
- 14 feet - Dwelling Unit
- 20 feet - Garage

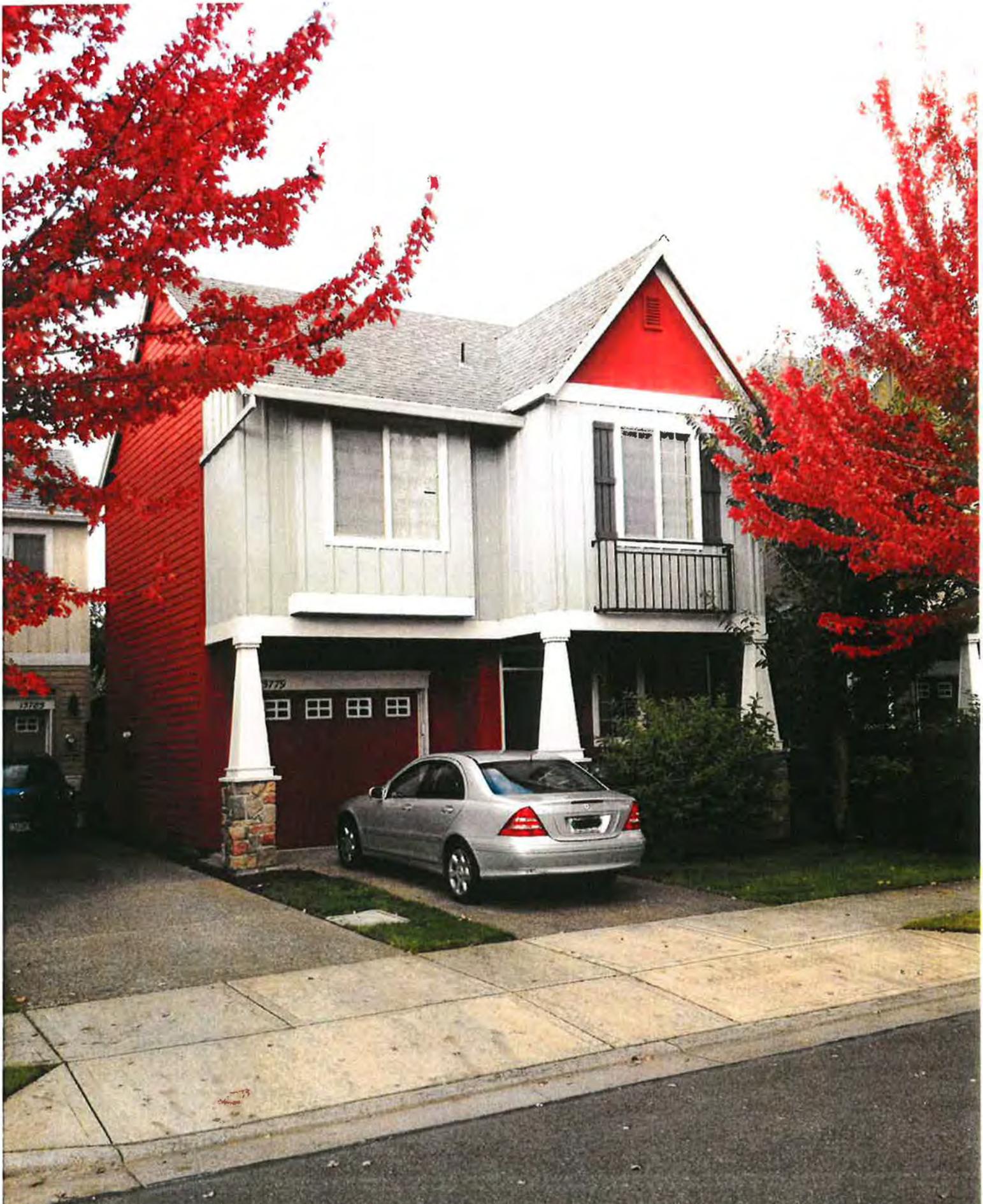
We would appreciate Planning Commission comments before we and the city staff spend the time and money to process a code amendment. Attached are 19 photos that represent proposed changes. Many of the city and counties have changed their ordinances to allow these setbacks. Variable setbacks create interesting front elevations for houses. It also eliminates the straight 20 foot line of houses along the street scape. This variety also increases the size of the rear yards. Most of the DR Horton houses have front porches that extend 5 to 8 feet past the garage door which required a 25 to 28 foot setback for the house. This additional 5 to 6 feet is directly removed from the rear yard. In some cases, the living area extends over the garage to create additional living area and house elevation variety. The DR Horton house plans were prepared to comply with the newer codes of other cities and counties that encourage this type of housing. We are currently constructing a 34 lot subdivision called Daybreak with 5,000 square foot lots in the city of Sherwood. The subdivision is located between Cooper Terrace and Elwert Road, and south of Edy Road. We would like to utilize variable setbacks in this subdivision. Thank you in advance for your consideration of this matter.



#1



#2



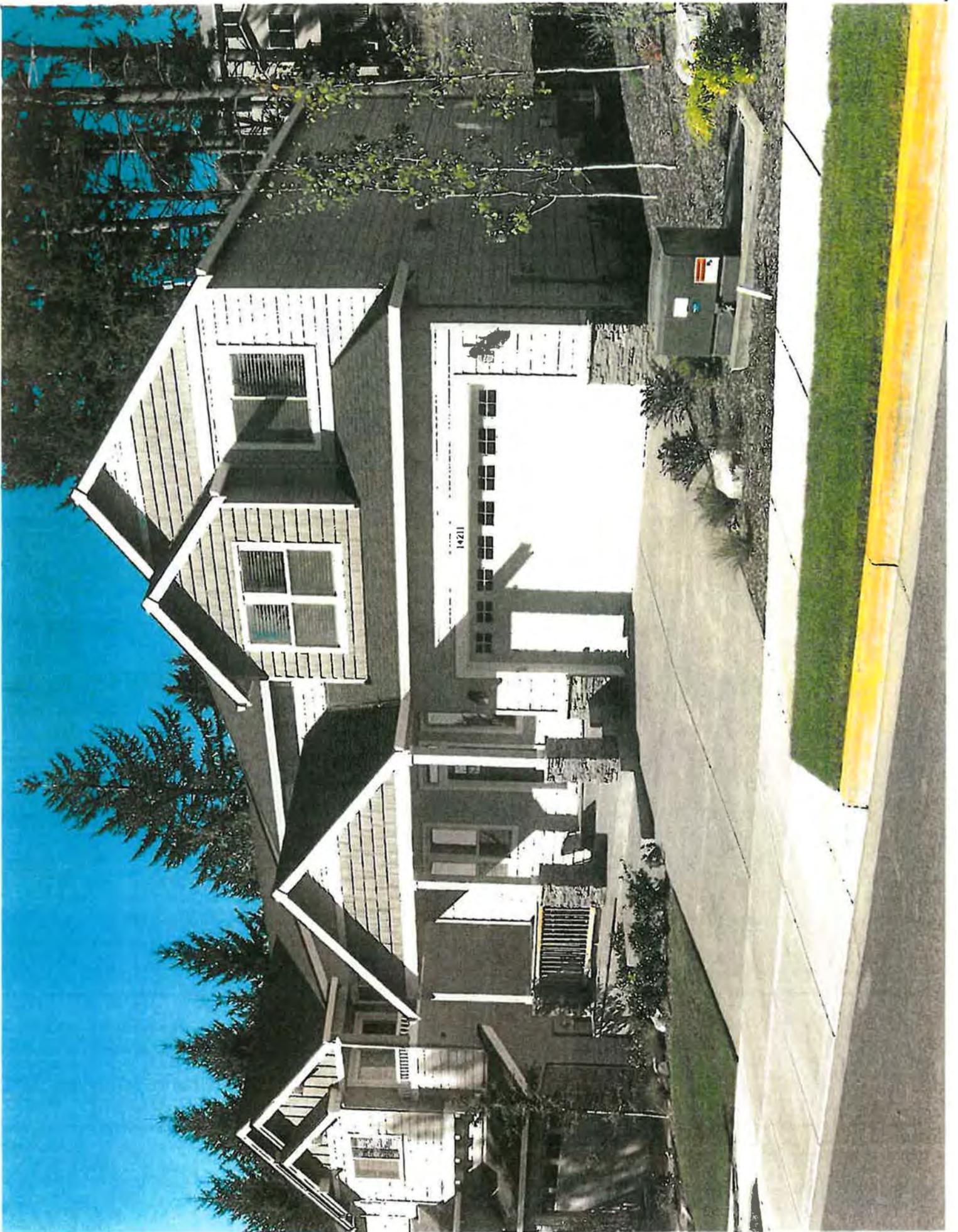
#3



10

#9







16.12.030 - Residential Land Use Development Standards

A. Generally

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

B. Development Standards

Except as modified under [Chapter 16.68](#) (Infill Development), [Section 16.144.030](#) (Wetland, Habitat and Natural Areas) [Chapter 16.44](#) (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25				
Minimum Lot width at building line ^[6]: (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ^[7] (in feet)	30 or 2 stories	35 or 2.5 stories	40 or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ^[8]	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard⁹	20	20	20	14	14	14
• Face of garage	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5

• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard	20	20				

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.040 - Community Design

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

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.050 - Flood Plain

Except as otherwise provided, [Section 16.134.020](#) shall apply.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.060 - Amateur Radio Towers/Facilities

A. All of the following are exempt from the regulations contained in this section of the Code:

1. Amateur radio facility antennas, or a combination of antennas and support structures seventy (70) feet or less in height as measured from the base of the support structure consistent with ORS § 221.295.
2. This includes antennas attached to towers capable of telescoping or otherwise being extended by mechanical device to a height greater than 70 feet so long as the amateur radio facility is capable of being lowered to 70 feet or less. This exemption applies only to the Sherwood Development Code and does not apply to the City of Sherwood Building Code or other applicable city, state, and federal regulations. Amateur radio facilities not meeting the requirements of this section must comply with Chapter 16.12.030.C.

B. Definitions

1. Amateur Radio Services: Radio communication services, including amateur-satellite service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in [Title 47](#), Code of Federal Regulations, Part 97 and regulated there under.

Exhibit 1-B

2. **Amateur Radio Facilities:** The external, outdoor structures associated with an operator's amateur radio service. This includes antennae, masts, towers, and other antenna support structures.

(Ord. No. 2012-006, § 2, 3-6-2012)

FOOTNOTE(S):

--- (1) ---

Editor's note— Ord. No. 2011-03, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.12, §§ 16.12.010—16.12.070, in its entirety, and added a new Ch. 16.12. Former Ch. 16.12 pertained to the Very Low Density Residential zoning district, and derived from Ords. 86-851, 87-857, 88-919, 90-921, 1997-1019, 2000-1092, 2000-1108, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. [\(Back\)](#)

--- (2) ---

Provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district. [\(Back\)](#)

--- (3) ---

Includes truck farming and horticulture, but excludes commercial building or structures or the raising of animals except as otherwise permitted by this code. [\(Back\)](#)

--- (4) ---

Includes other agricultural uses and associated commercial buildings and structures [\(Back\)](#)

--- (5) ---

Includes, but is not limited to parks, playfields, sports and racquet courts, but excludes golf courses [\(Back\)](#)

--- (6) ---

Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard. [\(Back\)](#)

--- (7) ---

Maximum height is the lesser of feet or stories [\(Back\)](#)

--- (8) ---

Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures). [\(Back\)](#)

--- (9) ---

Reductions in front yard setbacks for architectural features as described in 16.50.050 is not permitted in the MDRL, MDRH, or HDR zoning districts. [\(Back\)](#)

Chapter 16.14 - RESERVED ^[10]

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

Division II. - LAND USE AND DEVELOPMENT

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

Chapter 16.14 - RESERVED

Chapter 16.16 - RESERVED

Chapter 16.18 - RESERVED

Chapter 16.20 - RESERVED

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

Chapter 16.24 - RESERVED

Chapter 16.26 - RESERVED

Chapter 16.28 - RESERVED

Chapter 16.30 - RESERVED

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS

Chapter 16.32 - RESERVED

Chapter 16.34 - RESERVED

Chapter 16.36 - INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT

Chapter 16.38 - SPECIAL USES*

Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

Chapter 16.42 - HOME OCCUPATIONS

Chapter 16.44 - TOWNHOMES*

Chapter 16.46 - MANUFACTURED HOMES*

Chapter 16.48 - NON-CONFORMING USES*

Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS

Chapter 16.52 - ACCESSORY DWELLING UNITS*

Chapter 16.54 - ADULT ENTERTAINMENT*

Chapter 16.56 - OTHER LAND USE ACTIONS*

16.58 - CLEAR VISION AND FENCE STANDARDS

Chapter 16.60 - YARD REQUIREMENTS

Field Code Changed

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

[Chapter 16.62 - CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES*](#)

Field Code Changed

[Chapter 16.64 - DUAL USE OF REQUIRED SPACE*](#)

Field Code Changed

[Chapter 16.66 - TRANSPORTATION FACILITIES AND IMPROVEMENTS*](#)

Field Code Changed

[Chapter 16.68 - INFILL DEVELOPMENT STANDARDS*](#)

Field Code Changed

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS ¹¹

The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.

SECTION:

[16.12.010. - Purpose and Density Requirements](#)

[16.12.020. - Allowed Residential Land Uses](#)

[16.12.030 - Residential Land Use Development Standards](#)

[16.12.040 - Community Design](#)

[16.12.050 - Flood Plain](#)

[16.12.060 - Amateur Radio Towers/Facilities](#)

16.12.010. - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density of 0.7 to 1 dwelling unit per acre.

1. If developed through the Planned Unit Development (PUD) process, as per [Chapter 16.40](#), and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, the permitted density of 1.4 to two (2) dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

Field Code Changed

2. Special Density Allowances

Housing densities up to two (2) units per acre, and minimum lot sizes of 10,000 square feet, may be allowed in the VLDR zone when:

- a. The housing development is approved as a PUD, as per [Chapter 16.40](#); and
- b. The following areas are dedicated to the public or preserved as common open space: floodplains, as per [Section 16.134.020](#) (Special Resource Zones); natural resources areas, per the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan, and wetlands defined and regulated as per current Federal regulation and Division VIII of this Code; and
- c. The Review Authority determines that the higher density development would better preserve natural resources as compared to one (1) unit per acre design.

Field Code Changed

Field Code Changed

B. Low Density Residential (LDR)

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

The LDR zoning district provides for single-family housing and other related uses with a density of 3.5 to 5 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

C. Medium Density Residential (MDRL)

The MDRL zoning district provides for single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirements.

D. Medium Density Residential High (MDRH)

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

E. High Density Residential (HDR)

The HDR zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

(Ord. No. 2011-003, § 2, 4-5-2011)

Field Code Changed

16.12.020. - Allowed Residential Land Uses

A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in [Chapter 16.10](#).

Field Code Changed

RESIDENTIAL					
• Single-Family Attached or Detached Dwellings	P	P	P	P	P
• Two Family Dwelling Units	N	N	P	P	P
• Multi-family Dwellings	N	N	N	P	P
• Townhomes-subject to Chapter 16.44	N	N	N	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P

Field Code Changed

Field Code Changed

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes ¹	P	P	P	P	P

Field Code Changed

Field Code Changed

Group homes not to exceed five (5) unrelated persons in residence provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.

• Government-Assisted housing ^[2]	P	P	P	P	P
ACCESSORY USES					
• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
COMMERCIAL					
• Agricultural Uses ^[3]	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P

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Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

• Plant Nurseries ^[4]	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C
CIVIC					
• Public Recreational Facilities ^[5]	P	P	P	P	P
• Religious Institutions, Private Fraternal Organizations and Lodges, Country clubs or other similar clubs	C	C	C	C	C
• Cemeteries and crematory mausoleums	C	C	C	N	N
• Civic Buildings-(such as police and fire stations, post office)	C	C	C	C	C
• Public Use Buildings-(such as libraries, and community centers)	C	C	C	C	C

• Golf Courses	C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

- B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under [Chapter 16.88](#) (Interpretation of Similar Uses).
- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under [Chapter 16.88](#) (Interpretation of Similar Uses).

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

Field Code Changed

Field Code Changed

16.12.030 - Residential Land Use Development Standards

A. Generally

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

Field Code Changed

B. Development Standards

Except as modified under [Chapter 16.68](#) (Infill Development), [Section 16.144.030](#) (Wetland, Habitat and Natural Areas), [Chapter 16.44](#) (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

Field Code Changed

Field Code Changed

Field Code Changed

C. Development Standards per Residential Zone

Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first	X	X	X	10,000	8,000	8,000

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

2 units						
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
Minimum Lot width at building line ^(b) : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ^(a) (in feet)	<u>30</u> or 2 stories	<u>35</u> or 2.5 stories	40 or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ^(b)	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ^(a)	<u>20</u>	<u>20</u>	<u>20</u>	<u>14</u>	<u>14</u>	<u>14</u>
• <u>Face of garage</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	<u>20</u>	<u>20</u>	<u>20</u>	10	5	5

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Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard	20	20				

Field Code Changed

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.040 - Community Design

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

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.050 - Flood Plain

Except as otherwise provided, [Section 16.134.020](#) shall apply.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.060 - Amateur Radio Towers/Facilities

A. All of the following are exempt from the regulations contained in this section of the Code:

1. Amateur radio facility antennas, or a combination of antennas and support structures seventy (70) feet or less in height as measured from the base of the support structure consistent with ORS § 221.295.

Field Code Changed

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

2. This includes antennas attached to towers capable of telescoping or otherwise being extended by mechanical device to a height greater than 70 feet so long as the amateur radio facility is capable of being lowered to 70 feet or less. This exemption applies only to the Sherwood Development Code and does not apply to the City of Sherwood Building Code or other applicable city, state, and federal regulations. Amateur radio facilities not meeting the requirements of this section must comply with Chapter 16.12.030.C.

B. Definitions

1. Amateur Radio Services: Radio communication services, including amateur-satellite service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in [Title 47](#), Code of Federal Regulations, Part 97 and regulated there under.
2. Amateur Radio Facilities: The external, outdoor structures associated with an operator's amateur radio service. This includes antennae, masts, towers, and other antenna support structures.

(Ord. No. 2012-006, § 2, 3-6-2012)

Field Code Changed

FOOTNOTE(S):

--- (1) ---

Editor's note— Ord. No. 2011-03, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.12, §§ 16.12.010—16.12.070, in its entirety, and added a new Ch. 16.12. Former Ch. 16.12 pertained to the Very Low Density Residential zoning district, and derived from Ords. 86-851, 87-857, 88-919, 90-921, 1997-1019, 2000-1092, 2000-1108, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. ([Back](#))

--- (2) ---

Provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district. ([Back](#))

--- (3) ---

Includes truck farming and horticulture, but excludes commercial building or structures or the raising of animals except as otherwise permitted by this code. ([Back](#))

--- (4) ---

Includes other agricultural uses and associated commercial buildings and structures ([Back](#))

--- (5) ---

Includes, but is not limited to parks, playfields, sports and racquet courts, but excludes golf courses ([Back](#))

--- (6) ---

Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard. ([Back](#))

--- (7) ---

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

Maximum height is the lesser of feet or stories [\(Back\)](#)

--- (8) ---

Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures). [\(Back\)](#)

--- (9) ---

[Reductions in front yard setbacks for architectural features as described in 16.50.050 is not permitted in the MDRL, MDRH, or HDR zoning districts. \(Back\)](#)

Chapter 16.14 - RESERVED ^[10]

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FOOTNOTE(S):

--- (10) ---

Editor's note— Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.14, §§ 16.14.010—16.14.060, in its entirety. Former Ch. 16.14 pertained to Low Density Residential zoning districts, and derived from Ords. 86-851, 87-867, 88-879, 89-898, 91-922, 1997-1019, 2000-1092, 2000-1108, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. [\(Back\)](#)

Chapter 16.16 - RESERVED ^[10]

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FOOTNOTE(S):

--- (10) ---

Editor's note— Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.16, §§ 16.16.010—16.16.050, in its entirety. Former Ch. 16.16 pertained to Medium Density Residential Low zoning districts, and derived from Ords. 86-851, 87-867, 88-879, 89-898, 91-922, 2000-1092, 2000-1108, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. [\(Back\)](#)

Chapter 16.18 - RESERVED ^[11]

FOOTNOTE(S):

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--- (11) ---

Editor's note— Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.18, §§ 16.18.010—16.18.060, in its entirety. Former Ch. 16.18 pertained to Medium Density Residential High zoning districts, and derived from Ords. 86-851, 87-867, 88-879, 89-898, 91-922, 2000-1092, 2000-1108, 2001-1123, 2002-1126, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. ([Back](#))

Chapter 16.20 - RESERVED ^[12]

FOOTNOTE(S):

--- (12) ---

Editor's note— Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.20, §§ 16.20.010—16.20.060, in its entirety. Former Ch. 16.20 pertained to High Density Residential zoning districts, and derived from Ords. 86-851, 87-867, 88-879, 89-898, 91-922, 2000-1092, 2000-1108, 2001-1123, 2002-1126, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. ([Back](#))

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS ^[13]

Sections:

[16.22.010 - Purpose](#)

[16.22.020 - Uses](#)

[16.22.030 - Development Standards](#)

[16.22.040 - Community Design](#)

[16.22.050 - NC Special Criteria](#)

[16.22.060 - Floodplain](#)

16.22.010 - Purpose

- A. Office Commercial (OC) - The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets.
- B. Neighborhood Commercial (NC) - The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods.
- C. Retail Commercial (RC) - The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII.

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D. General Commercial (GC) - The GC zoning district provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Division VIII.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.22.020 - Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in [Chapter 16.88](#) Use Classifications and Interpretations.

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

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of [Chapter 16.88](#) Use Classifications and Interpretations.

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

Field Code Changed

Field Code Changed

	OC	NC ¹	RC	GC
RESIDENTIAL				
• Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings. ^{2,3}	P	P	P	P
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
CIVIC				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C

Field Code Changed

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• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N

Field Code Changed

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• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P

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• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P
• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C ⁵	P
Personal Services				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P

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• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	N	N	C	C
Eating and Drinking establishments				
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
WIRELESS COMMUNICATION FACILITIES				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters ⁸	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:	N	N	P	P
• Farm equipment sales and rentals				
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

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Division II. - LAND USE AND DEVELOPMENT

¹ See special Criteria for the NC zone, [16.22.050](#).

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

³ Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

⁴ If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

⁵ All activities are required to be within an enclosed building.

⁶ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁷ Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

⁸ except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

(Ord. No. 2012-011, § 2, 8-7-2012)

Field Code Changed

16.22.030 - Development Standards

A. Generally

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

Field Code Changed

B. Development Standards

Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table

	OC	NC	RC	GC
Lot area	10,000 sq. ft	1 acre (for single district)	5,000 sq. ft	10,000 sq. ft
Lot width at front property line	60 ft	85 ft	40 ft	70 ft

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Lot width at building line	60 ft	100 ft	40 ft	70 ft
Front yard setback ⁹	0	20 ft	0	0
When abutting residential zone	0	0	Same as abutting residential zone	Same as abutting residential zone
Side yard setback ⁹	0	0	0	0
when abutting residential zone or public park	10 ft	Same as abutting residential zone	10 ft	20
Rear yard setback ⁹	0	0	0	0
when abutting residential zone or public park	20	10 ft	10 ft	20 ft
Corner lot ⁹	0	20 ft on any side facing street		
Height ^{10,11}	2 stories or 30 ft	Least restrictive height of abutting residential zone	50 ft ^{13,14}	50 ft ^{13,14}

⁹ Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030).

¹⁰ Maximum height is the lessor of feet or stories.

¹¹ Solar and wind energy devices and similar structures attached to buildings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

¹³ Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area.

¹⁴ Structures over fifty (50) feet in height may be permitted as conditional uses, subject to [Chapter 16.82](#).

(Ord. No. 2012-011, § 2, 8-7-2012)

Field Code Changed

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Division II. - LAND USE AND DEVELOPMENT

16.22.040 - Community Design

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

(Ord. No. 2012-011, § 2, 8-7-2012)

16.22.050 - NC Special Criteria

All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone, and:

- A. Shall be conducted entirely within enclosed buildings, except for:
1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five (5) percent of the gross floor area of each individual business establishment.
 2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.
- B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.
- C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one hundred (100) feet at the building line.
- D. Permitted and conditional uses may operate only between the hours of 7:00 a.m. and 10:00 p.m.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.22.060 - Floodplain

Except as otherwise provided, [Section 16.134.020](#) shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

Field Code Changed

FOOTNOTE(S):

--- (13) ---

Editor's note— Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.22, 16.26, 16.28 and 16.30. Former Ch. 16.22, §§ 16.22.010—16.22.080, pertained to the Office Commercial district, and derived from Ord. 90-921, § 1; Ord. 2000-1092, § 3; Ord. No. 2009-

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009, adopted July 21, 2009; Ord. No. 2010-015, adopted October 5, 2010. See Chs. 16.26, 16.28 and 16.30 for specific derivation. ([Back](#))

Chapter 16.24 - RESERVED ^[14]

FOOTNOTE(S):

--- (14) ---

Editor's note— Ord. No. 2012-011, § 2, adopted August 7, 2012, amended the Code by repealing former Ch. 16.24, §§ 16.24.010—16.24.080, in its entirety. Former Ch. 16.24 pertained to the Office Retail district, and derived from Ord. 98-1035, § 1; Ord. 2000-1092, § 3; and Ord. No. 2010-015, adopted October 5, 2010. ([Back](#))

Chapter 16.26 - RESERVED ^[15]

FOOTNOTE(S):

--- (15) ---

Editor's note— See editor's note, Ch. 16.22. Former Ch. 16.26, §§ 16.26.010—16.26.080, pertained to the Neighborhood Commercial district, and derived from Ord. No. 86-851; Ord. No. 87-870; Ord. No. 88-979; Ord. No. 2000-1092, § 3; and Ord. No. 2010-015, adopted October 5, 2010. ([Back](#))

Chapter 16.28 - RESERVED ^[16]

FOOTNOTE(S):

--- (16) ---

Editor's note— See editor's note, Ch. 16.22. Former Ch. 16.28, §§ 16.28.010—16.28.070, pertained to the Retail Commercial district, and derived from Ord. No. 86-851; Ord. No. 87-870; Ord. No. 88-979; Ord. No. 91-922; Ord. 97-1019; Ord. 98-1052; Ord. No. 2000-1092; and Ord. No. 2002-1136. ([Back](#))

Chapter 16.30 - RESERVED ^[17]

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Division II. - LAND USE AND DEVELOPMENT

FOOTNOTE(S):

--- (17) ---

Editor's note— See editor's note, Ch. 16.22. Former Ch. 16.30, §§ 16.30.010—16.30.070, pertained to the General Commercial district, and derived from Ord. No. 86-851; Ord. No. 87-867; Ord. No. 87-870; Ord. No. 88-979; Ord. No. 91-922; Ord. No. 93-964; Ord. No. 97-1019; Ord. No. 2000-1092; Ord. No. 2002-1136; and Ord. No. 2010-015, adopted October 5, 2010. [\(Back\)](#)

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS ⁽¹⁸⁾

Sections:

[16.31.010 - Purpose](#)

[16.31.020 - Uses](#)

[16.31.030 - Development Standards](#)

[16.31.040 - Employment Industrial \(EI\) Restrictions](#)

[16.31.050 - Tonquin Employment Area \(TEA\) Commercial Nodes Use Restrictions](#)

[16.31.060 - Community Design](#)

[16.31.070 - Floodplain](#)

16.31.010 - Purpose

- A. Employment Industrial (EI) - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

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

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C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in [Chapter 16.88](#)
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of [Chapter 16.88](#)
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Field Code Changed

Field Code Changed

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	P	P	P

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• Small-scale power generation facilities.	P	P	P
• Large-scale power generation facilities.	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs.	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices. ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	C

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<ul style="list-style-type: none"> Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building 	C	C	C
Childcare			
<ul style="list-style-type: none"> Day cares, preschools, and kindergartens, when clearly secondary to a permitted use 	P	P	P
<ul style="list-style-type: none"> Day cares, preschools, and kindergartens as a stand-alone use.⁶ 	C	C	C
General Retail - sales oriented			
<ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10 % of the total floor area of the business.⁷ 	C	C	P
<ul style="list-style-type: none"> Tool and Equipment Rental and Sales, Including Truck Rental.⁷ 	P	P	P
<ul style="list-style-type: none"> Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries). 	P	P	N
<ul style="list-style-type: none"> Wholesale building material sales and service 	C	P	N
<ul style="list-style-type: none"> Retail building material sales and lumberyards⁷ 	C	P	N
Personal Services			
<ul style="list-style-type: none"> Health clubs and studios less than 5,000 square feet in size. 	P	P	P
<ul style="list-style-type: none"> Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.⁸ 	C	C	C
<ul style="list-style-type: none"> Public or commercial parking (non- accessory) 	N	N	N
<ul style="list-style-type: none"> Veterinarian offices and animal hospitals. 	C	C	C
<ul style="list-style-type: none"> Animal boarding/Kennels and daycare facilities with outdoor recreation areas⁸ 	C	C	C
Eating and Drinking establishments:			

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• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N
INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental).	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses.	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants.	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials.	P	P	N
• Pharmaceuticals in facilities up to 50,000 square feet building size.	P	P	P
• Pharmaceuticals in facilities larger than 50,000 square feet building size.	N	C	N
• Building components, furniture, fixtures, signs.	P	P	N

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• Non-motorized recreational vehicles and equipment.	P	P	N
• Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone.	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products.	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals.	N	C	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills.	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	N	N	N
• Meat, fish, poultry and tannery processing.	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	N	C	N
• Solid waste transfer stations.	N	C	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities.	N	N	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	N	C	N

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WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters.	C	C	C
• Wireless communication towers ⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

¹ See special criteria for the EI zone, [16.31.030](#) and the Tonquin Employment Area (TEA), [16.31.040](#).

²If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁴ Limited to Cardlock or wholesale- no public retail fuel sales.

⁵ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁶ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

⁷ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

Field Code Changed

Field Code Changed

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⁸ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

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

Field Code Changed

B. Development Standards

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

Development Standards by Zone	EI	LI	GI
Lot area- Industrial Uses:	3 acres ⁹	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback ¹¹	20 feet	20 feet	None
Side Yard Setback ¹⁰	None	None	None
Rear Yard Setback ¹¹	None	None	None
Corner lot street side ¹¹	20 feet	20 feet	None
Height ¹¹	50 feet		

Field Code Changed

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⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of [Chapter 16.31](#) and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless [Section 16.31.050](#) applies.

Field Code Changed

Field Code Changed

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

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

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of [Section 16.31.050](#) "Commercial Nodes Use Restrictions", commercial development permitted under [16.31.050](#)(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

Field Code Changed

Field Code Changed

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of [Chapter 16.31](#) and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless [Section 16.31.050](#) applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

Field Code Changed

Field Code Changed

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.050 - Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.

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- C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - Community Design

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

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, [Section 16.134.020](#) shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

Field Code Changed

FOOTNOTE(S):

--- (18) ---

Editor's note— Ord. No. 2012-011, adopted August 7, 2012, amended the Code by consolidating the provisions of Chs. 16.31, 16.32 and 16.34. Former Ch. 16.31, §§ 16.31.010—16.31.100, pertained to the Employment Industrial district, and derived from Ord. 2010-014, adopted October 5, 2010. See Chs. 16.32 and 16.34 for specific derivation. ([Back](#))

Chapter 16.32 - RESERVED ^[19]

FOOTNOTE(S):

--- (19) ---

Editor's note— Ord. No. 2012-011, § 2, adopted August 7, 2012, amended the Code by repealing former Ch. 16.32, §§ 16.32.010—16.32.070, in its entirety. Former Ch. 16.32 pertained to the Light Industrial district, and derived from Ord. No. 86-851; Ord. No. 87-867; Ord. No. 88-979; Ord. No. 91-922; Ord. No. 93-964; Ord. No. 97-1019; Ord. No. 98-1051; Ord. No. 2000-1092; Ord. No. 2001-1119; Ord. No. 2002-1136; Ord. No. 2009-009, adopted July 21, 2009; and Ord. No. 2010-05, adopted April 6, 2010. ([Back](#))

Chapter 16.34 - RESERVED ^[20]

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FOOTNOTE(S):

--- (20) ---

Editor's note— Ord. No. 2012-011, § 2, adopted August 7, 2012, amended the Code by repealing former Ch. 16.34, §§ 16.34.010—16.34.070, in its entirety. Former Ch. 16.34 pertained to the General Industrial district, and derived from Ord. No. 86-851; Ord. No. 87-867; Ord. No. 88-979; Ord. No. 91-922; Ord. No. 93-964; Ord. No. 97-1019; Ord. No. 98-1051; Ord. No. 2000-1092; Ord. No. 2002-1136; and Ord. No. 2010-05, adopted April 6, 2010. ([Back](#))

Chapter 16.36 - INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT ^[21]

Sections:

[16.36.010 - Purpose](#)

[16.36.020 - Permitted Uses](#)

[16.36.050 Dimensional Standards -](#)

[16.36.060 - Community Design](#)

[16.36.070 - Floodplain](#)

16.36.010 - Purpose

The IP zoning district provides for major institutional and governmental activities such as schools, public parks, churches, government offices, utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.36.020 - Permitted Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in [Chapter 16.88](#) Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of [Chapter 16.88](#) Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Field Code Changed

Field Code Changed

	IP
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RESIDENTIAL	
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	C
CIVIC	
• Cemeteries and crematory mausoleums.	C
• Police and fire stations and other emergency services	C
• Administrative offices - government	C
• Postal services - public	C
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C
• Religious institutions	C
• Public and private schools providing education at the elementary school level or higher	C
COMMERCIAL	
• Commercial trade schools, commercial educational services and training facilities	N
• Public golf courses	C
WIRELESS COMMUNICATION FACILITIES	
• Radio, television, and similar communication stations, including associated transmitters.	C

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• Wireless communication towers and transmitters ¹	C
• Wireless communication facilities on city-owned property	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure ²	P

¹ Except for towers located within 1,000 feet of the Old Town District which are prohibited.

² Provided the applicant can demonstrate to the satisfaction of the City that the location of the antennas on City-owned property would be unfeasible.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.36.050 Dimensional Standards

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

Field Code Changed

	IP
Lot Dimensions	Except as otherwise provided, no minimum lot areas or dimensions are required.
Front yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Side yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Rear yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Height	Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

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(Ord. No. 2012-011, § 2, 8-7-2012)

16.36.060 - Community Design

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

(Ord. No. 2012-011, § 2, 8-7-2012)

16.36.070 - Floodplain

Except as otherwise provided, [Section 16.134.020](#) shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

Field Code Changed

FOOTNOTE(S):

--- (21) ---

Editor's note— Ord. No. 2012-011, § 2, adopted August 7, 2012, amended the Code by, in effect, repealing former Ch. 16.36, §§ 16.36.010—16.36.070, and adding a new Ch. 16.36. Former Ch. 16.36 pertained to similar subject matter, and derived from Ord. No. 86-851; Ord. No. 87-870; Ord. No. 87-867; Ord. No. 88-979; Ord. No. 91-922; Ord. No. 97-1019; and Ord. No. 2000-1092. ([Back](#))

Chapter 16.38 - SPECIAL USES*

Sections:

[16.38.010 - GENERAL PROVISIONS](#)

16.38.010 - GENERAL PROVISIONS

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

Sections:

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

Division II. - LAND USE AND DEVELOPMENT

[16.40.010 - Purpose](#)

[16.40.020 - Preliminary Development Plan](#)

[16.40.030 - Final Development Plan](#)

[16.40.040 - General Provisions](#)

[16.40.050 - Residential PUD](#)

[16.40.060 - Non-Residential \(Commercial or Industrial\) PUD](#)

16.40.010 - Purpose

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.
- B. The PUD district is intended to achieve the following objectives:
1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
 4. Achieve maximum energy efficiency in land uses.
 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.

(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; Ord. 86-851, § 3)

16.40.020 - Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with [Chapter 16.72](#). PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

Field Code Changed

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural

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vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.

2. Listing of all property owners adjacent to the PUD as per [Section 16.72.020](#), including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of [Chapter 16.122](#). The preliminary subdivision shall be processed concurrently with the PUD.
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in [Section 16.90.020](#)(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
 - a. Illustrative areas within the development application covered by the pattern book.
 - b. An explanation of how the pattern book is organized, and how it is to be used.
 - c. Define specific standards for architecture, color, texture, materials, and other design elements.
 - d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
 - e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
 - (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.
 - (2) Architectural relevance or vernacular to the Pacific Northwest.
 - (3) Doors, windows, siding, and entrances, including sash and trim details.
 - (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
 - (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to [Section 16.58.020](#)

Field Code Changed

C. Commission Review

The Commission shall review the application pursuant to [Chapter 16.72](#) and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

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1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.
2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.
3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.
4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).
5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.
6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.
7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
8. That adequate public facilities and services are available or are made available by the construction of the project.
9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.
10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in [Section 16.40.050\(C\)\(3\)](#).

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to [Chapter 16.72](#). The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per [Section 16.40.030](#).

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; 98-1053; Ord. 86-851, § 3)

Field Code Changed

Field Code Changed

Field Code Changed

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16.40.030 - Final Development Plan

A. Generally

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

Field Code Changed

Field Code Changed

Field Code Changed

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to [Chapter 16.124](#).

Field Code Changed

(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 86-851, § 3)

16.40.040 - General Provisions

A. 1. Phasing

- a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.
- b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete

- a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.
- b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new application, and shall be made in accordance with the procedures specified in this Chapter.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

C. Multiple Zone Density Calculation

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided

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that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.

(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 86-851, § 3)

16.40.050 - Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. All other uses permitted within the underlying zoning district in which the PUD is located. (Ord. 86-851, [§ 3](#))

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per [Chapter 16.82](#). (Ord. 86-851, [§ 3](#))

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119, [§ 3](#); Ord. 86-851)

(Ord. No. 2008-015, § 1, 10-7-2008)

16.40.060 - Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Division VIII.

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

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(Ord. 91-922, § 3; Ord. 86-851)

B. Conditional Uses

Conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as part of the PUD upon payment of required application fee and approval by Commission.

(Ord. 86-851, § 3)

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of this Chapter are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

- a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:
- b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

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

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with [Section 16.142.040](#).

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres. Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of this Chapter, as determined by the Commission.

b. Industrial PUD

Field Code Changed

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The minimum site area for an Industrial PUD shall be twenty (20) acres.

(Ord. 91-922, § 3; Ord. 86-851)

Chapter 16.42 - HOME OCCUPATIONS

Sections:

[16.42.010 - Purpose](#)

[16.42.020 - Authority](#)

[16.42.030 - Exemptions](#)

[16.42.040 - Class A and Class B Home Occupations](#)

[16.42.050 - General Definition and Criteria for Home Occupations](#)

[16.42.060 - Class B Home Occupation Criteria Defined](#)

[16.42.070 - Class A Home Occupation Permit Criteria Defined](#)

[16.42.080 - Prohibited Uses](#)

[16.42.090 - Permit Procedures for Class A Home Occupations](#)

[16.42.100 - Expiration and Revocation of Home Occupation Permits](#)

[16.42.110 - Appeals](#)

16.42.010 - Purpose

It is the purpose of this chapter to permit residents an opportunity to use their homes to engage in small-scale business ventures. Home occupations are regulated to ensure that they do not alter the residential character of the neighborhood, nor infringe upon the rights of nearby residents to the peaceful enjoyment of their neighborhood and homes.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3; Ord. 86-851)

16.42.020 - Authority

The provisions of this Code are intended to apply to those entities required to obtain a Sherwood business license under the provisions of the Sherwood Municipal Code, [Chapter 5.04](#). No person shall carry on a home occupation, or permit such use to occur on property, which that person owns or is in lawful control, contrary to the provisions of this ordinance. A person must first determine if a permit, for such use in the manner provided by this section, is required.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3; Ord. 86-851)

16.42.030 - Exemptions

- A. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises.
- B. Short-term sales from a residence shall not be deemed to fall under the regulations for home occupations. Such sales shall not exceed one (1) week in duration and a two (2) week period in any

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given calendar year. Examples of such uses are, but not limited to, garage sales, estate sales, rummage and craft sales.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3; Ord. 86-851)

16.42.040 - Class A and Class B Home Occupations

- A. Home occupations or professions shall be carried on wholly within the principal building and clearly secondary, in the City's determination, to the use of the building as a dwelling. All home occupations shall be administered as either Class A or B, distinguished by the potential impacts they represent to the neighborhood. Both Class A and Class B Home Occupations are required to apply for and maintain a City of Sherwood business license.
- B. Class B home occupations are exempt from the permitting process and defined by the listed criteria.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3; Ord. 86-851)

16.42.050 - General Definition and Criteria for Home Occupations

- A. Home occupations or professions are businesses carried on wholly within a residential building requiring a City business license. Home occupations are clearly incidental and accessory to the use of the property as a dwelling, and they are not detrimental or disruptive in terms of appearance or operations to neighboring properties and residents. The occupation or profession does not require additional off-street parking nor upset existing traffic patterns in the neighborhood. All home occupations shall be in accordance with the following general criteria:
 - 1. All business operations shall comply with the current City of Sherwood noise ordinance and shall not produce any offensive vibration, smoke, dust, odors, heat, glare or electrical interference detectable to normal sensory perception at the property line.
 - 2. No exterior remodeling which alters the residential character of the structure shall be permitted.
 - 3. The occupation or profession shall not occupy more than twenty-five percent (25%) of the total floor area of all habitable buildings on the property, including customary accessory buildings. Home Occupations in the Old Town Overlay may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot per section 16.162.060.D.
 - 4. There shall be no storage and/or distribution of toxic or flammable materials and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgment of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties. Those individuals who are engaged in home occupations shall make available to the Fire Marshal for review the Material Safety Data Sheets which pertain to all potentially toxic and/or flammable materials associated with the use.
 - 5. There shall be no exterior storage of vehicles of any kind used for the business with the exception of one commercially licensed vehicle of not more than one ton gross vehicle weight (GVW) that may be parked outside of a structure or screened area.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3; Ord. 86-851)

16.42.060 - Class B Home Occupation Criteria Defined

- A. Class B home occupations shall be conducted in accordance with the following defined criteria:
 - 1. Only the principal occupant(s) of a residential property may undertake home occupations.

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2. Storage of materials is confined to the interior of the residence with no exterior indication of a home occupation.
3. No exterior signs that identify the property as a business location.
4. No clients or customers to visit the premises for any reason.
5. The address of the home shall not be given in any advertisement, including but not limited to commercial telephone directories, newspapers, magazines, off-premises signs, flyers, radio, television and any other advertising media.
6. Deliveries to the residence by suppliers may not exceed three per week and shall be prohibited on weekends.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3)

16.42.070 - Class A Home Occupation Permit Criteria Defined

- A. Class A home occupations require a permit and shall be conducted in conformance with the following criteria:
1. One non-illuminated exterior sign, not to exceed one (1) square foot. In addition to signs permitted for home occupations, one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation in the Old Town Overlay per section 16.162.070.E.
 2. The number of customers and clients shall not exceed 5 visits per day. Customers and clients may not visit the business between the hours of 10:00 PM and 7:00 AM, Monday through Friday and between 7:00 PM and 8:00 AM, Saturday and Sunday.
 3. Storage of materials on the premises shall be screened entirely from view of neighboring properties by a solid fence. Exterior/outside storage of materials shall not exceed five percent (5%) of the total lot area and shall not encroach upon required setback areas of the zone.
 4. Commercial pick-up and deliveries shall be limited to one (1) per day on weekdays and shall be prohibited on weekends.
 5. Number of Employees or Volunteers:
 - a. One volunteer or one FTE (full time equivalent) employee who does not live at the residence; or
 - b. If it can be shown that adequate off-street parking is available to accommodate both the homeowners and the employees a total of two (2)FTE employees or volunteers will be permitted.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3)

16.42.080 - Prohibited Uses

- A. Because of the potential adverse impacts they pose to residential neighborhoods, the following uses are not allowed as home occupations and must be conducted as allowed in a commercial or industrial zone:
1. Auto body repair, restoration and painting.
 2. Commercial auto repair (auto repair for other than the property owners/tenants personal vehicles).
 3. Junk and salvage operations.

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4. Storage and/or sale of fireworks.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3; Ord. 86-851)

16.42.090 - Permit Procedures for Class A Home Occupations

- A. An application for a Class A Home Occupation Permit shall be filed according to the application procedures of [Chapter 16.72](#), in conjunction with a City business license, accompanied by the appropriate fee as per [Section 16.74.010](#)
- B. The application shall identify the type of use and address the conditions contained in this chapter and other applicable sections of this Code.
- C. The City Manager or designee may impose additional conditions upon the approval of Class A home occupation permits to ensure compliance with the requirements of this Chapter.
- D. The action of the City Manager or designee may be appealed as per [Chapter 16.76](#) (Appeals).
(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3)

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16.42.100 - Expiration and Revocation of Home Occupation Permits

- A. Class A Home Occupation Permit Expiration
A Class A home occupation permit shall be valid for a period of one (1) year. Renewal of the permit shall be accomplished in the same manner as an application for a new permit under this section.
- B. Grounds for Revocation
The City Manager or designee may revoke a home occupation permit at any time for the following reasons:
 - 1. A violation of any provision of this Chapter.
 - 2. A violation of any term or condition of the permit.
 - 3. Failure to pay the City of Sherwood Business License fee in a timely manner.When a Class A home occupation permit has been revoked, a new Class A home occupation permit will not be issued to the applicant or other persons residing with the applicant for a period of up to twenty-four (24) months.
(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3)

16.42.110 - Appeals

The action of the City Manager or designee may be appealed per the provisions of [Chapter 16.76](#).
(Ord. No. 2011-003, § 2, 4-5-2011; Ord. 2002-1130 § 3)

Field Code Changed

Chapter 16.44 - TOWNHOMES*

Sections:

[16.44.010 - Townhome Standards](#)

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Division II. - LAND USE AND DEVELOPMENT

16.44.010 - Townhome Standards

A. Generally

A townhome may be located on property zoned MDRH or HDR, or in other zones as specified in an approved Planned Unit Development, provided that the townhome meets the standards contained below, and other applicable standards of Division V - Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.

B. Standards

1. Each townhome shall have a minimum dwelling area of twelve-hundred (1,200) square feet in the MDRH zone, and one-thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.
2. Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill," and meets the criteria of Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.
3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.
4. All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-½) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.
5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Subsection E, Design Standards.
6. All townhomes in the MDRH zone shall have an attached or detached garage.
7. All other community design standards contained in Divisions V, VIII and IX relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by this Chapter, shall apply to townhome blocks.
8. All townhome developments shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.
9. Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:

a.	100 feet to 150 feet	6 feet minimum
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b.	Less than 100 feet	5 feet minimum
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* In the case of condominium projects where no property line may exist at the end of each townhome block, the setback shall be applied as a minimum area of separation, as applied to each townhome block.

C. Occupancy

1. No occupancy permit for any townhome shall be issued by the City until the requirements of site plan review and the conditions of the approved final site plan are met. Substantial alteration from the approved plan must be resubmitted to the City for review and approval, and may require additional site plan review before the original hearing authority.
2. The owner(s) of the townhomes, or duly authorized management agent, shall be held responsible for all alterations and additions to a townhome block or to individual homes within the block, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.

D. Infill Standard

The minimum lot size required for single-family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is 1.5 acres or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.

E. Design Standards

Each townhome block development shall require the approval of a site plan, under the provisions of [Section 16.90.020](#), and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.

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1. **Building Mass:** The maximum number and width of consecutively attached townhomes shall not exceed six (6) units or one-hundred fifty (150) feet from end-wall to end-wall.
2. **Designation of Access/Alleys:** Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval and built to City standards as illustrated in the Transportation System Plan.
3. **Street Access:** Townhomes fronting on a neighborhood route, collector, or arterial shall use alley access, either public or private, and comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances and conflicts with other transportation users, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management. Direct access to local streets shall only be used if it can be demonstrated that due to topography or other unique site conditions precludes the use of alleys.
 - a. Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.
 - b. If garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.

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- c. The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a twenty (20) foot wide unit may have one 12-foot wide recessed garage door and a fourteen (14) foot wide driveway. A 24-foot wide unit may have a 14-foot, 4-inch wide garage door with a 16-foot, 4-inch wide driveway.
4. Building Design: The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.
 - a. The front facade of a townhome may not include more than forty percent (40%) of garage door area.
 - b. The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel, gabled, or curved (i.e. barrel) roofs are required. Flat roofs are not permitted.
 - c. A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard, street-side yard, and landscape corridor setbacks for neighborhood routes and collectors, and ten (10) feet for arterials, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in [Section 16.58.010](#)
 - d. Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.
 - e. All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in facade. All front street-facing elevations, and a minimum of fifty percent (50%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story. Alternatively, in lieu of these standards, the Old Town Design Standards in [Chapter 16.162](#) may be applied.
 - f. The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty-five percent (25%) of townhomes in the MDRH zone may be 3-stories, or a maximum of forty (40) feet in height if located more than one-hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.
5. Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards in the Transportation System Plan. The minimum paved street improvement width shall be:
 - a. Local Street: Twenty-eight (28) feet, with parking allowed on one (1) side.
 - b. Neighborhood Route: Thirty-six (36) feet, with parking on both sides.
 - c. Collector: Thirty-four (34) feet with parking on one side, fifty (50) feet with parking on both sides.
 - d. In lieu of a new public street, or available connection to an existing or planned public street, a private 20 foot minimum driveway, without on-street parking, and built to public improvement standards, is allowed for infill properties as defined in [Section 16.44.010\(D\)](#). All townhome developments in excess of thirty (30) units require a secondary access.
 - e. Any existing or proposed street within the townhome block that, due to volumes of traffic, connectivity, future development patterns, or street location, as determined by the City, functions as a neighborhood route or collector or higher functional classification street based on connectivity, shall be constructed to full City public improvement standards.

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(Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2002-1126, § 2)

Chapter 16.46 - MANUFACTURED HOMES*

Sections:

[16.46.010 - Manufactured Homes on Individual Residential Lots](#)

[16.46.020 - Manufactured Home Parks](#)

[16.46.030 - Miscellaneous Uses of Manufactured Homes](#)

16.46.010 - Manufactured Homes on Individual Residential Lots

A. Generally

One (1) manufactured home may be located on an individual lot zoned MDRL or MDRH, provided that the manufactured home meets the standards contained in [Chapter 16.16](#) or [16.18](#), and subsection B of this Section.

Field Code Changed

Field Code Changed

B. Standards

1. Each manufactured home shall be multi-sectional and have a minimum floor area of one thousand (1,000) square feet.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve (12) inches above the ground.
3. The manufactured home shall have a pitched roof, with a slope of no less than a nominal three (3) feet in height for each twelve (12) feet in width.
4. The manufactured home, and attached or detached garage, shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or which is consistent with the predominant materials used on surrounding dwellings, as determined by the City.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce energy levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 445.010.
6. The manufactured home shall have an attached or detached garage.
7. In addition to the provisions in paragraphs 1 to 6 of this subsection, the manufactured home and the lot upon which it is sited shall be subject to all other Code requirements to which a conventional single-family residential dwelling on the same lot would be subjected.

(Ord. 94-983-A § 3; 91-922, § 3)

16.46.020 - Manufactured Home Parks

Manufactured home parks may be located in the MDRL zone only. Except as herein provided, the standards of this Section and the MDRL zone, shall apply to all manufactured home parks. The following additional standards shall also apply:

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A. Generally

1. Sale Prohibited - Manufactured home park spaces shall be available for rental or lease only. Individual sale is prohibited.
2. Uses Permitted

No building, structure, or land within a manufactured home park shall be used for any purpose except for:

- a. Residential manufactured homes, together with normal accessory uses such as cabanas, patio slabs, ramadas, carport or garages, and storage and washroom buildings.
- b. Private and public utilities and services.
- c. Community recreation facilities, including swimming pools, operated for the residents and guests of the park only.
- d. One (1) manufactured home or other residence for the use of a manager or a caretaker responsible for maintaining and operating the park.

3. Occupancy

No occupancy permit for any manufactured home park, building, or facility shall be issued by the City until the park or an approved phase of the park has been completed according to the final site plan approved by the Commission. Deviations from the approved plan must be resubmitted to the Commission for review and approval.

4. Alterations and Additions

The owner(s) of the manufactured home park property, or duly authorized park management, shall be held responsible for all alterations and additional to a manufactured home park or to individual homes within the park, and shall ensure all necessary permits and inspections are obtained from the City or other applicable authority prior to alterations or additions being made.

B. Recreational Vehicles

1. The occupancy of recreational vehicles within manufactured home parks as permanent living quarters is prohibited.
2. Unoccupied recreational vehicles located in designated parking or storage areas within manufactured home parks are permitted.
3. If storage yards for recreational vehicles, boats or trailers are provided, an eight (8) foot high sight-obscuring fence shall be erected around the perimeter of the storage yard.

C. Design Standards

1. Spaces shall be a minimum of five thousand (5,000) square feet, with a width of no less than twenty-five (25) feet at the front space line and fifty (50) feet at the building line.
2. The boundaries of all spaces shall be surveyed or otherwise suitably and permanently marked on-site, as determined by the City.
3. Two (2) off-street parking spaces shall be provided for each manufactured home space. Additional off-street parking spaces shall be provided in the manufactured home park with not less than one (1) additional parking space per every ten (10) manufactured homes. All off-street parking spaces shall be paved.
4. A minimum four (4) foot wide sidewalk shall be required on one (1) side of all private streets within manufactured home parks.

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D. Siting Standards

1. Only one (1) manufactured home shall be permitted on a space.
2. The supplementary siting standards contained in [Chapter 16.58](#) shall apply to manufactured home parks, provided that space lines shall be deemed to be the equivalent to lot lines for the purposes of applying those standards.
3. Building setbacks shall be equivalent to setbacks required in the MDRL zone, Section 16.16.040B, provided, however, that either the front yard or rear yard setbacks for manufactured homes may be reduced by up to ten (10) feet from the MDRL standard. Space lines shall be deemed the equivalent to lot lines for the purposes of applying those setback standards. Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the manufactured home for setback purposes.

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E. Unit Standards

1. Each Manufactured home shall be multi-sectional and have a minimum floor area of one-thousand (1,000) square feet.
2. Except as otherwise herein provided, accessory uses, buildings, and structures shall be treated as per [Chapter 16.50](#)
3. All manufactured homes shall be placed on a foundation stand, adequate to provide a stable, fixed support. The stand shall be all-weather and surfaced with asphalt, concrete or crushed rock, and at least as large as the manufactured home.
4. All manufactured homes shall provide exterior finishing and construction as follows:
 - a. Skirting of moisture resistant, non-combustible material or fire retardant wood.
 - b. Pedestals or blocking supports, insuring adequate support and in compliance with the Oregon Department of Commerce manufactured home set-up procedures.
 - c. Awnings, carports, cabanas, and similar structures shall be of a material, size, color and pattern similar to the manufactured home and shall conform to all applicable building codes.

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F. Utility Standards

1. All manufactured homes, service buildings and accessory structures shall be connected to public water and sewer systems in accordance with City standards.
2. Sufficient fire hydrants shall be installed so that no manufactured home, and other structure is farther than three hundred (300) feet from a hydrant, as measured down the center lines of streets, whether private or public.

G. Vehicular Circulation

1. Any private streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:
 - a. Twenty-eight (28) feet with no on-street parking allowed.
 - b. Thirty-two (32) feet with on-street parking allowed on one (1) side.
 - c. Thirty-six (36) feet with parking allowed on two (2) sides, provided that at least one (1) private street thirty-six (36) feet in width with no on-street parking allowed shall be constructed to intersect with an adjacent public street.
2. Any street within the manufactured home park that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway, shall be constructed to full City public improvement standards.

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H. Miscellaneous Park Standards

All other community design standards contained in Divisions V, VIII and IX relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design that are not specifically varied by [Chapter 16.46](#) shall apply to manufactured home parks.

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

Field Code Changed

16.46.030 - Miscellaneous Uses of Manufactured Homes

A. Generally

In addition to uses permitted by Sections [16.46.010](#) and [16.46.020](#), manufactured homes may be used for the following purposes:

1. Security person quarters, as per Sections 16.30.020 and 16.32.020.
2. Temporary uses as per [Chapter 16.86](#), and where the proposed use is otherwise permitted in the zone in which the manufactured home is to be located.

(Ord. 91-922, § 3)

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Chapter 16.48 - NON-CONFORMING USES*

Sections:

[16.48.010 - Purpose](#)

[16.48.020 - Exceptions](#)

[16.48.030 - Non-Conforming Lots of Record](#)

[16.48.040 - Non-Conforming Uses of Land](#)

[16.48.050 - Non-Conforming Structures](#)

[16.48.060 - Non-Conforming Uses of Structures](#)

[16.48.070 - Permitted Changes to Non-Conformities](#)

[16.48.080 - Conditional Uses](#)

16.48.010 - Purpose

Within the zones established by this Code or any amendments that may have been adopted there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of this Code, but which would be prohibited, regulated or restricted under the terms of this Code or any future amendments, or which do not meet in full all standards and provisions of this Code. This Chapter permits these nonconformities to continue until they are removed or discontinued, but does not encourage their perpetuation. Nonconformities shall not be enlarged, expanded or extended, nor be used as justification for adding other structures or uses not permitted elsewhere in the same zone, except as specifically provided elsewhere in this Section.

(Ord. 86-851, § 3)

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16.48.020 - Exceptions

A. Generally

Nothing in this Chapter shall require any change in the location, plans, construction, size or designated use of any building, structure, or part thereof, for which a required City building permit has been granted prior to enactment of this Code. If a building permit is revoked or for any reason becomes void, all rights granted by this Section are extinguished and the project shall thereafter be required to conform to all the provisions of this Code.

B. Old Town (OT) Zone

Certain exceptions to this Chapter are permitted in the OT overlay zone, as per Section 16.162.060F.

C. Any otherwise lawful residential structure or use located on property zoned commercial or industrial shall be deemed conforming for the purposes of sections 16.48.050B and 16.48.060E.

(Ord. 94-983 § 3; Ord. 91-922, § 3; Ord. 86-851)

16.48.030 - Non-Conforming Lots of Record

A. Except as provided in this Chapter and Section 16.58.040, no nonconforming lot of record at the effective date of adoption or amendment of this Code shall be developed for any use, and no existing use on a nonconforming lot of record shall be enlarged, extended, or reconstructed. Nonconforming lots of record are those of a width, area or depth, or other requirements less than the minimums prescribed by this Code.

B. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be constructed on a single lot of record existing at the effective date of adoption of, or amendment to, this Code, notwithstanding limitations imposed by other provisions of this Code. Such lot must be in separate ownership and not contiguous with other lots in the same ownership.

C. If two (2) or more lots or combinations of lots and portions of lots in single ownership are on record at the effective date of this code and are made nonconforming by this Code, the lots involved shall be considered to be an undivided parcel for the purposes of this Code. No portion of said undivided parcel which does not meet requirements established by this Code shall be conveyed, transferred or used in any manner. No division of the parcel shall be made which results in any lot of less than the minimum requirements of this Code.

(Ord. 86-851, § 3)

16.48.040 - Non-Conforming Uses of Land

Where at the time of adoption of this Code lawful use of land exists which would not be permitted by the regulations imposed by this Code, and where such use involves no structure or building, other than a single minor accessory structure or sign, the use may be continued as long as it remains otherwise lawful provided:

A. No such use shall be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code, provided however, that such use may be enlarged or altered in a way that will not have a greater adverse impact on surrounding properties or will decrease its non-conformity, as per [Section 16.48.070](#)

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- B. No such use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code.
- C. If any such use of land ceases for any reason for a period of more than one hundred and twenty (120) days, any subsequent use of land shall conform to the regulations specified by this Code for the zone in which such land is located.
- D. No additional structure, building or sign shall be constructed on the lot in connection with such use of land unless said structure, building, or sign reduces or further limits, in the City's determination, the existing non-conformity.

(Ord. 91-922, § 3; Ord. 86-851)

16.48.050 - Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption of or amendment to this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be enlarged or altered in a way that will not have a greater adverse impact on surrounding properties or will decrease its non-conformity, as per [Section 16.48.070](#)
- B. Except as otherwise provided for in [Section 16.48.020](#), should such structure or the non-conforming portion of a structure be destroyed by any means to an extent of more than sixty percent (60%) of its current value as established by the Washington County Assessor, it shall not be reconstructed except in conformity with the provisions of this Code; and
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located.

(Ord. 86-851, § 3)

16.48.060 - Non-Conforming Uses of Structures

If a lawful use involving individual structures, or structure and premises in combination (except for a single, minor accessory structure) exists at the effective date of adoption or amendment of this Code that would not be allowed in the zone in which it is located; or which is non-conforming because of inadequate off-street parking, landscaping, or other deficiencies, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Code in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the zone in which it is located.
- B. Any non-conforming use may be extended throughout any existing parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but not such use shall be extended to occupy any land outside such building.
- C. If such use of a structure and premises is changed to another use, such new use shall conform to all provisions of this ordinance.
- D. When such use of a structure and premises is discontinued or abandoned for one hundred and twenty (120) days, the structure and premises shall not thereafter be used except in full

Field Code Changed

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conformity with all regulations of the zone in which it is located. A use shall be deemed to be discontinued or abandoned upon the occurrence of the earliest of any of the following events:

1. On the date when the structure and/or premises are vacated.
 2. On the date the use ceases active sales, merchandising, the provision of services, other non-conforming activity.
 3. On the date of termination of any lease or contract under which the non-conforming use has occupied the premises.
 4. On the date a request for final reading of water and power meters is made to the City.
- E. Where non-conforming uses status applies to a structure and premises, removal or destruction of the structure shall eliminate the nonconforming use status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty percent (60%) of its current value, as appraised by the Washington County Assessor. Except as otherwise provided for in [Section 16.48.020](#), any subsequent use shall conform fully to all provisions of the zone in which it is located.

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

Field Code Changed

16.48.070 - Permitted Changes to Non-Conformities

A. Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, normal repairs or replacement on non-bearing walls, fixtures, wiring, or plumbing, may be performed in a manner not in conflict with the other provisions of this Section. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof officially declared to be unsafe by any official charged with protecting the public safety.

B. A non-conforming use or structure may be enlarged or altered as per Sections 16.48.030A or 16.48.040A if, in the Commission's determination, the change will not have greater adverse impact on surrounding properties or will decrease its non-conformity considering the following:

1. The character and history of the development and of development in the surrounding area.
2. The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.
3. The comparative numbers and kinds of vehicular trips to the site.
4. The comparative amount of nature of outside storage, loading and parking.
5. The comparative visual appearance.
6. The comparative hours of operation.
7. The comparative effect on existing vegetation.
8. The comparative effect on water drainage.
9. The degree of service or other benefit to the area.
10. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

C. Further exceptions to changes to non-conformities are permitted in the OT overlay zone, as per Section 16.162.060F.

(Ord. 91-922, § 3; Ord. 86-851, § 3)

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16.48.080 - Conditional Uses

A use existing before the effective date of this Code which is permitted as a conditional use shall not be deemed non-conforming if it otherwise conforms to the standards of the zone in which it is located. Enlargement, extension, reconstruction, or moving of such use shall only be allowed subject to [Chapter 16.82](#).

(Ord. 86-851, § 3)

Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS ^[22]

Sections:

[16.50.010 - Standards and Definition](#)

[16.50.020 - Conditional Uses](#)

[16.50.030 - Conflicts of Interpretation](#)

[16.50.040 - Accessory Structure Exemptions](#)

[16.50.050 - Architectural Features](#)

[16.50.060 - Decks](#)

16.50.010 - Standards and Definition

A. Definition

Accessory Building or Structure: A structure whose use is incidental and subordinate to the main use of property, is located on the same lot as the main use, and is freestanding or is joined to the primary structure solely by non-habitable space as defined by the State Building Code.

B. Generally

For uses located within a residential zoning district, accessory uses, buildings, and structures shall comply with all requirements for principal uses, buildings, and structures except where specifically modified below; and shall also comply with the City of Sherwood Building Code as amended. Where this Code and the Building Code conflict, the most stringent shall apply.

C. Dimension and Setback Requirements

1. Any accessory building shall have not more than six hundred (600) square feet of ground floor area and shall be no taller than 15 feet in height.
2. No accessory building or structure over three (3) feet in height shall be allowed in any required front yard. Accessory buildings may be allowed in required side and rear building setbacks as described below.
3. When a Building Permit is not required and the structure is less than 100 square of ground floor area feet and less than six feet tall, no rear or side yard setbacks are required and the structure may abut the rear or side property line.
4. When a Building Permit is not required and the structure is over 100 square feet of ground floor area, but under 200 square feet and under ten (10) feet in height:

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- a. Detached accessory structures shall maintain a minimum 3-foot distance from any side or rear property line.
 - b. Attached accessory structures shall be setback a minimum of three (3) feet from any side property line and ten (10) feet from a rear property line.
5. When a Building Permit is required:
- a. No accessory building or structure over three (3) feet in shall be located closer than five (5) feet to any side property line and ten (10) feet from any rear property line.
 - b. Any accessory building or structure attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.
- D. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including but not limited to streets, alleys, and public and/or private easements.
- (Ord. No. 2011-003, § 2, 4-5-2011)

16.50.020 - Conditional Uses

Any accessory use and/or structure associated with a conditional use shall be allowed only after approval in accordance with [Chapter 16.82](#).

(Ord. No. 2011-003, § 2, 4-5-2011)

Field Code Changed

16.50.030 - Conflicts of Interpretation

A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions of [Chapter 16.88](#).

(Ord. No. 2011-003, § 2, 4-5-2011)

Field Code Changed

16.50.040 - Accessory Structure Exemptions

The following are not considered accessory structures, for the purposes of this section:

- A. Pergolas, arbors and trellises and other similar structures, if under ten (10) feet.
- B. Play structure and swing sets if under ten (10) feet.
- C. Flag poles limited to 20 feet
- D. Temporary and seasonal above ground pools
- E. Structures that are considered Accessory Dwelling Units and fall under the provisions of [16.52](#) Accessory Dwelling Units.

Field Code Changed

(Ord. No. 2011-003, § 2, 4-5-2011)

16.50.050 - Architectural Features

Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to five (5) feet into a front or rear required yard setback and two and one half (2 ½) into the required side yard setback.

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(Ord. No. 2011-003, § 2, 4-5-2011)

16.50.060 - Decks

- A. Uncovered decks which are no more than 30 inches above grade may project into the required rear yard, but shall not be closer than five feet from the property line. If the ground slopes away from the edge of the deck, the deck height shall be measured at a point five feet away from the edge of the deck. Decks shall not be allowed in the required front or side yard setbacks.
- B. Uncovered decks 30 inches above grade that require a building permit placed on properties adjacent to wetland or open space tracts that are publicly dedicated or in public ownership, may project into the required rear yard, but shall not be closer than ten (10) feet from the rear property line. All other decks will comply with the required setbacks for the underlying zoning district.

(Ord. No. 2011-003, § 2, 4-5-2011)

FOOTNOTE(S):

--- (22) ---

Editor's note— Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.50, §§ 16.50.010—16.50.030, and adding a new Ch. 16.50. Former Ch. 16.50 pertained to accessory uses, and derived from Ords. 86-851 and 2003-1151. ([Back](#))

Chapter 16.52 - ACCESSORY DWELLING UNITS*

Sections:

[16.52.010 - Purpose](#)

[16.52.020 - Requirements for all Accessory Dwelling Units](#)

16.52.010 - Purpose

An Accessory Dwelling Unit (ADU) is a habitable living unit that provides the basic requirements for shelter, heating, cooking and sanitation. The purpose of an ADU is to provide homeowners with a means of obtaining rental income, companionship and security. ADU's provide Sherwood residents another affordable housing option and a means to live independently with relatives.

(Ord. 2000-1108, § 3)

16.52.020 - Requirements for all Accessory Dwelling Units

All Accessory Dwelling Units must meet the following standards:

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- A. Creation: One Accessory Dwelling Unit per residence may only be created through the following methods:
 - 1. Converting existing living area, attic, basement or garage;
 - 2. Adding floor area;
 - 3. Constructing a detached ADU on a site with an existing house;
 - 4. Constructing a new house with an internal or detached ADU.
- B. Owner Occupancy: The property owner, which shall include the holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence, but not both, for at least six months out of the year, and at no time receive rent for the owner-occupied unit.
- C. Number of Residents: The total number of individuals that reside in both units may not exceed the number that is allowed for a household.
- D. Location of Entrances: The primary entrance to the ADU shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.
- E. Parking: Additional parking shall be in conformance with the off-street parking provisions for single-family dwellings.
- F. Floor Area: The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 40% of the GHFA of the primary residence on the lot.
- G. Setbacks and Dimensional Requirements: The ADU shall comply with the setback and dimensional requirements of the underlying zone. In addition, there shall be a minimum ten (10) foot separation between the primary residence and the ADU.
- H. Design and Appearance: The ADU shall be designed so that, to the degree reasonably feasible, the appearance of the building conforms to the original design characteristics and style of the building, and appears to be a single-family residence.
- I. Partitioning: An ADU shall not be partitioned or divided off from the parent parcel.

(Ord. 2000-1108, § 3)

Chapter 16.54 - ADULT ENTERTAINMENT*

Sections:

[16.54.010 - Adult entertainment](#)

16.54.010 - Adult entertainment

Where otherwise permitted by the provisions of this Code, an adult entertainment business shall not be located within one thousand (1,000) feet of an existing or previously approved adult entertainment business or within two hundred and fifty (250) feet of public parks, churches, schools, day care centers, or residentially zoned property. Both distances shall be measured in a straight line, without regard to intervening structures, from the closest structural wall of the adult entertainment business to either the closest structural wall of an existing or previously approved adult entertainment business, or to the closest property line of all impacted properties.

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

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Chapter 16.56 - OTHER LAND USE ACTIONS*

Sections:

[16.56.010 - Other Land Use Actions](#)

16.56.010 - Other Land Use Actions

Proposed land use actions or activities for which specific procedures and standards for application and review are not included in this Code shall be submitted to the Commission, on a form determined by the City and with a fee pursuant to [Section 16.74.010](#). The Commission may recommend approval, approval with conditions, or denial of the request to the Council. The Council may approve, approve with conditions, or deny the request, or may elect to refer the request to a more appropriate approving authority.

(Ord. 86-851, § 3)

16.58 - CLEAR VISION AND FENCE STANDARDS ^[23]

Sections:

[16.58.010 - Clear Vision Areas](#)

[16.58.020 - Fences, Walls and Hedges.](#)

16.58.010 - Clear Vision Areas

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

- 1. In all zones, the minimum distance shall be twenty (20) feet.
- 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five(25) feet.

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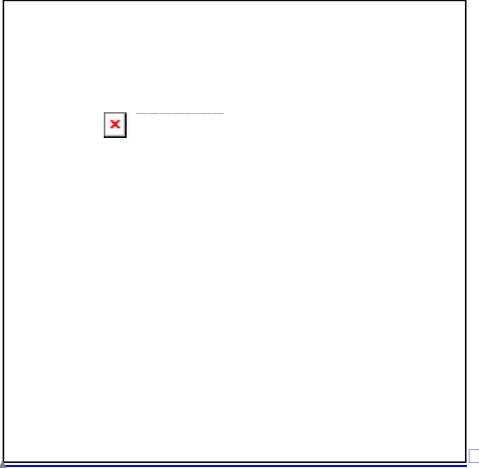
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3. Where no setbacks are required, buildings may be constructed within the clear vision area.

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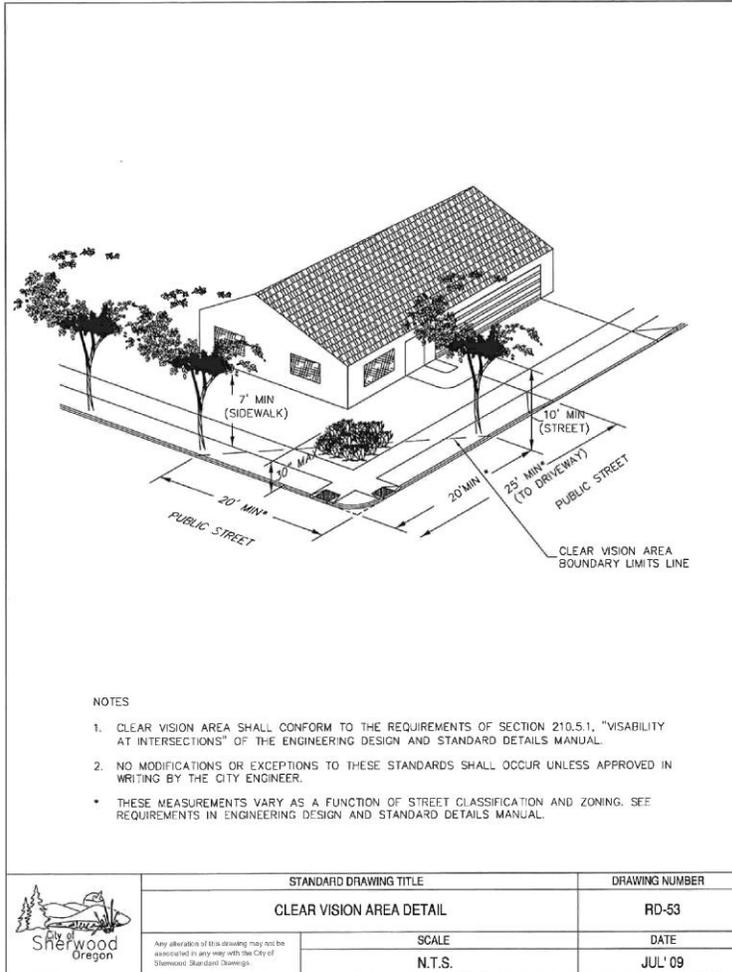
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(Ord. No. 2011-003, § 2, 4-5-2011)

16.58.020 - Fences, Walls and Hedges.

- A. Purpose: The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect

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children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Definition:

1. Fence: A freestanding structure that provides a barrier between properties or different uses on the same property and is generally used to provide privacy and security. A fence may be open, solid, wood, metal, wire, masonry or other materials and includes lattice or other decorative toppers.
2. Wall: A solid structural barrier that is not intended to alter the grade.
3. Retaining wall: A solid barrier that provides a barrier to the movement of earth, stone or water and is used to alter the grade.
4. Sound wall: An exterior wall designed to protect sensitive land uses including parks, residential zones and institutional public zones from noise generated by roadways, railways, commercial and industrial noise sources.
5. Landscape feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.
6. Hedges: A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area.

C. Applicability: The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.

D. Location—Residential Zone:

1. Fences up to forty-two (42) inches high are allowed in required front building setbacks.
2. Fences up to six (6) feet high are allowed in required side or rear building setbacks, except fences adjacent to public pedestrian access ways and alleys shall not exceed forty-two (42) inches in height unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.
3. Fences on corner lots may not be placed closer than eight (8) feet back from the sidewalk along the corner-side yard.
4. All fences shall be subject to the clear vision provisions of [Section 16.58.010](#)
5. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
6. Hedges are allowed up to eight (8) feet tall in the required side and rear setbacks.

Field Code Changed

E. Location—Non-Residential Zone:

1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to [Section 16.58.010](#). (Clear Vision) and building department requirements.
2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.

Field Code Changed

F. General Conditions—All Fences:

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1. In all cases, the following standards apply:
 - a. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
 - b. Chain link fencing is not allowed in any required residential front yard setback.
 - c. The finished side of the fence must face the street or the neighboring property. This shall not preclude finished sides on both sides.
 - d. Buffering: If a proposed development is adjacent to a dissimilar use such as commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company shall be submitted and approved as part of the preliminary plat or site plan review process per, [Section 16.90.020](#) and [Chapter 16.122](#)
 - e. In the event of a conflict between this section and the clear vision standards of, [Section 16.58.010](#), the standards in [section 16.58.010](#) prevail.
 - f. Fences and walls shall not be located within or over a public utility easement without an approved right-of-way permit.
 - g. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence shall be used to measure the height.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 96-1014 § 1; 93-964; Ord. 86-851)

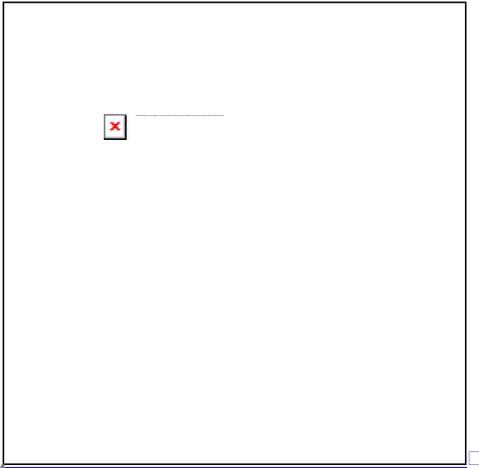
Editor's note—

See editor's note, [Ch. 16.58](#)

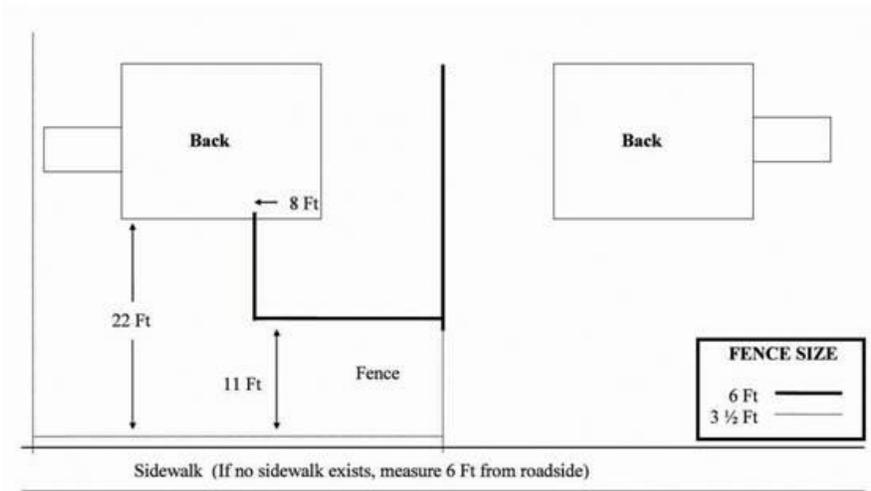
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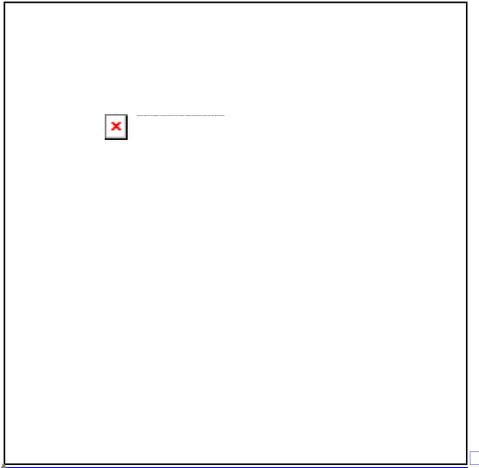


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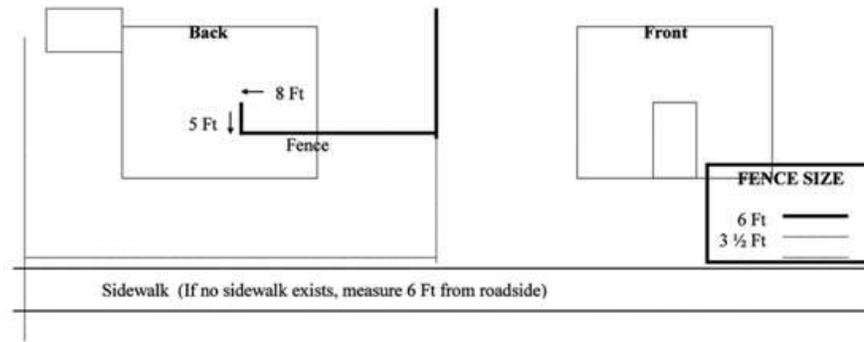


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Field Code Changed



FOOTNOTE(S):

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Editor's note— Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.58, §§ 16.58.010, 16.58.020 and 16.58.040, and adding a new Ch. 16.58, § 16.58.010. Former § 16.58.030 was renumbered as a new § 16.58.020. Former Ch. 16.58 pertained to supplementary standards, and derived from Ords. 86-851, 96-1014, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. The history for former § 16.58.030 has been retained after § 16.58.020 ([Back](#))

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Chapter 16.60 - YARD REQUIREMENTS ^[24]

Sections:

[16.60.010 - Through Lots](#)

[16.60.020 - Corner Lots](#)

[16.60.030 - Yards](#)

[16.60.040 - Lot Sizes and Dimensions](#)

16.60.010 - Through Lots

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.60.020 - Corner Lots

On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:

- A. The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.
- B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.60.030 - Yards

- A. Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with [Chapter 16.50](#) (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.
- B. Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, it shall be set back at least three (3) feet.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.60.040 - Lot Sizes and Dimensions

- A. If a lot or the aggregate of contiguous lots or parcels recorded, or platted, prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot of aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone.

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However, no dwelling shall be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in [Chapter 16.68](#) (Infill Development).

Field Code Changed

B. Exceptions

Yard requirements of the underlying zone may be modified for infill developments as provided in [Chapter 16.68](#) (Infill).

Field Code Changed

(Ord. No. 2011-003, § 2, 4-5-2011)

FOOTNOTE(S):

--- (24) ---

Editor's note— Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by, in effect, repealing former Ch. 16.60, §§ 16.60.010—16.60.050, and adding a new Ch. 16.60. Former Ch. 16.60 pertained to similar subject matter, and derived from Ords. 86-851, 97-1022, 2004-002 and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. ([Back](#))

Chapter 16.62 - CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES*

Sections:

[16.62.010 - Heights](#)

[16.62.020 - Permit Required](#)

[16.62.030 - Parapets](#)

16.62.010 - Heights

Except as otherwise provided, the height limits established by this Code shall not apply to chimneys, stacks, water towers, radio or television antennas, towers, windmills, grain elevators, silos, elevator penthouses, monuments, domes, spires, belfries, hangars, solar heating devices, and to wireless communication facilities two hundred (200) feet in height or less.

(Ord. 97-1019 § 1; Ord. 86-851)

16.62.020 - Permit Required

Notwithstanding [Section 16.62.010](#), a conditional use permit shall be required for all such structures that exceed the height limitations of a zoning district, except as specifically otherwise permitted in that district.

Field Code Changed

(Ord. 91-922, § 3; Ord. 86-851)

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Division II. - LAND USE AND DEVELOPMENT

16.62.030 - Parapets

A parapet wall not exceeding four (4) feet in height may be erected above the height limit of the building on which it rests.

(Ord. 86-851, § 3)

Chapter 16.64 - DUAL USE OF REQUIRED SPACE*

Sections:

[16.64.010 - Generally](#)

16.64.010 - Generally

Except as otherwise provided, no lot area, setback, yard, landscaped area, open space, off-street parking or loading area, which is required by this Code for one use, shall be allowed as the required lot area, yard, open space, off-street parking or loading area for another use.

(Ord. 91-922, § 3)

Chapter 16.66 - TRANSPORTATION FACILITIES AND IMPROVEMENTS*

Sections:

[16.66.010 - Generally](#)

16.66.010 - Generally

- A. Except as otherwise noted, transportation facilities and improvements as defined in [Section 16.10.020](#) will be a permitted use in all zoning districts.
- B. Construction of Transportation Facilities and Improvements that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved subdivision or partition subject to site plan shall be subject to Conditional Use review.

Field Code Changed

Chapter 16.68 - INFILL DEVELOPMENT STANDARDS*

Sections:

[16.68.010 - Purpose and Intent](#)

[16.68.020 - Lot Sizes and Dimensions for Infill](#)

[16.68.030 - Building Design on Infill Lots](#)

[16.68.040 - Height](#)

[16.68.050 - Yard Requirements for Infill Development](#)

[16.68.060 - Public Notice](#)

Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE

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16.68.010 - Purpose and Intent

This chapter provides standards for infill development, or the development of properties that have been skipped over by larger subdivisions and, due to their proximity to established residential neighborhoods, require special design controls and flexibility in the City's zoning and land division standards. This Chapter is intended to:

- A. Promote housing choice, transportation efficiency and compatibility between existing residential areas and new development;
- B. Allow for greater flexibility in lot size, dimensions and setbacks; and
- C. Control the type, height, size and scale of new buildings on infill properties.

16.68.020 - Lot Sizes and Dimensions for Infill

The Approval Authority may approve modifications to the minimum lot size and/or lot dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:

- A. Lot area may be reduced below the minimum standard of the applicable zoning district through the land division or lot line adjustment process when the Approval Authority finds:
 - 1. The resulting lot size(s) and dimensions are not less than eighty-five percent (85%) of the standard minimum lot area of the zone; and
 - 2. The resulting average lot size of the development (partition or subdivision) shall be no less than the minimum lot size of the zone in which it is located; the resulting density shall be no more than the allowable density of the zone. Areas reserved as open space, such as central greens, plaza, and other common open space may be counted toward the average lot size and density of the development when such areas are centrally located and accessible to every lot in the development; and
 - 3. The reduction in lot size and/or dimensions shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and
 - 4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met; the Approval Authority may require shared driveways (i.e., for two dwellings) for paired lots that individually have less than 40 feet of street frontage, except where driveway access is provided from an alley; and
 - 5. The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot, and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in [Section 16.68.040](#)
 - a. Floor area ratio
 - b. Side setback plane; and
 - c. Garage orientation and design standards

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6. The land division shall be conditioned, and a deed restriction shall be recorded on each lot that contains less than the minimum lot size of the zone, requiring that a landscape plan be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot. Landscape plans required under this section shall provide plant materials and irrigation that are equal to or better than those existing residential landscapes in the vicinity. The Approval Authority may consider plant species, quantity/volume of plant material, irrigation, slope, aspect, soil, and other relevant factors in determining the adequacy of landscape plans and in requiring additional landscaping.
- B. Lot dimension(s) may be reduced below the minimum standards of the applicable zoning district through the land division or lot line adjustment process provided that the development conforms to Section 16.68.020A, above, and all other applicable Code requirements are met.
- C. Lot width and frontage standards may be waived for rear lots created through partitioning where an access easement or tract of not less than twenty (20) feet in width connects the subject lot to a public street with a driveway meeting City standards and the yard requirements for rear lots, as provided in [Section 16.68.050](#), are met. The Approval Authority may require that such driveway be dedicated as a public alley and extended in accordance with local street network plans and connectivity requirements.

(Ord. No. 2010-015, § 2, 10-5-2010)

Field Code Changed

16.68.030 - Building Design on Infill Lots

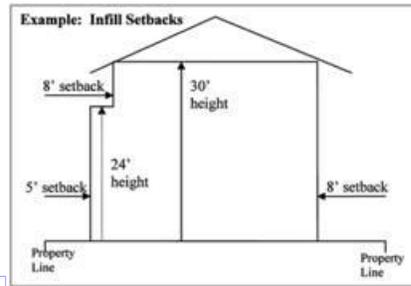
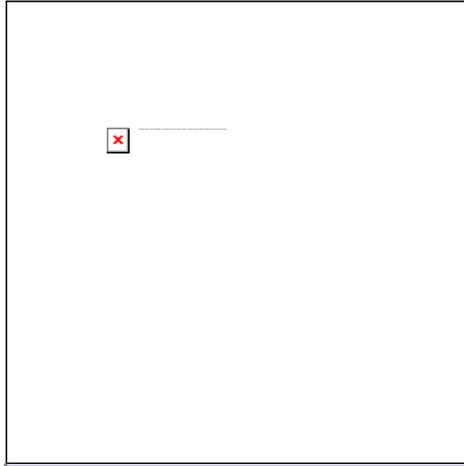
Structures exceeding twenty four (24) feet in height shall conform to the following standards:

- A. Floor Area: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a single family dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed:
 1. Low Density Residential (LDR): 50% of lot area
 2. Medium Density Residential Low (MDRL): 55% of lot area
 3. Medium Density Residential High (MDRH): 60% of lot area
 4. High Density Residential (HDR): 65% of lot area
- B. Interior Side Setback and Side Yard Plane. When a structure exceed twenty four (24) feet in height:
 1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty four (24) feet in height shall be setback from interior property line(s) an additional one-half (½) foot for every one (1) foot in height over twenty four (24) feet (see example below); and
 2. All interior side elevations exceeding twenty four (24) feet in height shall be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevation: When the side elevation of such a structure is more than 750 square feet in area, the elevation shall be divided into distinct planes of 750 square feet or less. For the purposes of this standard, a distinct plane is an elevation or a portion of an elevation that is separated from other wall planes, resulting in a recessed or projecting section of the structure that projects or recedes at least two (2) feet from the adjacent plane, for a length of at least six (6) feet. The maximum side yard plane may be increased by ten percent

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(10%) for every additional five (5) feet of side yard setback provided beyond the five (5) foot minimum.



Field Code Changed

- C. Garage Orientation. On lots with a minimum width of sixty (60) feet or less, the garage shall meet the following orientation and design standards:
1. The garage shall not be located closer to the street than the dwelling, unless the combined width of garage opening(s) does not exceed fifty percent (50%) of the total width of the front (street-facing) elevation. For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, which may include habitable space above the garage, shall be located closer to the street than the garage door. Any garage opening width beyond fifty percent (50%) standard shall be set back at least (2) feet further from the front property line than the facade of the other garage volume. Alternatively, and subject to the Approval Authority's approval, the front elevation may incorporate a decorative trellis, pergola or other architectural feature that provides a shadow line giving the perception that the garage opening is recessed;
 2. The standard in subsection c.1. above, does not apply where the average slope of a parcel of a lot exceeds twenty percent (20%) where the garage is proposed to be set back at least forty (40) feet from the public right-of-way, or where the garage is to be accessed from an alley;
 3. When the side or rear elevation of a front-loading garage is exposed to the street or an abutting property, such elevation(s) shall have more than one plane (offset or projection of 2 feet or more) or shall have window area equal to at least ten percent (10%) of the exposed garage wall.

(Ord. No. 2010-015, § 2, 10-5-2010)

16.68.040 - Height

The maximum heights specified in the underlying zone shall be the maximum height for any infill development.

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16.68.050 - Yard Requirements for Infill Development

The Approval Authority may approve modifications to the minimum yard dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:

- A. Side and/or rear yard(s) may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:
 - 1. The resulting yard(s) is/are not less than eighty-five percent (85%) of the standard of the zone; and
 - 2. Where a side or rear yard abuts another residential property outside the subject development, it shall not be reduced to less than eighty five percent (85%) of the abutting yard dimension, except where the yard of the abutting property is less than the minimum standard of the zone, in which case a reduction equal to the yard of the abutting property may be permitted. In no case shall a yard of less than five (5) feet be permitted unless the structure is approved as a zero-lot line or common wall dwelling; and
 - 3. The reduction in yard dimension shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and
 - 4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met.
- B. Front yards may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:
 - 1. The front yard is reduced by no more than six (6) feet; and
 - 2. All garage openings are setback twenty (20) feet or more from all street rights-of-way.
 - 3. The reduction is to accommodate an unenclosed front porch; or
 - 4. The reduction is necessary to protect natural features on or adjacent to the subject lot; or
 - 5. The reduction allows for greater separation or buffering between infill development and existing residential uses(s) at lower densities (or larger lot sizes).
- C. Rear lots, also known as flag lots, are those that have less than twenty five (25) feet of street frontage, are oriented with their buildable area (flag) behind another lot that has standard street frontage, and receives access from a narrow strip of land (flag pole). The Approval Authority may approve a rear lot only upon finding that it has sufficient lot area after excluding the access drive (easement, tract, or flag pole), it meets emergency access and circulation requirements, and side lot lines adjacent to the access drive have adequate landscape buffering in accordance with Section 16.58.020D. Where two rear lots are proposed contiguous to one another, the Approval Authority may require the two lots share a common access and driveway to reduce the number of curb cuts and turning movement conflicts and to minimize impervious surfaces.
- D. In approving reductions to yard dimensions, the Approval Authority must find that the provisions of Sections [16.68.030](#) through [16.68.050](#), and all other applicable Code requirements, are met.

(Ord. No. 2010-015, § 2, 10-5-2010)

16.68.060 - Public Notice

The public shall be notified of pending land use applications for projects that are subject to [Chapter 16.68](#), consistent with the provisions of [Section 16.72.020](#), Mailed Notice.

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

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(Ord. 2006-021)

USES	VLDR	LDR	MDRL	MDRH	HDR
• Golf Courses	C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C

Whereas P=Permitted, C=Conditional, N=Not Allowed

B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.030 Residential Land Use Development Standards

A. Generally

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

B. Development Standards

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000

Development Standard by Residential Zone-	VLDR-					
	VLDR	PUD	LDR	MDRL	MDRH	HDR
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at building line ⁶ : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ⁷ (in feet)	30 or 2 stories	35 or 2.5 stories	40 or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ⁸	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill

⁶ Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

⁷ Maximum height is the lesser of feet or stories

⁸ Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).

Development Standard by Residential Zone-	VLDR-					
	VLDR	PUD	LDR	MDRL	MDRH	HDR
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.040 Community Design

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

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.050 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.060 Amateur Radio Towers/Facilities

A. All of the following are exempt from the regulations contained in this section of the Code:

1. Amateur radio facility antennas, or a combination of antennas and support structures seventy (70) feet or less in height as measured from the base of the support structure consistent with ORS § 221.295.
2. This includes antennas attached to towers capable of telescoping or otherwise being extended by mechanical device to a height greater than 70 feet so long as the amateur radio facility is capable of being lowered to 70 feet or less. This exemption applies only to the Sherwood Development Code and does not apply to the City of Sherwood Building Code or other applicable city, state, and federal regulations. Amateur radio facilities not meeting the requirements of this section must comply with Chapter 16.12.030.C.

B. Definitions

1. Amateur Radio Services: Radio communication services, including amateur-satellite service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, Part 97 and regulated there under.
2. Amateur Radio Facilities: The external, outdoor structures associated with an operator's amateur radio service. This includes antennae, masts, towers, and other antenna support structures.

(Ord. No. 2012-006, § 2, 3-6-2012)

16.12.030 - Residential Land Use Development Standards

A. Generally

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

B. Development Standards

Except as modified under [Chapter 16.68](#) (Infill Development), [Section 16.144.030](#) (Wetland, Habitat and Natural Areas) [Chapter 16.44](#) (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25				
Minimum Lot width at building line ⁽⁶⁾: (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ⁽⁷⁾ (in feet)	30 or 2 stories	35 or 2.5 stories	40 or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ⁽⁸⁾	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard⁹	20	20	20	14	14	14
• Face of garage	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5

• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard	20	20				

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.040 - Community Design

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

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.050 - Flood Plain

Except as otherwise provided, [Section 16.134.020](#) shall apply.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.060 - Amateur Radio Towers/Facilities

A. All of the following are exempt from the regulations contained in this section of the Code:

1. Amateur radio facility antennas, or a combination of antennas and support structures seventy (70) feet or less in height as measured from the base of the support structure consistent with ORS § 221.295.
2. This includes antennas attached to towers capable of telescoping or otherwise being extended by mechanical device to a height greater than 70 feet so long as the amateur radio facility is capable of being lowered to 70 feet or less. This exemption applies only to the Sherwood Development Code and does not apply to the City of Sherwood Building Code or other applicable city, state, and federal regulations. Amateur radio facilities not meeting the requirements of this section must comply with Chapter 16.12.030.C.

B. Definitions

1. Amateur Radio Services: Radio communication services, including amateur-satellite service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in [Title 47](#), Code of Federal Regulations, Part 97 and regulated there under.

2. **Amateur Radio Facilities:** The external, outdoor structures associated with an operator's amateur radio service. This includes antennae, masts, towers, and other antenna support structures.

(Ord. No. 2012-006, § 2, 3-6-2012)

FOOTNOTE(S):

--- (1) ---

Editor's note— Ord. No. 2011-03, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.12, §§ 16.12.010—16.12.070, in its entirety, and added a new Ch. 16.12. Former Ch. 16.12 pertained to the Very Low Density Residential zoning district, and derived from Ords. 86-851, 87-857, 88-919, 90-921, 1997-1019, 2000-1092, 2000-1108, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010. ([Back](#))

--- (2) ---

Provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district. ([Back](#))

--- (3) ---

Includes truck farming and horticulture, but excludes commercial building or structures or the raising of animals except as otherwise permitted by this code. ([Back](#))

--- (4) ---

Includes other agricultural uses and associated commercial buildings and structures ([Back](#))

--- (5) ---

Includes, but is not limited to parks, playfields, sports and racquet courts, but excludes golf courses ([Back](#))

--- (6) ---

Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard. ([Back](#))

--- (7) ---

Maximum height is the lesser of feet or stories ([Back](#))

--- (8) ---

Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures). ([Back](#))

--- (9) ---

Reductions in front yard setbacks for architectural features as described in 16.50.050 is not permitted in the MDRL, MDRH, or HDR zoning districts. ([Back](#))

Chapter 16.14 - RESERVED ^[10]