



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, August 7, 2012

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

7:00pm Regular City Council Meeting

URA Board of Directors Meeting
(following the regular Council meeting)



Home of the Tualatin River National Wildlife Refuge

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CONSENT:

A. Approval of July 17, 2012 City Council Meeting Minutes

B. Resolution 2012-038 Approving repair of concrete sidewalks within the City of Sherwood

C. Resolution 2012-041 Appointing Councilor Dave Grant as the alternate for the Washington County Coordination Committee (WCCC) and Bob Galati as the WCCC Transportation Advisory Committee (WCCC TAC) member

5. PRESENTATIONS

A. Swearing in of Police Officers (Police Chief Jeff Groth)

B. Recognition of Sherwood High School Students Achievements

6. CITIZEN COMMENTS

7. NEW BUSINESS

A. Resolution 2012-039 Approving one or more borrowings to refinance outstanding City borrowings and the execution of an Intergovernmental Agreement with the Urban Renewal Agency of the City of Sherwood committing the Agency to provide tax increment revenues to pay debt service on any portion of the borrowings that refinances Urban Renewal projects (Craig Gibbons, Finance Director)

B. Resolution 2012-040 Calling for an election and approving a ballot title to authorize the Sherwood City Council to hold a public hearing at a later date to consider annexation of all or part of the Tonquin Employment Area (Julia Hajduk, Planning Manager)

8. PUBLIC HEARINGS

A. Ordinance 2012-009 Amending the Sign Code section of the Sherwood Zoning and Community Development Code (16.102) (Continued from July 17th) (Brad Kilby, Senior Planner)

B. Ordinance 2012-011 Amending sections of the Zoning and Community Development code including Divisions II and IV relating to Commercial, Industrial and Institutional, and Public Uses Classifications (Brad Kilby, Senior Planner)

9. CITY MANAGER REPORT

AGENDA

SHERWOOD CITY COUNCIL

August 7, 2012

7:00 pm Regular City Council Meeting

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

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

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN to URA BOARD 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 MINUTES
22560 SW Pine St., Sherwood, Or
July 17, 2012

CITY COUNCIL WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:08 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Councilors Matt Langer, Linda Henderson, Krisanna Clark, Robyn Folsom and Bill Butterfield. Council President Dave Grant was absent.
3. **STAFF PRESENT:** Community Development Director Tom Pessemier, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Planning Manager Julia Hajduk, Associate Planner Michelle Miller, Senior Planner Brad Kilby and City Recorder Sylvia Murphy.
4. **TOPICS DISCUSSED:**
 - A. **Cedar Creek Trail:** Michelle Miller presented a power point presentation (see record, Exhibit A) and briefed the Council on the timeline and process of the project. Discussion followed.
 - B. **Commercial, Industrial, Public Institutional and Use Zones:** Brad Kilby presented a power point presentation (see record, Exhibit B) and briefed the Council. Discussion followed.
 - C. **Progress Board:** Mayor Mays briefed the Council on the formation of a Progress Board, similar to the Progress Board in the City of Pendleton. Mayor Mays gave examples of board participants and gave examples of issues the board could potentially address.
5. **ADJOURN:**

Mayor Mays adjourned the work session at 6:55 pm.

REGULAR CITY COUNCIL SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:07 pm.
2. **PLEDGE OF ALLEGIANCE:**
3. **COUNCIL PRESENT:** Mayor Keith Mays, Councilor's Matt Langer, Linda Henderson, Robyn Folsom, Bill Butterfield, and Krisanna Clark. Council President Dave Grant was absent.
4. **STAFF AND LEGAL COUNSEL PRESENT:** Community Development Director Tom Pessemier, Police Chief Jeff Groth, Public Works Director Craig Sheldon, Planning Manager Julia Hajduk, Senior Planner Brad Kilby, Associate Planner Michelle Miller, City Engineer Bob Galati, Administrative Assistant Kirsten Allen and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Mays addressed the Consent Agenda and asked for a motion.

5. CONSENT:

- A. Approval of June 19, 2012 City Council Meeting Minutes**
- B. Resolution 2012-035 Reappointing James Copfer to the Planning Commission**
- C. Resolution 2012-036 Approving a request from the State of Oregon Department of Transportation for a noise variance to perform nighttime construction activity**
- D. Resolution 2012-037 Extending the Portland General Electric Company Franchise Agreement through December 31, 2012**

MOTION: FROM COUNCILOR LINDA HENDERSON TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR BILL BUTTERFIELD, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT DAVE GRANT WAS ABSENT).

Mayor Mays addressed the next agenda item.

6. PRESENTATIONS:

A. Proclamation, Relay for Life

Sherwood Relay for Life Event Chair Carol Apple came forward and Mayor Mays read the proclamation declaring August 4th and 5th, 2012 as "Relay for Life" days. Mayor Mays informed Council that Councilor Clark will read the proclamation at the beginning of the 8th Annual race on August 4th. Mayor Mays stated that there will be a Sherwood City team this year and encouraged the audience to sign up for a team and support Relay for Life.

B. Recognition of Eagle Scout

There were no Eagle Scouts present. Mayor Mays addressed the next proclamation, which was not listed on the meeting agenda.

C. Proclamation, Sherwood Robin Hood Festival Weekend

Mayor Mays proclaimed July 20-21, 2012 to be Sherwood Robin Hood Festival Weekend and stated he will read the proclamation at the event on Friday. Mayor Mays stated this was the first year the Royal Academy will perform a children's musical called A True Love's Tale after the knighting ceremony at Stella Olsen Park.

D. Report from TVFR and Sherwood Police Department

Police Chief Groth and TVF&R Division Chief Jim Davis came forward with a presentation (see record, Exhibit C) reporting on the July 4th firework activities in Sherwood and stated that it captures a true partnership between the City and Tualatin Valley Fire and Rescue that focuses on a community risk reduction.

Fire Chief Davis introduced the firefighters present at the meeting and thanked the Sherwood police department for making Sherwood a safe community and leading the curve in ensuring safety for the 4th of July holiday. Chief Davis stated that TVF&R performed outreach through

print, educational programs, television, and social media; including an article in the Oregonian that mentions Sherwood's efforts, handouts at fireworks booths, neighborhood visits, and ride alongs with law enforcement. Chief Davis stated that ride alongs happened in Sherwood, Tigard, Beaverton and Washington County. Chief Davis stated that Sherwood has a zero tolerance policy regarding illegal fireworks and that they will be seized and the offenders will be cited. Chief Davis stated that the Sherwood Police Department along with the Tualatin Valley Fire and Rescue Department has a diversion program that allows fines to be reduced.

Police Chief Groth stated that the inaugural for the diversion program was in 2011 and Sherwood is one of only a few communities that offer a fireworks diversion program. Chief Groth stated that 9 citations were issued this year which are eligible for the diversion program if there are no repeat offenders.

Fire Chief Davis stated that in 2011 TVF&R responded to 14 fireworks related incidents with property damage of \$271,300 with one of those incidents in Sherwood with damages valued at \$25,100. Chief Davis stated that for 2012 district wide there were 5 fireworks related incidents with zero calls in Sherwood. Chief Davis added that June was a very wet month and the 4th of July was midweek and it was assumed that more people are going to be safe. Chief Davis stated that Sherwood has done a great job with their education campaign regarding their zero tolerance policy and credited that to the \$0 loss in the City of Sherwood.

Police Chief Groth gave examples of unsafe illegal firework usage and stated we do this because we want to keep people safe and our hope is that we learn and change behaviors. Chief Davis concluded that the program has been successful.

Mayor Mays thanked both departments for the cooperative efforts and addressed the next agenda item.

7. CITIZEN COMMENTS:

Jim Claus 22211 SW Pacific Hwy Sherwood came forward and commented regarding Cedar Brook Way and staff trespassing to take photos and requested staff employment be terminated for this trespass, he stated ODOT has confirmed the trespass. Mr. Claus commented regarding rezoning and giving away of zoning, staff trespass, stealing of property and effects to his property value. He commented regarding a Metro Grant and the City complying with grant requirements. He stated he did not want staff on his property.

With no other citizen comments received, Mayor Mays addressed the next agenda item and stated this item was continued from a previous Council meeting and asked staff to come forward.

8. PUBLIC HEARINGS:

A. Ordinance 2012-008 Amending multiple sections of the Zoning and Community Development Code relating to landscaping, off-street parking and loading requirements

Michelle Miller, Associate Planner came forward and stated that this item was before the Council on June 5 and June 19, 2012. Michelle stated that Council had issues with respect to Metro concerning garage parking and carpool parking that staff addressed at the previous hearing and has incorporated into the legislation. Michelle added that the provision that excluded street trees from being counted toward the tree requirement was moved to a different section to allow street trees to be counted.

Mayor Mays referred to the highlighted portion on page 36 of the packet where it states “where three or more spaces are not individually enclosed” with the example being underground or multi-level parking structures and asked Council if three was a good number or if it should be four or five. Mayor Mays added that by having the example it might be fine as is.

Councilor Butterfield stated that he thought it was fine as is.

Mayor Mays asked for comments on the proposed ordinance. With no additional discussion the following motion was received.

MOTION: FROM MAYOR MAYS TO ADOPT ORDINANCE 2012-008, SECONDED BY COUNCILOR LINDA HENDERSON, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCIL PRESIDENT DAVE GRANT WAS ABSENT).

Mayor Mays polled the audience regarding who was present for the Sign code ordinance and who was present for the residential development. Mayor Mays stated he would continue with the order of business on the agenda and with the larger group present.

Mayor Mays addressed the next agenda item and asked the City Recorder to read the public hearing statement.

B. Ordinance 2012-009 Amending the Sign Code section of the Sherwood Zoning and Community Development Code (16.102)

Brad Kilby, Senior Planner came forward and presented a power point presentation (see record, Exhibit D) and stated that the project objectives were to make sure that this code was clear, easy to enforce, content neutral, and regulated a sign based on time, place and manner. Brad stated there had been a couple of work sessions on signs that looked specifically at temporary, portable, and banner sign regulations within the City of Sherwood. Brad stated that because the code was confusing and difficult to administer he was charged to try and clean it up.

Brad stated that the proposed amendments would separate the sign code into two separate chapters; a permanent signs Chapter 16.100 and temporary, portable and banner signs would be moved to Chapter 16.102. Brad stated the proposed amendments under chapter 16.100 would consolidate all the definitions as they pertain to signs with some added definitions for mural signs, snipe signs and some other signs and would remove the content provisions which related to off premise signs as recommended by legal counsel. Brad stated that on legal counsel’s recommendation there were two other amendments that would be proposed this evening.

Brad stated that within the permanent sign code chapter a provision was added to allow an additional projecting sign that could be oriented to the public; a sign that would be hung beneath an awning with standards that allow 6 square feet. Brad stated that Fat Milo’s restaurant had proposed an awning with a sign beneath it, but there was nothing in the code that would have allowed it and the City recognizes that there are businesses that benefit from that type of signage.

Brad stated that Chapter 16.102 would be Temporary, Portable and Banner Signs and clarified that temporary signs would be the signs that you see typical of commercial real estate signs. Brad stated that the City does not regulate content so a sign could have anything on it. Brad stated that portable signs are signs that are for civic functions, to sign up for sports, political, and campaign signs. Brad explained that banner signs are typically not rigid in nature and are allowed to be placed only on buildings in our existing code.

Brad stated that the existing language treats temporary and portable signs the same and stated that the ordinance proposes separating those classifications under 16.102. Brad explained that our existing code exempts signs from permitting on Tuesdays, and Thursdays through Sundays, adding that the problem is a sign code with temporary, portable signs and banner signs that is enforced two days out of the week, creating an enforcement nightmare for the code enforcement officer that only spends half his time doing code enforcement the other half doing evidence. Brad stated that it is not clear how many signs are permitted on private property and they are limited to eight square feet in size. Brad stated that the code regulates banner signs in combination with wall signs adding that if there is a wall sign on the building a banner sign for a special event is not allowed if you are already at the maximum wall sign percentage. Brad stated that we recognize a potential problem and propose that banner signs be regulated separately because they are temporary in nature and would then be permitted. Brad stated that the existing language says that it prohibits A-frame and banner signs in all residential and industrial districts, but then it goes on to allowed them in the medium density and high density residential zone.

Brad stated that the Planning Commission's recommendation was to differentiate between temporary and portable signs, to eliminate the Tuesday and Thursday through Sunday exemptions, and to allow signs in right-of-way and banner signs only with a permit. Brad stated that signs located on private property, outside of the right-of-way would not require a permit provided they meet the allowed amount of signage and it would require owner's permission for signs to be placed on private property or the adjacent owner's permission when placed within the right-of-way.

Brad stated that temporary signs are signs that are firmly affixed to a temporary structure like a stake, H-frame, or A-frame like in Old Town and the characteristics include signs constructed of rigid materials and are subject to maximum height and area requirements. Brad clarified that the planning commission's recommendation was four feet in height and six square feet.

Brad referenced examples of temporary signs in the presentation and stated that the typical commercial "for lease" signs are temporary signs. Temporary signs under the proposed code would be limited to 8 ½ feet high by 4 feet wide with a total allowable sign face of 32 square feet per side.

Brad stated that portable signs are small moveable signs that are not attached to a building or any other permanent structure and stated that there is currently no limit provided the signs do not exceed 8 square feet sign face. Brad stated that permits are required for signs placed in the right-of-way and permits are issued for up to ten signs for 2, 6, or 8 week periods and the cost of those permits range from \$50 to \$150. The problem staff sees is the majority of the people that come in and get permits are non-profit groups, but there are businesses that see it as a cost of doing business and hope that their sign is not going to be picked up. Brad stated signs are then plastered throughout the City regardless of the number or getting a permit and then temporary and portable signs are left in the right-of-way as litter. Brad referenced the presentation and showed examples.

Brad explained that banner signs are made of lightweight fabric, or other non-rigid material supported by two or more points, the planning commission recommendation is that they be allowed to be hung on buildings, fences or walls. Brad stated that currently there are a couple of instances where the banner signs are already on fences and on walls. Brad stated that banner signs are proposed to be allowed in all zones, but not located specifically on a single-family residence, adding that they would be allowed on a non-residential use within a residential neighborhood and gave the example of a church in a neighborhood with a conditional use. Brad explained that the current proposal from the planning commission is to allow six instances in any calendar year for 30 days at a time and they

would be requiring permits. Brad referenced the presentation and showed some examples of banner signs in Sherwood located on Tualatin Sherwood Road, Pacific Highway and on Sunset Boulevard. Brad stated that the Les Schwab sign was not on a building, fence or wall but held up by two stakes and the Puppy Playhouse sign was not a free standing sign but a banner sign placed on a temporary PVC structure. Brad stated that when a Special Events Permit is used the Woodhaven garage sale sign would be treated independent of the sign code because the duration is known.

Brad stated that the courts have maintained that a mural is a wall sign or can be treated as a wall sign and added that there are jurisdictions like Los Angeles, Philadelphia, and recently Portland that have implemented an arts commission for mural signs. Brad stated the commission might require a perpetual easement for the length of time the sign is proposed, the sign to be maintained, and the sign to be accepted or approved by an arts commission or council. Brad stated that the proposal has an added definition for mural signs and would allow a mural only when it is commissioned or approved by the City Council via resolution. Brad clarified that wall sign standards would remain the same at 20% of the building face with a minimum of 30 square feet or up to a maximum of 250 square feet for murals. Brad stated that when the code was written we were looking for a couple of instances where we would have a 250 square foot sign and the only one was Captain Ron's which is no longer there.

Brad stated that under other regulated signs are the over the right-of-way banner signs and added that even though they are hung vertically, as opposed to across the street, they are banner signs over the pedestrian right-of-way and could be permitted through a special event permit. Brad stated that balloons are currently not permitted but people use them and flag signs could be permitted provided they meet the standards for a portable sign. Brad added that the planning commission's recommendation is to prohibit inflatable signs.

Brad stated that Council should have received a letter from Mr. Claus in the form of an email with publications called SignLine that the Claus family puts out under their organization that would go down as exhibit D to the packet (see record, Exhibit E) and a letter from Daryl Winand from the Portland Metro Association of Realtors which would go in as exhibit E (see record, Exhibit F). Brad stated that City staff met with the Sherwood Chamber of Commerce and asked them to take a look and provide input from their businesses, stating that Nancy Bruton went out and talked with businesses and there was an email from her that would go into the packet as exhibit F (see record, Exhibit G).

City Recorder Note: The final City Council meeting record will include exhibits as cataloged and received by the City Recorder: Claus Testimony-Exhibit E, Winand Testimony-Exhibit F, Bruton Testimony-Exhibit G.

Brad stated that there was some alternative language proposed by staff based on discussions in work sessions on signs beginning on page 155 of the packet. Brad added that when talking about amending banner signs as they are attached to wall signs, staff is not proposing that Council eliminate the ability to use a banner sign. Brad suggested that if using a banner sign as a permanent sign we would prefer that instead of putting a wood frame around a banner sign, to invest in the cost of putting up a permanent sign.

Brad added that staff worked with City legal counsel and had determined warranted changes for the purposes of clarifying the meaning of the provision and to be sure that the language aligned with the intent of the provision. Brad referred to page 141 of the packet Section 16.100.010 E.4. and read the proposal which states "A sign that is forty five (45) feet tall or less and that is three hundred (300)

square feet or less in size is exempt from the requirement to come into compliance within five (5) years and may remain until: a.) structurally altered, relocated or replaced, or b.) until such time as the property on which it is located goes through a major re-development as determined by the Commission as part of a Type IV land use application.” Brad proposed that b.) be amended to read “until such time as the property on which it is located is developed or redeveloped pursuant to a Type IV land use application.” Brad stated that this takes out the planning commission’s ability to subjectively state that it is not a major re-development and clarified that development subject to a Type IV land use application is required to bring the sign into compliance.

Brad stated that the second proposed amendment is found on page 142 of the packet pertaining to electronic message signs under number 7. Brad read the provision which reads “*Electronic Message Signs: Consistent with 16.100.020. E. and F., electronic message signs may not change more than once every thirty (30) seconds. In addition, the change may not involve movement or flashing. Electronic message signs are limited to no more than thirty-five (35) percent of the total allowable sign area per sign face.*” Brad stated the proposed language starting with electronic message in the third sentence should read “*Electronic message signs are limited to no more than thirty-five (35) percent of the total area sign per sign face*”. Brad clarified using wall signs as an example and stated if somebody had the ability to put a 250 square foot sign on their building this provision limits the electronic message to 35% of 250 square feet. Brad stated they could propose a sign that is only 100 square feet instead of 250 square feet and the electronic portion would be limited to 35% of the actual proposed signage. Brad stated that this is the believed intent of the legislation initially and asked to make that change to clarify.

Brad informed Council that Exhibit A-1 in the packet was the track changes version and A-2 was the clean version of the planning commission recommendation and asked Council for discussion on any further issues.

Mayor Mays thanked the planning commission and staff for the hard work and asked regarding the alternative language points stated by Brad. Mayor Mays stated that there was concern that the standard A-frame size was different from that in the language. Brad replied that he measured some A-frame signs found in old town and on Sherwood Blvd and found that the maximum height was 4 feet and up to 32” inches in width with most of them being about 25 ½”. Brad stated that these A-frames were the ones with the handles on them which he would consider a typical A-frame sign. Brad proposed that the language should reflect what is out there with a 4 foot height and a total sign area of 7 square feet. Tom Pessemier confirmed that this was correct and stated that the alternative language was based on information that we heard from the work sessions with Council, and said staff went and spoke with people who had a familiarity with A-frame signs who commented that the typical A-frame sign is usually 4 feet or slightly less and 7 square feet in area and said we (staff) wanted to make sure we are not having custom signs built.

Mayor Mays asked for suggestions on how to amend the language. Tom referred to the proposed language which says, “*Portable signs, in all zones are limited to four feet in height with a sign face no larger than six feet.*” Tom added that there has been feedback that this is great for A-frames, but not for campaign signs, because that is a fairly large sign, and stated that such signs are usually about 18” x 24” which is roughly three square feet. Tom stated that staff looked at changing the definitions which would be on page 143 of the packet in order to define the size for a portable A-frame size sign as 4 feet in height and 7 square feet and then a regular portable sign being 18” x 24” or three square feet. Tom stated this would create a differentiation between an A-frame sign, which has one set of

standards, and a regular portable sign. Mayor Mays added that the alternative language for the temporary signs would go in 16.102.030. A.1. Brad clarified that it would go in 16.102.040 A.1.

Brad stated he had two more changes and asked Council to turn to page 151 of the packet. Brad said the cross reference for Section 16.102.040 A should be 16.100.I.13 and 14 not 16.100.I.15 which is incorrect and on that same page 16.100.040 A.1 should be deleted and the remaining regulations would be renumbered.

Mayor Mays commented that one benefit with the alterations that are being suggested is that it eliminates fees. Brad added that once the City Council is comfortable with the language, the fees would be eliminated under the alternative language and what staff heard from Council at the work session was that portable signs would not be allowed in the right-of-way at all, so there would be no need for a permit. Brad added that there was a proposed exemption for portable signs, like garage sale signs and such, for Friday, Saturday, and Sunday based on discussion as well, which would be from Friday morning at 6am to Sunday night at 6pm. Brad stated that during that time there would not be any enforcement of portable signs placed in the right-of-way and they would not be allowed in the right-of-way at any other time. Brad stated if there are not any signs in the right-of-way there would not be a need for a permit process. Mayor Mays commented that the right-of-way is generally behind the sidewalk or a street tree. Brad confirmed that it was one foot behind the sidewalk or in an older subdivision it would be typically six inches behind a utility pole or some type of phone.

Mayor Mays commented that there was value in allowing the non-profits to place signs without a fee and the best places to put those signs was on Institutional Public uses (IP); parks, City property and school district property, but the code does not really touch upon that. Brad answered that this was because the City owns most of the IP properties or the schools and if they have established policies as to what they would allow on their property that would probably be the best case. Brad stated he was not sure it is something you want to put in the code. Mayor Mays said there are IP uses that are government and there are IP uses that are churches. Brad agreed.

Mayor Mays asked Tom Pessemier about any other feedback.

Tom answered that the alternative language regarding changes to portable signs on residentially zoned lots to two portable signs and stated that the general consensus was that two signs was too low and four signs was more appropriate to what has been happening in the City especially with changes in the other portable signs in regards to permits and other things.

Tom added regarding IP zones and stated that the way the code is proposed is for all zones, one portable sign is allowed per business. Tom commented that a school is one business, which does not seem reasonable, and staff is looking at the school district, the City, and others creating policies regarding how to place signs. Tom suggested modifying section 16.102.040 A.2. of portable sign regulations and adding to the planning commission recommendation to say "*except that properties over an acre in size that are developed within an approved non-residential use may place one portable sign every 50 feet for the length of the site frontage along a public street*". Tom stated that this would give them the ability to put one sign every 50 feet like other businesses are allowed to do. Tom stated we would have to modify section 16.120.040 A.3 portable sign regulations to add "*zones, except for institutional and public IP zone*", because that is where it says no more than one portable sign per business allowed in all other zones.

City Recorder note: Tom corrected the record after the meeting concluded that the referenced section should have been 16.102.040.

Tom stated we would also take a look at adding to section 161.20.040.A in the last section to say *“properties zoned in Institutional Public may place one portable sign meeting the dimensional standards of subsection 1. above every 50 feet for the site frontage along a public street.”* Tom stated these are all the same and the basic point is an institutional or public property would only have one sign that is allowed. Tom stated they would have to choose which non-profit to support for a period of time and that doesn't seem to be reasonable.

City Recorder note: Tom corrected the record after the meeting concluded that the referenced section should have been 16.102.040.

Councilor Henderson asked for clarification on the number of portable signs permitted on a residential lot. Tom explained that the planning commission recommended four portable signs per residentially zoned lot and the alternative language suggested going to two signs on any residentially zoned lot and what we have heard is that people feel that two is not enough.

Brad Kilby clarified that the planning commission's recommendation was four and the alternative language proposing two was based on feedback from a Council work session. Brad stated that when obtaining feedback staff heard that two was not enough on a residentially zoned property and explained that if there are multiple measures going on at any one election and there are candidates, you may want to have four signs. Brad stated that the size of the sign is still limited. Councilor Henderson asked if the signs were currently allowed six times per year. Brad replied that portable signs are allowed any time on private property.

Mayor Mays asked for any other questions from Council and polled the audience regarding those interested in having standards for the A-frame signs that meets the size of manufactured A-frame signs so that the signs do not have to be custom made. Mayor Mays noted that there were a lot of heads nodding. Mayor Mays then polled the audience regarding portable signs on residential property two or four and stated there were more hands for four portable signs in residential versus two.

Mayor Mays asked to receive public testimony on the proposed Ordinance 2012-009.

Robert James Claus 22211 SW Pacific Hwy Sherwood came forward and asked to keep the record open for 14 days because he had a code enforcement file records request in and it would not be available until Thursday which gives a record of code enforcement. Mr. Claus stated he wanted to thank Mr. Kilby because this is the amendment of an earlier code, and he (Mr. Claus) had left the code that way because it had elements of prior restraint which went to the competency of Beery, Elsner, and Hammond. Mr. Claus stated he had been using and leaving it there because he felt if he had to litigate, he needed it. Mr. Claus stated that it is wonderful that the City has a document that confirms that an amendment Mr. Crean worked on which allowed the billboards was prior restraint and it is in your report. Mr. Claus stated he was grateful to staff and stated if Council adopts and tries to enforce the ordinance it will be appealed to LUBA. Mr. Claus stated the City has an enforcement problem and cannot even produce permits which means the City has a non-conforming sign and an illegal sign. Mr. Claus stated he had some experience with that and when you try to say something is non-conforming legal and is going to become non-conforming illegal without compensation that the federal courts won't look at that very favorably. Mr. Claus stated that when you admit that half of the signs do not have permits, you have admitted a fourteenth amendment violation. Mr. Claus commented regarding a similar problem in San Diego and the resulting decision. Mr. Claus stated that over half the signs appear to be illegal, that there are internally conflicting definitions, and it is a permissive code. Mr. Claus stated that by law with permissive codes you must take the most

restrictive definition. Mr. Claus stated that it is appalling when a city has an abandoned sign that is not maintained and illegal on two parts of the code that must now be taken down in 90 days. Mr. Claus commented regarding the Robin Hood Theater sign and whether it was a historic sign and other Robin Hood Theater signs that were destroyed by staff. Mr. Claus state that this is going to be a long litigation which is probably going to end up in federal court because he would be looking for attorney fees and damages. Mr. Claus commented regarding his legal experience and judgments received in Federal and the Supreme Court. Mr. Claus stated that the code is un-enforceable as written and this is not going to end here. Mr. Claus commented regarding being called names and Councilor Langer's potential and actual conflict of interest for this ordinance because his family is the lease holder on Sherwood plaza which specifically received exemption no one else got. Mr. Claus stated he hoped Mr. Langer did not vote on this issue. Mr. Claus provided the City Recorder with documents and requested they be entered into the record (see record, Exhibits A, A.1 through A.5).

Charles Jagow, representing St. Paul Lutheran Church on Cedarview Way in Sherwood came forward and submitted a document into the record (see record, Exhibit H) and stated he has been working with Brad regarding the sign code that relates to banners and stated that St. Paul has used banners frequently to communicate community events. Mr. Jagow stated there is a huge summer camp at the church that is well attended and the church depends on temporary signs for a fair amount of publicity to let the community know that this type of event is being held. Mr. Jagow stated that the church finds itself in a right-of-way land locked zone and the way the sign code is currently written it would not be able to display banner signs anywhere near the road where people would be able to see them when they drive or walk by. Mr. Jagow stated he has documented this information in the packet he has sent out. Mayor Mays stated that it does not help that the county has landscaped all the way across the front of the property. Mr. Jagow stated the maintenance crew uses creative cutting to keep the signs visible. Mr. Jagow stated he was proposing a small amendment which he will read, but is open to modifications to the wording. Mr. Jagow requested that the addition to the temporary sign code section 16.102.020 A and 16.102.050 B say, *"if the city or county right-of-way extends more than 50 feet beyond the outermost point of road paving, curb, or sidewalk, the owner of the lot adjacent to the right-of-way may display a banner or other temporary sign 10 feet or more from the outermost sidewalk, curb, or paving if a permanent display sign is already allowed at that location"*. Mr. Jagow stated that the provision does not favor any one entity it is recognition that in some cases, like St. Paul Church, that Roy Rogers Road took a different route than it did a hundred years ago and the church got left out away from the public. Mr. Jagow said the church would appreciate it if it would be able to continue to advertise using banner signs as it has done in the past.

Daryl Winand Governmental Affairs Specialist for the Portland Metro Association of Realtors (PMAR) came forward and stated he represented more than 5700 members in his association. Mr. Winand stated he wished to review the way realtors use signs within the Sherwood community to market citizen's homes, to touch upon real issues of realtors with respect to the draft language and the alternate language before Council, and to urge Council's support of PMAR's recommendations. Mr. Winand commended Sherwood for the accessibility of its staff members who had been of great assistance in keeping PMAR up to date on everything coming before Council and the planning commission. Mr. Winand stated he would literate some of the points from his letter (see Council record, Exhibit F, received via email) and stated that every day realtors in Sherwood are helping citizens to sell property. Mr. Winand stated that in Sherwood \$86 million worth of property was transacted in 2010, with \$79 million in 2011, and \$93.8 million in 2012 to date. Mr. Winand stated that one of the key tools realtors use is a sign, adding that realtors place signs on an owner's property to communicate with a potential buyer and to assist in finding homes within the community that are for

sale. Mr. Winand stated that clients, who are Sherwood citizens, want signs and ask realtors to use signs to market their homes. Mr. Winand stated that one sign that is used most frequently is the A-frame. Mr. Winand explained that the sign is a portable temporary sign that has verbiage two sides which notifies the public that the house is available for purchase and for viewing during specific hours. Mr. Winand stated that open houses are commonly held for a limited period of time on weekends and possibly on Tuesdays for what is referred to as broker opens. Mr. Winand stated that PMAR's specific comments with respect to the sign regulation revisions and alternate language included Section 16.102.040 A.1. where PMAR supported the proposed language for a portable sign to be limited to 4' with a sign face limited to 6 or 7 as was amended by staff. Mr. Winand stated that PMAR opposes the alternate language stipulating that portable signs in all zones are limited to 2' in height and added that he did not think this would accommodate the signs that are out there in the industry which range from 24" to 36" in height with some even larger. Mr. Winand stated that the amendment proposed by staff with respect to the 4' and 7 square feet would be acceptable. Mr. Winand referred to Section 16.102.040 A.2. and stated the limiting of signs on private property is a concern for PMAR only in that there needs to be sufficient allowance for the marketing of the properties in the City and limiting the number of signs on private property would not burden the industry because if a home is for sale it is going to take precedence over any other sign. Mr. Winand referred to Section 16.102.040 A.4 and stated that PMAR opposes the proposed language disallowing the use of portable signs within the public right-of-way except by permit and PMAR does support the alternate language to allow the use of temporary portable signs, which he hopes includes A-frame signs, within the public right-of-way from Friday through Sunday at 6pm. Mr. Winand commented that when limiting by time there is no need for permitting. Mr. Winand referred to Section 16.102.040 A.5 and 5A and stated that PMAR opposes and supports portions of each to the proposed and the alternate language and recommended that the section read "portable signs shall also meet the following standards, an individual or entity wishing to place a portable sign off site in front of another property must make a good faith effort to contact the property owner". Mr. Winand commented that this is what PMAR members do right now and clarified that they go to that home and leave a business card and a message including the individuals contact information and a description of the effort made to contact the owner. Mr. Winand commented that it is not always going to be possible to reach that homeowner, they are going to be vacationing, taking an afternoon off to the beach, it is just not possible to have that written permission and to get it in advance. Mr. Winand stated that he had further comments that Council has read and asked Council to support PMAR's recommendations.

Nancy Bruton 22566 SW Washington St, Ste. 101 Sherwood came forward and stated she was the Executive Director for the Sherwood Chamber of Commerce here on behalf of the Sherwood Business community. Ms. Bruton thanked staff for their diligence in keeping the Chamber's community affairs committee informed and involved in the process. Ms. Bruton stated that the business community's perspective is that in order to function at our full potential and as a dynamic and competitive retail marketplace that our businesses need the tools to create, communicate, support, and reinforce the brands in our community. Ms. Bruton stated that signage is an economic tool that serves as a marketing function supporting consumers by differentiating from companies and services, creating public awareness, a community sense of place, and impacting our standard of living. Ms. Bruton encouraged the Council to recognize the limitless potential that signs offer our businesses and stated she would share some feedback which has been shared with City staff that she wanted to draw attention to. Ms. Bruton stated that businesses want to use quality signage to advertise their business, to ensure a positive reputation for it, and they hope that the policy does not seek to legislate taste for them. Ms. Bruton stated that this came up especially in conversations about

proposed language for section B.2 and the restriction of framing banners for commercial use. Ms. Bruton stated that businesses seek to purchase quality client signage to represent their business and many have bought banners, flag signs, etc. for this purpose. Ms. Bruton stated that some businesses feel some areas of the code prohibits them from advertising in high traffic areas entirely and, as mentioned by St. Paul Lutheran Church, does not consider businesses that are not close enough to the main traffic corridors when implementing code changes. Ms. Bruton stated there are a number of businesses that have physical barriers to being able to communicate their business to the consumer and we need to work cooperatively with them to get noticed as their success impacts the community as a whole as location is not always street friendly.

Ms. Bruton stated that additional feedback was also provided regarding B.1. the proposed restriction of banners on fences and some business leaders feel that the banners used are a way of giving an opportunity to inform the community of who they are and the positive things going on with their business and in the community. Ms. Bruton stated that the option for hanging a banner on the side of a building in some cases was not an option and they were disappointed that they could lose this form of expression. Ms. Bruton shared a thought from a long time resident and local business leader that said, "In the early days of yore I just put up my directional signage to our business with no problems. Then after a few years my signs began to disappear. At first I thought it was vandals, but I eventually learned financially, painfully, that it was the cities one by one passing local ordinances trying to regulate and raise money. We don't make much money selling our product, but I have many faithful followers who look for our signs to alert them to our "open for business". As the years have evolved and town governments and departments have grown they have grown away from us." Ms. Bruton stated she shared this because we want to see Sherwood succeed and we are on a good track to move beyond the threat that is offered by that vision. Ms. Bruton commented that the Chamber community affairs committee was impressed by the involvement in this sign code process and the consideration that went into the proposals that were addressed professionally with mutual goals for effective sign usage and an appreciation for keeping our city vibrant and aesthetic. Ms. Bruton expressed Chamber's appreciation for things like removing hard tuned, forced exclusion dates, addressing concerns with abusing the permitting process, the amendment tonight by addressing the size of A-frames, and revisiting questions that came up along the way. Ms. Bruton stated that it is a great testament to the City's ongoing progress in community involvement and thanked Council for ongoing consideration of our business community as a whole.

Mayor Mays thanked Ms. Bruton for Chamber's involvement with City staff and the Planning Commission through this process with the collective goal of making it easier for businesses in our community to advertise and be successful.

Jim Haynes 22300 SW Schmeltzer Road Sherwood came forward and stated he was a member of the Sherwood Chamber of Commerce Board and a member of the community affairs committee that met recently with Tom and City staff regarding these changes. Mr. Haynes complemented the city for the outreach given to get business people involved in this process which he found complicated and arcane. Mr. Haynes stated it was difficult to make it work on a fair and equitable basis. Mr. Haynes stated that he thought business people realized, and urged City staff to realize, that this is complicated and one of those ideal situations where you can be sure that half of the people will revile it and half of the people will love it no matter what you do. Mr. Haynes stated that this is the nature of this kind of regulation. Mr. Haynes stated he wanted to stress some of the comments received tonight, especially from Nancy Bruton. Mr. Haynes stated that signage is incredibly important to small business people and in his profession he works with small businesses, entrepreneurs and startups. Mr. Haynes commented that the ability of those organizations whether commercial, retail,

or a service organization is very dependent on their ability to outreach, represent themselves and differentiate themselves from their competitors. Mr. Haynes added that small businesses and startups is where jobs are created in our community and where young people can find their first real job. Mr. Haynes encouraged City staff to keep as much flexibility in initial ordinances written and in going forward to see if there is a way to make this a living document to address new technologies and techniques that creative and deserving to succeed people may develop to promote their businesses. Mr. Haynes urged Council to keep City staff on point and in the direction that they have gone to look for ways to work with the business community and keep it an open process in order to offer our businesses the most opportunity to succeed.

Charles Jagow, representing St. Paul Lutheran Church asked to come forward and provide additional comments, Mayor Mays agreed. Mr. Jagow commented that because we are land locked we find that we are in a *Catch 22* with the county right-of-way inside the City's jurisdiction. Mr. Jagow stated that he was told by the county that the church was inside the City and should be dealing with the City regarding right-of-way and usage of signs. Mr. Jagow stated the City response was that signs are not allowed in the right-of-way because it is the County's right-of-way, he suggested that the two sides communicate and work out a protocol.

Mayor Mays closed the public hearing and asked for questions from Council of staff.

Mayor Mays asked regarding a solution for the unique situation for St. Paul Church because the County constructed a big hedge across the front of the property and asked if Council should try to address the issue with suggested language or something different, if staff should be directed to create a variance.

Brad Kilby answered that the issue was looked at extensively and stated Mr. Jagow's suggestion was a good one and that Mr. Jagow was correct that the church is in a *Catch 22* because Sherwood code does not allow signs within the county or state right-of-way. Brad stated that he contacted the county and they do not allow temporary signage in the right-of-way at all but he has seen signage throughout the county when he drives around. Brad stated that the church's sign is actually within the county right-of-way but it does have two allowed signs that were put in place at the time of construction and they currently put their banners on two stanchions above the permanent signage. Brad added that a previous City Mayor allowed the stanchions on the signs when Roy Rogers Road was built. Brad stated that legal counsel suggested looking to a service provider letter from the county allowing the City to permit signage within our right-of-way and stated Council would need to discuss allowing banner signs in the right-of-way throughout the City because it may seem that one group was being favored over another. Brad stated that this is a specific instance where a variance might be warranted but was unsure if a variance could be written for a temporary sign ordinance.

Tom Pessemier added that there are very few circumstances where the City or county right-of-way extends 50 feet past the edge of the curb or sidewalk and stated that in writing it this way there would be few properties that would meet this criteria and it seems to address a particular situation because of the unique nature of the property. Tom commented that the variance process might be used but you are essentially back to the same point.

Brad added that the reason the planning commission recommended the six instances of allowing the banner signs was in response to Mr. Jagow's testimony before them.

Councilor Robyn Folsom asked regarding banner signs and if the example of the Les Schwab sign shown in the presentation would not be allowed with the new language. Brad confirmed and stated

the sign was not permitted and the current code states that the banner sign must be attached to a building and the Les Schwab sign used two stakes. Brad stated that there are instances throughout the community where signs are attached to fences, walls, and stakes that would not have been permitted if they had come in.

Ms. Folsom commented regarding the removal of marketing tools as stated in the Chamber testimony and asked if the planning commission felt strongly about the direction of the language. Brad answered that the planning commission's recommendation was that they be allowed on buildings, fences, or walls not just on buildings.

Councilor Clark added that the limitation before was just buildings and the planning commission expanded that to include fences and walls.

Ms. Folsom asked if it was a right-of-way in front of Les Schwab. Brad confirmed but was unsure how far it extended, but stated it was not 50 feet and the sign is behind the curb line.

Councilor Henderson asked if the planning commission's recommendation for banner signs on buildings, fences and walls was because that is what the City sees now. Brad confirmed and gave examples.

Councilor Langer asked if the examples given could get around the code by attaching a rigid sign in place of the banner. Brad confirmed that they could propose a temporary sign provided it met the limitations for a temporary sign. Mr. Langer summarized that they could still have signage if they chose a different manner of signage.

Mayor Mays asked Tom, based on discussion and new materials received, if staff's intent was to adopt using suggested language or bring the ordinance back to Council for consideration at the next meeting.

Tom replied his hope was to get the ordinance adopted because it takes 30 days for the ordinance to be implemented and the next opportunity to adopt is August 7th and said we are then getting into September. Tom stated he counted up to six moving pieces that need alternative language that might get garbled if Council tries to move forward.

Discussion ensued regarding a special Council meeting on July 31st and other available dates. Tom suggested Council give more feedback to staff regarding language so the new language would be clear. Brad added that the language could be organized so that Council had all of the proposed amendments and suggested language from P.M.A.R. and Mr. Jagow and any language that the Chamber might be interested in seeing in the ordinance in a format for discussion. Brad commented that it might be better to have a special meeting that is dedicated to the subject because it is a labor intensive effort.

Councilor Butterfield commented that there have been a lot of ideas and comments that Council needs to incorporate in the language and suggested that Council needed more time to digest because it is not simple and easy yet.

Tom asked if Council could discuss the six items so staff could more effectively write the legislation:

- Tom stated the first item was the number of signs on residentially zoned property and stated the planning commission's recommendation was 4. Council was in favor of four.
- Portable sign sizes. Mayor Mays stated to place it in definitions.

- IP lots would allow more than one sign and would allow them to be spaced 50 feet apart and non-residential uses allowed on residential properties that are over an acre be allowed to have signs every 50 feet along the site frontage and gave the YMCA as a good example. Council was in favor.
- The recommended changes in the non-conforming section regarding the development or redevelopment and allowable area for an electronic sign. Mayor Mays stated those were good.
- The St. Paul Church recommendation. Tom stated staff will take another look at that and come back with information and potential language. Mayor Mays commented that it was unique in our community. Tom stated there was general support.
- The recommendation from P.M.A.R regarding best efforts to contact homeowners. Mayor Mays commented that realtors should leave a business card and a piece of paper that allows the homeowner to remove an unwanted sign. Brad asked for clarification that Council supported the language proposed by P.M.A.R. Council was supportive.
- Tom stated that there was no need to leave the record open because it is a legislative decision and stated it was Council's decision on whether to leave it open.

Councilor Folsom expressed her appreciation for Chamber's testimony that stated that Council should not legislate taste and she thought it was not Council's job. Ms. Folsom stated she wanted to be sure the City was not impeding our businesses to do the very best they can and stated it was very important to her because our businesses do so much for our community which included use of banner signs.

Councilor Langer followed by stating he agreed with Councilor Folsom and said he has lived in communities where there are short signs and there are no banners signs. Mr. Langer stated that the culture adjusts and the community looks cleaner because the housekeeping is done. Mr. Langer stated this may be hard to understand, but he has seen it and we can be successful with the modifications. Mr. Langer commented that there is a lot of work left to do to get this done.

Mayor Mays asked for additional questions from the Council and asked if staff needed further direction.

Brad stated he would like to discuss the concerns from the Chamber and others who given testimony. Brad stated the City does not legislate taste because we don't legislate content but what we tried to do is to encourage our businesses through this legislation to invest in their business and put up permanent signage instead of using banner signs. Brad stated he did not want to pick on any one group of people but you can drive through Tigard and see where banner signs have been converted by framing them with a one inch strip of wood and calling it a wall sign. Brad stated these signs get tattered and torn, and are not maintained. Brad stated that banner signs in his mind should be temporary but the decision is up to Council as to whether they should be considered temporary or permanent with modifications.

Mayor Mays stated he was inclined to suggest July 31st for a special meeting. Councilors Folsom and Clark indicated they would be unable to attend. Tom Pessemier suggested a Council work session on that date. Ms. Folsom stated absent Councilors could catch up by reading it. Discussion ensued and the following motion was received.

MOTION: FROM MAYOR MAYS TO CONTINUE ORDINANCE 2012-009 TO THE 7TH DAY OF AUGUST, SECONDED BY COUNCILOR LINDA HENDERSON, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT DAVE GRANT WAS ABSENT).

Mayor Mays recessed the meeting at 8:51 pm and reconvened at 9:10 pm.

Mayor Mays addressed the next agenda item and asked the City Recorder to read the public hearing statement.

C. Ordinance 2012-010 Approving a Plan Map Amendment (PA) from Institutional Public (IP) to Medium Density Residential Low (MRDL) on tax lot 2S130CA0100 and approving a concurrent twenty-six lot subdivision to be known as Renaissance at Rychlick Farms

Upon conclusion of the public hearing statement, the City Recorder asked the Council members to disclose any ex parte contact, bias or conflict of interest.

Comments were received from each Council members, that they had nothing to disclose.

Brad Kilby, Senior Planner came forward and stated this comes before the Council with a favorable recommendation for both the plan amendment and subdivision from the planning commission. Brad presented a power point presentation (see record, Exhibit I) and referenced the site off Edy Road adjacent to the school. Brad stated the proposal is to rezone a portion of the property to medium density residential low (MDRL) from institutional public (IP) and divide the 6.57 acre site into 26 single family lots and 4 tracts. Brad explained Tract A and B are for water quality and detention, and vegetated corridor in compliance with Clean Water Services and Tracts C & D are for common open space. Brad indicated he received a question from Councilor Henderson regarding Tract D and said this is open space dedicated to a connection between this site and the school district providing a pedestrian connection to the school district as proposed by the applicant.

Brad stated this would be a comprehensive plan amendment and said this was property that was zoned as part of the Area 59 Concept Plan. Brad referenced the map and the IP zone and said it was thought at the time when the schools were being considered that they would need this land and subsequently it was not needed and the schools have been built without it.

Brad stated in the subdivision they are proposing MDRL which would be consistent with the rest of the zoning applied to the property and said within the concept plan there's some open space designated to the property but we neither have a comp plan or a zone that is dedicated to open space. Brad stated the minimum lot sizes for MDRL is 5000 square feet and said the proposed lots range in size from 5000 up to 12,013 square feet with the majority of the larger lots being adjacent to existing homes along the east property line and the smaller lots are concentrated along the vegetated corridor. Brad stated the setbacks are 20 to the front, 5 to the side and 20 to the rear and the corner side is 15.

Brad said the applicant has submitted a plan that demonstrates compliance with the recent tree canopy requirements recently adopted by the Council. Brad stated it's important to note that they have done a fairly good job in maintaining the trees they can, given the constraints of the site.

Brad stated the planning commission recommendation was approval with conditions and said staff believes that all public services have been provided to each lot with adequate access and said the applicant has been conditioned to provide frontage improvements in coordination with the county along SW Edy Road and they have proposed a pedestrian connection to the school site and

reinforced that proposal at the planning commission. Brad stated they have proposed a street that would eventually connect to Nursery Way if the property to the west is developed in the future.

Brad stated at the planning commission testimony was received from two property owners along Bedstraw and informed the Council they might hear from them this evening. Brad informed Council that there was concern with the setbacks along lot 1 and lot 2, with allowing a lesser setback along these two lots to allow the house and garage to be moved forward onto the lot to allow for a larger backyard. Brad stated this has not been proposed by the applicant but the planning commission recommended that the Council, in their determination, indicate your support for a variance that the applicant can pursue at the time if they choose. Brad said staff would still have to look at the merits of the proposal based on our code standards as they apply to variances. Brad stated at the time this came through staff recommended approval and we continue that recommendation this evening along with the planning commission's recommendation.

Mayor Mays thanked staff and asked for questions of the Council, with no questions or comments received Mayor Mays opened the hearing to receive testimony from the applicant.

Chris Goodell and Monty Hurley with AKS Engineering 13910 SW Galbreath Dr., #100 Sherwood came forward representing the applicant Renaissance Development for the project Renaissance at Rychlick Farm. Mr. Goodell presented a power point presentation (see record, Exhibit J) and recapped the team of professionals involved in the project. Mr. Goodell recapped the project details and stated this is a 26 new single family home project which meets the City's density requirements, satisfies an existing community need, as stated in the staff report which indicates there are only 22 lots in the City available for new home construction. Mr. Goodell stated the homes in this project will support the local schools adjacent to the property. Mr. Goodell stated new home construction is crucial in attracting and retaining businesses. Mr. Goodell stated the project has large backyards and large lots along the east property line and said the average lot size in this subdivision is approximately 6800 square feet and said the minimum lot size required is 5000 square feet. Mr. Goodell stated the proposal exceeds the requirements by 27%. Mr. Goodell referenced the presentation indicating the proposed open space of over 1 acre. Mr. Goodell stated the open space will serve different purposes, one is tree preservation, natural resource area enhancement and the vegetative buffer shown in Tract D which was the result of a professional delineation performed by a natural resource specialist and approved by Clean Water Services and Tract C is open space as required by City code.

Mr. Goodell referred to trees and landscaping and said over 119 existing trees will be preserved and over 400 new trees will be planted. Mr. Goodell stated the amount of proposed tree canopy exceeds the city's requirements by at least 16% and the natural resource area in Tract C will be enhanced to Clean Water Service' standards and this includes the planting of over 2000 shrubs and groundcover plants in that area. Mr. Goodell stated this will all be designed and inspected by a professional landscape architect and arborist.

Mr. Goodell stated the project includes staff access which is consistent with the access location approved in the concept plan and designed by a licensed professional engineer and meets City and county sight distance requirements as well as access spacing standards. Mr. Goodell stated all this is confirmed in the traffic analysis which was performed by a traffic engineer and included in the Council packet.

Mr. Goodell stated this project is a safe neighborhood project with walkable sidewalks on public streets and will include street widening on Edy Road, sidewalks and will also include a dedicated

pedestrian pathway to the school site. Mr. Goodell stated he spoke with a representative from the school district on coordination of the location of the pedestrian pathway, which will connect to an existing pathway which will go by the tennis courts.

Mr. Goodell concluded and asked for the Council's approval of the project and introduced Mr. Hurley as the project engineer and project manager and offered to answer questions.

Mayor Mays thanked Mr. Goodell and stated it was great to have development returning to our community. Mayor Mays asked in regards to Tracts B & C and if this area was going to be managed by an HOA (Home Owners Association). Mr. Goodell replied it could be managed by an HOA or could be dedicated to the City. Mayor Mays asked if the applicant had not decided what to do. Mr. Goodell replied no, it could be either, and said in the application we mentioned it could be both, if it was retained privately it would be an HOA and if it wasn't it would be the City.

Councilor Folsom asked in regards to the vegetated corridor and Mr. Goodell's comments about it being approved by Clean Water Services and asked if there was a wetland in that area. Mr. Goodell replied there is a drainage way, a 50 foot buffer from the stream bank edge up the hill. He stated he did not believe there were any wetlands but they still protect the drainage way.

Councilor Butterfield asked regarding the width of the road going through the subdivision. Mr. Goodell replied 28 feet wide with a 52 foot right-of-way. Councilor Butterfield asked Tom Pessemier how this compares to Wood Haven.

Mayor Mays stated 28 feet is the expectation of the City and asked if this was with allowing for parking on one side or both sides of the street. *Note: Staff responded from the audience and the reply was not audible.* Mr. Butterfield replied ok, that answered his question.

Councilor Henderson asked regarding driveway lengths and stated she is familiar with a renaissance development near her home and has experienced driveways that are very short and personally has run into a hitch while walking because the driveway isn't long enough for a vehicle with a hitch, she stated Mr. Goodell mentioned additional setbacks and asked how these will affect driveway lengths. Mr. Goodell replied they will be at least 20 feet deep and some could be deeper.

Mayor Mays stated the code indicates 20 feet from the back of the sidewalk to the front of the structure/garage door.

Mayor Mays asked for other Council questions, with none received he stated Council could ask questions as discussion continued. Mayor Mays asked if Mr. Goodell had anything further at this time.

Mr. Goodell stated he wanted to reference tree canopy and said as a result of testimony received by the City and at the last hearing, they amended some of the proposed landscaping along the eastern edge of lot 1 and put in an additional tree and spaced them out differently to provide an additional screening measure to that property owner who had written a letter.

Mr. Goodell stated in closing, his firm has worked with Renaissance on a couple of different projects in Sherwood and believes they have all been successful projects and projects that people really like and believes this will be in the case with this project.

Mayor Mays commented that the developments built in Sherwood by Renaissance have been successful and popular.

Mayor Mays thanked AKS Engineering and stated additional time was remaining for applicant rebuttal and moved onto receiving testimony for those in favor of the applicant and called forward Randy Sebastian. Mr. Sebastian replied he would wait for applicant rebuttal to testify.

Mayor Mays asked to receive testimony of those opposed to the application and called forward Susan Bejarano.

Tom Pessemier reminded the Council that 5 minutes is typically allowed for land use hearing testimony.

Susan Bejarano 21171 SW Bedstraw Terrace Sherwood came forward and stated she is retired and from Arizona and is a new Sherwood resident. She commented regarding her move to the area and looking at other neighboring cities and said Sherwood reminded her of why she loves Oregon and why she selected Sherwood over the other cities. Ms. Bejarano commented regarding what Oregon represents to her with greenery, trees and recycling and the culture of the people and said Sherwood upholds all these values and said she appreciates the Council and said servant leadership is not easy. She said 50 percent of constituent will be happy with Council's decisions and others may not be and she understands this. Ms. Bejarano stated the original plan that was presented to the voters, in her understanding in speaking with her Bedstraw neighbors, was entirely different on what they voted on. They were told a school would be built, that the plan had less units on it and the original draft or drawing the builder presented to them had lesser units and now that they are proposing 26 units and it differs from what they originally voted on. Ms. Bejarano stated on Tracts C & B, she believes these areas are not as densely wooded and said she loves the trees behind her property, they're huge, tall and at least 100 years old and to cut them down is a shame. Ms. Bejarano stated she understands progress and said the builder is a reputable builder and said she has no issues with the builder and it's a good thing for the community to have builders come in, but builders also need to accommodate the residents that are there and the residents that will buy there. Ms. Bejarano stated her property and her neighbor's property backup to the wooded area and this is the area that will be cleared for the housing, it's not Tract C or B that has already been cleared. Ms. Bejarano stated she proposes a change in the number of units to be built on the property and maybe different areas and to leave as many of those trees as possible. Ms. Bejarano stated the area off Edy Road is beautiful, picturesque and looks like a dream come true to her to be able to retire here. Ms. Bejarano stated she believes with the extra units being built it will create an overcrowded situation at the school and from her understanding the school is at capacity and with the additional children it will be over capacity. Ms. Bejarano gave examples of the wildlife in Arizona and the wildlife she has experienced in this wooded area and enjoying the wildlife and stated she does not believe this wildlife will continue to exist in this area when the woods are cleared and appealed to the Council to consider to have the builder go back to their original draft, original plan, on the details of this housing unit as it doesn't look the same as what was presented to her. Ms. Bejarano stated there was a walkway, a green buffer behind her property and again appealed to the Council to consider this and appealed to the builder to go back to their original plan. Ms. Bejarano stated she is aware of the legalities and lawyers have sewn this up tightly and they are completely within the realm to propose the changes and appealed to them as well to go back and create a beautiful living working environment that the current residents and new residents will enjoy. Ms. Bejarano stated it's not about how many houses you can get in there, it's about creating ambiance and the culture, climate and beauty of Sherwood to keep it that way so we can see as many of those trees as possible.

Mayor Mays thanked Ms. Bejarano and asked to receive additional testimony, with none received the applicant came forward to provide rebuttal.

Tom Pessemier informed that the applicant had 24 minutes of testimony time remaining.

Chris Goodell and Randy Sebastian came forward and Mr. Goodell stated he believes the plan that was referred to was the Area 59 Concept Plan and said he did not believe it specified how many units, other than maybe in the text. Mr. Goodell stated when they held the neighborhood meeting they had one more lot, 27, than what is being proposed now and reduced it as they thought it was overcrowded and said the MDRL zoning allows up to 35 and said we are at 26, far under the maximum. Mr. Goodell said with respect to trees, this was another consideration with reducing that lot and said an area that that lot was proposed for would have required a lot of tree removal. Mr. Goodell stated with respect to the new tree canopy code, we exceed that by a long shot. Mr. Goodell stated with respect to visual aspects of traveling along Edy Road, referencing the exhibit, there will be substantial green corridor there and a visual corridor per City code will be provided for the entire length. Mr. Goodell stated they believe this will meet City requirements and will look very nice.

Randy Sebastian with Renaissance Homes, 16671 SW Boones Ferry Road, Lake Oswego stated Mr. Goodell said everything he wanted to say and commented when he started building in Sherwood there wasn't a building department and he obtained his permits in Tualatin and since 2000 he has built 6 neighborhoods and over 200 homes and is proud of all of them and feels they did a very good job and said they will do a great job here as well. Mr. Sebastian stated the concept plan showed a school and open space designation, as a concept plan, and he then hired AKS to go through zone changes, which we are doing, and then hired biologist Murph Walker (spelling?) to delineate all the stream corridor. Mr. Sebastian stated he understands what Ms. Bejarano is saying, she's from Arizona and its beautiful here and that's why we all live here. Mr. Sebastian said he has relatives in Arizona and doesn't know why they live there. Mr. Sebastian stated one thing we forget about in these situations is the family that owned the property, in this case for a long time, Leonard Rychlick farmed the property and passed away and now the property goes to other family members who pay taxes. Mr. Sebastian commented regarding comments made of devaluing the property and said as long as we meet code, which we do, or exceed code, which we are, we will do a good job here. He said they have been working on this site for well over a year to get it to this stage, it wasn't just thrown together. He said AKS has done every development for Renaissance in Sherwood and do an exceptional job.

Mayor Mays thanked Mr. Sebastian and asked for Council questions. Mr. Sebastian asked to address the driveway lengths and said they are 20 feet long and in many cases they are longer, and gave an example of a larger vehicle length with a hitch being close to 18 feet and the owner needed to move it up closer.

Mayor Mays thanked the applicant and with no other Council questions said it will be a great project if it's supported and commented regarding knowing a lot of kids that will take the walk down Copper Terrace to get to school. Mr. Sebastian commented regarding working with staff to locate the path near the tennis courts to make the path exposed verses placing it between houses.

With no other testimony received, Mayor Mays closed the public hearing and asked for staff comments.

Brad Kilby stated staff wants to address two items; staff contacted the school district and according to them, they are not at capacity and he doesn't believe this is an issue for this subdivision.

Brad also informed the Council that the recently adopted tree code has been appealed to LUBA, the tree canopy requirements, and they are rightfully able to apply under those standards, and said, if

that is overturned at LUBA for any reason, they would need to be conditioned to comply with the standard that ultimately comes out of that decision. Brad stated we did not write a condition and recommends that as part of the Council decision, if approving this, we would need to craft a condition of approval. Brad offered to work with city attorney Chris Crean on this language.

Mayor Mays closed the public hearing and asked for Council questions of staff.

Council Henderson referenced a letter from one of the neighborhoods and they expressed concerns about line of sight at Bedstraw and Nursery Way as they are going west on Edy Road. Brad replied this is correct and explained the location as being steep and said the applicant will be grading this down to improve the sight distance and as part of the final approval, they have to certify that they continue to meet sight distance. Brad stated with the widening of Edy Road, some vegetation will be removed that may be hindering sight distance.

Councilor Butterfield commented and said he feels that with them coming into our City to create a nice subdivision like this is something that we need to embrace as it brings more families into our community and that is what we are about. Councilor Butterfield said he believes they produce a great product and he welcomes them.

Councilor Clark stated she agrees with Councilor Butterfield and said she is the liaison to the planning commission and sat in on all the presentation and feels they are making this subdivision with far less units than allowed per the code, they are following the code, and said as much as she loves green space, private property is not green space. Ms. Clark stated our community will benefit from this development and believes we should support development that follows our code and increases the livability of Sherwood.

Councilor Folsom stated she echoes that and appreciates that the codes were not at the bar, the applicant rose above the bar in a lot of areas and said she understands from reading the letters what the neighbors are saying. Councilor Folsom stated she appreciates Councilor Clarks comments that private property is private property and in this situation she believes those homes will be valuable to that area. She stated it's her understanding that the schools are not close to capacity and this will provide a great opportunity for children to be within walking distance of schools for 9 years and it seems to be an opportune area. Councilor Folsom commented regarding being familiar with renaissance homes near her home and appreciates the care taken with how the homes look.

Mayor Mays stated he agrees and said the builder is a fantastic builder and has done great work in our community and said another builder could have come in and changed to a higher density zoning. Mayor Mays stated it may be difficult initially for the neighbors but believes they will be happy in the long run with this verses the other options they could have had.

Mayor Mays asked staff and legal counsel if they have drafted a condition.

Chris Crean replied and stated the following language as a proposed condition of approval:

City of Sherwood Ordinance 2012-xxx, amended Sherwood Municipal Code 16.142.xxx regarding tree canopy coverage, ie the 30% standard. This application applied Sherwood Municipal Code 16.142..... (staff and legal counsel continued to work on proposed language).

Mayor Mays stated in the interim as staff develops the language, he asked Tom Pessemier from staffs perspective if staff was advocating that Tracts B & C be deeded to the community or be

maintained by the Home Owners Association. Mayor Mays stated the staff report indicates HOA. Council referenced page 186 of the Council packet.

Tom replied, it's what referenced in the code.

Mr. Sebastian commented from the audience, if the City is willing he would like to give the land to the City. Council discussion followed regarding cost to maintain, the area not being part of a trail system and the site size being an acre.

Tom replied it's mentioned in the staff report as an HOA.

Brad Kilby replied, it's not really spoken to in the staff report and said it's at the applicants suggestion and said he believes the HOA would maintain it and said staff would support that.

Mayor Mays asked City attorney Chris Crean if the language was ready.

Mr. Crean indicated he was done drafted the language and replied we need a *Condition of Approval* that reads something very close to the following:

The City of Sherwood Ordinance 2012-003 amended Sherwood Municipal Code 16.142.050 regarding tree canopy coverage. This application applied 16.142.070 as amended by Ordinance 2012-003. The ordinance is on appeal to the Land Use Board of Appeals, if Ordinance 2012-003 is reversed or remanded the applicant shall comply with the tree canopy coverage requirements in effect prior to the adoption of Ordinance 2012-003.

Mayor Mays motioned to add this amendment, seconded by Councilor Clark.

Legal Counsel and staff continued to discuss the proposed language.

Mayor Mays temporarily withdrew his motion.

Chris Crean stated the reason is, there's a statute that says when a City amends its land use regulations an applicant can proceed under those new regulations and do so at their own risk, if the regulation gets overturned on appeal, one would have to tear out the improvements or anything that got approved under the new standards. The new standard requires much less mitigation than the old standard (Chris confirmed with staff) so if that new standard isn't upheld on appeal and gets reversed or remanded by LUBA, it's not in effect any more and the City can't apply it, they will have to proceed under the old standard in 16.142.070.

Mayor Mays replied what was read by Mr. Crean (above in italics) is his motion to add that condition to the staff report recommendation, he confirmed this was a safe motion. Mr. Crean confirmed.

Mayor Mays asked for a second on the motion, seconded by Councilor Butterfield.

MOTION TO AMEND: FROM MAYOR MAYS AS STATED BY CHRIS, *The City of Sherwood Ordinance 2012-003 amended Sherwood Municipal Code 16.142.050 regarding tree canopy coverage. This application applied 16.142.070 as amended by Ordinance 2012-003. The ordinance is on appeal to the Land Use Board of Appeals, if Ordinance 2012-003 is reversed or remanded the applicant shall comply with the tree canopy coverage requirements in effect prior to the adoption of Ordinance 2012-003.* SECONDED BY COUNCILOR BUTTERFIELD, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT DAVE GRANT WAS ABSENT).

Mayor Mays asked for discussion on the amended Ordinance 2012-010, with none received he asked for Council action on the amended ordinance and the following motion was received.

MOTION: FROM COUNCILOR ROBYN FOLSOM TO READ CAPTION AND ADOPT ORDINANCE 2012-010, AS AMENDED, SECONDED BY COUNCILOR LINDA HENDERSON, ALL PRESENT COUNCIL MEMBERS VOTED IN FAVOR, (COUNCIL PRESIDENT DAVE GRANT WAS ABSENT).

Mayor Mays addressed the next agenda item.

9. CITY MANAGER AND DEPARTMENT REPORTS

Community Development Director Tom Pessemier stated City Manager Joe Gall sends his regrets for not attending, he had a previously planned vacation. Tom reported since the last Council meeting the City Manager approved an OLCC permit for Music on the Green and the Historical Society. Tom stated they have traditionally sold wine at Music on the Green and as our usual course we are informing the Council. Tom reported that the City saw a lot of alcohol at the first concert that was not provided by the Historical Society and Chief Groth will be looking at this and will have police officers at each of the events to monitor. Tom stated staff may be coming back to the Council with additional code language changes as currently that type of activity is allowed.

Councilor Henderson clarified that patrons were bringing in alcohol even though it's posted at the bridge that it's not allowed beyond this point. Chief Groth confirmed this was correct and said there's conflicting code language that says it's allowable and staff will be working to clean up the language to help guide us moving forward. Council asked if this included the above park area, Chief Groth confirmed and said the language includes all parks. Chief Groth briefly explained the conflicting code language. Council asked what direction will the City be taking, and Tom Pessemier replied that hasn't been determined and the City Manager and Chief Groth will work on it and bring something back to the Council for consideration.

Tom reported other OLCC permits were approved for the Robin Hood Festival.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS

Mayor Mays reminded the Robin Hood Festival was this weekend and the first annual Royal Academy following the festival and Wizard of Oz the following week.

11. ADJOURN

With no other business to address, Mayor Mays adjourned at 9.49 pm.

Submitted by:

Sylvia Murphy, CMC, City Recorder

Keith S. Mays, Mayor

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director

SUBJECT: RESOLUTION 2012-038, A RESOLUTION APPROVING REPAIR OF CONCRETE SIDEWALKS WITHIN THE CITY OF SHERWOOD.

ISSUE: Should the City notify and work with homeowners through the concrete sidewalk repair assistance program to complete sidewalk repairs.

BACKGROUND: In 2012, the City completed an inspection of all city sidewalks and identified approximately 1,700 sidewalk deficiencies.

Chapter 12.08 of the Sherwood Municipal Code states that property owners abutting sidewalks are the responsible party for all sidewalk maintenance and repair in the City of Sherwood. In order to assist with sidewalk repairs, City Council asked staff to create a sidewalk repair assistance program to help property owners with the cost of sidewalk repair or replacement. Under the policy, the City will provide written notice to property owner of necessary sidewalk repairs or replacement, the property owner will have 60 days to comply. The property owner may choose to use the City's contractor and the assistance program or use a contractor of their own choice, at their own cost. If the Owner chooses to use their own contractor, or make repairs themselves, the assistance program will not apply.

City Council approved the implementation of a sidewalk maintenance fee in the 2011/12 budget year. The fee was established to repair sidewalk deficiencies.

City Council approved the program which allows for two types of repairs: shaving and or replacement (per criteria outlined in the policy). The City has obtained competitive pricing for concrete sidewalk shaving and replacement. The City has completed the RFP process to obtain an arborist and a firm has been selected.

City Council has determined through the assistance program that the homeowner is responsible for 50% of the total cost of the repair and will have up to 12 months to remit payment.

If the owner does not correct the defect, or eliminate the hazard, or make the repairs, the City will construct or repair the sidewalk deficiency(s) and the Owner will be responsible for all costs associated with the repair including the cost of notice, engineering, advertising and attorney's fees, in the form of an assessment lien.

For the purpose of implementing the program, city staff has divided the city into four sections. Within these four sections, City staff identified the area with the largest amount of deficiencies needing to be repaired and has designated this as Area 1. Within Area 1, there are

approximately 750 issues to be repaired. To manage this process the work load has been staggered to help city staff and the contractors. Within the next few months, a separate resolution will be brought before council with the next section of work to be completed within Area 1. In the current 2012/13 budget year, there is approximately \$70,000 allocated towards this program. Work will coincide with the funds available within the budget. If we use all the money allocated prior to the end of the 2012/13 budget year, the next fiscal year will continue with the remaining sections until work is completed in Area 1 and we begin work in Area 2.

FINDINGS: The City has deficiencies in our sidewalk system which creates safety issues. The concrete sidewalk repair assistance program was implemented to assist property owners in making the repairs.

RECOMMENDATION: Staff recommends approval of Resolution 2012-038, a Resolution approving repair of concrete sidewalks within the City of Sherwood.



RESOLUTION 2012-038

A RESOLUTION APPROVING REPAIR OF CONCRETE SIDEWALKS WITHIN THE CITY OF SHERWOOD

WHEREAS, pursuant to the Sherwood Municipal Code Section 12.08, the City of Sherwood (City) assigns sidewalk responsibility to abutting property owners; and

WHEREAS, the City approved implementation of a sidewalk maintenance repair fee in the 2011/12 budget year to identify and fund sidewalk repairs; and

WHEREAS, City Council approved Resolution 2011-097 for a concrete sidewalk assistance program; and

WHEREAS, the Municipal Code requires Council approval for sidewalk repairs as identified within the attached Exhibit A.

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

Section 1. The City Council authorizes the repair of concrete sidewalks within the City of Sherwood as identified in attached Exhibit A.

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

Duly passed by the City Council this 7th day of August 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder



Exhibit A Area 1, Section 1 Concrete Sidewalk Repairs

Address	Dir	Street Name	Street Type	City	State	Zip
23617	SW	Aldergrove	Ave	Sherwood	OR	97140
14973	SW	April	Ct	Sherwood	OR	97140
14874	SW	Brickyard	Dr	Sherwood	OR	97140
14886	SW	Brickyard	Dr	Sherwood	OR	97140
14928	SW	Brickyard	Dr	Sherwood	OR	97140
14942	SW	Brickyard	Dr	Sherwood	OR	97140
14720	SW	Brooke	Ct	Sherwood	OR	97140
14895	SW	Brooke	Ct	Sherwood	OR	97140
14920	SW	Forest	Ave	Sherwood	OR	97140
14947	SW	Forest	Ave	Sherwood	OR	97140
14960	SW	Forest	Ave	Sherwood	OR	97140
14974	SW	Forest	Ave	Sherwood	OR	97140
15153	SW	Forest	Ave	Sherwood	OR	97140
15159	SW	Forest	Ave	Sherwood	OR	97140
22077	SW	Chesapeake	Pl	Sherwood	OR	97140
22085	SW	Chesapeake	Pl	Sherwood	OR	97140
14886	SW	Cochran	St	Sherwood	OR	97140
14887	SW	Cochran	St	Sherwood	OR	97140
14928	SW	Cochran	St	Sherwood	OR	97140
14936	SW	Cochran	St	Sherwood	OR	97140
14954	SW	Cochran	St	Sherwood	OR	97140
14959	SW	Cochran	St	Sherwood	OR	97140
22622	SW	Cochran	Dr	Sherwood	OR	97140
22629	SW	Cochran	Dr	Sherwood	OR	97140
22647	SW	Cochran	Dr	Sherwood	OR	97140
22665	SW	Cochran	Dr	Sherwood	OR	97140
22701	SW	Cochran	Dr	Sherwood	OR	97140
22762	SW	Cochran	Dr	Sherwood	OR	97140
22771	SW	Cochran	Dr	Sherwood	OR	97140
22778	SW	Cochran	Dr	Sherwood	OR	97140
22798	SW	Cochran	Dr	Sherwood	OR	97140
22109	SW	Hall	St	Sherwood	OR	97140
22123	SW	Hall	St	Sherwood	OR	97140
22137	SW	Hall	St	Sherwood	OR	97140
22151	SW	Hall	St	Sherwood	OR	97140
22179	SW	Hall	St	Sherwood	OR	97140

Address	Dir	Street Name	Street Type	City	State	Zip
22193	SW	Hall	St	Sherwood	OR	97140
22235	SW	Hall	St	Sherwood	OR	97140
22269	SW	Hall	St	Sherwood	OR	97140
22291	SW	Hall	St	Sherwood	OR	97140
22405	SW	Hall	St	Sherwood	OR	97140
22427	SW	Hall	St	Sherwood	OR	97140
22443	SW	Hall	St	Sherwood	OR	97140
22448	SW	Hall	St	Sherwood	OR	97140
22455	SW	Hall	St	Sherwood	OR	97140
22470	SW	Hall	St	Sherwood	OR	97140
22479	SW	Hall	St	Sherwood	OR	97140
22486	SW	Hall	St	Sherwood	OR	97140
22498	SW	Hall	St	Sherwood	OR	97140
15631	SW	Hawk	Ct	Sherwood	OR	97140
14663	SW	June	Ct	Sherwood	OR	97140
14672	SW	June	Ct	Sherwood	OR	97140
14685	SW	June	Ct	Sherwood	OR	97140
22134	SW	Kelsey	Ct	Sherwood	OR	97140
22639	SW	Lincoln	St	Sherwood	OR	97140
22729	SW	Lincoln	St	Sherwood	OR	97140
14808	SW	Lowell	Ln	Sherwood	OR	97140
22411	SW	Lower Roy	St	Sherwood	OR	97140
22420	SW	Lower Roy	St	Sherwood	OR	97140
22432	SW	Lower Roy	St	Sherwood	OR	97140
22435	SW	Lower Roy	St	Sherwood	OR	97140
22444	SW	Lower Roy	St	Sherwood	OR	97140
22447	SW	Lower Roy	St	Sherwood	OR	97140
22456	SW	Lower Roy	St	Sherwood	OR	97140
22480	SW	Lower Roy	St	Sherwood	OR	97140
22146	SW	Orland	St	Sherwood	OR	97140
22158	SW	Orland	St	Sherwood	OR	97140
22166	SW	Orland	St	Sherwood	OR	97140
22178	SW	Orland	St	Sherwood	OR	97140
22263	SW	Orland	St	Sherwood	OR	97140
22299	SW	Orland	St	Sherwood	OR	97140
23018	SW	Mansfield	St	Sherwood	OR	97140
23276	SW	Mansfield	St	Sherwood	OR	97140
22700	SW	Martin	Ct	Sherwood	OR	97140
22741	SW	Martin	Ct	Sherwood	OR	97140

Concrete Sidewalk Repair
Area 1, Section 1

Address	Dir	Street Name	Street Type	City	State	Zip
22761	SW	Martin	Ct	Sherwood	OR	97140
22779	SW	Martin	Ct	Sherwood	OR	97140
22816	SW	Martin	Ct	Sherwood	OR	97140
14638	SW	May	Ct	Sherwood	OR	97140
14647	SW	May	Ct	Sherwood	OR	97140
22487	SW	Meissinger	Pl	Sherwood	OR	97140
15039	SW	Merryman	St	Sherwood	OR	97140
15061	SW	Merryman	St	Sherwood	OR	97140
15083	SW	Merryman	St	Sherwood	OR	97140
15117	SW	Merryman	St	Sherwood	OR	97140
15149	SW	Merryman	St	Sherwood	OR	97140
15173	SW	Merryman	St	Sherwood	OR	97140
15190	SW	Merryman	St	Sherwood	OR	97140
22639	SW	Norton	Ave	Sherwood	OR	97140
22727	SW	Norton	Ave	Sherwood	OR	97140
22753	SW	Norton	Ave	Sherwood	OR	97140
22758	SW	Norton	Ave	Sherwood	OR	97140
22805	SW	Norton	Ave	Sherwood	OR	97140
22820	SW	Norton	Ave	Sherwood	OR	97140
22309	SW	Nottingham	Ct	Sherwood	OR	97140
22337	SW	Nottingham	Ct	Sherwood	OR	97140
22345	SW	Nottingham	Ct	Sherwood	OR	97140
22348	SW	Nottingham	Ct	Sherwood	OR	97140
22361	SW	Nottingham	Ct	Sherwood	OR	97140
22412	SW	Nottingham	Ct	Sherwood	OR	97140
22451	SW	Nottingham	Ct	Sherwood	OR	97140
22460	SW	Nottingham	Ct	Sherwood	OR	97140
22472	SW	Nottingham	Ct	Sherwood	OR	97140
22490	SW	Nottingham	Ct	Sherwood	OR	97140
15294	SW	Oregon	St	Sherwood	OR	97140
15378	SW	Oregon	St	Sherwood	OR	97140
23255	SW	Pine	St	Sherwood	OR	97140
22407	SW	Quiver	Ct	Sherwood	OR	97140
22489	SW	Quiver	Ct	Sherwood	OR	97140
22496	SW	Quiver	Ct	Sherwood	OR	97140
23226	SW	Sherk	Pl	Sherwood	OR	97140
23240	SW	Sherk	Pl	Sherwood	OR	97140
23427	SW	St Charles	Way	Sherwood	OR	97140
15840	SW	Sunset	Ct	Sherwood	OR	97140

Concrete Sidewalk Repair
Area 1, Section 1

Address	Dir	Street Name	Street Type	City	State	Zip
15845	SW	Sunset	Ct	Sherwood	OR	97140
15875	SW	Sunset	Ct	Sherwood	OR	97140
15912	SW	Sunset	Ct	Sherwood	OR	97140
22767	SW	Taylor	Ct	Sherwood	OR	97140
22778	SW	Taylor	Ct	Sherwood	OR	97140
22831	SW	Taylor	Ct	Sherwood	OR	97140
22843	SW	Taylor	Ct	Sherwood	OR	97140
22601	SW	Upper Roy	St	Sherwood	OR	97140
22602	SW	Upper Roy	St	Sherwood	OR	97140
22615	SW	Upper Roy	St	Sherwood	OR	97140
22616	SW	Upper Roy	St	Sherwood	OR	97140
22640	SW	Upper Roy	St	Sherwood	OR	97140
22652	SW	Upper Roy	St	Sherwood	OR	97140
22653	SW	Upper Roy	St	Sherwood	OR	97140
22666	SW	Upper Roy	St	Sherwood	OR	97140
22784	SW	Upper Roy	St	Sherwood	OR	97140
22807	SW	Upper Roy	St	Sherwood	OR	97140
22848	SW	Upper Roy	St	Sherwood	OR	97140
22912	SW	Upper Roy	St	Sherwood	OR	97140
22833	SW	Washington	St	Sherwood	OR	97140
22870	SW	Washington	St	Sherwood	OR	97140
22921	SW	Washington	St	Sherwood	OR	97140
15151	SW	Wert	Ct	Sherwood	OR	97140
15183	SW	Wert	Ct	Sherwood	OR	97140
15285	SW	Wert	Ct	Sherwood	OR	97140
14520	SW	Willamette	St	Sherwood	OR	97140
14614	SW	Willamette	St	Sherwood	OR	97140
14689	SW	Willamette	St	Sherwood	OR	97140
14732	SW	Willamette	St	Sherwood	OR	97140
14785	SW	Willamette	St	Sherwood	OR	97140
15259	SW	Willamette	St	Sherwood	OR	97140
15493	SW	Willamette	St	Sherwood	OR	97140
15797	SW	Willamette	St	Sherwood	OR	97140
15820	SW	Willamette	St	Sherwood	OR	97140
15892	SW	Willow	Dr	Sherwood	OR	97140
15967	SW	Sunset	Ct	Sherwood	OR	97140

Concrete Sidewalk Repair
Area 1, Section 1



RESOLUTION 2012-041

APPOINTING COUNCILOR DAVE GRANT AS THE ALTERNATE FOR THE WASHINGTON COUNTY COORDINATION COMMITTEE (WCCC) AND BOB GALATI AS THE WCCC TRANSPORTATION ADVISORY COMMITTEE (WCCC TAC) MEMBER

WHEREAS, The WCCC members must now be appointed by City Council and documentation must be submitted that Council action has been taken, see attached Exhibit A; and

WHEREAS, The WCCC TAC representative is an administrative appointment; and

WHEREAS, the contact information on file as an alternate with the WCCC needs to be updated to reflect Dave Grant; and

WHEREAS, the contact information for the WCCC TAC position needs to be updated to reflect Bob Galati; and

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

Section 1. The City Council appoints Dave Grant as the alternate to the WCCC and Bob Galati as a member of the WCCC TAC.

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

Duly passed by the City Council this 7th day of August 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder



WASHINGTON COUNTY OREGON

April 16, 2012

Tom Pessemier, City Manager
City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140



Dear Mr. Pessemier:

We are updating our mailing and contact lists for the Washington County Coordinating Committee (WCCC) and the WCCC Transportation Advisory Committee (WCCC TAC). We currently show representation from the (Jurisdiction) as follows:

Washington County Coordinating Committee (WCCC)

Member: Keith Mays

Alternate: Lee Weislogel *Dave Grant*

WCCC Transportation Advisory Committee

Member: Tom Pessemier *Bob Galati*

Please make any necessary corrections and provide additional contact information on the attached sheet. Keep in mind that WCCC members and their alternates must be appointed by your city council. If you are changing your representatives, **please submit documentation that this city council action has been taken.** The WCCC member must be an elected official; the alternate may be elected or not. The WCCC TAC representative is an administrative appointment.

Please return these forms by mail to:

DLUT Long Range Planning Division
155 North First Avenue, Suite 350, MS14
Hillsboro, OR 97124

Or fax to: 503-846-4412

If you have questions, don't hesitate to call me or Blair Crumpacker at 503-846-3878.

Sincerely,

Andrew Singelakis, Director
Land Use and Transportation

Enclosure

Department of Land Use & Transportation · Long Range Planning

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072
phone: (503) 846-3519 · fax: (503) 846-4412 · TTY: (503) 846-4598 · www.co.washington.or.us

*Washington County Coordinating Committee
Information Sheet*

WASHINGTON COUNTY COORDINATING COMMITTEE (WCCC):

Member: _____
Mailing Address: _____

Phone (work): _____
Phone (home): _____
E-Mail: _____
Fax: _____

Alternate Member: _____
Mailing Address: _____

Phone (work): _____
 (home): _____
 Fax: _____
 E-Mail: _____

WCCC TRANSPORTATION ADVISORY COMMITTEE (STAFF):

Member: _____
Mailing Address: _____

Phone (work): _____
 (home): _____
 Fax: _____
 E-Mail: _____

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TO: Sherwood City Council

FROM: Craig L. Gibons, Finance Director

SUBJECT: Resolution 2012-039 Authorizing Refinancing of Two Loans

ISSUE:

Staff is seeking Council Authorization to proceed with the refinancing of two old loans.

BACKGROUND:

Staff has identified two loans that are good candidates for refinancing during this period of low interest rates. The loans are shown in the following chart.

Loan	Lender	Principal Amount	
		Original	Outstanding
2003 City Hall/Library Construction	State of Oregon	\$ 5,845,708	\$ 3,995,913
2006 Downtown Street Improvements	Bank of America	\$ 1,800,000	\$ 1,245,523

These loans paid for Urban Renewal Agency Projects. The City is involved because the City's "Full Faith and Credit" was pledged as security for the loans. That will continue under the refinancing. The preliminary estimate from the City's Financial Advisor is that by combining these two loans and refinancing at current market rates, the City can save about \$470,000 over the remaining 11-year life of the debt.

The attached Resolution authorizes the City Manager and Finance Director to:

1. Carryout this financial transaction if, when the bids from the bond buyers are received, the financial benefit justifies the sale and
2. Execute an Intergovernmental Agreement (IGA) authorizing the Urban Renewal Agency (URA) to pay the debt service on the loan (as it now does for the existing loans).

The URA will pay the debt service on this loan, but that does not change the Agency's Maximum Indebtedness. It will lower the annual debt service paid, leaving more money in the Agency's fund balance, allowing the Agency to have more funds to pay debt service on new projects.

This action will further consolidate and clean up the City's debt portfolio. Two years ago, the City and URA had 16 debt issues. We have closed out seven loans in the last 24 months and this consolidation will further condense our portfolio to ten issues.

OPTIONS

It is not essential to refinance this debt. It is simply an opportune time to do it. The URA will save an average of \$42,700 annually in debt service.

The Resolution includes a reference to a third loan, a 2001 loan that was used to expand the YMCA. At this point staff does not plan to include that loan in this effort because there is only five years remaining on its amortization. Refinancing it would foreclose on the ability to pay the loan off early, which may be more cost effective. I have included it in this resolution "just in case". There is also a reference in the resolution to a Public Hearing. That hearing requirement is related to this loan and will be held later if we refund this loan.

RECOMENDATION

Staff recommends adoption of Resolution 2012-039 A Resolution Approving One Or More Borrowings To Refinance Outstanding City Borrowings And The Execution Of An Intergovernmental Agreement With The Urban Renewal Agency Of The City Of Sherwood Committing The Agency To Provide Tax Increment Revenues To Pay Debt Service On Any Portion Of The Borrowings That Refinances Urban Renewal Projects.



RESOLUTION 2012-039

A RESOLUTION APPROVING ONE OR MORE BORROWINGS TO REFINANCE OUTSTANDING CITY BORROWINGS AND THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE URBAN RENEWAL AGENCY OF THE CITY OF SHERWOOD COMMITTING THE AGENCY TO PROVIDE TAX INCREMENT REVENUES TO PAY DEBT SERVICE ON ANY PORTION OF THE BORROWINGS THAT REFINANCES URBAN RENEWAL PROJECTS

WHEREAS, the City of Sherwood (the “City”) is authorized by Oregon Revised Statutes Section 271.390 to enter into financing agreements to finance or refinance real or personal property which the City Council determines is needed; and,

WHEREAS, the City entered into a \$1,970,000 loan agreement in December of 2001 to finance the recreation center and parks improvements (the “2001 Loan Agreement”), a \$5,845,708 Special Public Works Community Facility Loan Agreement in December of 2003 to finance the combined library/city hall complex and associated infrastructure (the “2003 Loan Agreement”), and a \$1,800,000 financing agreement and note in July of 2006 to finance a railroad crossing and related street improvements (the “2006 Loan Agreement”); and,

WHEREAS, the 2001 Loan Agreement, the 2003 Loan Agreement and the 2006 Loan Agreement (collectively, the “Outstanding Loan Agreements”) are secured by the full faith and credit of the City; and,

WHEREAS, current interest rates are lower than the interest rates that the City is obligated to pay on the Outstanding Loan Agreements; and

WHEREAS, the 2003 Loan Agreement and the 2006 Loan Agreement are payable primarily from the tax increment revenues of the Sherwood Urban Renewal Area that the Urban Renewal Agency of the City of Sherwood has agreed to pay to the City; now, therefore, it is hereby

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

Section 1. Determination of Need.

The following real and personal property is needed and is eligible to be refinanced under ORS 271.390: the recreation center and parks improvements that were financed with the 2001 Loan Agreement, the combined library/city hall complex and associated infrastructure that were financed with the 2003 Loan Agreement and the railroad crossing and related street improvements that were financed with the 2006 Loan Agreement.

Section 2. Delegation.

The City Manager, City Finance Director or person designated by the City Council to act on behalf of the City under this resolution (each of whom is referred to as a “City Official” in this resolution) is hereby authorized, on behalf of the City and without further action by the City Council, to:

- (1) Negotiate, execute and deliver one or more financing agreements or loan agreements (the “New Loan Agreements”) in an aggregate principal amount that is sufficient to refinance all or any portion of the Outstanding Loan Agreements and pay estimated costs related to the refinancing. However, the City Official shall not execute or deliver any New Loan Agreement unless that New Loan Agreement produces net debt service savings. Subject to the limitations of this Resolution, the New Loan Agreements may be in such form and contain such terms as the City Official may approve.
- (2) Negotiate, execute and deliver one or more escrow agreements or similar documents (the “Escrow Agreements”) that provide for the issuance of one or more series of “full faith and credit obligations” (the “Obligations”) that represent ownership interests in the principal and interest payments due from the City under the New Loan Agreements. Subject to the limitations of this Resolution, the Escrow Agreements and each series of Obligations may be in such form and contain such terms as the City Official may approve.
- (3) Determine whether the interest payable on each New Loan Agreement will be includable in gross income or excludable from gross income under the Internal Revenue Code of 1986, as amended (the “Code”).
- (4) Covenant for the benefit of the owners of tax-exempt Obligations to comply with all provisions of the Code which are required for the interest component of loan payments payable under the related New Loan Agreements to be excluded from gross income for federal income tax purposes.
- (5) Deem final and authorize the distribution of a preliminary official statement for each series of Obligations, authorize the preparation and distribution of a final official statement or other disclosure document for each series of Obligations.
- (6) Undertake to provide continuing disclosure for each series of Obligations in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.
- (7) Apply for ratings for each series of Obligations, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancements for each series of Obligations, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
- (8) Enter into additional covenants for the benefit of the purchasers of the Obligations which the City Official determines are desirable to obtain more favorable terms for the New Loan Agreements.

- (9) Engage the services of escrow agents or trustees and any other professionals whose services are desirable for the financing.
- (10) Determine the final principal amount of each New Loan Agreement, the interest rate or rates which each New Loan Agreement shall bear, the City's prepayment rights and other terms of each New Loan Agreement and each series of Obligations.
- (11) Solicit competitive bids for the purchase of the Obligations and award the sale to the bidders offering the most favorable terms to the City, select one or more underwriters to purchase the Obligations and negotiate the terms of the sales of those Obligations with those underwriters, or place any New Loan Agreement directly with a commercial bank or other lender.
- (12) Execute and deliver any other certificates or documents and take any other actions which the City Official determines are desirable to carry out this Resolution.

Section 3. Payments from Tax Increment Revenues.

The City Official is authorized to enter into one or more intergovernmental agreements with the City's urban renewal agency, under which the City's urban renewal agency agrees to provide tax increment revenues in sufficient amounts to pay all amounts due from the City under any portions of the New Loan Agreements that refinance the 2003 Loan Agreement and the 2006 Loan Agreement. The intergovernmental agreements shall be in substantially the form attached to this resolution as Exhibit A, but with any changes the City Official may approve.

Section 4. Security.

The New Loan Agreements may constitute unconditional obligations of the City, which are payable from all legally available funds of the City. The City Official may pledge the City's full faith and credit and taxing power within the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution. In addition, the City Official may pledge or assign any amounts that the City receives under the intergovernmental agreements described in Section 3 of this Resolution to pay the amounts due from the City under the New Loan Agreements.

Section 5. Hearing.

The 2001 Loan Agreement is a "private activity bond" and a "qualified 501(c)(3) bond" under the Code, and the Code may require that a hearing be held and that an elected official of the City approve the issuance of tax-exempt refinancing obligations such as the New Loan Agreements. If the Code requires such a hearing the City Official is hereby authorized to publish notice and hold that hearing, and report the results to the Mayor or the City Council. The Mayor is hereby authorized to approve the issuance of any New Loan Agreements that refinance the 2001 Loan Agreement on behalf of the City and the City Council.

Section 6. Effective Date.

This resolution is effective immediately upon adoption.

DATED this 7th day of August, 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

**Exhibit A to Resolution 2012-039
Form of Intergovernmental Agreement**

**Intergovernmental Agreement
to Make Loan Payments**

by and between the

Urban Renewal Agency of the City of Sherwood, Oregon

and the

City of Sherwood, Oregon

Dated as of ____, 2012

**Intergovernmental Agreement
to Make Loan Payments**

This Intergovernmental Agreement to Make Loan Payments is dated as of ____, 2012, and is entered into by and between the Urban Renewal Agency of the City of Sherwood, Oregon, (the “Agency”) and the City of Sherwood, Oregon (the “City”). The parties hereby agree as follows:

Section 1. Definitions and Recitals.

(1) Definitions.

Unless the context clearly requires otherwise, capitalized terms used in this Intergovernmental Agreement which are defined in this Section 1(1) shall have the following meanings: “Loan Agreement” means the Loan Agreement between the City and [name of entity] in the principal amount of \$[principal] related to the Project, which is dated as of ____, 2012.

“Loan Payments” means the principal and interest payments the City is required to make to the under the Loan Agreement.

“Parity Obligations” means [to be described when IGA is signed].

“Project” means collectively, [insert description when IGA is signed].

“Senior Lien Obligations” means [to be described when IGA is signed].

“Tax Increment Revenues” means all revenues which the Agency collects for the Sherwood Urban Renewal Area under the provisions of Article IX, Section 1c of the Oregon Constitution and ORS Chapter 457.

(2) Findings.

(A) The City has entered into the Loan Agreement to refinance costs of the Project.

(B) The Project is properly described as an urban renewal project in the Agency’s urban renewal plan.

(C) The Agency is authorized to spend Tax Increment Revenues to pay for the costs of the Project.

(D) The Project will assist the Agency in carrying out its urban renewal plan.

Section 2. The Loan Payments.

(1) The Loan Payments.

The Agency hereby agrees to pay to the City, not less than one business day prior to the dates on which the City is required to pay the Loan Payments, amounts that are equal to the Loan Payments in a maximum principal amount of \$[principal]. The amounts and dates of the Loan Payments are shown in Exhibit A.

(2) Security for the Obligation of the Agency to Pay the Loan Payments.

The Agency hereby pledges its Tax Increment Revenues to pay the amounts described in Section 2.1 of this Intergovernmental Agreement, and this Intergovernmental Agreement shall constitute an indebtedness of the Agency. The pledge of the Tax Increment Revenues shall be superior to all other pledges or commitments of Tax Increment Revenues that the Agency makes, unless the City agrees in writing to subordinate its claim against the Tax Increment Revenues. That pledge is subordinate to the pledge relating to the Senior Lien Obligations, and on parity with the pledge of the Agency related to the Parity Obligations.

Section 3. Tax Covenant

The Agency covenants to comply with the applicable provisions of the Internal Revenue Code of 1986, as amended, (the "Code") so that interest on the Loan Agreement is excludable from gross income under the Code. All covenants of the Agency relating to the excludability of interest that are contained in the closing documents for the Loan Agreement are hereby incorporated by reference.

Section 4. Miscellaneous

(1) Binding Effect.

This Intergovernmental Agreement shall inure to the benefit of and shall be binding upon the Agency and the City and their respective successors and assigns.

(2) Severability.

In the event any provisions of this Intergovernmental Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

(3) Amendments.

This Intergovernmental Agreement may be amended only by a writing signed by both parties.

Exhibit A to Resolution –
Form of Intergovernmental Agreement

(4) Execution in Counterparts.

This Intergovernmental Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute the same instrument.

(5) Applicable Law.

This Intergovernmental Agreement shall be governed by and construed in accordance with the laws of the State of Oregon. Any action regarding this Intergovernmental Agreement or the transactions contemplated hereby shall be brought in an appropriate court of the State of Oregon in Washington County, Oregon.

(6) Rules of Construction.

References to section numbers in documents which do not specify the document in which the section is located shall be construed as references to section numbers in this Intergovernmental Agreement.

(7) Headings.

The headings, titles and table of contents in this Intergovernmental Agreement are provided for convenience and shall not affect the meaning, construction or effect of this Intergovernmental Agreement.

IN WITNESS WHEREOF, the Agency and the City have executed this Intergovernmental Agreement as of the date indicated above.

For the Urban Renewal Agency of the City of Sherwood Oregon

Authorized Official

For the City of Sherwood Oregon

City Official

EXHIBIT A

LOAN PAYMENT SCHEDULE

Interest, calculated on a 30/360 day basis, is payable semi-annually on _____ and _____, commencing _____, 2012.

<u>Date</u> (_____)	<u>Principal</u> <u>Payment (\$)</u>	<u>Interest Rate (%)</u>
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TO: Sherwood City Council
FROM: Julia Hajduk, Planning Manager
Through: Tom Pessemier, Community Development Director
Subject: Resolution 2012-040 calling for an election and approving a ballot title to authorize the Sherwood City Council to annex Tonquin Employment Area (TEA) – staff report

EXECUTIVE SUMMARY

Summary: The attached resolution will allow the Sherwood voters to determine whether to authorize the Sherwood City Council to annex all or part of the TEA at a point in the future when an applicant (or applicants) requests to be annexed. The resolution also includes the Ballot Title, question and summary for Council to approve to ensure adequate time for the required election notice. If the vote is in favor of authorizing Council to make the determination in the future, it would essentially remove the uncertainty of a public vote; thereby encouraging and expediting development of the TEA.

Previous Council Actions: The TEA Concept Plan was approved in 2010 via Ord. 2010-014.

Background/Problem Discussion: The TEA was brought into the Urban Growth Boundary in 2004 by Metro via Ord. 04-1040B and the City developed a concept plan for the area and adopted the Concept Plan and implementing Ordinances in 2010 via Ord. 2010-014. Because the TEA is not currently in the City, it must be annexed prior to developing with industrial uses as planned. The Sherwood Charter requires voter approval prior to an annexation taking effect. Because of this and the timing requirements associated with an election, this can add several month and uncertainty for a potential developer. This resolution would facilitate economic development in the community by removing regulatory barriers of an uncertain annexation. If the ballot measure were to pass, the requirement for voter approval would be met, and an applicant would only have to meet the standard requirements for annexation, including demonstrating consistency with state, regional and local laws, including land use laws. Council would be required to provide public notice and hold a public hearing prior to making a determination on annexation. All existing requirements would continue to be met.

Alternatives: The Council could choose not to approve the resolution.

Financial Implications: According to the elections office, there is no charge to the City for placing an issue on the ballot in this November election; therefore the only costs incurred for placing this issue on the ballot at this time will be staff time and notice costs. If the issue were proposed in another election, the City or an applicant would be responsible for a portion of the election costs (approximately \$9,000).

Recommendation: Staff recommends City Council approve the resolution calling for an election and approving a ballot title to authorize the Sherwood City Council to annex the TEA.

Attachments:
Draft Resolution
Exhibit A (map)



RESOLUTION 2012-040

A RESOLUTION CALLING FOR AN ELECTION AND APPROVING A BALLOT TITLE TO AUTHORIZE THE SHERWOOD CITY COUNCIL TO HOLD A PUBLIC HEARING AT A LATER DATE TO CONSIDER ANNEXATION OF ALL OR PART OF THE TONQUIN EMPLOYMENT AREA

WHEREAS, the Tonquin Employment Area was brought into the Urban Growth Boundary in 2004 by Metro via Ord. 04-1040B; and

WHEREAS, the City of Sherwood developed a concept plan for the area and adopted the Concept Plan and implementing Ordinances in 2010 via Ord. 2010-014; and

WHEREAS, the Tonquin Employment area is currently in unincorporated Washington County; and

WHEREAS, the City is interested in facilitating economic development in the community by removing regulatory barriers and making employment land available for development; and

WHEREAS, Section 3 of the City of Sherwood Charter requires voter approval for annexing property into the City; and

WHEREAS, the requirement to place an annexation on the ballot adds time and uncertainty to property owners who wish to develop their property or developers considering locations to develop; and

WHEREAS, the entire Tonquin Employment area consists of 300 acres and 24 tax lots planned for employment land uses; and

WHEREAS, a map of the Tonquin Employment Area is attached as Exhibit A; and

WHEREAS, the Sherwood City Council agrees with the County annexation policies that areas outside the current City boundaries and within the City Urban Growth Boundary should ultimately be annexed to the City; and

WHEREAS, the Sherwood City Council may only approve an annexation if it is consistent with state, regional and local laws, including land use laws, regardless of the requirement for a citywide vote on annexation; and

WHEREAS, determining whether any proposed annexation complies with state, regional and local laws requires the Sherwood City Council to hold one or more public hearings; and

WHEREAS, the Charter does not require that an annexation be approved by the City Council prior to referring it to a vote of the electors in the City, only that it be approved by the voters prior to an annexation becoming effective; and

WHEREAS, this Resolution 2012-040 and the resulting election will allow City electors to approve or reject whether to annex the overall Tonquin Employment area while leaving the final decision on any specific annexation proposal within the Tonquin Employment Area up to the Sherwood City Council after a public hearing and the necessary findings of compliance with state, regional and local laws.

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

Section 1. A City election on this measure is called for November 6, 2012.

Section 2. The Washington County Elections Department will conduct the election.

Section 3. The ballot title will read as follows:

CAPTION: AUTHORIZING SHERWOOD CITY COUNCIL TO APPROVE TONQUIN EMPLOYMENT AREA ANNEXATION

QUESTION: Should properties in Tonquin Employment Area be annexed following application by property owner and approval by City Council?

SUMMARY: Approval of this measure allows individual property owners within the Tonquin Employment Area to request annexation into the City of Sherwood subject to approval by the City Council. The Tonquin Employment Area is located east and south of the City boundary, south of Tualatin Sherwood Road, southeast of Oregon Street, and generally east of Tonquin Road. The 300-acre area is planned for employment land uses and is subject to the Tonquin Employment Concept Plan, approved by the City Council on October 5, 2010. All annexations in Sherwood are subject to voter approval. Approval of this measure allows the City Council to approve future annexation applications from individual property owners in the Tonquin Employment Area if the proposed annexation complies with applicable state, regional and local laws. The City Council would hold one or more public hearings on any proposed annexation.

Section 4. The City Recorder will publish the ballot title as provided by state law.

Section 5. The City Recorder will give notice of the election in the manner required by law.

Section 6. The City Recorder is authorized to submit an impartial explanatory statement for the Washington County voters' pamphlet on behalf of the City

Section 7. This resolution is effective upon passage by the City Council and execution by the Mayor.

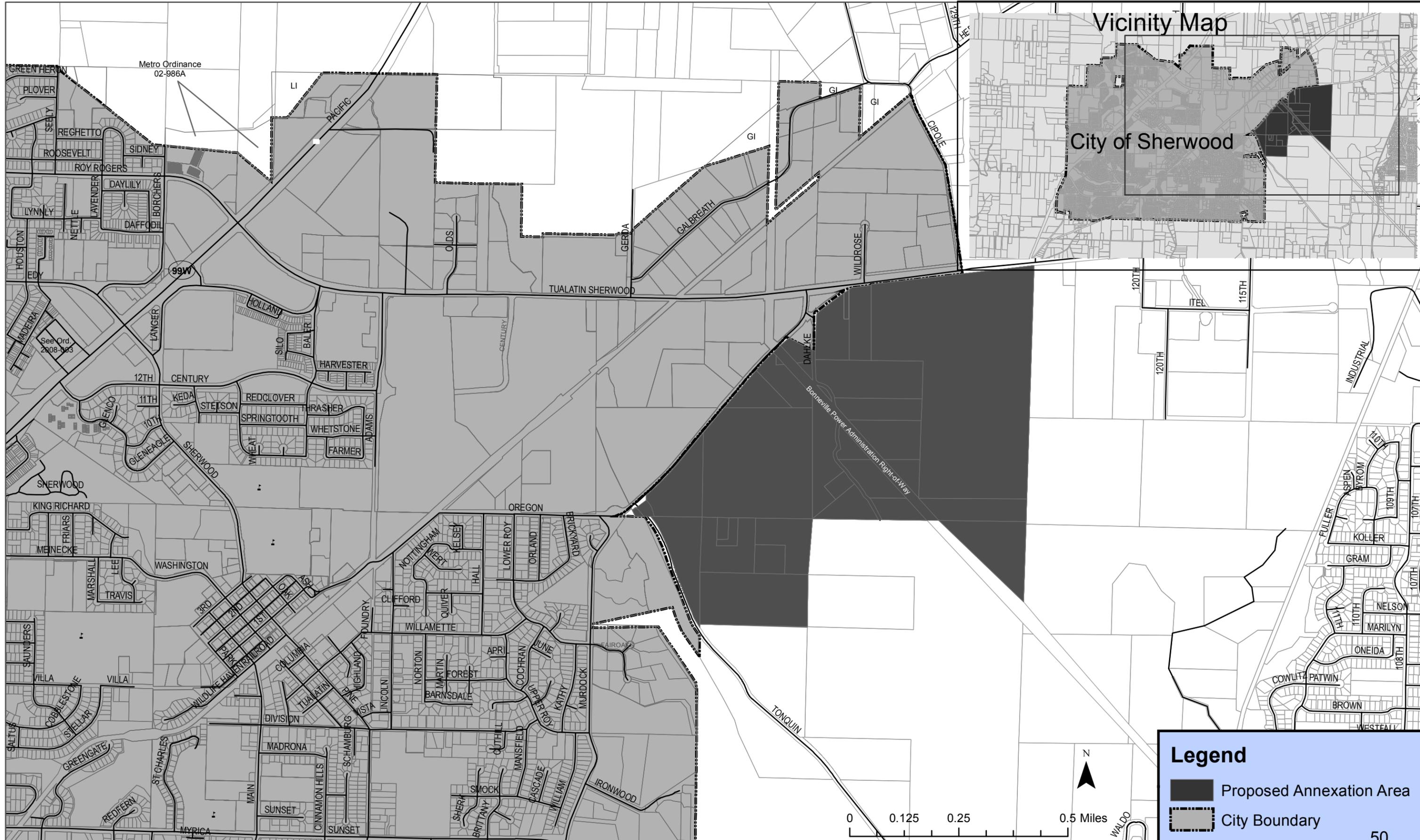
PASSED AND APPROVED this 7th day of August, 2012

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

Tonquin Employment Area





MEMORANDUM

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

DATE: July 30, 2012
TO: Sherwood City Council
FROM: Brad Kilby, Senior Planner, AICP
SUBJECT: Chapters 16.100 and 16.102 Signs

Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager
Joseph Gall, ICMA-CM

At the July 17, 2012 Council meeting, the Council held a public hearing on proposed changes to the sign code. As part of that hearing, staff had proposed a number of alternative revisions both prior to the Council meeting (included in the Council packet materials) and verbally at the hearing. In addition, testimony was received that proposed additional changes for Council to consider.



Council continued the public hearing and asked staff to provide a copy of the proposed changes incorporating all of the revisions discussed to date. Attached to this memo is the PC recommended changes with proposed additional revisions in track changes and clean copy. Comments are provided to identify where the proposed revision originated within the track changes version.

2009 Top Ten Selection



Where a comment is not provided, the revision is recommended by staff based on Council input and public feedback prior to and at the public hearing.

2007 18th Best Place to Live

A full copy of the packet materials previously provided to the Council is not included in this packet, therefore please refer to the packet from 7/17/12 for all of the background details and materials. For convenience, however, a copy the Ordinance 2012-009, Exhibit A (*The Planning Commission recommendation*) and the proposed revisions to exhibits A-1 and A-2 are provided.



If Council accepts these additional changes, they would modify Exhibit A-2 to Ordinance 2012-009 and a motion to that affect will be needed prior to making a motion on the ordinance itself.

Attachments –Ordinance 2012-009, Exhibit A, the revised Exhibits A-1 and A-2.



ORDINANCE 2012-009

AN ORDINANCE AMENDING THE SIGN CODE SECTION OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE (16.102)

WHEREAS, As part of the Code clean-up project, the City initiated an amendment to the Sherwood Zoning and Community Development Code (SZCDC) to consider modifications to the Sign Code; and

WHEREAS, Upon review, the City determined that the Sign Code would better serve the interests of citizens and staff by differentiating between permanent signage, and Temporary, Portable, and Banner signs; and

WHEREAS, The amendments were developed after full consideration of public input, the Planning Commission input, and a staff recommendation; and

WHEREAS, The City determined that the current sign code was vague, confusing, and difficult to enforce; and

WHEREAS, Upon review, the City determined that the regulation of Temporary, Portable, and Banner Signs warranted a separate chapter within the SZCDC; and

WHEREAS, Amendments were developed and proposed to modify the sign code to ensure that it was content neutral, and was limited to regulating the size, height, materials, and placement of signs within the City of Sherwood; and

WHEREAS, The proposed amendments were subject to full and proper review and a public hearing before the Planning Commission on March 13, 2012; and

WHEREAS, The Planning Commission voted to forward a recommendation to the City Council; and

WHEREAS, The City Council held a public hearing on July 17, 2012; and

WHEREAS, After full consideration of the public input, Planning Commission recommendation, staff recommendation, and community values, the Council determines that the proposed changes to the Sign Code meet the applicable Comprehensive Plan criteria and are 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 proposal, the Planning Commission recommendation, the record, findings, and the evidence presented at the public hearing, the Council adopts the findings of fact related to the modifications to the sign code contained in Exhibit A and amends the text of the SZCDC regarding signs contained in Exhibit A-2.

Section 2. Approval. The proposed amendments for sign code (PA 11-07) identified in Exhibit A-2, are 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 the Department of Land Conservation and Development and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

Section 4 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 7th day of August 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

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

City of Sherwood **July 17, 2012**
Planning Commission Recommendation to the City Council
File No: PA 11-07 Sign Code Amendments

The Planning Commission held a public hearing on February, 28 2012, and a subsequent hearing on March 13, 2012 to consider the proposed amendments and forwarded a recommendation of approval to the Council. The proposed amendments are attached to this report as Exhibit A-1 (clean version) and Exhibit A-2 (track changes version)

Proposal: A proposal to amend the Sherwood Sign Code. Specifically, the proposal would divide the existing sign code into two separate chapters within the Sherwood Zoning and Community Development Code (SZCDC). Chapter 16.100 would include all sign related definitions and regulate permanent signage, whereas, Chapter 16.102 would regulated temporary, portable, and banner signs. The primary purpose of these amendments are to clearly regulate the “time, place, and manner,” of temporary signage based on prescriptive size, placement, and duration limitations for temporary, portable, and banner signs.

I. BACKGROUND

- A. Applicant: This is a City initiated text amendment.

- B. Location: The proposed amendment is to the text of the development code and, applies citywide.

- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission considered the matter on February 28, 2012, and again on March 13, 2012. A motion passed to forward the language in Exhibit A to the City Council for their consideration. The City Council is expected to 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 July 17, 2012 City Council hearing on the proposed amendment was published in *The Times* on July 5, 2012, and published in the July edition of the Gazette. Notice was also posted in five public locations around town and on the web site on 6/26/12.

DLCD notice for the proposed amendment was mailed on November 21, 2012.

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

- F. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process. Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues, but over time, the changes have been inconsistent with other language in the Code, or have often times put different sections of the code at odds

with other sections. Beginning in late 2009, City staff and the Planning Commission began to review and identify issues with the development code that needed to be amended, and/or clarified. The City Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. As a result, a number of Code “clean-up” items were identified and placed into a work program for review and consideration.

This particular update focuses on signs within the City of Sherwood, and while the process focused primarily on temporary signs, portable signs, banner signs, and murals, it has evolved into a broader, yet minor review of the permanent sign code as well. Changes to the permanent sign code have been very limited in scope. The desire to review the existing temporary and portable sign language stems from past complaints that the sign code is complex and difficult to understand and administer. There have also been complaints regarding the visual clutter that temporary signs create, and a perception that the current wall sign provisions may have unintended consequences.

The proposed code language is a result of extensive opportunities for public comment as discussed later in this report, and are grounded in a solid understanding of signs as protected free speech under the first and fourteenth amendments to the US Constitution and Article One of the Oregon Constitution. The proposed language remains content neutral and is in the public interest. The proposed language does not place limitations on the contents of any signage that is proposed to be regulated, but does advance a legitimate public purpose by regulating for aesthetic and public safety purposes. The proposed language is limited to regulating the time, manner, and place of proposed signage within the City of Sherwood city limits.

The current code language resides in Division V. Community Design of the Sherwood Zoning and Community Development Code (SZCDC), and more specifically within Chapter 16.102. In preparation for the sign code review and update, staff surveyed the following literature and sign codes from around the country:

Literature

- *A Framework for On-premise Sign Regulations - 2009*
- *On-Premise Signs as Storefront Marketing Devices and Systems – 2005*
- *The Signage Sourcebook: A Signage Handbook – 2003*
- *Updating Sign Ordinances –1991*
- *Sign Regulation for Small and Midsize Communities: Planning Advisory Service Report –1989*

Sign Codes

- Yonkers, NY Sign Code
- Flagstaff, AZ Sign Code
- Lake Oswego, OR Sign Code
- City of Tigard, OR Sign Code
- City of Beaverton, OR Sign Code
- City of Wilsonville, OR Sign Code
- City of Tualatin, OR Sign Code
- Bainbridge Island, WA Sign Code
- Portland, OR Sign Code
- ODOT Temporary Sign Rules

Finally, City staff identified concerns with the language as it is currently written in that it is complex and requires considerable staff time to administer. Further, the Code Enforcement Officer, a half time position, is charged with investigating and processing, not only sign violations, but all violations, of the municipal code. Understandably, the more serious

violations warrant more of his time, which in turn leads to a perception of inconsistent enforcement.

The planning department works closely with the Code Enforcement Officer to ensure that his understanding of the code is consistent with what the planners tell the public at the front counter. Currently, the Code Enforcement Officer spends about 10-20% of his code enforcement time working with temporary sign violations. At the outset of this project the primary goal was to make the proposed language clear, objective, and easy to understand. As a result, staff, and through this recommendation, the Planning Commission is proposing that the sign code be split into two distinct Chapters. Chapter 16.100 would include all sign related definitions, and list the regulations for permanent signage within the City. Chapter 16.102 would only list the regulations for temporary, portable, and banner signs within the City.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent a request for comments to potentially affected agencies on December 13, 2011. DLCD notice was sent on November 21, 2011. The City has not received any agency comments to date on the proposed amendments.

Public:

There has been extensive public outreach and opportunities for the public to provide their personal opinions and comments on sign regulation over the past six months. This outreach began with an initial meeting with identified stakeholders. Stakeholders identified and invited included business owners, the Sherwood Chamber of Commerce Executive director, citizens who had applied for temporary sign permits in the past, citizens who had been subject to code enforcement actions regarding signs in the past, citizens who had filed complaints about signage in the past, and a member of the Planning Commission. Not everyone who was invited attended. The purpose of the meeting was to ascertain their perceptions of the existing code.

Generally, members felt that the code was clear but only selectively enforced, and that certain individuals or businesses were treated more favorably than others. There was discussion about finding ways to be more consistent in the City's enforcement of the code.

There was a concern that the cost of the sign permits were too high, and one of the stakeholders indicated that many businesses simply forego the cost of the permit, and are comfortable with taking the risk that the code enforcement officer will pull their signs. A few folks felt that the materials used to make the signs were cheap and often end up as litter on the side of the road.

The information gathered from the meeting along with discussions related to sign regulation were discussed with the Planning Commission in work sessions on September 27th, 2011, and November 8th, 2011.

The ideas crafted over the course of the two work sessions with the Planning Commission were presented to the public in an Open House format on November 17, 2011. Staff provided the same information in the lobby of City Hall, and at the Community Development counter along with comment cards and contact information for City staff until the first part of February.

Staff refined and drafted the proposed language based on discussions with the Planning Commission on December 13, 2011, and in a joint work session with the Planning Commission and City Council on January 17, 2012.

The initially proposed language was circulated to everyone who had provided comments or attended a public event over the previous months on January 27, 2012. Those same folks were invited to meet with staff on February 2, 2012 to provide further input.

Following that meeting, and subsequent hearings with the Planning Commission, staff refined the language into the proposal that is the subject of this staff report. The proposed language was provided in its most current iteration to the same folks that the previous version was mailed to on June 26, 2012, and posted on the City's website along with the public notice.

Specific concerns raised by Daryl Winand, the Governmental Affairs Liaison for the Portland Metro Association of Realtors, Charles Jagow, a trustee with St. Paul Lutheran Church and School, and Matt Grady, a project manager with Gramor Development at the Planning Commission hearing are addressed below:

Daryl Winand – Governmental Affairs Liaison for the Portland Metro Association of Realtors raised had concerns regarding:

- Proposed limitations on height and width of Temporary signs within residential areas
- A requirement for any portable signs located within the right-of-way to obtain a permit
- The elimination of the Tuesday and Thursday-Sunday exemption for portable signs within the right-of-way
- Realtors would not want to put stickers onto their signs when placed within the right-of-way

Staff Response: After meeting with Mr. Winand and listening to his concerns staff refined the height and width limitations for temporary signs that could be placed within the right-of-way in residential zones. His insight to the typical "colonial" or "post" sign that realtors typically used assisted us in making that determination. Regarding the location of signs within the public right-of-way, staff has advocated for this provision as a way to track the number and location of signs within the right-of-way, as well as an opportunity to educate folks about the regulations pertaining to signage placed within the right-of-way. This would also aid code enforcement staff in identifying signs that are or are not permitted within the right-of-way.

Currently, there is an exemption for portable signs located within the right-of-way on Tuesdays, and Thursday evenings until Sunday evenings, essentially making the code effective only two and a half days out of the week. The exemption was written with the real estate industry in mind, but has been used repeatedly used as a defense by folks who have had their signs pulled by the code enforcement officer on days when signs are not exempt claiming that the exemption is confusing. We certainly realize the importance to realtors and home buyers and sellers of directing folks to open houses, but unfortunately, we cannot regulate content, and do not recommend any language that would favor one group over another. Because the exemption is a confusing component of the current code, staff would strongly recommend that it be eliminated or modified.

One option to consider might be to allow A-frames, or another agreed upon sign type within the right-of-way without a permit provided they were only located within the right-of-way for the duration of whatever event or business they are promoting. As an alternative, the code could be written in a manner that places a maximum time limit for the sign in the right-of-way to ensure that they are only placed when necessary, and are not intended to replace permanent signage. One of these options may address two of Mr. Winand's concerns in that the sign would not require a sticker if it did not require a permit.

Charles Jagow, a trustee with St. Paul Lutheran Church and School has met with staff on two separate occasions, and provided written comments by way of a letter dated January 17, 2012. Mr. Jagow is concerned about the proposed limitations on banner signs. According to Mr. Jagow, "The realignment of Sherwood-Scholl's [AKA Roy Rogers] Road resulted in limited visibility of St. Paul. As a result, St. Paul installed two wooden signs with metal supports extending above to display banners for various church and school events..." The Church relies on the banners for outreach to the community. Mr. Jagow adds that the landscaping along Roy Rogers Road should be considered in limiting height. Finally, Mr. Jagow requests that the fees be nominal and permits bundled when possible.

Staff Response: It should be noted that the existing banner signs are currently not permitted by the code, and could not have been permitted by staff given that they are in the County right-of-way and Washington County does not allow temporary signs within their rights-of-way. According to Steve Conway, Senior Planner with Washington County, the County does not permit banner signs anywhere within the county. This particular instance may not have been enforced because there have not been any complaints filed, and the County would not enforce it, because it's in the City limits. The current code requires banner signs to be attached to a building, so both signs with the banner posts are violating the current code language. Staff has not identified proposed language that would allow them to hang a banner as desired, but welcomes suggested solutions from the Commission or Council that would be acceptable to meet the community values.

The Planning Commission and Council could exempt non-profit organizations from sign standards, but that would favor one group over another, and the code is intended to fair and treat people equitable. Because they are temporary signs, staff would recommend against treating them as non-conforming signs as that would potentially open the flood gates to other claims as they pertain to temporary, portable, or banner signs. In addition, it is not likely that they are legal non-conforming signs given that the permit for the permanent sign was issued in 2002.

Mr. Jagow's concern regarding fees is noted, and will be discussed with the Council once the final language is decided upon.

Matt Grady, a project manager with Gramor Development has met and discussed the proposed language with staff at the open house in November, and again at the counter. Mr. Grady submitted written comments in the form of a letter dated February 6, 2012. In his letter, Mr. Grady sought clarification of some of the existing standards, as well as, raised concerns related to projecting signs, signs on vacant lands, the proposed awning sign language, and the 20-foot spacing requirement for projecting signs.

Staff Response: Specifically, Mr. Grady wanted some clarification as to whether or not pole signs and signs on vacant property were intended to be prohibited in the sign code. Pole signs are expressly prohibited in the current as well as the proposed language. With the exception of temporary and portable signs, and consistent with the existing language, permanent signage is not permitted on vacant land within the City. Mr. Grady proposed that the awning signs be increased from 4 square feet to 6 square feet in size. After speaking with him, it became apparent that he thought a projecting sign and the awning sign were the same sign type. Staff proposed some minor edits to clarify that standard. Finally, Mr. Gramor requested language that would eliminate the 20-foot spacing requirement, and replace it with one projecting sign per business, per storefront space. His reasoning for the request is that it has been his experience that businesses want projecting signs over their doors, and that the doors are not always spaced 20-feet apart. Staff felt that the request was reasonable, and have proposed that change as part of this request.

The two letters provided by Mr. Jagow and Mr. Grady are attached to this report as exhibits 3 and 4.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

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

16.80.030.A - Text Amendment Review

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

While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language of a document that implements the Comprehensive Plan and is reviewed in that light. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations. The proposed changes would accomplish the following objectives:

- Separate the language for temporary, portable, and banner signs from the permanent sign language to clearly differentiate the standards that apply to each.
- Clarify the time, manner, and place for temporary, portable, and banner signs by limiting their size, height, location, and clearly indicating when a permit is required.
- Provides language that is clear, objective, and easy to understand.

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." The policy is accompanied by a strategy that states, "Adopt a sign ordinance which regulates the number, size and quality of signs and graphics. Standardize and improve the quality of public signs and traffic signalization." This code promotes the policy by implementation of the strategy. There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. Metro is silent to signage.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with this text change. Staff is not aware of any other state or local regulations that the proposed amendment would conflict with. The language has been drafted in a manner that strives to remove conflicts in the code, and to provide clarity. The Code does not limit the ability of people to exercise free speech, but rather limits the time, place, and manner in which the speech is provided so that it does not infringe on others pursuits of their rights as spelled out in both the Oregon and US Constitutions.

As discussed previously, the proposed amendments have been discussed in several public venues, and provided in several venues available to the public. Staff has always been available to discuss the proposed changes, and have invited comments throughout the course of the discussion. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

Formal notice was also published in the newspaper two weeks prior to the hearing, published in the February issue of the Gazette, has been posted around town in several conspicuous places, and is provided on the City's website.

- A courtesy notice of the hearing were also provided to all property owners of Commercial and Industrially Zoned property, and was published in the City Newsletter (the Archer).

FINDING: As discussed above in the analysis, there is a need for the proposed amendments in order to clarify the language, and to reflect the communities' desire as it relates to signage. The proposed amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

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

FINDING: The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments will 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. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 11-07 to the City Council.

- V. EXHIBITS**
1. Proposed development code changes – Track Changes
 2. Proposed development code changes – Clean Copy
 3. Letter dated January 17, 2012 from Charles Jagow
 4. Letter dated February 6, 2012 from Matt Grady
 5. Existing Code Language

Chapter 16.100

PERMANENT SIGNS*

Sections:

16.100.010 Common Regulations

16.100.020 Prohibited Signs

16.100.030 Sign Regulations by Zone

* Editor's Note: Some sections may not contain a history.

16.100.010 Common Regulations

A. Sign Permits

1. Except as otherwise provided in this Section and in Chapter 16.102, a person may not construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72, including payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs are subject to the provisions of the State Electrical Code and any applicable permit fees. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2002-1132)

B. Sign Application.

1. Application for a sign permit shall be made upon forms provided by the City and shall include the following information:
 - a. Name, address and telephone number of the applicant. Name, address, telephone number and signature of the property owner.
 - b. Location of the building structure, lot or parcel to which or upon which the sign is to be attached or erected.
 - c. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.
 - d. A plot plan drawn to scale indicating the location of all buildings, property lines, existing signs, street lights, easements, and overhead power lines on the same premises.
 - e. Name, address and telephone number of the person or firm who will erect, construct and maintain the sign. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2004-006 § 3; Ord. 86-851)

C. Exceptions

1. The following signs do not require a permanent sign permit but shall conform to all other applicable provisions of this Chapter:
 - a. Traffic signs installed per the Manual of Uniform Traffic Control Devices and other federal, state and local traffic sign regulations.
 - b. Changes to the copy of a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy that does not alter the dimensions of the sign.
 - c. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
 - d. A sign not exceeding four (4) square feet in size when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
 - e. A sign that is accessory to a construction site and construction activities that does not exceed thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.
 - f. Portable/temporary signs allowed per Chapter 16.102.
 - g. Public utility signs and other signs required by law.
 - h. Signs on private property three (3) square feet or less per sign face and under three (3) feet tall when freestanding and installed to be readable on private property. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2002-1132 §3; Ord. 86-851)

D. Violations

1. The City may order the removal of any sign erected or maintained in violation of the provisions of this Chapter. If the City orders the removal of a sign under this Section, the City shall give ninety (90) days written notice to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as an assessment lien. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851 §3)

E. Nonconforming Signs

1. Signs that do not conform to the provisions of this Chapter are regarded as non-

conforming signs and shall be brought into compliance with this Code's standards.

2. Except as exempted in subsection four (4) below, a nonconforming sign in existence on the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. A nonconforming sign erected after the effective date of Ordinance 2005-002 or made non-conforming by subsequent sign ordinance amendments, shall be brought into compliance within five (5) years of the issuance of a building permit to construct the sign or adoption of the ordinance creating the non-conformity. A nonconforming sign that is not brought into compliance within five (5) years shall be removed at the expense of the sign owner or, at the City's discretion, the owner of the property upon which it is located.
3. Except as exempted in subsection 4 below, a nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance.
4. A sign that is forty five (45) feet tall or less and that is three hundred (300) square feet or less in size is exempt from the requirement to come into compliance within five (5) years and may remain until: a.) structurally altered, relocated or replaced, or b.) until such time as the property on which it is located is developed or re-developed pursuant to a Type IV land use application. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2004-006)

F. Abandoned Signs

A person who owns or leases a sign shall remove the sign when the business advertised is discontinued or moves. The City shall give the owner of the building, structure or premises upon which an abandoned sign is located ninety (90) days written notice to remove the sign. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as similar liens. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

G. Reserved (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

H. Construction and Maintenance

Except as otherwise provided in this Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. All signs, supports, braces, guys and anchors and sign sites shall be kept in good repair and maintained in a clean, safe condition. (Ord. 86-851, § 3)

I. Definitions

1. Animated Signs: Signs that are animated by a person or animal using, carrying, or wearing a sign.

2. Area, Sign Face: The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets or sides:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include all written advertising copy, symbols or logos.
 - b. If the sign is composed of more than two (2) sign cabinets, sign faces, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
3. Awning or Canopy Sign: A sign attached below a building awning, porch, canopy, or other roof-like structure and limited to six (6) square feet.
4. Banner Sign: Signs made of lightweight fabric or other non-rigid material characteristically supported by two (2) or more points, and hung only on a permanent structure such as a building, fence, or wall.
5. Commercial Center: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having at least two (2) but no more than three (3) legally permitted businesses on the site.
6. Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having four (4) or more legally permitted businesses on the site.
7. Electronic Message Signs: Consistent with 16.100.020.E.and F., electronic message signs may not change more than once every thirty (30) seconds. In addition, the change may not involve movement or flashing. Electronic message signs are limited to no more than thirty-five (35) percent of the total sign area per sign face. (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)
8. Flag sign: A sign constructed of lightweight material designed to wave or move in the wind to attract attention to a particular location. For the purposes of this code an example would be a vertical banner. Flag signs are sometimes referred to as teardrop or feather banners.
9. Free-Standing Signs:
 - a. Monument Sign: A sign constructed so that it is erected on grade or set into a hillside. If the monument sign is supported by poles, the sign shall extend to cover the support poles to within four (4) inches of the grade. Each free-standing monument sign shall have no more than two (2) faces.
 - b. Column Sign: A sign supported by two square columns covered by wood, brick,

metal or stone with a minimum width of twenty-four (24) inches or a single square column with a minimum width of thirty-six (36) inches.

- c. Pole Sign: A free-standing sign mounted on one (1) vertical support less than thirty-six (36) inches wide.
10. Mural – An image located on the side of a wall that is commissioned and/or approved by the City Council via resolution.
11. Over-Right-of-Way Banner Sign: A banner sign, usually associated with a community-wide event, placed over a public right of way for a limited period of time.
12. Permanent Residential Development Sign: Any sign erected in association with a single-family attached, single-family detached, duplex or townhome subdivision or Planned Unit Development (PUD). (Ord. 2005-002 § 5; 2004-006)
13. Portable A-Frame Sign: A double-faced portable sign with an A-shaped frame, no greater than four (4) feet in height and seven (7) square feet per sign face, composed of two (2) sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.
14. Portable Sign: Small movable signs no greater than 24 inches in height and no larger than 18 inches by 24 inches per sign face used for a temporary period of time. Portable signs include stand-alone signs, not attached to a building or any other permanent structure. Examples include political signs, real estate open house signs, and other similar signage.
15. Projecting Sign: A projecting sign is a sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane that is generally perpendicular to the wall.
16. Roof Signs: Signs erected in or directly above a roof or parapet of a building or structure.
17. Rotating or Revolving Signs: Signs that rotate or turn in motion by electrical or mechanical means in a circular pattern
18. Single Business Site: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or any other recorded document, having a single legally permitted business on the site.
19. Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects.
20. Temporary Sign: Signs that are firmly affixed to a temporary structure that is placed into

the ground and designed to be temporary. Characteristics of a temporary sign include signs constructed of a rigid material attached to wood or metal posts which do not require permanent footings. Examples of temporary signs include, but are not limited to residential and commercial real estate signs.

21. Vehicle Sign: A sign that is attached to a vehicle, on or above the vehicle that is parked in a location for the primary purpose of advertising.

22. Wall Sign: A sign attached to, erected against or painted on a wall of a building.

16.100.020 Prohibited Signs

A. Unsafe or Unmaintained Signs

All signs and sign structures must be constructed, erected and maintained to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of this Chapter. (Ord. 86-851, § 3)

B. Signs on Streets

No sign shall substantially obstruct free and clear vision along streets or by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device. No sign shall use the words "stop", "look", "danger", or any other similar word, phrase, symbol or character that interferes with or misleads motorists, pedestrians or bicyclists. (Ord. 86-851, § 3)

C. Obstructing Signs

No sign or sign structure shall be located or constructed so that it obstructs access to any fire escape, exit doorway or other means of egress from a building. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire. (Ord. 86-851, § 3)

D. Rotating or Revolving Signs

Rotating or revolving signs are prohibited. (Ord. 86-851, § 3)

E. Illuminated Signs

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label or equivalent third party product safety testing and

certification organization. (Ord. 86851 § 3)

F. Changing Image Signs

Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message is prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every thirty (30) seconds and such change does not involve movement or flashing. (Ord. 2003-1153, § 1)

G. Pole Signs, over six (6) feet in height (Ord. 2004-006 § 3)

H. Signs on Vacant Land

Any sign on unimproved property, unless allowed as a portable or temporary sign under Chapter 16.102 is prohibited. (Ord. 2004-006 § 3)

I. Permanent Residential Development Signs (Ord. 2005-002 § 5; 2004-006)

J. Roof Signs (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)

16.100.030 Sign Regulations By Zone

A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones except for the following:

1. Public/Semi-Public Uses

For churches, schools and other public uses located within a residential or institutional public zone:

- a. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.
- b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

2. Multi-Family Development Signs

- a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base. (Ord. 2005-002 § 5; 2004-006)

3. Non-Residential Signs

- a. One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed. (Ord. 2005-002 § 5; 2004-006; 2002-1132)

B. Commercial Zones

A permanent sign that requires a sign permit is not allowed in a commercial zone except for the following:

1. Free-Standing Signs

- a. Number Permitted: Except as otherwise provided in (1-3) below, one (1) multi-faced, free-standing sign.
 - (1) Where the total street frontage exceeds three-hundred (300) feet in length, one (1) additional free-standing sign is permitted. Except as otherwise permitted in (2) or (3) below, no more than one (1) free-standing sign per street frontage shall be permitted. Where two (2) or more signs are allowed due to multiple frontages, each sign shall be oriented to face a different direction or street frontage.
 - (2) One (1) additional free-standing monument sign may be provided for fueling stations.
 - (3) A Commercial Center or Commercial Plaza with at least two (2) stand-alone businesses may have one (1) additional free-standing sign provided the site has more than three hundred (300) feet of frontage
- b. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in the locations identified in (1-5) below, the height, for no more than one (1) sign per single business site, commercial center or plaza, may be increased to no more than twenty (20) feet to allow for the construction of a column sign only. The exception locations are identified as:
 - (1) On or within one hundred (100) feet of Pacific Highway,
 - (2) Tualatin-Sherwood Road between 99W and SW Olds Place,

(3) Roy Rogers Road between 99W and Borchers

(4) Sherwood Boulevard between 99W and Century Boulevard, and

(5) Edy Road between 99W and Borchers.

The height of the sign shall be measured from the average grade of the building footprint located on site to the highest point of the sign. For sites with more than one (1) building, the average grade of the building closest to the location of the sign shall be used.

- c. Clearance: Signs are prohibited over a driveway or parking area.
- d. Area: The maximum sign area for all commercial zones shall not exceed thirty-six (36) square feet per sign face with a maximum of two (2) sign faces permitted except that in those areas identified in 16.100.030.B.1.b.1-5, the sign area for one (1) sign may be increased up to one hundred (100) square feet for a commercial center or up to one hundred fifty (150) square feet for a commercial plaza.
- e. Location: No free-standing sign or any portion of any free-standing sign shall be located within a public right-of-way. Free-standing signs must comply with the Clear Vision Area requirements of Section 16.58.010.

2. Wall Signs

- a. Wall signs in combination with projecting signs shall not exceed twenty percent (20%) of the gross area face of the building to which the sign is attached. Signs placed on or within one (1) foot of display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signage. A minimum of thirty (30) square feet is guaranteed and the maximum shall be two-hundred fifty (250) square feet. Wall signs may not project more than one and one-half (1 1/2) feet from the wall to which they are attached. Wall signs shall be constructed of rigid materials. No banner sign shall be framed or encased in a manner to be constructed as a wall sign.

3. Projecting Signs

- a. Projecting signs supported by a wall of a building or structure shall be permitted under the following conditions:
 - (1) Only one (1) projecting sign will be permitted per store front.. Projecting signs are attached so that they hang perpendicular to the façade of the building, and are limited in size by the provisions of 16.100.030.B.2.a above.

(a) In addition, businesses within commercial districts with a porch or awning, will be permitted to have one (1) additional awning sign that is perpendicular to the building and oriented to pedestrians provided that they are:

- (i) Hung from the roof of the porch or awning;
- (ii) No more than six (6) square feet in area; and
- (iii) The bottom of the sign is at least eight (8) feet above the grade of the sidewalk.

(2) No projecting sign shall be permitted on the same premises where there is a free-standing sign.

(3) No projecting sign shall extend more than three (3) feet above the roof line at the wall or the top of a parapet wall, whichever is higher.

(4) When a projecting sign is used no angle irons, guy wires or braces shall be visible except those that are an integral part of the overall design such as decorative metals or woods or unless they are required for safety.

(5) No sign shall project to within two (2) feet of the curb of a public street or beyond five (5) feet from the building face, whichever is less.

4. Directional Signs

- a. The requirements of chapter 16.102 shall apply. (Ord. 2004-006 § 3; 2002-1132)

C. Industrial Zones

No permanent sign requiring a permit shall be allowed in industrial zones except for the following:

1. Free Standing Signs

- a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.B.1-5.
- b. Other than allowed under (a) above, a property in an industrial zone may have one (1) multi-faced free-standing sign per street frontage provided the height does not exceed six (6) feet and the sign face does not exceed thirty-six (36) square feet per sign face for a maximum of seventy-two (72) square feet.

2. Directional Signs

- a. The requirements of Chapter 16.102 shall apply.

3. Wall Signs

- a. The requirements of Section 16.100.030.B.2, Commercial Signs shall apply.
(Ord. No. 2009-003, § 2, 2-17-2009)

Chapter 16.102

TEMPORARY, PORTABLE AND BANNER SIGNS*

Sections

16.102.010 Temporary and Portable Signs - Purpose

16.102.020 Temporary and Portable Signs General Regulations

16.102.030 Temporary Signs

16.102.040 Portable Signs

16.102.050 Banner Signs

16.102.060 Violations

* Editor's Note: Some sections may not contain a history.

16.102.010 Temporary and Portable Signs - Purpose

Temporary, portable, and banner signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel. Signs that are not clearly regulated by the provisions of this chapter are subject to the standards for permanent signs in Chapter 16.100. Definitions for permanent, temporary, and portable signs can be found in Section 16.100.010.I. All temporary, portable, and banner signs are subject to the time, place, and manner regulations of this chapter

16.102.020 Temporary and Portable Signs General Regulations

A. Temporary and portable signs are prohibited in the following locations:

1. Within any ODOT right-of-way, including but not limited to Highway 99.
2. Within any Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road, and Tualatin-Sherwood Road. However, if the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed at 50 feet or more from the curb or edge of pavement, subject to authorization from the entity with jurisdiction over the right of way.
3. Within any clear vision area as defined in Section 16.58.010

B.

The following temporary, portable, and banner signs are exempt from the provisions of this chapter.

1. Public notice signs as required by Section 16.72.020, or by any federal, state or local law.
2. Federal, state, and other flags not exceeding twenty-four (24) square feet in all

- residential zones, and forty (40) square feet in all other zones.
3. Signs that have been approved in association with a City of Sherwood Special Event Permit.
 4. A public-necessity sign such as safety and instructional signs, for public facilities and public parks, City sponsored community events installed by or with permission of the City of Sherwood.
- C. Temporary and portable signs on private property do not require a permit, but are subject to all of the applicable standards within this section.
- D. Signs shall not be placed on private property without the express permission of the property owner.
- E. Signs shall not be illuminated and may not include pennant strings, balloons, streamers, spinners, propellers, search lights, or other items that involve motion to attract attention.
- F. Signs shall not obstruct vehicular or pedestrian traffic.
- G. It is the responsibility of the person posting a temporary or portable sign to remove it.
- H. In the event that a sign is requested by a business whose regular access is blocked due to road construction and/or road closures, signs may be permitted to remain in the public right-of-way, at an approved location, until construction is completed. Such signs do not require a permit. Such signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by the agency.

16.102.030 Temporary Sign Regulations

- A. The following regulations apply to all temporary signs as defined in Section 16.100.I.21.
1. Temporary signs on properties zoned VLDR, LDR, and MDRL, may be double sided, but are limited to a maximum height of six (6) feet, and a maximum sign width of three (3) feet. The actual sign face of each side of the sign shall not exceed six (6) square feet. The sign must be constructed of wood or vinyl in the colonial post style and is allowed one rider not to exceed 6 inches in height.
 2. Temporary signs in all other zones may be double sided, and are limited to a maximum height of eight and one half (8 1/2) feet, and a maximum width of four (4) feet. The actual sign face of each side of the sign shall not exceed thirty-two (32) square feet.
 3. No more than one (1) temporary sign is permitted on any one (1) lot unless the property fronts more than one (1) street or has more than three hundred (300) feet of frontage along a street. In these limited cases up to two (2) temporary signs may be allowed.
 4. Where multiple temporary signs are placed on the same property, as authorized above, the signs shall be spaced at least fifty (50) feet apart.
 5. Temporary signs are not permitted in the public right-of-way.

16.102.040 Portable sign Regulations

- A. The following regulations apply to all portable signs as defined in Section 16.100.I.13 and 14 in all zones.

1. No more than four (4) portable signs are allowed on any residentially zoned lot, except that properties over an acre in size that are developed with an approved non-residential use may place one (1) portable sign every fifty (50) feet for the length of the sites frontage along a public street.
2. No more than (1) portable sign per business is allowed in all other zones, except the Institutional and Public (I-P) zone.
3. Properties zoned Institutional and Public (I-P) may place one (1) portable sign every fifty (50) feet for the length of the sites frontage along a public street.
4. No portable sign shall be placed in any publicly owned right-of-way except on Friday after 6 am through Sunday at 6 pm unless exempt per B, below or 16.102.020.B above.
5. Portable signs shall also meet the following standards:
 - a. Because maintenance of the right-of-way in front of a single-family home is the responsibility of the homeowner, a person wishing to place a sign in the right-of-way, in front of someone's home must make a good faith effort to contact the homeowner, and if not home, must leave something in writing that includes the persons contact information and a description of the effort made to contact the homeowner.
 - b. Signs shall not create a traffic safety or maintenance problem, and the City may remove and dispose of any signs that constitute a problem.
 - c. Signs shall be freestanding and shall not be attached to any structure or vegetation such as utility poles, traffic signs, street signs, trees, or similar items.
 - d. Portable Signs shall be either an A-frame design or shall be attached to a wood or wire h-frame stake driven into the ground well clear of tree roots, irrigation lines, and any other underground utility that could be damaged by such stakes.
 - e. Portable signs shall be spaced at least 25 feet apart when placed on the same property.

B. The following regulations apply to all portable signs located within the Old Town Overlay District

1. A business who has a valid City of Sherwood business license and is physically located within the Old Town Overlay District may display two (2) portable signs, without a permit, on private property or within the public right-of-way in the Old Town Overlay District.
2. Each portable sign shall be a maximum of six (6) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs shall be sited per Section 16.102.040.

16.102.050 Banner Sign Regulations

A. The following banner signs are exempt from these regulations:

1. Banner signs not intended to be viewed from a public street. (Ord. 2002-1132 § 3)
2. Signs that meet any of the provisions of section 16.102.020(B)

B. The following regulations apply to all banner signs as defined in Section 16.100.I.4 and over

the right-of-way banner signs in 16.100.I.12 in all zones.

1. Except for banner signs approved as over the right-of-way banner signs or 5 below, banner signs shall be firmly attached to the side of a building,. No banner sign shall be attached to a fence, wall, building roofs, vehicles, trailers, or anything else.
2. Banner signs shall not cover building windows.
3. Banner signs shall be maintained in good condition. They shall not droop, have frayed ends, and shall be graphically clear and readable. Sun-faded, weather-damaged banner signs are prohibited.
4. Banner signs shall be made of all-weather material. (Ord. 2002-1132 § 3)
5. If the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed on a fence or wall at 50 feet or more from the curb or edge of pavement, subject to authorization from the entity with jurisdiction over the right of way.

C. Permitted Locations

1. Commercial, Industrial, and Institutional Public Zoning Districts.
 - a. Each business having a valid City of Sherwood business license and who's business is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Retail Commercial (RC), General Commercial (GC). General Industrial (GI), Light Industrial (LI) or Institutional Public (IP) zoning district may display one (1) banner sign on private property.
 - b. Banner signs shall be no larger than thirty-two (32) square feet in size.
2. Residential Zoning Districts.
 - a. One (1) banner sign not exceeding thirty-two (32) square feet per tax lot. (Ord. 2002-1132 § 3)
3. Signs proposed to be located over a public right-of-way are subject to the following provisions:
 - a. An applicant may be approved for one (1) temporary over-the-right-of-way banner sign to be attached to power poles. Over-the-right-of-way banner signs shall be installed only after receiving a permit from the utility provider or its successor. Once a permit is obtained, the applicant is required to receive a right-of-way permit from the City Engineer.
 - b. Over-the-right-of-way banner signs are allowed at the following locations:
 - (1) Over North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins Elementary School.

D. Review Process

1. No banner sign, except signs exempt by the provisions of sections 16.102.020.B, and 16.102.050.A shall be placed anywhere within the City without a permit.
2. Requests for permits shall be processed through a Type I administrative review and are subject to the standards listed above.
3. Permits for banner signs within the City shall be valid for a period of thirty (30) days.
4. Permits may be reissued on the same property a maximum of three (3) times in any calendar year.

16.102.060 Violations to temporary, portable and banner sign standards

1. Fines shall be set by City Council resolution. (Ord. 2002-1132 § 3)
 - A. First Violation –Written warning stating corrective action required to bring the portable sign into conformance is provided to the property owner.
 - B. Second Violation -- Fine.
 - C. Third Violation -- Sign removed and held for thirty (30) calendar days. During this period the sign will be returned to the owner subject to payment equal to twice the original fine.
 - D. Fourth Violation -- The business loses temporary and portable sign privileges for one (1) year. City can remove signs and fine for each offense during this one (1) year probation period. (Ord. 2006-021; 2005-002 § 5; 2002-1132)
 - E. The City is not responsible for any signs not collected by the owner after the thirty (30) day hold period expressed in C above. Such signs shall be properly disposed of by the City in the event that the signs are not collected by the owner within five (5) days after the hold period expires.

Chapter 16.100

PERMANENT SIGNS*

Sections:

16.100.010 Common Regulations

16.100.020 Prohibited Signs

16.100.030 Sign Regulations by Zone

* Editor's Note: Some sections may not contain a history.

16.100.010 Common Regulations

A. Sign Permits

1. Except as otherwise provided in this Section and in Chapter 16.102, a person may not construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72, including payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs are subject to the provisions of the State Electrical Code and any applicable permit fees. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2002-1132)

B. Sign Application.

1. Application for a sign permit shall be made upon forms provided by the City and shall include the following information:
 - a. Name, address and telephone number of the applicant. Name, address, telephone number and signature of the property owner.
 - b. Location of the building structure, lot or parcel to which or upon which the sign is to be attached or erected.
 - c. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.
 - d. A plot plan drawn to scale indicating the location of all buildings, property lines, existing signs, street lights, easements, and overhead power lines on the same premises.
 - e. Name, address and telephone number of the person or firm who will erect, construct and maintain the sign. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2004-006 § 3; Ord. 86-851)

C. Exceptions

1. The following signs do not require a permanent sign permit but shall conform to all other applicable provisions of this Chapter:
 - a. Traffic signs installed per the Manual of Uniform Traffic Control Devices and other federal, state and local traffic sign regulations.
 - b. Changes to the copy of a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy that does not alter the dimensions of the sign.
 - c. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
 - d. A sign not exceeding four (4) square feet in size when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
 - e. A sign that is accessory to a construction site and construction activities that does not exceed thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.
 - f. Portable/temporary signs allowed per Chapter 16.102.
 - g. Public utility signs and other signs required by law.
 - h. Signs on private property three (3) square feet or less per sign face and under three (3) feet tall when freestanding and installed to be readable on private property. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2002-1132 §3; Ord. 86-851)

D. Violations

1. The City may order the removal of any sign erected or maintained in violation of the provisions of this Chapter. If the City orders the removal of a sign under this Section, the City shall give ninety (90) days written notice to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as an assessment lien. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851 §3)

E. Nonconforming Signs

1. Signs that do not conform to the provisions of this Chapter are regarded as non-

conforming signs and shall be brought into compliance with this Code's standards.

2. Except as exempted in subsection four (4) below, a nonconforming sign in existence on the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. A nonconforming sign erected after the effective date of Ordinance 2005-002 or made non-conforming by subsequent sign ordinance amendments, shall be brought into compliance within five (5) years of the issuance of a building permit to construct the sign or adoption of the ordinance creating the non-conformity. A nonconforming sign that is not brought into compliance within five (5) years shall be removed at the expense of the sign owner or, at the City's discretion, the owner of the property upon which it is located.
3. Except as exempted in subsection 4 below, a nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance.
4. A sign that is forty five (45) feet tall or less and that is three hundred (300) square feet or less in size is exempt from the requirement to come into compliance within five (5) years and may remain until: a.) structurally altered, relocated or replaced, or b.) until such time as the property on which it is located ~~is developed or re-developed pursuant to goes through a major re-development as determined by the Commission as part of a~~ [JH1] Type IV land use application. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2004-006)

F. Abandoned Signs

A person who owns or leases a sign shall remove the sign when the business advertised is discontinued or moves. The City shall give the owner of the building, structure or premises upon which an abandoned sign is located ninety (90) days written notice to remove the sign. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as similar liens. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

G. Reserved (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

H. Construction and Maintenance

Except as otherwise provided in this Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. All signs, supports, braces, guys and anchors and sign sites shall be kept in good repair and maintained in a clean, safe condition. (Ord. 86-851, § 3)

I. Definitions

1. Animated Signs: Signs that are animated by a person or animal using, carrying, or wearing a sign.

2. Area, Sign Face: The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets or sides:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include all written advertising copy, symbols or logos.
 - b. If the sign is composed of more than two (2) sign cabinets, sign faces, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
3. Awning or Canopy Sign: A sign attached below a building awning, porch, canopy, or other roof-like structure and limited to six (6) square feet.
4. Banner Sign: Signs made of lightweight fabric or other non-rigid material characteristically supported by two (2) or more points, and hung only on a permanent structure such as a building, fence, or wall.
5. Commercial Center: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having at least two (2) but no more than three (3) legally permitted businesses on the site.
6. Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having four (4) or more legally permitted businesses on the site.
7. Electronic Message Signs: Consistent with 16.100.020.E.and F., electronic message signs may not change more than once every thirty (30) seconds. In addition, the change may not involve movement or flashing. Electronic message signs are limited to no more than thirty-five (35) percent of the total allowable sign area per sign face. (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)
8. Flag sign: A sign constructed of lightweight material designed to wave or move in the wind to attract attention to a particular location. For the purposes of this code an example would be a vertical banner. Flag signs are sometimes referred to as teardrop or feather banners.
9. Free-Standing Signs:
 - a. Monument Sign: A sign constructed so that it is erected on grade or set into a hillside. If the monument sign is supported by poles, the sign shall extend to cover the support poles to within four (4) inches of the grade. Each free-standing monument sign shall have no more than two (2) faces.

- b. Column Sign: A sign supported by two square columns covered by wood, brick, metal or stone with a minimum width of twenty-four (24) inches or a single square column with a minimum width of thirty-six (36) inches.
 - c. Pole Sign: A free-standing sign mounted on one (1) vertical support less than thirty-six (36) inches wide.
10. Mural – An image located on the side of a wall that is commissioned and/or approved by the City Council via resolution.
11. Over-Right-of-Way Banner Sign: A banner sign, usually associated with a community-wide event, placed over a public right of way for a limited period of time.
12. Permanent Residential Development Sign: Any sign erected in association with a single-family attached, single-family detached, duplex or townhome subdivision or Planned Unit Development (PUD). (Ord. 2005-002 § 5; 2004-006)
13. Portable A-Frame Sign: A double-faced portable sign with an A-shaped frame, no greater than four (4) feet in height and seven (7) square feet per sign face, composed of two (2) sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.
14. Portable Sign: Small movable signs no greater than 24 inches in height and a sign face no larger than 18 inches by 24 inches in size (6) square feet per sign face used for a temporary period of time. Portable signs include stand-alone signs, not attached to a building or any other permanent structure. Examples include ~~A-frame signs~~, political signs, real estate open house signs, and other similar signage.
15. Projecting Sign: A projecting sign is a sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane that is generally perpendicular to the wall.
16. Roof Signs: Signs erected in or directly above a roof or parapet of a building or structure.
17. Rotating or Revolving Signs: Signs that rotate or turn in motion by electrical or mechanical means in a circular pattern
18. Single Business Site: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or any other recorded document, having a single legally permitted business on the site.
19. Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects.

20. Temporary Sign: Signs that are firmly affixed to a temporary structure that is placed into the ground and designed to be temporary. Characteristics of a temporary sign include signs constructed of a rigid material attached to wood or metal posts which do not require permanent footings. Examples of temporary signs include, but are not limited to residential and commercial real estate signs.
21. Vehicle Sign: A sign that is attached to a vehicle, on or above the vehicle that is parked in a location for the primary purpose of advertising.
22. Wall Sign: A sign attached to, erected against or painted on a wall of a building.

16.100.020 Prohibited Signs

A. Unsafe or Unmaintained Signs

All signs and sign structures must be constructed, erected and maintained to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of this Chapter. (Ord. 86-851, § 3)

B. Signs on Streets

No sign shall substantially obstruct free and clear vision along streets or by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device. No sign shall use the words "stop", "look", "danger", or any other similar word, phrase, symbol or character that interferes with or misleads motorists, pedestrians or bicyclists. (Ord. 86-851, § 3)

C. Obstructing Signs

No sign or sign structure shall be located or constructed so that it obstructs access to any fire escape, exit doorway or other means of egress from a building. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire. (Ord. 86-851, § 3)

D. Rotating or Revolving Signs

Rotating or revolving signs are prohibited. (Ord. 86-851, § 3)

E. Illuminated Signs

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose the

face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label or equivalent third party product safety testing and certification organization. (Ord. 86851 § 3)

F. Changing Image Signs

Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message is prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every thirty (30) seconds and such change does not involve movement or flashing. (Ord. 2003-1153, § 1)

G. Pole Signs, over six (6) feet in height (Ord. 2004-006 § 3)

H. Signs on Vacant Land

Any sign on unimproved property, unless allowed as a portable or temporary sign under Chapter 16.102 is prohibited. (Ord. 2004-006 § 3)

I. Permanent Residential Development Signs (Ord. 2005-002 § 5; 2004-006)

J. Roof Signs (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)

16.100.030 Sign Regulations By Zone

A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones except for the following:

1. Public/Semi-Public Uses

For churches, schools and other public uses located within a residential or institutional public zone:

- a. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.
- b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

2. Multi-Family Development Signs

- a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base. (Ord. 2005-002 § 5; 2004-006)

3. Non-Residential Signs

- a. One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed. (Ord. 2005-002 § 5; 2004-006; 2002-1132)

B. Commercial Zones

A permanent sign that requires a sign permit is not allowed in a commercial zone except for the following:

1. Free-Standing Signs

- a. Number Permitted: Except as otherwise provided in (1-3) below, one (1) multi-faced, free-standing sign.
 - (1) Where the total street frontage exceeds three-hundred (300) feet in length, one (1) additional free-standing sign is permitted. Except as otherwise permitted in (2) or (3) below, no more than one (1) free-standing sign per street frontage shall be permitted. Where two (2) or more signs are allowed due to multiple frontages, each sign shall be oriented to face a different direction or street frontage.
 - (2) One (1) additional free-standing monument sign may be provided for fueling stations.
 - (3) A Commercial Center or Commercial Plaza with at least two (2) stand-alone businesses may have one (1) additional free-standing sign provided the site has more than three hundred (300) feet of frontage
- b. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in the locations identified in (1-5) below, the height, for no more than one (1) sign per single business site, commercial center or plaza, may be increased to no more than twenty (20) feet to allow for the construction of a column sign only. The exception locations are identified as:
 - (1) On or within one hundred (100) feet of Pacific Highway,

- (2) Tualatin-Sherwood Road between 99W and SW Olds Place,
- (3) Roy Rogers Road between 99W and Borchers
- (4) Sherwood Boulevard between 99W and Century Boulevard, and
- (5) Edy Road between 99W and Borchers.

The height of the sign shall be measured from the average grade of the building footprint located on site to the highest point of the sign. For sites with more than one (1) building, the average grade of the building closest to the location of the sign shall be used.

- c. Clearance: Signs are prohibited over a driveway or parking area.
- d. Area: The maximum sign area for all commercial zones shall not exceed thirty-six (36) square feet per sign face with a maximum of two (2) sign faces permitted except that in those areas identified in 16.100.030.B.1.b.1-5, the sign area for one (1) sign may be increased up to one hundred (100) square feet for a commercial center or up to one hundred fifty (150) square feet for a commercial plaza.
- e. Location: No free-standing sign or any portion of any free-standing sign shall be located within a public right-of-way. Free-standing signs must comply with the Clear Vision Area requirements of Section 16.58.010.

2. Wall Signs

- a. Wall signs in combination with projecting signs shall not exceed twenty percent (20%) of the gross area face of the building to which the sign is attached. Signs placed on or within one (1) foot of display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signage. A minimum of thirty (30) square feet is guaranteed and the maximum shall be two-hundred fifty (250) square feet. Wall signs may not project more than one and one-half (1 1/2) feet from the wall to which they are attached. Wall signs shall be constructed of rigid materials. No banner signs shall be framed or encased in a manner to be constructed as a wall sign.

3. Projecting Signs

- a. Projecting signs supported by a wall of a building or structure shall be permitted under the following conditions:
 - (1) Only one (1) projecting sign will be permitted per store front.. Projecting signs

are attached so that they hang perpendicular to the façade of the building, and are limited in size by the provisions of 16.100.030.B.2.a above.

(a) In addition, businesses within commercial districts with a porch or awning, will be permitted to have one (1) additional awning sign that is perpendicular to the building and oriented to pedestrians provided that they are:

- (i) Hung from the roof of the porch or awning;
- (ii) No more than six (6) square feet in area; and
- (iii) The bottom of the sign is at least eight (8) feet above the grade of the sidewalk.

(2) No projecting sign shall be permitted on the same premises where there is a free-standing sign.

(3) No projecting sign shall extend more than three (3) feet above the roof line at the wall or the top of a parapet wall, whichever is higher.

(4) When a projecting sign is used no angle irons, guy wires or braces shall be visible except those that are an integral part of the overall design such as decorative metals or woods or unless they are required for safety.

(5) No sign shall project to within two (2) feet of the curb of a public street or beyond five (5) feet from the building face, whichever is less.

4. Directional Signs

- a. The requirements of chapter 16.102 shall apply. (Ord. 2004-006 § 3; 2002-1132)

C. Industrial Zones

No permanent sign requiring a permit shall be allowed in industrial zones except for the following:

1. Free Standing Signs

- a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.B.1-5.
- b. Other than allowed under (a) above, a property in an industrial zone may have one (1) multi-faced free-standing sign per street frontage provided the height does not exceed six (6) feet and the sign face does not exceed thirty-six (36) square feet per sign face for a maximum of seventy-two (72) square feet.

2. Directional Signs

- a. The requirements of Chapter 16.102 shall apply.

3. Wall Signs

- a. The requirements of Section 16.100.030.B.2, Commercial Signs shall apply.
(Ord. No. 2009-003, § 2, 2-17-2009)

Chapter 16.102

TEMPORARY, PORTABLE AND BANNER SIGNS*

Sections

16.102.010 Temporary and Portable Signs - Purpose

16.102.020 Temporary and Portable Signs General Regulations

16.102.030 Temporary Signs

16.102.040 Portable Signs

16.102.050 Banner Signs

16.102.060 Violations

* Editor's Note: Some sections may not contain a history.

16.102.010 Temporary and Portable Signs - Purpose

Temporary, portable, and banner signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel. Signs that are not clearly regulated by the provisions of this chapter are subject to the standards for permanent signs in Chapter 16.100. Definitions for permanent, temporary, and portable signs can be found in Section 16.100.010.I. All temporary, portable, and banner signs are subject to the time, place, and manner regulations of this chapter

16.102.020 Temporary and Portable Signs General Regulations

A. Temporary and portable signs are prohibited in the following locations:

1. Within any ODOT right-of-way, including but not limited to Highway 99.
2. Within any Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road, and Tualatin-Sherwood Road. However, if the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed at 50 feet or more from the outermost sidewalk, curb or edge of paving, subject to authorization from the entity with jurisdiction over the right of way [H3].

- ~~2.3.~~ Within any clear vision area as defined in Section 16.58.010

B.

The following temporary, portable, and banner signs are exempt from the provisions of this chapter.

1. Public notice signs as required by Section 16.72.020, or by any federal, state or local law.

2. Federal, state, and other flags not exceeding twenty-four (24) square feet in all residential zones, and forty (40) square feet in all other zones.
 3. Signs that have been approved in association with a City of Sherwood Special Event Permit.
 4. A public-necessity sign such as safety and instructional signs, for public facilities and public parks, City sponsored community events installed by or with permission of the City of Sherwood.
- C. Temporary and portable signs on private property do not require a permit, but are subject to all of the applicable standards within this section.
- D. Signs shall not be placed on private property without the express permission of the property owner.
- E. Signs shall not be illuminated and may not include pennant strings, balloons, streamers, spinners, propellers, search lights, or other items that involve motion to attract attention.
- F. Signs shall not obstruct vehicular or pedestrian traffic.
- G. It is the responsibility of the person posting a temporary or portable sign to remove it.
- H. In the event that a sign is requested by a business whose regular access is blocked due to road construction and/or road closures, signs may be permitted to remain in the public right-of-way, at an approved location, until construction is completed. Such signs do not require a permit. Such signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by the agency.

16.102.030 Temporary Sign Regulations

- A. The following regulations apply to all temporary signs as defined in Section 16.100.I.21.
1. Temporary signs on properties zoned VLDR, LDR, and MDRL, may be double sided, but are limited to a maximum height of six (6) feet, and a maximum sign width of three (3) feet. The actual sign face of each side of the sign shall not exceed six (6) square feet. The sign must be constructed of wood or vinyl in the colonial post style and is allowed one rider not to exceed 6 inches in height.
 2. Temporary signs in all other zones may be double sided, and are limited to a maximum height of eight and one half (8 1/2) feet, and a maximum width of four (4) feet. The actual sign face of each side of the sign shall not exceed thirty-two (32) square feet.
 3. No more than one (1) temporary sign is permitted on any one (1) lot unless the property fronts more than one (1) street or has more than three hundred (300) feet of frontage along a street. In these limited cases up to two (2) temporary signs may be allowed.
 4. Where multiple temporary signs are placed on the same property, as authorized above, the signs shall be spaced at least fifty (50) feet apart.
 5. Temporary signs are not permitted in the public right-of-way.

16.102.040 Portable sign Regulations

- A. The following regulations apply to all portable signs as defined in Section 16.100.I. 13 and

~~1415~~ in all zones.

- ~~1. Portable signs, in all zones are limited to four (4) feet in height with a sign face no larger than six (6) square feet.~~
- ~~2.1.~~ No more than four (4) portable signs are allowed on any residentially zoned lot, except that properties over an acre in size that are developed with an approved non-residential use may place one (1) portable sign every fifty (50) feet for the length of the sites frontage along a public street.
- ~~2.~~ No more than (1) portable sign per business is allowed in all other zones, except the Institutional and Public (I-P) zone
- ~~3. Properties zoned Institutional and Public (I-P) may place one (1) portable sign, meeting the dimensional standards of subsection 1 above every fifty (50) feet for the length of the sites frontage along a public street.~~
4. No portable sign shall be placed in any publicly owned right-of-way except on Friday after 6 am through Sunday at 6 pm without a permit unless exempt per B, below or 16.102.020.B above.
- ~~5. Portable signs shall also meet the following standards~~ Permits for portable signs placed within the public right-of-way are valid for thirty (30) days and must meet the following criteria:
- ~~6.5. Signs placed in public rights-of-way must meet the following standards in order to obtain and maintain a valid permit:~~
 - a. Because maintenance of the right-of-way in front of a single-family home is the responsibility of the homeowner, a person wishing to place a sign in the right-of-way, in front of someone's home must make a good faith effort to contact the homeowner, and if not home, must leave something in writing that includes the persons contact information and a description of the effort made to contact the homeowner. [JH4]
 - b. Signs shall not create a traffic safety or maintenance problem, and the City may remove and dispose of any signs that constitute a problem.
 - c. Signs shall be freestanding and shall not be attached to any structure or vegetation such as utility poles, traffic signs, street signs, trees, or similar items.
 - ~~d.~~ Portable Signs within the public right-of-way shall be either an A-frame design or shall be attached to a wood or wire h-frame stake driven into the ground well clear of tree roots, irrigation lines, and any other underground utility that could be damaged by such stakes.
 - ~~d.e.~~ Portable signs shall be spaced at least 25 feet apart when placed on the same property.

B. The following regulations apply to all portable signs located within the Old Town Overlay District

1. A business who has a valid City of Sherwood business license and is physically located within the Old Town Overlay District may display two (2) portable signs, without a permit, on private property or within the public right-of-way in the Old Town Overlay District.
2. Each portable sign shall be a maximum of six (6) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone

else's property must receive written permission from the property owner of the property where the sign is placed. Signs shall be sited per Section 16.102.040.

16.102.050 Banner Sign Regulations

A. The following banner signs are exempt from these regulations:

1. Banner signs not intended to be viewed from a public street. (Ord. 2002-1132 § 3)
2. Signs that meet any of the provisions of section 16.102.020(B)

B. The following regulations apply to all banner signs as defined in Section 16.100.I.4 and over the right-of-way banner signs in 16.100.I.12 in all zones.

1. Except for banner signs approved as over the right-of-way banner signs or 5 below, banner signs shall be firmly attached to the side of a building, ~~fence, or wall only~~. No banner sign shall be attached to a fence, wall, building roofs, vehicles, trailers, or anything else.
2. Banner signs shall not cover building windows.
3. Banner signs shall be maintained in good condition. They shall not droop, have frayed ends, and shall be graphically clear and readable. Sun-faded, weather-damaged banner signs are prohibited.

4. Banner signs shall be made of all-weather material. (Ord. 2002-1132 § 3)

4.5. If the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed on a fence or wall at 50 feet or more from the outermost sidewalk, curb or edge of paving, [UHS], subject to authorization from the entity with jurisdiction over the right of way.

C. Permitted Locations

1. Commercial, Industrial, and Institutional Public Zoning Districts.
 - a. Each business having a valid City of Sherwood business license and who's business is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Retail Commercial (RC), General Commercial (GC), General Industrial (GI), Light Industrial (LI) or Institutional Public (IP) zoning district may display one (1) banner sign on private property.
 - b. Banner signs shall be no larger than thirty-two (32) square feet in size.
2. Residential Zoning Districts.
 - a. One (1) banner sign not exceeding thirty-two (32) square feet per tax lot. (Ord. 2002-1132 § 3)
3. Signs proposed to be located over a public right-of-way are subject to the following provisions:
 - a. An applicant may be approved for one (1) temporary over-the-right-of-way banner sign to be attached to power poles. Over-the-right-of-way banner signs shall be installed only after receiving a permit from the utility provider Portland General Electric (PGE) or its successor. Once a PGE permit is obtained, the applicant is required to receive a right-of-way permit from the City Engineer.
 - b. Over-the-right-of-way banner signs are allowed at the following locations:
 - (1) Over North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins

Elementary School.

D. Review Process

1. No banner sign, except signs exempt by the provisions of sections 16.102.020.B, and 16.102.050.A shall be placed anywhere within the City without a permit.
2. Requests for permits shall be processed through a Type I administrative review and are subject to the standards listed above.
3. Permits for banner signs within the City shall be valid for a period of thirty (30) days.
4. Permits may be reissued on the same property a maximum of ~~six (6)~~three (3) times in any calendar year.
5. ~~For a banner sign that will be permanently affixed to a wall, the process and dimensional limitations for a permanent wall sign apply.~~

16.102.060 Violations to temporary, portable and banner sign standards

1. Fines shall be set by City Council resolution. (Ord. 2002-1132 § 3)
 - A. First Violation –Written warning stating corrective action required to bring the portable sign into conformance is provided to the property owner.
 - B. Second Violation -- Fine.
 - C. Third Violation -- Sign removed and held for thirty (30) calendar days. During this period the sign will be returned to the owner subject to payment equal to twice the original fine.
 - D. Fourth Violation -- The business loses temporary and portable sign privileges for one (1) year. City can remove signs and fine for each offense during this one (1) year probation period. (Ord. 2006-021; 2005-002 § 5; 2002-1132)
 - E. The City is not responsible for any signs not collected by the owner after the thirty (30) day hold period expressed in C above. Such signs shall be properly disposed of by the City in the event that the signs are not collected by the owner within five (5) days after the hold period expires.

TO: Sherwood City Council
FROM: Brad Kilby, Senior Planner
Through: Julia Hajduk, Planning Manager
Subject: PA 12-01 Commercial, Industrial, and Public and Institutional Uses

EXECUTIVE SUMMARY

Summary: As part of a multi-phase code clean-up project with the goal of providing a more clear and usable code for both citizens and developers alike, The proposed amendments would: 1) consolidate the Commercial chapters (16.22, 16.26, 16.28, and 16.30) into Chapter 16.22, and the Industrial chapters (16.31, 16.32, and 16.34) into Chapter 16.31; 2) ensure that the nomenclature of uses is consistent throughout the use tables; 3) eliminate Chapter 16.24 (Office Retail) since there is not any property within the City Limits with that zoning designation; 4) clarify how multi-family uses are permitted within commercial zones, and 5) establish a use classification system within Chapter 16.88 Interpretation of Similar Uses. The Planning Commission held public hearings on May 22, 2012 and June 12, 2012, and forwarded a recommendation of approval to the Council. The Planning Commission recommendation as amended is attached in Exhibits 1-A through 1-D.

Previous Council Action: Work Session – July 17, 2012

Background/Problem Discussion: In addition to the Public and Institutional zone, there are five commercial and three industrial zoning classifications within the existing code. Each zone has specific uses that are either permitted outright, conditionally or, not permitted. Over time as code updates have occurred, it appears that modifications have been made to some uses to clarify what is permitted and not permitted within the specific use classification of that particular zone. As a result, there are variations throughout each zone and it is not always clear if the variation is intentional. This has lead to confusion and frustration if a use listed in a similar classification in another zone is not permitted in the zone someone is inquiring about. Additionally, there have been uses that were not envisioned when the use classifications were established and it is often difficult to determine what category, if any, requested uses fall within. Some common recent examples include doggie daycare facilities, car detail shops, video editing facilities or recreational/restaurant facilities like “Big Al’s” or “Players”.

Alternatives: Approve, approve with modifications or deny the Planning Commission recommendation.

Financial Implications: It is likely that there will be a minimal cost associated with making the Code updates available online and providing informational materials to the public.

Recommendation: Staff recommends that the City Council hold a public hearing and determine whether to adopt the attached Ordinance or direct staff to make additional modifications to the proposed text changes based on additional information submitted.

Attachments:

- Ordinance
- Exhibit 1: PC Recommendation
- Exhibit 1-A: Proposed Commercial Zone Code Amendments “Clean Copy”
- Exhibit 1-B: Proposed Industrial Zone Code Amendments “Clean Copy”
- Exhibit 1-C: Proposed Public and Institutional Zone Code Amendments “Clean Copy”
- Exhibit 1-D: Proposed Interpretation of Similar Uses Code Amendments “Clean Copy”
- Exhibit 1-E: Proposed Commercial Zone Code Amendments with “Track Changes”
- Exhibit 1-F: Proposed Industrial Zone Code Amendments with “Track Changes”
- Exhibit 1-G: Proposed Public and Institutional Zone Code Amendments with “Track Changes”
- Exhibit 1-H: Proposed Interpretation of Similar Uses Code Amendments with “Track Changes”



ORDINANCE 2012-011

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISION, II and IV, RELATING TO COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL AND PUBLIC USE CLASSIFICATIONS

WHEREAS, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years, and

WHEREAS, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

WHEREAS, the Planning Commission helped guide the development of proposed amendments after extensive public outreach and opportunity for public input; and

WHEREAS, The amendments are specifically related to the uses within all Commercial, Industrial, and Public and Institutional zoning classifications; and

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

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearings were held before the Planning Commission on May 22, 2012 and June 12, 2012; and

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

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

WHEREAS, the City Council held a public hearing on August 7, 2012 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

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

Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 12-01 identified in Exhibits 1-A through 1-D is hereby **APPROVED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the municipal code in accordance with City ordinances and regulations.

Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code approved by this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

Section 5 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 7th day of August 2012.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

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

City of Sherwood

July 20, 2012

Planning Commission Recommendation to the City Council

File No: PA 12-01 Commercial, Industrial, Public, and Institutional Uses

Recommendation: The Planning Commission Recommends that the City Council amend Chapters 16.22 (Office Commercial), 16.24 (Office Retail), 16.26 (Neighborhood Commercial), 16.28 (Retail Commercial), 16.30 (General Commercial), 16.31 (Employment Industrial), 16.32 (Light Industrial), 16.34 (General Industrial), and 16.36 (Institutional and Public). The overall objective of this proposal is to eliminate barriers to good quality development, and to clarify the language in a manner that is easier to understand. The proposal would accomplish five objectives. First, it would consolidate the Commercial Chapters into Chapter 16.22, and the Industrial Chapters into Chapter 16.31. Second, it will ensure that the nomenclature of uses is consistent throughout the use tables. Third, the amendments would eliminate Chapter 16.24 (Office Retail) since there is not any property within the City Limits with that zoning designation. Fourth, the changes would clarify how multi-family uses are permitted within commercial zones. Finally, the amendments would establish a use classification system within Chapter 16.88 Interpretation of Similar Uses.

I. BACKGROUND

- A. Applicant: This is a City initiated text amendment.
- B. Location: The proposed amendment is to the text of the development code and, applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission considered the matter on May 22, 2012 and June 12, 2012. At the close of the hearing, the Planning Commission decided to forward a recommendation to the City Council for their consideration on the matter. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the May 22, 2012 Planning Commission hearing on the proposed amendment was published in *The Times* on 5/10/12, and published in the May edition of the Gazette. Notice was also posted in five public locations around town and on the web site on 5/2/12. In addition, a separate notice was sent to all commercial, Industrial, and Public and Institutionally zoned properties in town consistent with the provisions of ORS 227.186. The Planning Commission continued the hearing to June 12, 2012 at their May 22nd hearing.

DLCD notice was mailed on April 18, 2012.

- E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- F. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process.

Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues, but over time, the changes have been inconsistent with other language in the Code, or have often times put different sections of the code at odds with other sections. Beginning in late 2009, City staff and the Planning Commission began to review and identify issues with the development code that needed to be amended, and/or clarified. The City Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. As a result, a number of Code “clean-up” items were identified and placed into a work program for review and consideration.

This particular recommendation accomplishes five objectives including:

1. Consolidating three industrial chapters into one, and four commercial zoning chapters into one chapter, similar to what was accomplished with the Residential Zoning Chapter.
2. It would also include clarifying the “use” classifications within the use tables of each commercial, industrial, and public and institutional zone. Currently, the nomenclature for uses varies from one chapter to the next. Under this proposal, the uses would be uniformly labeled to the extent that it makes sense for each zone type.
3. The amended language would eliminate Chapter 16.24 (Office Retail) from the Sherwood Zoning and Community Development Code. Currently, there are no properties within the city that carry that designation. Furthermore, the zone itself is so similar to the retail commercial zone that it does not make sense to have both when one can perform the same function as the other.
4. The amended language would clarify how residential uses on commercially zoned properties are regulated as currently it is inconsistent among zones, and they are permitted as either a PUD or Conditional Use. Currently, multi-family developments located within the commercial zones are permitted through a planned development at densities of 16.8 to 24 dwelling units per acre. This is within the range of the prescribed density for the High Density Residential (HDR) zone.

Residential apartments are also possible in the commercial zones through the conditional use process; however, there is a stipulation that requires the units to be located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building. The language is essentially the same in all zones except in the Office Retail zone; which is proposed to be eliminated.

The Retail Commercial (RC) and General Commercial (GC) zones stipulate, “The residential portion of a mixed-use can be considered clearly secondary to commercial uses in mixed-use developments when traffic trips generated, dedicated parking spaces, signage and the road frontage of residential uses are all exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor.”

The proposal would allow higher density residential uses as a permitted use within the commercial zones subject to the provision that already exists within the RC and GC zoning districts throughout all commercial districts. This would eliminate a barrier by simplifying the process while maintaining the requirements and presumably the community’s desire to allow residential uses on commercially zoned land when it is ancillary to the commercial use.

5. Finally, the amended language would establish a use classification system. The use classification system would be located within chapter 16.88 Interpretation of Similar Uses. The use classification system attempts to describe the general characteristics of a use type, and provide examples of the uses that would generally fall within the category. This is a system that is used in quite a few other jurisdictions within the region, and generally serves two distinct purposes.

This change helps to give staff some clear direction on the types and characteristics of uses that are generally accepted by the community in making interpretations on uses that may be unlisted. The second benefit of a use classification system is that it allows the use tables to be much more abbreviated, and only requires that a specific use be listed when it is not intended to be included within a specific zoning district.

The current code language resides in Division II Land Use and Development, and Division III Planning Procedures. The Chapters within the Sherwood Zoning and Community Development Code (SZCDC) that would be affected by this proposal include Chapters 16.22 through 16.36 and Chapter 16.88, Interpretation of Similar Uses.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

DLCD notice was sent on April 18, 2012. The City has not received any comments to date on the proposed amendments.

Public:

There has been extensive public outreach and opportunities for the public to provide their personal opinions and comments on Commercial/Industrial/Public and Institutional zones over the past year.

The consolidation and use classifications were discussed with the Planning Commission at length in several work sessions and meetings over the past year, and discussed with the public at the November Code Clean-up Open House.

The proposed language was “tested” in September of this past year. In order to test the language that the Planning Commission and staff developed, 132 businesses throughout Sherwood in the commercial, industrial, and institutional and public zones were surveyed. Staff utilized company websites and city permits to determine the use of each business and tried to match it up to the uses that would be permitted under the revised language. One obvious objective was to ensure that we were not creating a lot of non-conforming uses by implementing the revised language. The other objective was to determine if the use classifications were appropriate for what was actually occurring within the underlying zones.

Of the 132 businesses surveyed, 12 of the existing business would not be permitted, or would be considered existing non-conforming uses for a variety of reasons. Eleven (11) of those 12 uses are found in the industrial districts, and are either in conflict with the metro language for industrial services in that they occupy too much of the building, or are unlisted, and would fall within a use category that is more readily associated and permitted within a commercial zone. The 12th non-conformity was a single family residence in the Retail Commercial zone. It was determined that the proposed changes did not increase nonconformities.

Approximately 418 ballot measure 56 Notices were mailed to all owners of Commercial, Industrial, or Institutional and Publicly zoned lands within the City on May 2nd. Staff has received several telephone calls and counter calls, but once the changes have been explained,

the people have generally been supportive or not interested. No one from the public has voiced any objection to the proposal as of the date of this report.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

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

16.80.030.A - Text Amendment Review

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

While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language of a document that implements the Comprehensive Plan and is reviewed in that light. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations. The proposed language continues to implement the Land Use goals and policies as they apply to Commercial, Industrial, and Public and Institutional zoning uses.

There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. The Functional Plan does place limits on the amount of commercial uses that would be allowed in Employment areas. The proposed use tables are consistent with Title 4 Industrial and Other Employment Areas in that they limit the amount of retail and personal service uses within the Industrial and employment lands as applicable.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with this text change. Staff is not aware of any other state or local regulations that the proposed amendment would conflict with. The language has been drafted in a manner that strives to provide clarity within the Code to staff, property owners, and developers.

The proposed amendments have been discussed in several public venues, and staff has always been available to discuss the proposed changes, and has invited public comments throughout the course of the discussion. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

Formal notice was also published in the newspaper two weeks prior to the hearing, published in the May issue of the Gazette, has been posted around town in several conspicuous places, and is provided on the City's website.

A Ballot Measure 56 Notice was also provided to all property owners of Commercial, Public and Institutional, and Industrially Zoned property, and was published in the City Newsletter (the Archer).

FINDING: As discussed above in the analysis, there is a need for the proposed amendments in order to clarify the Sherwood Zoning and Community Development Code. The proposed amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

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

FINDING: The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, The Planning Commission recommends approval of PA 12-01as amended on June 12, 2012.

V. EXHIBITS

- Exhibit 1-A: Proposed Commercial Zone Code Amendments “Clean Copy”
- Exhibit 1-B: Proposed Industrial Zone Code Amendments “Clean Copy”
- Exhibit 1-C: Proposed Public and Institutional Zone Code Amendments “Clean Copy”
- Exhibit 1-D: Proposed Interpretation of Similar Uses Code Amendments “Clean Copy”
- Exhibit 1-E: Proposed Commercial Zone Code Amendments with “Track Changes”
- Exhibit 1-F: Proposed Industrial Zone Code Amendments with “Track Changes”
- Exhibit 1-G: Proposed Public and Institutional Zone Code Amendments with “Track Changes”
- Exhibit 1-H: Proposed Interpretation of Similar Uses Code Amendments with “Track Changes”

Chapter 16.22

COMMERCIAL LAND USE DISTRICTS*

Sections:

16.22.010 Purpose

16.22.020 Allowed Uses

16.22.030 Development Standards

16.22.040 Special Criteria

16.22.050 Community Design

16.22.060 Floodplain

* Editor's Note: Some sections may not contain a history.

16.22.010 Purpose

- A. Office Commercial (OC) - The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets. (*Ord. 90-921, § 1*)

Note: The Office Commercial (OC) zone was originally established by Ord. 86-851; the zoning district designation was repealed in its entirety by Ord. 87-870. The zone was re-established by Ord. 90-921, and further amended.

- B. Neighborhood Commercial (NC) - The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. (*Ord. 87-870, § 5; Ord. 86-851*)

- C. Retail Commercial (RC) - The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII. (*Ord. 87-870, § 5; Ord. 86-851*)

Note: Ord. 87-870 established the Retail Commercial zone, which repealed and replaced the former Community Commercial (CC) zone.

- D. General Commercial (GC) - The GC zoning district provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Division VIII. (*Ord. 86-851, § 3*)

Note: it is proposed that the entire Office Retail (OR) chapter be deleted in its entirety.

16.22.020 Uses

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

of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.

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

	OC	NC ¹	RC	GC
RESIDENTIAL				
<ul style="list-style-type: none"> 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
<ul style="list-style-type: none"> Residential Care Facilities 	N	N	C	C
<ul style="list-style-type: none"> 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				
<ul style="list-style-type: none"> Hospitals 	N	N	C	C
<ul style="list-style-type: none"> Correctional institutions 	N	N	N	C
<ul style="list-style-type: none"> Cemeteries and crematory mausoleums. 	N	N	C	C
<ul style="list-style-type: none"> Police and fire stations and other emergency services 	N	C	C	C
<ul style="list-style-type: none"> Vehicle testing stations 	N	N	N	C
<ul style="list-style-type: none"> Postal services - Public 	N	C	C	C
<ul style="list-style-type: none"> Postal substations when located entirely within and incidental to a use permitted outright. 	P	P	P	P
<ul style="list-style-type: none"> Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices 	C	C	C	C
<ul style="list-style-type: none"> 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
<ul style="list-style-type: none"> Small-scale power generation facilities. 	P	P	P	P
<ul style="list-style-type: none"> Large-scale power generation facilities. 	N	N	N	C
<ul style="list-style-type: none"> Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C	N	C	C

¹ See special Criteria for the NC zone, 16.22.050

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor. (Ord. 2002-1136 § 3; Ord. 87-870, § 5)

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

	OC	NC¹	RC	GC
• Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses,	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial Trade Schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities⁴	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

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

	OC	NC¹	RC	GC
<ul style="list-style-type: none"> • Business support services such as duplicating, photocopying, mailing services, fax and computer facilities 	P	P	P	P
<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	C
Childcare				
<ul style="list-style-type: none"> • Day cares, preschools, and kindergartens, when clearly secondary to a permitted use 	P	P	P	P
<ul style="list-style-type: none"> • Day cares, preschools, and kindergartens as a stand-alone use. 	N	P	P	P
General Retail – sales oriented				
<ul style="list-style-type: none"> • General retail trade, not exceeding 10,000 square feet of gross square footage. 	P	P	P	P
<ul style="list-style-type: none"> • General retail trade greater than 10,000 square feet of gross square footage 	N	P	P	P
<ul style="list-style-type: none"> • Tool and Equipment Rental and Sales, Including Truck Rental 	N	N	C	P
<ul style="list-style-type: none"> • Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) 	N	N	P	P
<ul style="list-style-type: none"> • Wholesale building material sales and service 	N	N	N	P
<ul style="list-style-type: none"> • Retail building material sales and lumberyards. 	N	N	C ⁵	P
Personal Services				
<ul style="list-style-type: none"> • Health clubs and studios less than 5,000 square feet in size. 	P	P	P	P
<ul style="list-style-type: none"> • Health clubs and studios greater than 5,000 square feet in size 	N	N	C	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. 	N	P	P	P
<ul style="list-style-type: none"> • Public or commercial parking (non-accessory) 	C	C	P	P
<ul style="list-style-type: none"> • Veterinarian offices and animal hospitals. 	N	N	C	P
<ul style="list-style-type: none"> • Animal boarding/Kennels and daycare facilities with outdoor recreation areas⁶ 	N	N	C	C
Eating and Drinking establishments				

⁵ All activities are required to be within an enclosed building

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

	OC	NC¹	RC	GC
• Restaurants, taverns, and lounges without drive-thru⁷	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 transmitters⁸	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:				
• Farm equipment sales and rentals	N	N	P	P
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

16.22.030 Development Standards

A. Generally

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

B. Development Standards

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

⁷ Limited to no more than 10% of the square footage of each development in the Adams Avenue Concept Plan area

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

	OC	NC	RC	GC
Lot area	10,000 sq. ft	1 acre (for single district)	5,000 sq. ft	10,000 sq. ft
Lot width at front property line	60 ft	85 ft	40 ft	70 ft
Lot width at building line	60 ft	100 ft	40 ft	70 ft
Front yard setback⁹	0	20 ft	0	0
When abutting residential zone	0	0	Same as abutting residential zone	Same as abutting residential zone
Side yard setback⁹	0	0	0	0
when abutting residential zone or public park	10 ft	Same as abutting residential zone	10 ft	20
Rear yard setback⁹	0	0	0	0
when abutting residential zone or public park	20	10 ft	10 ft	20 ft
Corner lot⁹	0	20 ft on any side facing street		
Height^{10,11}	2 stories or 30 ft	Least restrictive height of abutting residential zone	50 ft ^{13, 14}	50 ft ^{13, 14}

16.22.060 NC Special Criteria

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

- A. Shall be conducted entirely within enclosed buildings, except for:
 - 1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.
 - 2. Circumstances where the nature of the permitted or conditional use

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

¹⁰ Maximum height is the lessor of feet or stories

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

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

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

clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.

- B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.
- C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one-hundred (100) feet at the building line.
- D. Permitted and conditional uses may operate only between the hours of 7:00 AM and 10:00 PM. (Ord. 87-870, § 5)

16.22.040 Community Design

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

16.22.050 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.
(Ord. 2000-1092, § 3; 88-979; 87-870)

Chapter 16.31

INDUSTRIAL LAND USE DISTRICTS*

Sections:

16.31.010 Purpose

16.31.020 Uses

16.31.030 Development Standards

16.31.040 Employment Industrial (EI) Special Restrictions

16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

16.31.060 Community Design

16.31.070 Floodplain

*Editor's Note: Some sections may not contain a history.

16.31.010 Purpose

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

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

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority. (Ord. 2010-014, § 3, 10-5-2010)

- B. **Light Industrial (LI)** - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission. (Ord. 93-964 § 3; Ord. 86-851)

C. **General Industrial (GI)** - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres. (Ord. 86-851, § 3)

16.31.020 Uses

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

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	P	P	P
• Small-scale power generation facilities.	P	P	P
• Large-scale power generation facilities.	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			

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

Uses	LI	GI	EI¹
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs.	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2, 3}	C	C	C
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices. ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	C
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use. ⁶	C	C	C
General Retail – sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10 % of the total floor area of the business. ⁷	C	C	P
• Tool and Equipment Rental and Sales, Including Truck Rental. ⁷	P	P	P

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

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

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

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

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

Uses	LI	GI	EI¹
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries).	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size.	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services. ⁷	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals.	C	C	C
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁷	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N
INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental).	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses.	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants.	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials.	P	P	N
• Pharmaceuticals in facilities up to 50,000 square feet building size.	P	P	P
• Pharmaceuticals in facilities larger than 50,000 square feet building size.	N	C	N
• Building components, furniture, fixtures, signs.	P	P	N
• Non-motorized recreational vehicles and equipment.	P	P	N

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

⁷ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service"

Uses	LI	GI	EI¹
• Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone.	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products.	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals.	N	C	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills.	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	N	N	N
• Meat, fish, poultry and tannery processing.	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	N	C	N
• Solid waste transfer stations.	N	C	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities.	N	N	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters.	C	C	C
• Wireless communication towers ⁸ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

⁸ Except for towers located within 1,000 feet of the Old Town District which are prohibited.

16.31.030 Development Standards

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

B. Development Standards

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

Development Standards by Zone	EI	LI	GI
Lot area- Industrial Uses:	3 acres ⁹	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback¹¹	20 feet	20 feet	None
Side Yard Setback¹⁰	None	None	None
Rear Yard Setback¹¹	None	None	None
Corner lot street side¹¹	20 feet	20 feet	None
Height¹¹	50 feet		

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies. (Ord. 2010-014, § 3, 10-5-2010)

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

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

16.31.040 Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than 5 acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel. (Ord. 2010-014, § 3, 10-5-2010)

B. Land Division Restrictions

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

16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within 300 feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.060 Community Design

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

(Ord. 2010-014, § 3, 10-5-2010)

16.31.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2010-014, § 3, 10-5-2010)

Chapter 16.36

INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT*

Sections:

16.36.010 Purpose

16.36.020 Permitted Uses

16.36.030 Conditional Uses

16.36.040 Prohibited Uses

16.36.050 Dimensional Standards

16.36.060 Community Design

16.36.070 Floodplain

* Editor's Note: Some sections may not contain a history.

16.36.010 Purpose

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

(Ord. 86-851, § 3)

16.36.020 Permitted Uses

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

	IP
RESIDENTIAL	
<ul style="list-style-type: none"> • Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City. (Ord. 97-1019 § 3; Ord. 86-851) 	C
CIVIC	
<ul style="list-style-type: none"> • Cemeteries and crematory mausoleums. 	C
<ul style="list-style-type: none"> • Police and fire stations and other emergency services 	C
<ul style="list-style-type: none"> • Administrative Offices-Government 	C
<ul style="list-style-type: none"> • Postal services - Public 	C
<ul style="list-style-type: none"> • Public use buildings, including but not limited to libraries, museums, community centers, and senior centers. 	C
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C
<ul style="list-style-type: none"> • Religious Institutions 	C
<ul style="list-style-type: none"> • Public and private schools providing education at the elementary school level or higher 	C
COMMERCIAL	
<ul style="list-style-type: none"> • Commercial Trade Schools, commercial educational services and training facilities 	N
<ul style="list-style-type: none"> • Public Golf courses 	C
WIRELESS COMMUNICATION FACILITIES	
<ul style="list-style-type: none"> • Radio, television, and similar communication stations, including associated transmitters. 	C
<ul style="list-style-type: none"> • Wireless communication towers and transmitters¹ 	C
<ul style="list-style-type: none"> • Wireless communication facilities on City-owned property 	P

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

<ul style="list-style-type: none"> • Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure² 	P

16.36.050 Dimensional Standards

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

IP	
Lot Dimensions	Except as otherwise provided, no minimum lot areas or dimensions are required.
Front yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Side yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Rear yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Height	Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone. (Ord. 91-922, § 3)

16.36.060 Community Design

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

(Ord. 91-922, § 3; Ord. 86-851)

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

16.36.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092, § 3; 88-979; 87-867; Ord. 86-851)

Chapter 16.88

INTERPRETATION OF SIMILAR USES*

Sections:

16.88.010 Generally

16.88.020 Application Content

16.88.030 Approvals

16.88.040 Uses

* Editor's Note: Some sections may not contain a history.

16.88.010 Generally

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the City Manager or his/her designee.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.020 Application Content

The request shall be submitted with a fee pursuant to Section 16.74.020 and shall include information on the following characteristics of the proposed use:

- A. Description of the activity to be conducted on the site.
- B. Noise and odor characteristics.
- C. Description of material or product storage requirements.
- D. Amount and type of traffic to be generated.
- E. Description of the structures required.

(Ord. 86-851, § 3)

16.88.030 Approvals

The City Manager or his/her designee may authorize a use to be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone, and described in section 16.88.040 below. The action of the City Manager or his/her designee may be appealed to the Commission in accordance with Chapter 16.76.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.040 Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use

categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. *Residential uses* are intended for habitation by one or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation. Residential uses include, but are not limited to the following housing types:
 - (1) Single-family detached - A structure consisting of a single dwelling unit which is for occupancy by one or more persons on a single parcel or lot.
 - (2) Single-family attached - A structure consisting of one or more attached single dwelling unit which is for occupancy by one or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes and rowhouses.
 - (3) Two-family- A structure consisting of two dwelling units on the same parcel or lot. Two family homes are commonly referred to as a duplex.
 - (4) Multi-family - A structure consisting of (3) three or more dwelling units on the same parcel or lot. Multi-family homes include, but are not limited to garden apartments, apartments, condominiums, and in some cases attached townhomes or rowhouses on a single lot or parcel.
 - (5) Institutional and Residential Care Facilities – A facility licensed by or under the authority of the Department of Health and Human Services under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Examples include residential care homes, group homes, halfway homes, etc.

B. Civic Use Types

1. *Civic uses* are basic governmental and private services intended to provide for the basic living, religious, educational, recreational, cultural, protective, and other similar needs of all citizens within the community. Examples include but are not limited to:
 - (1) Churches, Mosques, Temples and other religious facilities
 - (2) Hospitals
 - (3) Schools

- (4) Major and minor utilities
- (5) Transportation facilities
- (6) Police and fire stations
- (7) Post offices
- (8) Senior centers
- (9) Community centers
- (10) Libraries
- (11) Museums
- (12) Fraternal lodges
- (13) Veterans organizations
- (14) Public parking garages
- (15) Cemeteries and crematory mausoleums
- (16) Public gardens, parks, trails, and playfields
- (17) Government offices
- (18) Treatment plants
- (19) Public works yards

2. *Wireless Communication uses* are uses that are associated with the provision of cellular, broadband, or other communication types that involve the placement of towers, relay stations, and similar infrastructure to provide service. Generally, wireless communication facilities include:

- (1) Towers
- (2) Transmitters
- (3) Antennae
- (4) Similar infrastructure intended to be protected by the Telecommunications Act of 1996.

C. Commercial Use Types

1. Commercial use types are uses that include the sale or rental of goods and services that are customarily associated with those businesses that are not considered to be

civic or industrial uses. Examples of commercial use types can be identified through several different subcategories as follows:

a. *Entertainment and Recreation uses* establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of commercial recreation and entertainment uses include:

- (1) Adult entertainment businesses
- (2) Theaters or Cinemas
- (3) Drive-in theaters
- (4) Country clubs
- (5) Recreational vehicle parks
- (6) Private sports and racquet clubs
- (7) Golf courses
- (8) Arcades or electronic game centers
- (9) Health and fitness clubs
- (10) Bowling alley
- (11) Ice/roller skating rinks

b. *Hospitality and lodging uses* are uses that provide temporary, short term lodging including:

- (1) Bed and breakfast means a dwelling unit that offers guest rooms or suites for a fee for a limited period of time not to exceed thirty (30) days, with incidental eating and drinking service provided from a single kitchen for guests only.
- (2) Hotel means an establishment that provides guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels.
- (3) Motel means an establishment that provides guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A

motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room.

- c. *Motor vehicle related uses* include the sales, servicing, rental, and storage of motorized vehicles including automobiles, trucks, motorcycles, boats, recreational vehicles, trailers, helicopters, airplanes, scooters, construction equipment, tractors, semi-trucks, and similar type uses. This category includes:
- (1) Motorized vehicle and sport craft repairs and service
 - (2) Automotive, boat, trailer and recreational vehicle storage.
 - (3) Vehicle fueling stations
 - (4) Car wash facilities
 - (5) Junkyards
 - (6) Salvage yards
 - (7) Manufactured home sales and display areas.
- d. *Office and Professional Services uses* are uses where business services are provided to the general public, or in some cases, where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Office and Professional Services generally provide clerical, duplicating, photocopying, mailing services, fax and computer services, executive, management, or administrative services for private firms or organizations. Office and Professional Services uses do not include medical and dental offices. Examples of office and professional services include, but are not limited to:
- (1) Law offices
 - (2) Architecture and engineering offices
 - (3) Accounting offices
 - (4) Call centers
 - (5) Financial, insurance, and real estate offices
- e. *Medical and Dental Office uses* are offices that provide personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, naturopaths, dentists, physician assistants, physical therapists, chiropractors, massage therapists, and similar uses. Medical laboratories are allowed under this classification as an accessory use. Examples include, but are not limited to:

- (1) Clinics
- (2) Veterinary offices
- (3) Animal hospitals
- (4) Dentist offices
- (5) Doctors' Offices
- (6) Urgent care facilities

f. *Childcare uses are uses* that provide nonmedical care for children on less than a twenty-four (24) hour basis that are regulated under the most current Oregon Revised Statute ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group Childcare uses include the following uses:

- (1) In-home daycare means any use that provides day care to fewer than six (6) children within the care givers primary residence.
- (2) Daycare Facility means any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.

g. *General Retail uses are uses* that engage in the sale or rental of commonly used merchandise and goods that are consumed for everyday living. The City of Sherwood classifies general retail uses into large format and small format. Large format facilities are 10,000 square feet or greater and small format are retail facilities that are less than 10,000 square feet. General Retail uses may include but are not limited to:

- (1) Grocery Stores
- (2) Department Stores
- (3) Convenience Stores without fuel sales
- (4) Furniture Stores
- (5) Hardware Stores
- (6) Pharmacies

- (7) Book Stores
- (8) Electronics Stores
- (9) Auto Parts Stores
- (10) Sporting Goods Stores
- (11) Toy Stores
- (12) Jewelry Stores

h. Personal Services uses are uses that people come to rely on for their personal needs, but are not necessarily required on a daily basis. Examples of Personal Service uses include, but are not limited to:

- (1) Barbershops and beauty salons
- (2) Dry cleaning pick-up stores with limited equipment
- (3) Laundromats (self-service laundries)
- (4) Locksmiths
- (5) Shoe repair shops
- (6) Tailors and seamstresses
- (7) Health and fitness clubs
- (8) Dance or music studios
- (9) Pet grooming
- (10) Indoor pet daycare

i. Eating and Drinking Establishments are uses that sale prepared food and beverages for consumption on or off of the site on which the business sits. Examples include but are not limited to:

- (1) Restaurants (including drive-through, fast food, and sit-down)
- (2) Taverns and lounges
- (3) Coffee shops
- (4) Ice cream shops
- (5) Sandwich Shops

D. Industrial Use Types

1. *Distribution, warehousing, and storage uses* are uses that engage in warehousing, storing, or distributing goods primarily to retailers; to industrial, commercial, institutional, or professional businesses. Generally, these uses are not open to the public. Uses within this category, may include but are not limited to:
 - (1) Moving companies
 - (2) Mini-storage
 - (3) specific retail storage and distribution
 - (4) Freight delivery
 - (5) Beverage distribution.
2. *Laboratory uses* are facilities that primarily engage in the research, development, and controlled production of electronic, industrial, medical, dental, biotechnological, and scientific commodities.
3. *Metal Fabrication and Engineering uses* are uses that involve the design and processing of metals to create new products. Examples include but are not limited to:
 - (1) Machine shops
 - (2) Fabrication shops
 - (3) Welding Shops
4. *Small-scale Industrial Service uses* are uses that manufacture finished parts or products primarily from previously prepared materials; and provide industrial services within an enclosed building. These uses include the outdoor storage of products, materials, equipment, or bulk fuels. Examples include uses that assemble and process food products, appliances, textiles and fiber products, pottery, glass, small electronics, maintenance equipment, vending machines, cosmetics, and tools. This category may also include:
 - (1) Contractor's storage and equipment yards
 - (2) Laundry and dry cleaning plants
 - (3) Fabric dyeing facilities
 - (4) Auto dismantling within an enclosed building
 - (5) Manufacture of stone works and concrete products (excluding concrete ready-mix plants)
 - (6) Commercial bakeries

(7) Small scale energy facilities include facilities, such as solar panels, that produce energy but are generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%.

5. *Large-scale Industrial Service uses* are uses that use mechanical or chemical transformation of materials or substances to manufacture or process new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this classification. Also included, is the blending of materials such as lubricating oils, plastic resins, or metals. Examples of large-scale Industrial Service uses include, but are not limited to:

- (1) Sawmills
- (2) Pharmaceutical manufacturers
- (3) Pulp and paper mills
- (4) Distillation of oil, coal, wood, or tar compounds and the creosote treatment of products
- (5) Metal rolling and extraction mills
- (6) Forge plants
- (7) Smelters
- (8) Blast furnaces
- (9) Sand and gravel pits
- (10) Rock crushing facilities
- (11) Aggregate storage and distribution facilities
- (12) Concrete or asphalt batch plants
- (13) Solid waste transfer stations
- (14) Large Scale energy facilities are facilities that generally exceed the impacts associated with a small-scale energy facility, and may include power plants, solar farms, and other similar uses.

6. *Hazardous Facilities* are uses that manufacture, process, or dispose of chemicals and compounds that are determined by a public health official to be detrimental to the health, safety, and welfare of the community and may include acids, paints, dyes, toxins, explosive materials, ammonia, chlorine, sodium compounds, fertilizers, herbicides, insecticides, and similar chemicals or compounds.

E. Agriculture Use Types

1. *Agricultural uses* are uses that facilitate farming and horticulture. Allowed uses include the sales and rental of farm equipment, farm activities as defined by ORS 215, which states, ““farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm

use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.”

Formatting note:

~~The following chapter represents the consolidation and reformatting of 4 existing commercial use chapters into one chapter. Formatting changes are not reflected in the track changes.~~

Chapter 16.22

OFFICE COMMERCIAL (OC) COMMERCIAL LAND USE DISTRICTS)*

Sections:

16.22.010 Purpose

~~16.22.020 Permitted Uses~~ **Allowed Uses**

~~16.22.030 Conditional Uses~~

~~16.22.040 Prohibited Uses~~

~~16.22.0530 Dimensional Development~~ **Standards**

~~16.22.0460 Special Criteria~~

~~16.22.0570 Community Design~~

~~16.22.0680 Floodplain~~

* Editor's Note: Some sections may not contain a history.

16.22.010 Purpose

- A. Office Commercial (OC) - The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets. (Ord. 90-921, § 1)

Note: The Office Commercial (OC) zone was originally established by Ord. 86-851; the zoning district designation was repealed in its entirety by Ord. 87-870. The zone was re-established by Ord. 90-921, and further amended.

- B. Neighborhood Commercial (NC) - The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. (Ord. 87-870, § 5; Ord. 86-851)

- C. Retail Commercial (RC) - The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII. (Ord. 87-870, § 5; Ord. 86-851)

Note: Ord. 87-870 established the Retail Commercial zone, which repealed and replaced the former Community Commercial (CC) zone.

- D. General Commercial (GC) - The GC zoning district provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Division VIII. (Ord. 86-851, § 3)

Note: it is proposed that the entire Office Retail (OR) chapter be deleted in its entirety.

~~Office Retail (OR) The OR zoning district provides areas for business and professional offices and related uses in locations that are adjacent to housing and supported by an adequate road system.~~

~~(Ord. 98-1035, § 1)~~

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 ~~procedure provisions in~~ of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC ¹	RC	GC
<u>Residential use types RESIDENTIAL</u>				
<ul style="list-style-type: none"> <u>Residential apartments Single- or 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.</u>^{2,3} 	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>
<ul style="list-style-type: none"> Residential Care Facilities 	<u>N</u>	N	C	C
<ul style="list-style-type: none"> Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission. 	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Civic Use types CIVIC</u>				
<ul style="list-style-type: none"> Hospitals <u>and emergency care facilities</u> 	<u>N</u>	N	C	C
<ul style="list-style-type: none"> Correctional institutions 	<u>N</u>	N	<u>N</u>	C
<ul style="list-style-type: none"> Cemeteries and crematory mausoleums. 	<u>N</u>	N	C	C
<ul style="list-style-type: none"> Police and fire stations and other emergency services 	<u>N</u>	C	C	C
<ul style="list-style-type: none"> Vehicle testing stations 	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
<ul style="list-style-type: none"> Postal services - <u>Public</u> 	<u>N</u>	C	C	C
<ul style="list-style-type: none"> Postal substations when located entirely within and incidental to a use permitted outright. 	<u>P</u>	P	P	P
<ul style="list-style-type: none"> Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, <u>but excluding offices</u> 	<u>C</u>	C	C	C

¹ See special Criteria for the NC zone, 16.22.050

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor. (Ord. 2002-1136 § 3; Ord. 87-870, § 5)

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

<ul style="list-style-type: none"> Public and private utility buildings<u>structures</u>, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards. 	<u>N</u>	N	C	C
<ul style="list-style-type: none"> Small-scale power generation facilities. Power generation plants and associated facilities serving any use. 	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<ul style="list-style-type: none"> Large-scale power generation facilities. Power generation plants and associated facilities serving a permitted use. 	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
<ul style="list-style-type: none"> 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
	<u>OC</u>	<u>NC¹</u>	<u>RC</u>	<u>GC</u>
<ul style="list-style-type: none"> Churches under 5,000 square feet in size. Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses, 	<u>C</u>	N	<u>GP</u>	<u>GP</u>
<ul style="list-style-type: none"> Public and private schools providing education at the elementary school level or higher 	<u>C</u>	C	C	C
Commercial use types <u>COMMERCIAL</u>				
<ul style="list-style-type: none"> Commercial Trade Schools, <u>commercial educational services and training facilities</u> 	<u>C</u>	N	P	P
Entertainment/recreation				
<ul style="list-style-type: none"> Adult entertainment business, subject to Section 16.54.010 	N	N	N	P
<ul style="list-style-type: none"> Motion picture and live theaters within enclosed building 	<u>N</u>	N	P	P
<ul style="list-style-type: none"> Drive-in motion picture theaters 	<u>N</u>	<u>N</u>	N	N
<ul style="list-style-type: none"> Private lodges, fraternal organizations, c<u>Country clubs, sports and racquet clubs and other similar clubs.</u> 	<u>N</u>	N	C	C
<ul style="list-style-type: none"> Public or Private Golf courses 	<u>N</u>	N	N	N
<ul style="list-style-type: none"> <u>Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities⁴</u> 	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>
Hotels and motels	C	N	<u>P</u>	<u>GP</u>
Motor Vehicle related				
<ul style="list-style-type: none"> Motorized vehicle and sport craft Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment repairs and service 	<u>N</u>	<u>NC</u>	<u>NC</u>	P
<ul style="list-style-type: none"> All automotive and equipment<u>Motorized vehicle and sport craft</u> repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally. 	<u>C</u>	<u>PC</u>	<u>GP</u>	<u>P</u>
<ul style="list-style-type: none"> <u>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.</u> 	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
<ul style="list-style-type: none"> Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat,<u>Motorized vehicle, sport craft</u> 	<u>N</u>	N	<u>NC</u>	P

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

and <u>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.-</u>				
• Automotive, boat, trailer and recreational vehicle storage	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
• Vehicle fueling stations <u>or car wash facilities</u>	<u>N</u>	<u>N</u>	<u>C</u>	P
• junkyards and salvage yards	<u>N</u>	N	N	N
• Manufactures home sales <u>and display area</u>	<u>N</u>	N	<u>N</u>	<u>PN</u>
Office and Professional Support services				
• Business and professional offices, associated with another use in this zone that does not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Medical and dental offices <u>and urgent care facilities</u>	P	P	P	P
	<u>OC</u>	<u>NC¹</u>	<u>RC</u>	<u>GC</u>
• <u>Business support services such as</u> duplicating, photocopying, mailing services, fax and computer facilities	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• 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	<u>C</u>	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a <u>commercial use permitted use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Day cares, preschools, and kindergartens as a stand-alone use.	<u>N</u>	P	P	P
General Retail – sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• General retail trade <u>greater than 10,000 square feet of gross square footage, including bakeries where product distribution is limited to retailing on the premises only</u>	<u>N</u>	P	P	P
• <u>Tool and Equipment Rental and Sales, Including Truck Rental</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>P</u>
• Retail plant nurseries and garden supply stores <u>(excluding wholesale plant nurseries)</u>	<u>N</u>	N	P	P
• Wholesale building <u>material sales and service</u>	<u>N</u>	N	<u>N</u>	<u>P</u>
• <u>Retail</u> building material sales and lumberyards.	<u>N</u>	N	C ⁵	P

⁵ All activities are required to be within an enclosed building

Personal Services				
• Health clubs <u>and studios less than 5,000 square feet in size.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Health clubs and studios greater than 5,000 square feet in size</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>P</u>
• Personal services <u>catering to daily customers where patrons pay for or receive a service rather than goods or materials</u>, including but not limited to financial, <u>beauty, dance or music classes, pet grooming, medical and dental, social services,</u> and similar <u>support services.</u>	N	P	P	P
• <u>Public or commercial parking (non-accessory)</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas⁶	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>
Eating and Drinking establishments:				
	<u>OC</u>	<u>NC¹</u>	<u>RC</u>	<u>GC</u>
• Restaurants, taverns, and lounges without drive-thru⁷	P	C	P	P
• Restaurants, taverns, and lounges with drive-thru <u>or take-out services</u>	N	N	P	P
Industrial use types <u>INDUSTRIAL</u> Taverns or lounges when clearly secondary to the primary use.				
• Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handcraft manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	<u>N</u>	<u>C</u>	<u>C</u>	P
• Medical, dental, and similar or dental laboratories	<u>N</u>	N	C	P
<u>Wireless communication facilities</u> <u>WIRELESS COMMUNICATION FACILITIES</u>				
• Radio, television, and similar communication stations, including <u>associated</u> transmitters.	<u>N</u>	N	N	C
• Wireless communication towers and transmitters⁸	<u>C</u>	<u>C</u>	<u>C</u>	C
• Wireless communication facilities on City-owned property	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure <u>provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.</u>	<u>P</u>	<u>P</u>	<u>P</u>	P

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

⁷ Limited to no more than 10% of the square footage of each development in the Adams Avenue Concept Plan area

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

Other <u>OTHER</u>				
Agricultural uses including but not limited to:				
<ul style="list-style-type: none"> • Farm equipment sales and rentals • Farming and horticulture 	<u>N</u>	N	P	P
<ul style="list-style-type: none"> • Truck and bus <u>terminalsyards</u> 	<u>N</u>	<u>N</u>	<u>PN</u>	P

16.22.030 Development Standards

A. Generally

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

B. Development Standards

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

	OC	NC	RC	GC
Lot area	10,000 sq. ft	1 acre (for single district)	5,000 sq. ft	10,000 sq. ft
Lot width at front property line	60 ft	85 ft	40 ft	70 ft
Lot width at building line	60 ft	100 ft	40 ft	70 ft
Front yard setback⁹	0	20 ft	0 ft except when lot	0
When abutting residential zone	<u>0</u>	<u>0</u>	Same as abutting residential zone	Same as abutting residential zone
Side yard setback⁹	0	0	0	0
when abutting residential zone or public park	10 ft	Same as underlying abutting residential zone	10 ft	20
Rear yard setback⁹	0	0	0	0
when abutting residential zone or public park	20	10 ft	10 ft	20 ft
Corner lot⁹	<u>0</u>	20 ft on any side facing street		
Height^{10,11}	2 stories or 30 ft ¹²	Least restrictive height of abutting residential zone ¹³	50 ft ^{13, 14}	50 ft ^{13, 14 13, 14}

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

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.~~

¹² ~~Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. 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~~

¹³ ~~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.~~

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.

16.22.060 NC Special Criteria

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

A. Shall be conducted entirely within enclosed buildings, except for:

1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.

2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.

B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.

C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one-hundred (100) feet at the building line.

D. Permitted and conditional uses may operate only between the hours of 7:00 AM and 10:00 PM. (Ord. 87-870, § 5)

16.22.040 Community Design

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

~~B. The residential portion of a mixed-use can be considered clearly secondary to commercial uses in mixed-use developments when traffic trips generated, dedicated parking spaces, signage and the road frontage of residential uses are all exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor. (Ord. 2002-1136 § 3; Ord. 87-870, § 5)~~

16.228.0750 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.
(Ord. 2000-1092, § 3; 88-979; 87-870)

16.22.06026.050 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 percent (5%) of the gross floor area of each individual business establishment.~~
 - ~~2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.~~
- ~~B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.~~
- ~~C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty five (85) feet at the front property line, and one hundred (100) feet at the building line.~~
- ~~D. Permitted and conditional uses may operate only between the hours of 7:00 AM and 10:00 PM.
(Ord. 87-870, § 5)~~

Formatting note:

~~The following represents reformatting of 3 chapters to combine into one chapter. Formatting changes are not reflected in the track changes.~~

Chapter 16.31

~~EMPLOYMENT INDUSTRIAL (EI)~~INDUSTRIAL LAND USE DISTRICTS*

Sections:

16.31.010 ~~_~~ Purpose

16.31.020 ~~_~~ Permitted Uses

16.31.030 ~~Development Standards~~ Conditional Uses

16.31.040 ~~Prohibited Uses~~ Employment Industrial (EI) Special Restrictions

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

~~16.31.055~~ ~~Tonquin Employment Area (TEA) Commercial Use Restrictions~~

16.31.060 ~~_~~ Dimensional Standards Community Design

16.31.070 ~~EI Lots Smaller than 3 Acres~~ Floodplain

~~16.31.080~~ ~~Community Design~~

~~16.31.090~~ ~~Floodplain~~

~~16.31.100~~ ~~New Definitions~~

*Editor's Note: Some sections may not contain a history.

16.31.010 Purpose

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

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

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

(Ord. 2010-014, § 3, 10-5-2010)

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

~~C.B.~~ (Ord. 93-964 § 3; Ord. 86-851)

D. 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.

~~E.C.~~ (Ord. 86-851, § 3)

16.31.020 **Permitted Uses**

~~A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.4088.~~

~~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. The following uses are permitted outright, provided such uses meet the applicable design standards contained in Division V and environmental performance standards contained in Division VIII.~~

	<u>Uses</u>	LI	GI	EI ¹
RESIDENTIAL	<u>USE TYPES</u>			

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

<u>Uses</u>	LI	GI	EI ¹
Residential apartments Single or multi-family housing when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings. ²	<u>N</u>	<u>N</u>	<u>N</u>
Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 16.20.040 High-Density Residential (HDR) Dimensional Standards	<u>N</u>	<u>N</u>	<u>N</u>
Residential Care Facilities	<u>N</u>	<u>N</u>	<u>N</u>
<ul style="list-style-type: none"> • Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission. 	P	P	P
CIVIC USE TYPES			
<ul style="list-style-type: none"> • Hospitals and emergency care facilities 	C	<u>N</u>	<u>N</u>
—Sanitarium			
—Correctional institutions	<u>N</u>	<u>N</u>	<u>N</u>
—Cemeteries and crematory mausoleums.	<u>N</u>	<u>N</u>	<u>N</u>
<ul style="list-style-type: none"> • Police and fire stations and other emergency services 	C	C	C
<ul style="list-style-type: none"> • Vehicle testing stations 	C	C	C
<ul style="list-style-type: none"> • Postal services <u>- Public</u> 	C	C	C
<ul style="list-style-type: none"> • Postal substations when located entirely within,<u>within</u> and incidental to a use permitted outright. 	C	C	C
—Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	<u>N</u>	<u>N</u>	<u>N</u>
<ul style="list-style-type: none"> • Public and private utility buildings<u>structures</u>, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards. 	P	P	P
<ul style="list-style-type: none"> • Small-scale power generation facilities. Power generation plants and associated facilities serving any use. 	<u>P</u>	<u>P</u>	<u>P</u>
<ul style="list-style-type: none"> • Large-scale power generation facilities. Power generation plants and associated facilities serving a permitted use. 	<u>C</u>	<u>P</u>	<u>C</u>
—Power generation plants and associated facilities serving a permitted use.	<u>G</u>	<u>G</u>	<u>G</u>
<ul style="list-style-type: none"> • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C	<u>C</u>	C
Public or private outdoor recreational facilities including parks, playfields and sports and racquet courts.	<u>C</u>	<u>C</u>	<u>C</u>
Churches under 5,000 square feet in size. Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses.	<u>N</u>	<u>N</u>	<u>N</u>
Churches over 5,000 square feet in size	<u>N</u>	<u>N</u>	<u>N</u>
Public and private schools providing education at the elementary school level or higher	<u>N</u>	<u>N</u>	<u>N</u>
COMMERCIAL USES TYPES			
<ul style="list-style-type: none"> • Commercial Trade Schools, <u>commercial educational services and training facilities</u> 	<u>P</u>	<u>P</u>	C

<u>Uses</u>	<u>LI</u>	<u>GI</u>	<u>EI¹</u>
Training facilities whose primary purpose is to provide training to meet industrial needs.	<u>P</u>	<u>P</u>	
Entertainment/recreation			
Adult entertainment business, subject to Section 16.54.010	<u>N</u>	<u>N</u>	<u>N</u>
Motion picture and live theaters within enclosed building	<u>N</u>	<u>N</u>	<u>N</u>
Drive-in motion picture theaters	<u>N</u>	<u>N</u>	<u>N</u>
• Private lodges, fraternal organizations, c Country clubs, sports and racquet clubs and other similar clubs.	<u>C</u>	<u>C</u>	<u>C</u>
—Public or Private Golf courses	<u>N</u>	<u>N</u>	<u>N</u>
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities^{3, 4}	<u>C</u>	<u>C</u>	<u>C</u>
Hotels and motels.	<u>N</u>	<u>N</u>	<u>N</u>
Motor Vehicle related			
• Motorized vehicle and sport craft Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment repairs and service	<u>C</u>	<u>C</u>	<u>N</u>
• All automotive and equipment Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright <u>or conditionally</u> .	<u>P</u>	<u>P</u>	<u>P</u>
—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.	<u>N</u>	<u>N</u>	<u>N</u>
—Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, 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..	<u>N</u>	<u>N</u>	<u>N</u>
—Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, and equipment parts sales	<u>N</u>	<u>N</u>	<u>N</u>
• Automotive, boat, trailer and recreational vehicle storage	<u>C</u>	<u>C</u>	<u>N</u>
—Commercial farm equipment and vehicle sales	<u>N</u>	<u>N</u>	
• Vehicle fueling stations <u>or car wash facilities⁵</u>	<u>C</u>	<u>C</u>	<u>C</u>
• junkyards and salvage yards	<u>N</u>	<u>N</u>	<u>N</u>
• Manufactures home sales <u>and display area</u>	<u>N</u>	<u>N</u>	<u>N</u>
Glass installation and sales	<u>P</u>	<u>P</u>	<u>N</u>
Office and Professional Support services			
Business and professional offices, non-government.	<u>P</u>	<u>P</u>	<u>P</u>

³If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than 50% of the total area

⁴Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.

⁵Limited to Cardlock or wholesale- no public retail fuel sales.

<u>Uses</u>	LI	GI	EI ¹
• Business and professional offices, ⁶ associated with another use in this zone that does not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices)	P	P	<u>P</u>
—Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated “industrial” on Metro’s 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices):	<u>P</u>	<u>P</u>	<u>P</u>
—Business and professional offices in buildings that received land use approval after January 1, 2010 that are designated “industrial” on Metro’s 2008 Title 4 Map and that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.	P	P	
—Offices of educational, financial, governmental, non-profit, real estate, research, or other similar service organizations whose activities are such that few visitors, other than employees, have reason to come to the premises.	<u>P</u>	P	<u>P</u>
—Contractor’s offices and other offices associated with a use permitted in the underlying zone	P	<u>P</u>	P
• <u>Business support services such as</u> duplicating, photocopying, mailing services, fax and computer facilities ⁶	<u>P</u>	<u>P</u>	<u>C</u>
—employment agencies		<u>C</u>	<u>C</u>
• 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	<u>C</u>	<u>C</u>	<u>C</u>
Medical and dental offices and urgent care facilities	<u>N</u>	<u>N</u>	<u>N</u>
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a <u>commercial use permitted use</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Day cares, preschools, and kindergartens as a <u>stand alone stand-alone</u> use. ⁷	C	C	C
General Retail – sales oriented			
General retail trade, not exceeding 10,000 square feet of gross square footage.	<u>N</u>	<u>N</u>	<u>N</u>
General retail trade greater than 10,000 square feet of gross square footage, including bakeries where product distribution is limited to retailing on the premises only	<u>N</u>	<u>N</u>	<u>N</u>
• Incidental retail sales or display/showroom directly associated with a permitted use pursuant to § 16.31.020, and Sales or display space shall be limited to a maximum of 10 % of the total floor area of the business. ⁷	<u>C</u>	<u>C</u>	P
• <u>Tool and Equipment Rental and Sales, Including Truck Rental.</u> ⁷	<u>GP</u>	<u>P</u>	P
—Tool and Equipment Rental	P	P	

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

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

<u>Uses</u>	<u>LI</u>	<u>GI</u>	<u>EI¹</u>
• <u>Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries).</u>	<u>P</u>	<u>P</u>	<u>N</u>
— Wholesale Plant Nurseries	N	N	N
• <u>Wholesale building material sales and servicesales</u>	<u>C</u>	<u>P</u>	<u>N</u>
— Wholesale plumbing supplies and service	C	P	N
• <u>Retail building material sales and lumberyards.⁷</u>	<u>C</u>	<u>P</u>	<u>N</u>
Personal Services			
• <u>Health clubs and studios less than 5,000– square feet in size.</u>	<u>P</u>	<u>P</u>	<u>P</u>
— Health clubs greater than 5,000 square feet in size.	N	N	N
— 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, dance or music classes, pet grooming, medical and dental, social services, and similar support services.⁷	C	C	C
• <u>Public or commercial parking (non- accessory)</u>	<u>N</u>	<u>N</u>	<u>N</u>
• <u>Veterinarian offices and animal hospitals.</u>	<u>C</u>	<u>C</u>	<u>C</u>
• <u>Animal boarding/Kennels and daycare facilities with outdoor recreation areas⁸</u>	<u>C</u>	<u>C</u>	<u>C</u>
Eating and Drinking establishments:			
• <u>Restaurants, taverns, and lounges without drive-thru⁷</u>	<u>C</u>	<u>C</u>	<u>C</u>
— Restaurants, taverns and lounges without drive-thru that are not larger than 5,000 square feet in a single outlet or larger than 20,000 square feet in multiple outlets in the same development project.	C	C	C
• <u>Restaurants, taverns, and lounges with drive-thru or take-out services</u>	<u>N</u>	<u>N</u>	<u>N</u>
INDUSTRIAL			
Industrial use types Industrial and manufacturing uses, except as specifically permitted by Sections 16.30.020 and 16.30.030	P	P	P
• <u>Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Medical, dental, and similar or dental laboratories</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Laboratories (not medical, dental or similar or dental).</u>	<u>P</u>	<u>P</u>	<u>P</u>
— Wholesale trade		P	
— Warehousing		P	
— commercial storage		P	
• <u>mini-warehousing or self-storageself-storage</u>	<u>N</u>	<u>P</u>	<u>N</u>

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

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

<u>Uses</u>	<u>LI</u>	<u>GI</u>	<u>EI¹</u>
• Distribution, warehousing and storage associated with a permitted use.	P	<u>P</u>	P
—Research and development and associated manufacturing.	<u>P</u>	<u>P</u>	P
• Contractors <u>Contractors'</u> storage and equipment yards, building maintenance services, and similar uses.	C	P	<u>N</u>
• <u>Laundry, dry cleaning, dyeing, or rug cleaning plants.</u>	C	P	<u>N</u>
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• <u>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, drugs, pharmaceuticals, chemicals and other small products and tools manufactured form from previously prepared or semi-finished materials.</u>	P	P	<u>N</u>
• <u>Pharmaceuticals in facilities up to 50,000 square feet building size.</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Pharmaceuticals in facilities larger than 50,000 square feet building size.</u>	<u>N</u>	<u>C</u>	<u>N</u>
• <u>Building components, furniture, fixtures, signs.</u>	P	P	<u>N</u>
• <u>Non-motorized recreational vehicles and equipment.</u>	P	<u>P</u>	<u>N</u>
• Recreational vehicles, and other motor vehicles, m <u>Manufactured homes, trailers, boats and farm equipment, and greenhouses</u>	<u>N</u>	P	<u>N</u>
• <u>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.</u>	<u>P</u>	<u>P</u>	<u>N</u>
—Iron, steel, sheetmetal, other metal products, hand tools, including machining, welding, electroplating, and casting and molding of semi-finished and finished metals, except as prohibited by Section 16.34.040.	<u>P</u>	P	<u>N</u>
—Paper, wood, boxes, containers, lumber and similar products made from wood, paper, metal and other materials, except as prohibited by Section 16.34.040.	<u>P</u>	P	<u>N</u>
—Plastics and plastic products.	<u>P</u>	P	<u>N</u>
• <u>Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products.</u>	<u>P</u>	<u>P</u>	P
—Sustainable environmental products	<u>P</u>	<u>P</u>	P
—Advanced manufacturing	<u>P</u>	<u>P</u>	P
—High technology	<u>P</u>	<u>P</u>	P
—Biotechnology and biopharmaceuticals	<u>P</u>	<u>P</u>	P
—Sports apparel and other recreational products	<u>P</u>	<u>P</u>	P
—Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.	<u>N</u>	<u>C</u>	<u>N</u>
• <u>Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, toxinsfertilizer, herbicides, insecticides, and similar chemicals.</u>	N	C	<u>N</u>
—Fertilizer, herbicides and insecticides.	<u>N</u>	<u>C</u>	<u>N</u>
—Celluloid or pyroxylin.	<u>N</u>	<u>N</u>	<u>N</u>
—Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar based roofing and waterproofing materials and similar substances.	<u>N</u>	<u>N</u>	<u>N</u>

<u>Uses</u>	LI	GI	EI ¹
Explosives and radioactive materials.	N	N	N
Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.	N	N	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	NC	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
<u>WIRELESS COMMUNICATION FACILITIES</u>			
Wireless communication facilities			
• Radio, television, and similar communication stations, including <u>associated</u> 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 provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.	P	P	P
<u>OTHER</u>			
Other			
Agricultural uses including but not limited to:			
Farm equipment sales and rentals			
N			
N			
N			
• <u>Farm equipment sales and rentals</u>	N	N	N
Farming and horticulture			
• _____	P	P	P
• _____ Raising of animals other than household pets	N	N	N
PUDs, subject to Chapter 16.40.	P	P	P

⁹ eExcept for towers located within 1,000 feet of the Old Town District which are prohibited.

Uses	LI	GI	EI ¹
—Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86 and not to exceed one year	P	P	P
• Truck and bus yards	N	P	N
—Truck and bus terminals	N	P	N
Any use not otherwise listed that can be shown to be consistent with the uses associated with allowed or conditional uses in 16.31.020(A) the underlying zone.			C
All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 16.34.020 and 16.34.030.	N	N	N
Other similar uses permitted in the underlying zone. subject to Chapter 16.XX.	P	P	

~~B. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones will be permitted outright or conditionally, utilizing the procedure in Chapter 16.88 (Interpretation of Similar Uses).~~

~~C. Any use that is not permitted outright or conditionally in the industrial zones that cannot be found to be consistent with the uses permitted outright or conditionally as identified in subsection B. above is prohibited in the industrial zone, utilizing the procedure in Chapter 16.88 (Interpretation of Similar Uses).~~

16.31.030 Development Standards

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

~~B. Development Standards~~

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

<u>Development Standards by Zone</u>	<u>EI</u>	<u>LI</u>	<u>GI</u>
<u>Lot area- Industrial Uses:</u>	<u>3 acres¹⁰</u>	<u>10,000 SF</u>	<u>20,000 SF</u>
<u>Lot area- Commercial Uses (subject to Section 16.31.050):</u>	<u>10,000 SF</u>	<u>10,000 SF</u>	<u>20,000 SF</u>
<u>Lot width at front property line:</u>	<u>100 feet</u>		
<u>Lot width at building line:</u>	<u>100 feet</u>		
<u>Front Yard Setback¹¹</u>	<u>20 feet</u>	<u>20 feet</u>	<u>None</u>
<u>Side Yard Setback¹¹</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Rear Yard Setback¹¹</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Corner lot street side¹¹</u>	<u>20 feet</u>	<u>20 feet</u>	<u>None</u>
<u>Height¹²</u>	<u>50 feet</u>		

16.31.0340 - Employment Industrial (EI) Commercial Use Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than 5 acres in size. A "development project" includes all improvements proposed through a site plan application.

¹⁰ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies. (Ord. 2010-014, § 3, 10-5-2010)

¹¹ 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.

¹² Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

2. Notwithstanding the provisions of Section 16.31.055-050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050-050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel. (Ord. 2010-014, § 3, 10-5-2010)

B. Land Division Restrictions

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

~~(Ord. 2010-014, § 3, 10-5-2010)~~

16.31.0450 -Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within 300 feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.050 Dimensional Development Standards

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

B.—Development Standards

A.—Lot Dimensions

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

	EI	LI	GI
Lot area-Industrial Uses:	3 acres, except as exempted in Section 16.31.070 "EI Lots Smaller than 3 Acres"—	10,000 square feet	20,000 square feet
Lot area-Commercial Uses (subject to Section 16.31.055):—	10,000 square feet—	10,000 square feet	20,000 square feet
Lot area-Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone:	May be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than 3 acres shall be prohibited unless Section 16.31.040 applies.	10,000 square feet	20,000 square feet
Parcels larger than 50 acres:—	—Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a Planned	10,000 square feet	20,000 square feet

	Unit Development approved by the city so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.—		
Partitioning 50 acre parcel:—	Lots or parcels 50 acres or larger, including those created pursuant to paragraph (4) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.—	10,000 square feet	20,000 square feet
Lot width at front property line:	100 feet—	100 feet	100 feet
Lot width at building line:	100 feet—	100 feet	100 feet
Front Yard Setback	Twenty (20) feet, except	Twenty (20) feet, except when	None, except when abutting a

	when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.—	abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	residential zone or public park, then there shall be a minimum of fifty (50) feet.
Side Yard Setback	None, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of fifty (50) feet.
Rear Yard Setback	None, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of fifty (50) feet.
Corner Lots	Twenty (20) feet on any side facing a street, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	Twenty (20) feet on any side facing a street, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of fifty (50) feet.
Height	Fifty (50) feet, except that structures within 100 feet of a residential zone shall be limited to the height requirements of that residential zone.	Fifty (50) feet, except that structures within 100 feet of a residential zone shall be limited to the height requirements of that residential zone.	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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ss and egress, signs, parks and open space, on-site storage, and site design, ~~see the applicable provisions of~~ Divisions V, VIII and IX will apply.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.070 -Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2010-014, § 3, 10-5-2010)

~~16.31.080 New Definitions~~

~~*Advanced Manufacturing.* The application of cutting edge concepts in electronics, computers, software and automation to enhance manufacturing capabilities and improve production. Advanced manufacturing technology is used in all areas of manufacturing, including design, control, fabrication, and assembly. This family of technologies includes robotics, computer-aided design (CAD), computer-aided engineering (CAE), manufacturing resource planning, automated materials handling systems, electronic data interchange (EDI), computer-integrated manufacturing (CIM) systems, flexible manufacturing systems, and group technology.~~

~~*Biopharmaceuticals.* Medical drugs derived from biological sources and produced using biotechnology.~~

~~*Biotechnology.* Technology based on biology, especially when used in agriculture, food science, and medicine, and includes any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.~~

~~*Clean Technology.* A diverse range of products, services, and processes that harness renewable materials and energy sources, dramatically reduce the use of natural resources, and cut or eliminate emissions and wastes. Clean technology includes wind power, solar power, biomass, hydropower, biofuels, information technology, green transportation, electric motors, and innovations in lighting and other appliances related to energy efficiency.~~

~~*High Technology.* Scientific technology involving the production or use of highly advanced, sophisticated, or specialized systems or devices, especially those used in the fields of electronics and computers.~~

~~*Renewable Energy.* Energy derived from, or effectively using resources which may be naturally replenished. such as sunlight, wind, rain, tides and Renewable energy technologies include those associated with solar power, geothermal heat, wind power, hydroelectricity, and biofuels used for transportation.~~

~~*Sustainable environmental products.* Products that are designed to lessen negative impacts on the natural environment or to enhance the potential longevity of vital human ecological support~~

~~systems, such as such as the planet's climatic system and systems of agriculture, industry, forestry, fisheries, and the systems on which they depend.~~

~~(Ord. 2010-014, § 3, 10-5-2010)~~^[HA1]

Chapter 16.36

INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT*

Sections:

16.36.010 Purpose

16.36.020 Permitted Uses

16.36.030 Conditional Uses

16.36.040 Prohibited Uses

16.36.050 Dimensional Standards

16.36.060 Community Design

16.36.070 Floodplain

* Editor's Note: Some sections may not contain a history.

16.36.010 Purpose

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

(Ord. 86-851, § 3)

16.36.020 Permitted Uses

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

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

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement

of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
D. Additional limitations for specific uses are identified in the footnotes of this table.

	<u>IP</u>
<u>RESIDENTIAL</u>	
<ul style="list-style-type: none"> <u>Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City. (Ord. 97-1019 § 3; Ord. 86-851)</u> 	<u>C</u>
<u>CIVIC</u>	
<ul style="list-style-type: none"> <u>Cemeteries and crematory mausoleums.</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Police and fire stations and other emergency services</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Administrative Offices-Government</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Postal services - Public</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>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.</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Religious Institutions</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Public and private schools providing education at the elementary school level or higher</u> 	<u>C</u>
<u>COMMERCIAL</u>	
<ul style="list-style-type: none"> <u>Commercial Trade Schools, commercial educational services and training facilities</u> 	<u>N</u>
<ul style="list-style-type: none"> <u>Public Golf courses</u> 	<u>C</u>
<u>WIRELESS COMMUNICATION FACILITIES</u>	
<ul style="list-style-type: none"> <u>Radio, television, and similar communication stations, including associated transmitters.</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Wireless communication towers and transmitters¹</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Wireless communication facilities on City-owned property</u> 	<u>P</u>

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

<ul style="list-style-type: none">• <u>Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure²</u>	<u>P</u>

~~A. Wireless communication facilities on City-owned property.~~

~~B. Wireless communication antennas mounted on an existing building or structure not exceeding the height of the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antennas on City-owned property would be unfeasible.~~

~~(Ord. 97-1019, § 1)~~

~~16.36.030 Conditional Uses~~

~~The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Division VIII, and are approved in accordance with Chapter 16.82:~~

~~A. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.~~

~~B. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.~~

~~C. Churches and parsonages.~~

~~D. Cemeteries and crematory mausoleums.~~

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.

~~_____ E. _____ Public recreational facilities, including but not limited to parks, playfields, golf courses, and sport and racquet courts.~~

~~_____ F. _____ Public and private schools providing education at the preschool level or higher, excluding commercial trade schools.~~

~~_____ G. _____ Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells and public works yards.~~

~~_____ H. _____ Radio, television and similar communication stations, including transmitters and wireless communication towers.~~

~~(Ord. 97-1019 § 1; Ord. 86-851)~~

~~_____ I. _____ Dwelling unit, including a manufactured home for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission.~~

~~(Ord. 97-1019 § 3; Ord. 86-851)~~

~~16.36.040 Prohibited Uses~~

~~The following uses are expressly prohibited:~~

~~_____ A. _____ Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.~~

~~_____ B. _____ Residential uses, except for as conditionally permitted in Section 16.36.030I.~~

~~(Ord. 97-1019 § 1; 87-870; Ord. 86-851)~~

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.

<u>IP</u>	
<u>Lot Dimensions</u>	<u>Except as otherwise provided, no minimum lot areas or dimensions are required.</u>
<u>Front yard setback</u>	<u>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.</u>
<u>Side yard setback</u>	<u>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.</u>
<u>Rear yard setback</u>	<u>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.</u>
<u>Height</u>	<u>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.</u> <u>(Ord. 91-922, § 3)</u>

~~**A. Lot Dimensions**~~

~~Except as otherwise provided, no minimum lot areas or dimensions are required.~~

~~**B. Setbacks**~~

~~Except as otherwise provided, the minimum required setbacks in the IP zone shall be:~~

~~1. Front yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.~~

~~2. Side yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.~~

~~3. Rear yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.~~

~~C. Height~~

~~Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.~~

~~(Ord. 91-922, § 3)~~

16.36.060 Community Design

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

(Ord. 91-922, § 3; Ord. 86-851)

16.36.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092, § 3; 88-979; 87-867; Ord. 86-851)

Chapter 16.88

INTERPRETATION OF SIMILAR USES*

Sections:

16.88.010 Generally

16.88.020 Application Content

16.88.030 Approvals

16.88.040 Uses

* Editor's Note: Some sections may not contain a history.

16.88.010 Generally

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the City Manager or his/her designee.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.020 Application Content

The request shall be submitted with a fee pursuant to Section 16.74.020 and shall include information on the following characteristics of the proposed use:

- A. Description of the activity to be conducted on the site.
- B. Noise and odor characteristics.
- C. Description of material or product storage requirements.
- D. Amount and type of traffic to be generated.
- E. Description of the structures required.

(Ord. 86-851, § 3)

16.88.030 Approvals

The City Manager or his/her designee may authorize a use to be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone, and as described in section 16.88.040 below. The action of the City Manager or his/her designee may be appealed to the Commission in accordance with Chapter 16.76.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.040 Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use

categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. Residential uses are intended for habitation by one or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation. Residential uses include, but are not limited to the following housing types:

(1) ~~s~~Single-family attached~~detached~~ - A structure consisting of a single dwelling unit which is for occupancy by one or more persons on a single parcel or lot.

(2) ~~Si,~~ single-family ~~detached~~attached - A structure consisting of one or more attached single dwelling unit which is for occupancy by one or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes and rowhouses.

(3) ~~;~~Two-family- A structure consisting of two dwelling units on the same parcel or lot. Two family homes are commonly referred to as a duplex.;

(4) ~~m~~Multi-family - A structure consisting of (3) three or more dwelling units on the same parcel or lot. Multi-family homes include, but are not limited to garden apartments, apartments, condominiums, and in some cases attached townhomes or rowhouses on a single lot or parcel.;

(5) ~~i~~Institutional and Residential Care~~-living~~ ~~f~~Facilities – A facility licensed by or under the authority of the Department of Health and Human Services under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Examples include residential care homes, group homes, halfway homes, etc.;

-group living, residential care facilities, and similar housing types that are intended for habitation by one or more individuals on a wholly or primarily non-transient basis. Examples include, single family homes, townhomes, rowhouses, apartments, student housing, duplexes, manufactured homes, co-housing homes, and other similar uses.

B. Civic Use Types

1. *Civic uses* are basic governmental and private services intended to provide for the basic living, religious, educational, recreational, cultural, protective, and other similar needs of all citizens within the community. Examples include but are not limited to:

(1) ~~C~~Churches, Mosques, Temples and other religious facilities

(2) ~~H~~Hospitals, ~~clinics,~~

(3) ~~S~~Schools;

(4) ~~M~~Major and minor utilities;

(5) ~~T~~Transportation facilities

~~;~~(6) ~~P~~Police and fire stations;

(7) ~~p~~Post offices

~~;~~~~s~~(8) ~~S~~Senior centers;

(9) ~~C~~Community centers;

(10) ~~L~~Libraries;

~~-cultural exhibits,~~(11) ~~m~~Museums;

(12) ~~f~~Fraternal lodges;

(13) ~~v~~Veterans organizations

(14) ~~;~~~~correctional facilities,~~~~p~~Public parking garages

(15) ~~C~~Cemeteries and; crematory mausoleums

(16) ~~;~~~~p~~Public gardens, parks, trails, and playfields, ~~sports and racquet courts,~~

(17) ~~g~~Government offices

(18) ~~;~~ ~~t~~Treatment plants;

(19) ~~p~~Public works yards;

~~-wireless telecommunications facilities, and other similar uses.~~

2. *Wireless Communication uses* are uses that are associated with the provision of cellular, broadband, or other communication types that involve the placement of towers, relay stations, and similar infrastructure to provide service. Generally, wireless communication facilities include:

(1) ~~t~~Towers

~~(2) Transmitters,~~

~~(3) Antennae co-located antennae's, and~~

~~(4) s~~Similar infrastructure intended to be protected by the Telecommunications Act of 1996.

C. Commercial Use Types

1. Commercial use types are uses that include the sale or rental of goods and services that are customarily associated with those businesses that are not considered to be civic or industrial uses. Examples of commercial use types can be identified through several different subcategories as follows:

~~a. Entertainment and Recreation uses establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of commercial recreation and entertainment uses include:~~

~~(1) Adult entertainment businesses~~

~~(2) Theaters or Cinemas~~

~~(3) Drive-in theaters~~

~~(4) Country clubs~~

~~(5) Recreational vehicle parks~~

~~(6) Private sports and racquet clubs~~

~~(7) Golf courses~~

~~(8) Arcades or electronic game centers~~

~~(9) Health and fitness clubs~~

~~(10) Bowling alley~~

~~(11) Ice/roller skating rinks~~

~~a. including adult entertainment businesses, theaters, drive-in theaters, country clubs, recreational vehicle parks, private sports and racquet clubs, golf courses, arcades, health and fitness clubs, and similar uses.~~

~~b. Hospitality and lodging uses are uses that provide temporary, short term lodging including:~~

~~(1) Bed and breakfast means a dwelling unit that offers guest rooms or suites for a fee for a limited period of time not to exceed thirty (30) days, with incidental eating and drinking service provided from a single kitchen for guests only.~~

(2) Hotel means an establishment that provides guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels.

(3) Motel means an establishment that provides guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room.

~~b. hotels, hostels, motels, bed and breakfasts, and similar facilities are uses that provide transient lodging.~~

c. Motor vehicle related uses include the sales, servicing, rental, and storage of motorized vehicles including automobiles, trucks, motorcycles, boats, recreational vehicles, trailers, helicopters, airplanes, scooters, construction equipment, tractors, semi-trucks, and similar type uses. This category ~~also~~ includes:

(1) Motorized vehicle and sport craft repairs and service

(2) Automotive, boat, trailer and recreational vehicle storage.

(3) Vehicle fueling stations

(4) Car wash facilities

(5) Junkyards,

(6) Salvage yards, and

(7) Manufactured home sales and display areas.

d. Office and Professional Services uses are uses where business services are provided to the general public, or in some cases, where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Office and Professional Services generally include ~~offices that~~ provide clerical, duplicating, photocopying, mailing services, fax and computer services, executive, management, or administrative services for private firms or organizations. Office and Professional Services uses do not include medical and dental offices. Examples of office and professional services include, but are not limited to:

(1) Law offices,

(2) Architecture and engineering offices

~~(3), a~~Accounting offices;

~~(4) e~~Call centers

~~;(5) f~~Financial, insurance, and real estate offices;

~~e. — and similar facilities. Office and Professional Services uses do not include medical and dental offices.~~

e. Medical and Dental Office uses are offices that provide personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, naturopaths, dentists, physician assistants, physical therapists, chiropractors, massage therapists, and similar uses. Medical laboratories are allowed under this classification as an accessory use. Examples include, but are not limited to:

~~(1) e~~Clinics;

~~(2) v~~Veterinary offices;

~~(3) a~~Animal hospitals;

~~medical laboratories(4); d~~Dentist offices

(5) Doctors' Offices

~~(6), and u~~Urgent care facilities.

f. Childcare uses are uses that provide nonmedical care for children on less than a twenty-four (24) hour basis that are regulated under the most current Oregon Revised Statute ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group. Childcare uses provide care to children, including the following uses:

(1) In-home daycare means any use that provides day care to fewer than six (6) children within the care givers primary residence.

(2), dDaycare centersFacility means any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.; child care centers, or similar facilities regulated under the most current Oregon Revised Statutes ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.

g. *General Retail uses* are uses that engage in the sale or rental of commonly used merchandise and goods that are consumed for everyday living. ~~Examples of general retail uses include stores that sell, groceries, lawn and garden supplies, hardware, tools, furniture, appliances, consumer electronics, auto parts, sporting goods, books, pharmaceuticals, home furnishings, jewelry, and similar items.~~ The City of Sherwood classifies general retail uses into large format and small format. Large format facilities are 10,000 square feet or greater and small format are retail facilities that are less than 10,000 square feet. General Retail uses may include but are not limited to:

(1) Grocery Stores

(2) Department Stores

(3) Convenience Stores without fuel sales

(4) Furniture Stores

(5) Hardware Stores

(6) Pharmacies

(7) Book Stores

(8) Electronics Stores

(9) Auto Parts Stores

(10) Sporting Goods Stores

(11) Toy Stores

(12) Jewelry Stores

h. *Personal Services uses* are uses that people come to rely on for their personal needs, but are not necessarily required on a daily basis. Examples of Personal Service uses include, but are not limited to:

(1) Barbershops and beauty salons

(2) Dry cleaning pick-up stores with limited equipment

(3) Laundromats (self-service laundries)

(4) Locksmiths

(5) Shoe repair shops

(6) Tailors and seamstresses

~~(7) hHealth and fitness clubs~~

~~(8), bBeauty salons, dDance or music studios, banks,~~

~~(9) pPet grooming, Laundromats, drycleaners, and similar type uses.~~

~~(10) Indoor pet daycare~~

i. Eating and Drinking Establishments are uses that sale prepared food and beverages for consumption on or off of the site on which the business sits. Examples include but are not limited to:

~~(1) rRestaurants (including drive-through, fast food, and sit-down)~~

~~(2), tTaverns, and -lounges,~~

~~(3) eCoffee shops,~~

~~(4) Ice cream shops~~

~~(5) Sandwich Shops cafeteria, and similar uses.~~

D. Industrial Use Types

1. Distribution, warehousing, and storage uses are uses that engage in warehousing, storing, or distributing goods primarily to retailers; to industrial, commercial, institutional, or professional businesses. Generally, these uses are not open to the public. Uses within this category, may include but are not limited to:

~~(1) mMoving companies~~

~~(2), mMini-storage~~

~~, (3) sSpecific retail storage and distribution~~

~~(4), fFreight delivery~~

~~(5), and bBeverage distribution. Generally, these uses are not open to the public.~~

~~1.2.~~ Laboratory uses are facilities that primarily engage in the research, development, and controlled production of electronic, industrial, medical, dental, biotechnological, and scientific commodities.

3. Metal Fabrication and Engineering uses are uses that involve the design and processing of metals to create new products. Examples include but are not limited to:

~~(1) mMachine shops,~~

~~(2) and fFabrication shops.~~

(3) Welding Shops

4. Small-scale Industrial Service uses are uses that manufacture finished parts or products primarily from previously prepared materials; and provide industrial services within an enclosed building. These uses include the outdoor storage of products, materials, equipment, or bulk fuels. Examples include uses that assemble and process food products, appliances, textiles and fiber products, pottery, glass, small electronics, maintenance equipment, vending machines, cosmetics, and tools. ~~Other uses~~ This category may also ~~may also~~ include:

~~(1) Contractor's storage and equipment yards~~

~~(2) Laundry and dry cleaning plants;~~

~~(3) Fabric dyeing facilities;~~

~~(4) Auto dismantling within an enclosed building;~~

~~(5) Manufacture of stone works,~~ and concrete products (excluding concrete ready-mix plants)

~~and (6) Commercial bakeries.~~

(7) Small scale energy facilities include facilities, such as solar panels, that produce energy but are generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%.

5. Large-scale Industrial Service uses are uses that use mechanical or chemical transformation of materials or substances to manufacture or process new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this classification. Also included, is the blending of materials such as lubricating oils, plastic resins, or metals. Examples of large-scale Industrial Service uses include, but are not limited to:

~~(1) Sawmills~~

~~(2) Pharmaceutical manufacturers;~~

~~(3) Pulp and paper mills;~~

~~(4) Distillation of oil, coal, wood, or tar compounds and the creosote treatment of products;~~

~~(5) Metal rolling and extraction mills~~

~~(6) Forge plants~~

~~(7) Smelters;~~

~~(8) Blast furnaces;~~

~~(9) Sand and gravel pits;~~

~~(10) Rock crushing facilities~~

~~(11), a~~Aggregate storage and distribution facilities;

~~(12) c~~Concrete or asphalt batch plants

~~(13), power plants, energy generation, s~~Solid waste transfer stations, general purpose solid waste landfills, incinerators, and other solid waste facilities.

~~(+)(14)~~ Large Scale energy facilities are facilities that generally exceed the impacts associated with a small-scale energy facility, and may include power plants, solar farms, and other similar uses.

~~2-6.~~ Hazardous Facilities are uses that manufacture, process, or dispose of chemicals and compounds that are determined by a public health official to be detrimental to the health, safety, and welfare of the community and may include acids, paints, dyes, toxins, explosive materials, ammonia, chlorine, sodium compounds, fertilizers, herbicides, insecticides, and similar chemicals or compounds.

E. Agriculture Use Types

1. *Agricultural uses* are uses that facilitate farming and horticulture. Allowed Uses include the sales and rental of farm equipment, farm activities as defined by ORS 215, which states, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.