



*Home of the Tualatin River National Wildlife Refuge*

# **Planning Commission Meeting Packet**

**FOR**

**April 12, 2016 at 7 PM**

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



City of Sherwood  
**PLANNING COMMISSION**  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
April 12, 2016

**7:00 PM Planning Commission Meeting**

**Agenda**

**1. Call to Order/ Roll Call**

**2. Consent Agenda**

- a. February 23, 2016 Planning Commission Minutes approval
- b. March 10, 2016 Planning Commission Minutes approval

**3. Council Liaison Announcements (Council President Robinson)**

**4. Staff Announcements (Brad Kilby)**

**5. Community Comments**

**6. New business**

**a. Public Hearing – PA 16-02 Public or Commercial Parking within the Old Town Overlay**

The Sherwood Urban Renewal Agency is proposing a text amendment to conditionally allow public or commercial parking (non-accessory, stand-alone) on residentially zoned lots provided the lot is within the Old Town Overlay District, and the property is located on a collector or arterial street.

**7. New business**

**a. Public Hearing – PA 16-04 Industrial Uses Code Amendment**

The City is proposing to amend the Development Code to update the uses on all industrially zoned properties. It is envisioned that the end result will be clearer code language with more allowed uses. The overall goal is to provide certainty for potential developers regarding the uses that will be allowed while continuing to protect the community from undesirable uses.

**8. Planning Commissioner Announcements**

**9. Adjourn**

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**City of Sherwood, Oregon  
Planning Commission Meeting  
February 23, 2016**

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**Planning Commissioners Present:**

Chair Jean Simson  
Vice Chair Russell Griffin  
Commissioner Chris Flores  
Commissioner Alan Pearson  
Commissioner Lisa Walker

**Staff Present:**

Julia Hajduk, Community Development Director  
Brad Kilby, Planning Manager  
Bob Galati  
Kirsten Allen, Planning Dept. Program Coordinator

**Planning Commission Members Absent:**

Commissioner Michael Meyer  
Commissioner Rob Rettig

**Council Members Present:**

Councilor Jennifer Kuiper

**1. Call to Order/Roll Call**

Chair Jean Simson convened the meeting at 7:00 pm.

She moved to the consent agenda and asked for comments or a motion.

**2. Consent Agenda**

- a. January 12, 2016 Planning Commission Minutes approval
- b. January 26, 2016 Planning Commission Minutes approval

**Motion: From Commissioner Alan Pearson to approve the Consent Agenda, Seconded by Vice Chair Russell Griffin. All present Planning Commissioners voted in favor (Commissioners Michael Meyer and Rob Rettig were absent).**

**3. Council Liaison Announcements**

None.

**4. Staff Announcements**

Brad Kilby, Planning Manager, reported that staff met with the Police Advisory Board and invited members to participate in a Public Work Session with the Planning Commission on March 10, 2016 at 7pm. He disclosed that from March 1st to 31st there would be an online survey for recreational marijuana.

Mr. Kilby explained that city staff would like to hold a public hearing for the Community Garden during spring break on March 22, 2016 and asked to poll commission members as to their availability. Discussion followed and it was decided that the hearing would take place at a later date so Planning Commission members and interested parties could attend the hearing.

Mr. Kilby concluded by saying that the next step for Industrial Land Uses was a hearing tentatively scheduled for April 12, 2016.

**5. Community Comments**

None were received

## 6. New business

### a. Public Hearing – SUB 15-01 Mandel Farms Subdivision

Chair Simson began the public hearing by reading the public hearing statement and asked for any ex parte contact, bias or conflicts of interest.

Commissioner Walker indicated that she had known the Mandel family for many years, but did not think it would make a difference in her considerations.

Chair Simson said she had an ex parte conversation at a previous City Council meeting with Kurt Kristensen regarding school capacity. She said the comment would not affect her ability to participate. She asked for objections to any of the Planning Commission member's ability to participate. None were received.

Chair Simson asked for the staff report.

Brad Kilby, Planning Manager started a presentation (see record, Exhibit 1) and explained that the approval criteria should be read in the public hearing. He said the application was subject to the following code sections of the Sherwood Zoning and Community Development Code Sections:

§16.12 (Residential Land Uses), §16.58 (Clear Vision and Fence), §16.60 (Yard Requirements), §16.72 (Procedures for Processing Development Permits), §16.94 (Off-Street Parking), §16.106 (Transportation Facilities); §16.110 (Sanitary Sewers); §16.112 (Water Supply); §16.114 (Storm Water); §16.116 (Fire Protection); §16.118 (Public and Private Utilities), §16.120 (Subdivisions), §16.128 (Land Division Design Standards), §16.142 (Parks, Trees and Open Space), §16.144 (Wetland, Habitat, and Natural Areas); and §16.156 (Energy Conservation)

Mr. Kilby explained that SUB 15-01 and was for approximately 22 acres of land located at the intersection of SW Edy and SW Elwert Road. He said the applicant proposes the area to be developed with 86 single family residential lots and there was a portion of the parent parcel was on the other side of SW Copper Terrace. He explained that Oregon is one of the states that does not recognize intervening ownership (in reference to the SW Copper Terrace that divided the property). Mr. Kilby said the City Council approved the rezoning of a commercial portion of the property adjacent to SW Elwert [from Neighborhood Commercial] to Medium Density Residential High so the entire property had split zoning. He said the density range between the Medium Density Residential Low (MDRL) and Medium Density Residential High (MDRH) was required to achieve a range between 5.5 and 11.0 dwelling units per acre spread across the development and 6.7 dwelling units per acre, consistent with both zones, was proposed with all of the lots at 5000 square feet or greater. He added that the minimum dimensions, including setbacks, would be verified.

Mr. Kilby noted that the applicant had requested exceptions under §16.144.030, Natural Resources, which allowed for a 30% reduction of all the setbacks for properties impacted by natural resources. The applicant asked for a 30% setback reduction to Lots 28-31, 36-37, and 53 only. Mr. Kilby explained that the standard allowed the setback to be reduced if an amount equal to or greater than the natural resource area was set aside and land was dedicated to those natural resources. He said the applicant was asking for half of what they could, that 2034 square feet of the area would be impacted and the applicant was proposing to mitigate with Tract C at 2155 square feet; more than the amount impacted. He noted the odd shape of some of the lots and said the exception would help fit homes on those lots.

Mr. Kilby said Washington County Engineering had reviewed and approved access spacing modifications to SW C Terrace onto SW Elwert Road and showed a proposed street plan showing SW C Terrace serving

the houses west of the natural corridor. He noted that because of intersection spacing requirements, the applicant was required to approach the Washington County Engineer to ensure they had enough spacing. He said the Washington County Engineer recommended approval and the County would require additional site distance certification once the road was constructed.

Mr. Kilby explained that the proposed subdivision would create three new streets and would make street improvements to SW Copper Terrace, SW Edy Road and SW Elwert Road. The streets would be constructed consistent with City and County Transportation System Plans and the applicant would have to get a facilities permit from Washington County to construct the improvements on SW Elwert and SW Edy Roads.

Mr. Kilby said the applicant had proposed to the County that the full improvements of sidewalk, curb and gutter at the northwest corner of the site not be required because of the topography and the fact that the intersection at Edy and Elwert needed major reconstruction. He noted that it was cost prohibitive to lay all of the cost onto the developer so the County had asked that the developer provide a cost estimate of the work. The County will look at and assess against the cost of other County projects to evaluate if it was a fair cost estimate. A fee in lieu of would then be assessed to the applicant to pay for improvements to go towards future intersection improvements.

Mr. Kilby said the County had asked that the applicant illuminate the intersection for security as there was no lighting there currently and it was added to the conditions. He said the City Engineer was available for questions.

Mr. Kilby explained that Lots 1-8 and the lots between Street A and Street B, fourteen total lots, would have access onto SW Copper Terrace and all other lots would take access from the internal streets.

Mr. Kilby showed a proposed pedestrian bridge crossing at the halfway point between the natural resource areas and said the location was chosen as the place of minimal impact to the natural resource area. He said the bridge provided pedestrian and bicycle connectivity to the site indicating that the intersection improvements at Edy and Elwert were not necessarily needed if people would cut through the natural resource area back onto the sidewalk system. He stated the applicant had proposed a soft trail system on the east side of the ravine as part of the open space which would make a connection to SW Edy.

Mr. Kilby said the applicant was proposing a phased development and to extend existing public utilities; some utilities would come from SW Elwert Road for the development area west of the natural resource area and all other utilities would come from existing stubs on SW Copper Terrace. He disclosed there would be some utilities that would be pushed through the development and cross under the pedestrian bridge.

Mr. Kilby confirmed that the natural resource areas onsite had been professionally delineated by a natural resource wetland scientist and biologist. Clean Water Services had generally concurred and issued a Service Provider Letter in response to that assessment. He said the applicant was not proposing to impact the area except with the pedestrian bridge and some required buffer improvements that must be mitigated as part of the soft path area.

Mr. Kilby explained that the City requires all subdivisions to provide a minimum of 5% open space on site and explained that the natural resource areas did not count as the 5% set aside for the benefit of the development. He stated the applicant had proposed to provide the open space in a series of five tracts totaling 8.5%. The tracts were located at the southwest corner, adjacent to the pedestrian bridge, in the southeast corner across from the "Ridges" schools, a pedestrian connection between Lots 15 and 16, and

a small open space, Tract E at the bottom of the lots adjacent to SW Edy Road. He said the applicant will be required to plant visual corridors along SW Edy and Elwert Roads and the minimum required tree canopy in a residential zone was 40%. Mr. Kilby stated the proposal retains quite a few trees in the vegetative corridor and the code allowed that any tree that is preserved is counted as twice the canopy towards the minimum canopy requirement. In addition, the street tree canopies in a residential subdivision are included to meet the canopy requirement. He said street trees were required along all frontages and with all the trees that would be planting, they will achieve a 59% canopy coverage of the area.

Speaking further to the open space, Mr. Kilby said the applicant was asked to clarify the programming of the open spaces. He said a lot of the open space was passive, not active, but our code was not prescriptive as to what programming had to be in the open spaces. He showed a few pictures of the types of programming that might take place in the open space tracts.

Mr. Kilby stated that community concerns came primarily through the neighborhood meeting held by the applicant plus a phone call with questions, but no formal comment had been received. Traffic was the biggest concern, as in every development and for this development a traffic engineer from Lancaster Engineering put together a traffic analysis that showed 65 AM peak hour trips (5-7AM) and 86 PM peak hour trips (5-7PM) would be generated by the development. Mr. Kilby said the proposal was to mitigate this impact by making all the required improvements: street widening, dedications, pedestrian improvements, and lighting to Edy/Elwert intersection as well as the fee in lieu for the improvements not being made to the intersection at this time. *Note: See page 5 for correct peak hour time frames.*

Mr. Kilby said that all natural resource protection was provided by delineating the natural resource and improving and protecting the area per Clean Water Services standards. He said school capacity at Sherwood Schools were near, at or above capacity, but that it varied throughout the district. State law does not allow cities to deny development based on school capacity. Mr. Kilby said the Sherwood School District commented that they were working on a facilities plan, and if in the course of the next couple years their enrollment exceeded school capacity they would look into installing modulars and addressing capacity through a long range capital facilities plan.

Mr. Kilby indicated that staff recommended the Planning Commission approve the proposed subdivision, subject to the findings and conditions of approval in the staff report to the Planning Commission. He said there were some scrivener's errors provided by the Planning Commission chair and some issues that would be cleared up after questions from the Commission.

Chair Simson asked for any questions for staff.

Commissioner Pearson stated that Chicken Creek ran through the heart of the subdivision and asked if flood plain considerations had been addressed and if the streets in the subdivision would be private streets maintained by the homeowners association or if the city would maintain them as public streets. Mr. Kilby confirmed that the flood plain had been considered and said there was no proposed development within the flood plain, waterway or corridor and explained that the streets would all be public streets built to a public standard except for the public alley that staff has proposed be a private alley because it was a small strip that would provide access to three properties and that access to Lot 78 be on the private alley, not C terrace. He confirmed that the homeowners' association would be responsible for maintenance of the private alley and reported that public and private streets would be noted on the final plat and in the CCRs. He noted that the city does not enforce CCRs but would ensure that they were drafted so the homeowners were responsible for maintaining private land set aside for access and private open space tracks. He gave the example of the park on Century Blvd where the playground equipment was replaced by the homeowners' association. Chair Simson asked for and received confirmation that all of the open space

tracks would be privately owned by the homeowners' association. Mr. Kilby said the city would request for access easements for pedestrian, sewer, and water access for utilities. He said the application did not meeting block length standards because of the topography and the natural resource areas, but the proposed mitigation was to provide a pedestrian bridge connection across the creek. He said the city would make sure there was a public access easement so the homeowners could not stop the public from using it.

Commissioner Walker asked who determined the peak hour trips to be from 5-7 AM/PM. Bob Galati responded that the International Traffic Engineers manual (ITE) manual. He said he misspoke and said the AM peak hours were from 7-9 AM and related to commuter traffic and the PM peak was from 4-6 pm. Mr. Galati indicated staff had asked Lancaster Engineering to look at the difference between the trips generated between what was initially zoned neighborhood commercial and the new zoning of Medium Density Residential Low. He said the trip count was significantly less with the residential compared to the initial commercial zoning.

Chair Simson requested clarification that Washington County had requested that the street improvements not occur next to the natural resource area at the intersection at Elwert and Edy Roads and that the developer was going to construct the southern connection of the sidewalk all the way from Lot 76 to the development to the south. Mr. Kilby said it was correct as the Daybreak Subdivision was required to stub the improvements because the topography wasn't as steep.

Chair Simson asked if the soft path was Americans with Disabilities Act (ADA) compliant. Mr. Galati suggested that the applicant would want to speak to the issue.

Mr. Kilby said he had received revised comments from Engineering staff (see land use record, Exhibit B) and noted there were no substantive changes.

With no further questions for staff, Chair Simson called for applicant testimony.

**Mimi Doukas**, from AKS Engineering and Forestry, came forward and stated she represented the applicant, Venture Properties. She gave a presentation beginning with the property location (see record, Exhibit 2). She said the property was located at the southeast corner of SW Edy Road and SW Elwert Road at the edge of the city limits and the current Urban Growth Boundary (UGB), so there was a rural edge north and west of the property. She pointed to SW Copper Terrace and the elementary and middle school to the east and explained that SW Edy and SW Elwert Roads were Washington County facilities; Edy was a Washington County collector and Elwert was a Washington County arterial roadway. She noted that Copper Terrace was a City of Sherwood facility and a neighborhood route. Ms. Doukas pointed out the split zoning across the property in a combination of Medium Density Residential Low and Medium Density Residential High. She noted that the plans had been rotated to the left and said it would enable them to zoom in on the plans to allow for the greatest detail. She showed the subdivision layout and said the property would be built in four phases shown color coded. Ms. Doukas commented that the property was unique and was bifurcated by several things; the tributary to Chicken Creek, an existing storm water facility that was constructed with the school construction, and Copper Terrace splits the site as well. She said that led to creativity when it came to the layout and we worked hard to create a sense of community for all of the disparate parts.

Ms. Doukas stated they were proposing eighty-six single family detached homes on lots at a minimum of 5000 square feet. She said they were requesting a reduced rear yard setback on seven of the lots backing up to the natural resource area and they had mitigated for that with additional open space area. She explained that they were not proposing, nor permitted to have any lot access directly on to Edy or Elwert Road, so all the access was internal. Ms. Doukas said there was one small area of alleyway that

accommodated a tight spot within the site and that they would be doing frontage improvements along Edy and Elwert except at the corner. She appreciated Chair Simson's clarification that those improvements would extend south along Elwert.

Ms. Doukas detailed that the subdivision open space system requirements were to have 5% of the site as open space and they were providing 8.6% without including the riparian corridor in the net calculation. She said of the entire site, 30% of the gross site area was within natural and open space area.

Ms. Doukas walked the Commission through that open space system beginning with the tributary to the creek that was protected by CWS. She said they had added a few areas around the edges to accommodate the mitigation for the rear yard setback reductions, then started laying in the open space areas identified on the plan. She said there were four concentrated areas of open space that were more passive, but landscaped and improved with benches and were interconnected. She talked about the pedestrian system that would pull this community together through a combination of hard surface sidewalks and trails and soft surface trails. She explained that the trail connection on the west side of the storm water facility was only allowed to be soft trail because it was within the CWS vegetative corridor. She said the soft path section was not ADA accessible, but there were full sidewalks along the public streets and the remainder of the trail system would be a hard surface and accessible. Ms. Doukas noted that within the four open space facilities Tract A to the north was the most unique and included a picnic shelter. She said they thought the tract adjacent to the school and could serve as a spot for families to wait for children as they were coming out of school. It also included landscaping, picnic tables and some passive amenities. She described the remaining open space facilities (Tracts B-G) as having benches, landscaping and the trail system. Ms. Doukas pointed out the soft path on the west side of the open space facility and the accessible hard path along the east side. She showed Tract H that extended all the way from the pedestrian bridge allowed for connectivity over to Elwert Road and had a combination of picnic tables, benches, trash cans and landscaping.

Ms. Doukas said the applicant was comfortable with the conditions of approval, she appreciated help from city staff, and requested approval of the application.

Chair Simson asked for any questions for the applicant from the Commission before public testimony.

Commissioner Pearson commented on the number of conditions of approval and asked if the developer could ensure that the conditions were met and what would happen if they were not met. Mr. Kilby responded that staff did work with the developer at every step along the way and would use code compliance efforts as necessary. From this point forward there were general conditions that must be met continually and other conditions that must be met at each stage; final plat, public improvements, grading or building permits. He stated that staff had a way to hold the developer responsible at every juncture as well as holding final occupancy, and any long term or general conditions that were unmet or later violated would be handled through code compliance. Julia Hajduk, Community Development Director added that it was not uncommon in a subdivision this size to have conditions and city staff were able to utilize conditions of approval for items that can be reasonably met, so there was not a big concern that these conditions could not be reasonably met.

Commissioner Pearson asked for confirmation from the applicant that they did not consider the conditions too difficult to be able to comply with. Ms. Doukas responded that they had reviewed the conditions of approval and thought they matched what the developer was proposing and they were comfortable moving forward.

In response to a question from the audience, Mr. Kilby explained that a soft surface path was like a bark trail or a surface that was not concrete or pavement. Chair Simson added that the portion of that trail that would be soft surface was because Clean Water Services did not want any addition impervious surfaces within the natural corridor. The pedestrian bridge to Edy Road and a short portion next to Elwert Road would be a soft path.

Commissioner Pearson asked who would maintain the natural area containing the creek. Ms. Doukas indicated that the space would be owned by the City and Clean Water Services controlled the long term maintenance of it. She said there was a maintenance period where the applicant would be required to install enhancement planting with a two year period where the applicant would be responsible before it would be turned over to the City if it was sufficiently stable.

Chair Simson noted the applicant had 23 minutes remaining for rebuttal and asked for public testimony.

**Anthony Bevel**, Sherwood resident came forward and said he lived close to the proposed development. He acknowledged that it was a large development and said he did not believe that traffic would not be impacted by the development. Mr. Bevel commented on another nearby development and properties for sale and said that the intersection at SW Elwert and Edy Road would need to be so well thought out as not to increase the existing traffic problems. He said he was very familiar and aware of the concerns at the intersection. Mr. Bevel read portions from the meeting packet asked if the issues were going to be addressed under the conditions.

- *City and County Engineers have agreed that the dedications along the entire frontage are required, but that full improvements would not be proportional to the impacts of this development (page 37)*
- *These trails and pathways serve as connections around and through the neighborhood due in part to adjust for the lack of sidewalks on segments of SW Edy and Elwert Road around the development. (page 53)*
- *Staff is concerned that the applicant does not propose any play structures, active play courts or exercise equipment within the development, limiting the recreation opportunities (page 54)*
- *Comments received from the County, SW Elwert Road is designated an "Enhanced Major Street Bikeway" (page 36)*

With no other public comments, Chair Simson asked for a rebuttal from the applicant.

**Michael Ard**, from Lancaster Engineering in Portland Oregon and Sherwood resident came forward with Ms. Doukas. Ms. Doukas stated several of Mr. Bevel's concerns were discussed in the conditions of approval. Regarding the sidewalks on Edy and Elwert and the internal pedestrian connections, she explained that staff's analysis was that the design accommodated pedestrian connectivity even though there would be a gap in the sidewalks short term along the Edy and Elwert intersection.

Regarding the lack of play structures within the development, Ms. Doukas noted that it was discussed with staff and within the applicant's development team and they thought that with the proximity of the school facility that had such a good asset in terms of play structures and active play space that with our natural area in the riparian corridor, it was more appropriate to have the trails as the key identity for the how open space functioned for this community. She said there was also the noise factor of active play space and noise was something that needed to be accounted for in community design and with the school facility across the street, it was a great way to accomplish both active and passive play space. She turned the time over to Mr. Ard for transportation impacts.

Mr. Ard noted that Mr. Bevel stated the traffic would be massively impacted in the vicinity by the project. He said the development was a moderate scale residential development and the impacts were studied and found to be acceptable so the intersections and roadways within the vicinity met the applicable

performance standards of Washington County and the City of Sherwood. In particular, he said the concern expressed was regarding the intersection of Edy Road at Elwert Road and he pointed out that because most of the site was massed around Copper Terrace with the primary destinations to the east on Edy Road or to the south on Elwert Road there was not a lot of traffic from the site that actually passed through the intersection of Edy and Elwert. Mr. Ard said of the 65 AM trips generated by the new development, just 14 would pass through the intersection and during the PM peak hours, 20 of the 86 trips would pass through the intersection. Mr. Ard stated the impacts to the Edy and Elwert intersection were minimal at about 3% of the intersection's capacity being used by the development. He acknowledged that it was an intersection that was approaching capacity, but even with the development in place it still met all of the applicable performance standards. He said the City was well aware that the intersection would require improvements in the future.

Chair Simson asked what the level of service would be once the project was completed. Mr. Ard responded that either with or without this development, it was at a level of service C in the morning peak hours and a level of service E during the evening peak hours. Chair Simson confirmed those level would exist with or without the development and noted that people on Copper Terrace would see the impact more than at the intersection of Elwert and Edy because drivers would drive through Copper Terrace and to reach Handley Street or Edy Road.

Chair Simson asked for an explanation of what an Enhanced Major Street Bikeway was. Mr. Ard replied that it was a classification by Washington County as an aspirational goal; there was not a nice enhanced bikeway facility on that road. He explained that Washington County had in their long range plan that the road should be an enhanced bikeway. Chair Simson asked if the half street improvements on Elwert would meet the standards of an Enhanced Major Street Bikeway. Mr. Ard said the bikeway would not go in at this time, but right of way was typically required for the future half street cross section and the improvements programmed in are Washington County's purview, they asked for the necessary dedications that would be provided as part of the development. Chair Simson restated that the applicant would set aside and dedicate enough land to be able to build the road and the current requirement does not include a portion for a bikeway. Mr. Ard confirmed and said they had responded to Washington County's request for dedications and improvements. Chair Simson asked how wide the sidewalk would be on Elwert and Edy. Mr. Ard responded that it would be five feet on Edy and six feet on Elwert and the intersection would remain an all way stop.

Commissioner Russell asked if the street names would change from A, B, C. Ms. Doukas stated the names would change and commented that it was remarkably hard to come up with street names. Julia Hajduk added that the Municipal Code had naming conventions regarding street names.

Commissioner Walker asked about traffic impacts farther from the intersection such as where SW Edy intersects with Tualatin Sherwood Road. Mr. Ard responded that traffic impact studies are scoped early on based on the number of trips generated and the number of intersections that would be impacted. In this case, the intersections studied included Edy Road at Elwert Road, Copper Terrace at Edy Road, the north school access at Copper Terrace, Copper Terrace at Handley Street, Elwert Road at C Terrace, and Elwert Road at Handley Street. Mr. Ard stated the analysis did not extend to the intersection at Meinecke and 99W or the intersection of Edy Road at Sherwood Blvd. He acknowledged that there were impacts there, but by the time traffic got there, the traffic volumes were extremely high and the development represented a very tiny fraction of the traffic going through there.

Commissioner Walker asked how it was determined how far the impacts were studied. Mr. Galati responded that it was an engineering judgment of whether the impacts would be significant enough to

cause an issue so that improvements would be required. Usually staff was looking at in the base model of a 400 average daily total traffic count and the proposed development's impact was far below that. Mr. Galati said if an intersection was impacted by more than 5-10% of the traffic count then he would look at the review criteria because it would make a difference, but the counts on this were well below that. Commissioner Walker asked if Engineering had looked at the counts to ensure that they were below the 5-10%. Mr. Galati confirmed and the type of traffic that this development had was very small and would not show an impact requiring mitigation. He agreed that traffic counts and backups were high, but the development impact were so small they would not change the overall function of the intersection nor could he require improvements.

Mr. Ard added that the other related factor was that the City's Transportation System Plan (TSP) was tasked with providing an adequate transportation system for the development that can occur within the zoning that is allocated to the property. In this case, the property was zoned to develop at a higher density at the last TSP update, by scaling back the density (from commercial to residential) the impacts are reduced at those locations. Mr. Ard said the impacts are supposed to be covered through the TSP and the City's Capital Improvement Plan with cooperation with ODOT.

Chair Simson asked for an explanation of the fee in lieu of for the intersection of Elwert and Edy Roads. She commented that it was due to proportionality, because the City could not require a development that impacted an intersection at 3-5% to develop a multi-million dollar road project. She said it was because of State law that says we cannot mandate a multi-million dollar public improvement that is not proportionate to the impact they are creating to the community. Commissioner Walker added that paying a fee into a fund for future improvements to the intersection counted as paying their portion of the impacts. Chair Simson said they pay into a "pot" and when everyone pays enough, in theory, Washington County would have enough to improve the whole intersection. Bob Galati said Chair Simson had explained the process well and added that both the City's and the County's TSP had the intersection in need of major improvements. He said he did not think development in that entire area would be able to pay a fee in lieu of that would equate to the type of improvements necessary to handle that type of load on that intersection because of commuter traffic that passes through there. The fee in lieu of, or a number of developments combined would not begin to approach the cost required to develop that improvement. He said it would have to be a County project that would take a lot of funds, probably state, county, and federal funds to make it work. Mr. Galati pointed out that we have voice with the County for when the improvements are made by getting it on the Major Streets Transportation Improvement Program (MSTIP) funding program and the fact that the Sherwood West Preliminary Concept Plan included this intersection raised awareness to the road and its issues and we have had some unfortunate incidents out there including deaths that bring it up in the County's mind. He disclosed that a roundabout at another location on Elwert would be constructed and that the road was a higher priority on the county's map and it would not languish forever because it needed to be done. Julia Hajduk added that the developer would also have City System Development Charges (SDC) for transportation and Transportation Development Taxes (IDT) that are intended to pay for incremental impacts to offsite intersections. She said that is how improvements are funded that cannot be funded by any one project and all these pieces are put into place to help fund infrastructure. Alternatively, when a project is so huge that they break the system, they would be required to mitigate and make those intersection improvements.

Chair Simson asked about Lots 76-78 and said the three lots were on a private alley, but would be oriented towards Elwert Road, even though the rest of the development would be facing toward the interior of the site. Ms. Doukas responded that the front yard would technically face Elwert Road, but the homes would front the public alley, like the other homes with the garages and front doors inward. She noted that the

three lots were in an awkward spot, but the developer wanted a community design and putting your back to the neighborhood did not make a lot of sense. Ms. Doukas added that there were also visual corridor along Elwert Road, which was an odd thing for the front door, so it would face inward to the community.

Vice Chair Griffin commented on the new sidewalk on the east side of Elwert Road along Lots 79-86 and asked how the sidewalk would end. He noted the slope expressing concern for kids on skateboards or bikes falling into the green abyss. **Alex Hurley** from AKS Engineering responded that the sidewalk would end at a water quality facility with a Type III red and white barricade per Washington County code and the sidewalk would transition along the street to match the slope. Bob Galati, City Engineer communicated that city staff had walked the site which lead to the decision not to require improvements clear down to the intersection because it was too challenging. He said with proper signage, the end of the sidewalk would be safe; the type III barricade was significant enough and has been used in other parts of the city and the same condition was in place at the Daybreak Subdivision where the sidewalk ended.

Vice Chair Griffin asked about the street light installation at the intersection. Mr. Galati described the lighting along the developed street frontage with a light required to light the intersection.

Commissioner Pearson commented that the code allowed the developer to build houses that were 2 1/2 stories tall. He appealed to the developer to give serious consideration to building a percentage of the houses as one story and said his appeal was based on the fact that the two fastest growing elements of Sherwood's population were seniors and young couples starting out. That more and more Sherwood residents were aging out of the two story houses and we were losing senior citizens, because there were not enough one story houses to buy in order to stay in Sherwood. Commissioner Pearson added that a benefit of a one story house with a senior occupant in a new developed community was they would not likely be adding new kids to the school. He said the other aspect was the affordability of housing in Sherwood. He said it seemed logical to him that a one story house was less expensive than a two story and Sherwood needed to do more in the community to have affordable housing, especially for young couples starting out. He acknowledged that there was nothing in Sherwood's code to mandates this, but asked that the developer give consideration, because the Planning Commission was charged with planning for Sherwood and needed to address the needs of these two significant segments of the population, but there were few opportunities for large development, because we are running out of developable land and there is nothing that required it.

Ms. Doukas responded that the likely home builder had heard from market forces that the type of living Commissioner Pearson described was attractive. She conveyed that she did not think people understood that some of these homes were designed to live in as a one story structure with two story space to them such as bonus rooms, visitor space, or storage; homes are being designed to accommodate one story living even though they have a two story footprint. Ms. Doukas commented that there was the perception that a one story home might be more affordable, but the cost of the land stayed the same and the cost per square foot goes up, so a consumer looked at a house that costs more per square foot and lived the same as one that is less per square foot. She said consumers were also interested in different lifestyle configurations, like multi-generational, when lots are large enough to have a double suite, however that was not always visible from the street, but was something the home building industry was hearing in the marketplace. She added that the request was valid, but was not very pertinent to the land use application.

Chair Simson said she had received an additional request to speak and asked how to proceed as is was out of order. Mr. Kilby advised that the chair could poll the Commission to see if they wanted to hear the comment as well as the applicant to see if they were willing to rebut. Otherwise the opportunity to speak

had passed. Chair Simson did so and the Commission and applicant agreed to accept additional public testimony.

**Barbara Bennick**, resident on Elwert Road came forward and stated that initial plans showed no outlet onto Elwert Road, but now there was and twenty-two properties would be accessing Elwert Road. She said she was not alone in concerns over traffic and as a resident of the area she had to cross the street daily to get the mail and the traffic must be a consideration. She noted that her neighbor had been killed up the road and the new housing across the street (Daybreak) had required her mailbox to be moved three times before she had a safe way to get across. She asked that the Commission be cognizant of the traffic on Elwert.

**Anthony Bevel**, Sherwood resident said he has heard a phrase a few times that says traffic levels were “acceptable”. He stated it made him upset to hear it and asked who decided when traffic congestion was acceptable; if you lived there you would not think it was acceptable. Mr. Bevel said he did not know if it was a standard for planning, and asked how one could look the residents in the eye and say it was acceptable.

Chair Simson gave an opportunity for the applicant to respond.

Ms. Doukas and Mr. Ard came forward. Mr. Ard noted that Elwert Road was classified as an arterial road as a 45 mph posted speed. So it is intended to carry high volumes of traffic at fairly high speeds. This project would not significantly change the culture of that roadway, however, with development occurring adjacent to the roadway it provided a bit of massing adjacent to the roadway. He said anytime you provide something that either looked like an enclosure that visually narrowed the roadway or had a context that signals the need to travel slower, such as adjacency to residential development drivers tended to decrease speeds, so it could be possible as future development occurred, with this being a contributing factor, to reevaluate the speed limit on Elwert Road and reduce the speed. Mr. Ard specified that it was not something that could be done in advance of this project, but was something that could be looked at in the future. Chair Simson asked if that was something the residents would petition to Washington County. Mr. Ard confirmed and said it was not something that happened automatically or because of a request that speeds are typically set through the Oregon State Speed Control Board primarily based on the actual speed of travel traffic on the road. It is presumed that 85% of the drivers on the road are driving at a speed that is reasonable and prudent and 15% of the drivers are crazy idiots that need corrective action. He said travel speeds were the primary consideration and that was why it was so important that the culture along the roadside changed in order to initiate the change in the speed limit. Mr. Ard commented on Mr. Bevel’s exception to the word “acceptable” and said that within the State of Oregon the approval or denial of these applications was required to be on the basis of objective approval criteria. In other words, there was a specific standard that is either met or not met and the word acceptable means that it met the objective approval standard. Commissioner Walker asked when the standard was reviewed. Mr. Ard responded that it was part of the City’s TSP and the development code and the City had the purview to change the standards and what they were based on. He noted that other cities were moving away from a level of service as a standard to a volume over capacity ratio instead, because there were benefits to the community associated with that. He disclosed that volume over capacity ratios allowed some congestion to occur without indicating that there was a problem so long as it was safe and commented that Clackamas County was involved in making the change.

Chair Simson thought that Sherwood had changed to volume over capacity ratio and delay time. Bob Galati responded that the City used both. We apply the volume over capacity ratio because it indicated the basic capacity of a roadway between Point A and Point B; like a pipe with water, it tells you how full it can

operate at. He said the level of service tells how an intersection interacts with traffic and the longer you sit and wait at an intersection the worse the level of service with A-F designations (A being flow through easy and F being stopped in traffic). Mr. Galati said the city applied both because it gave a better handle on capacity objectively.

Mr. Ard added that there was a flip side to the coin in that if the City decided they wanted their standard to be very high, to achieve a level of service C or better everywhere, and never use more than 75% of the intersection capacity, then the TSP and the Capital Improvement Plan needed to be designed to accommodate that and suddenly, you are talking about mountains of dollars and lots of pavement to address those concerns. There is a balance that had to be struck as well.

Chair Simson asked for a response regarding access from the subdivision onto Elwert Road. Ms. Doukas referred to Exhibit F, Neighborhood Meeting Documentation in the land use application materials. She acknowledged that the plan had evolved since the neighborhood meeting, but there had always been access shown on to Elwert Road. It was originally shown for a traditional cul-de-sac, but the development team thought the new design was preferable. However, there was no way to access the island of land along Elwert Road without an entrance. She apologized for any confusion and explained that they received approval from Washington County to allow the access, but it had always been shown in the plans.

Chair Simson commented that the confusion may have come from the map prior to the crossing where in the Concept Plan before to the school development originally showed a crossings where the pedestrian bridge was proposed. It was assumed at that time that the site would be accessed in that manner. Mr. Ard noted that the plan also had other zoning that had been changed at another hearing.

Commissioner Flores asked if the peak hour trips, indicated earlier in the presentation, were the number of trips projected to be added to existing traffic flows. Mr. Ard confirmed and explained that traffic engineers count a trip to the store as two trips; one leaving your home and one arriving at the store. So the trips are separated into trips that are departing the residential area and trips that are arriving at the residential area and during the PM peak hour there would be 86 additional trips in total considering both of those, working out to be about one trip per home during the evening peak hour and a little bit less during the morning peak hour.

Chair Simson closed the public hearing and asked for any final comments from staff. Mr. Kilby reviewed the scrivener's errors and corrections in the packet given to staff by the commission chair.

- Page 28, the last sentence changed to: *As discussed and conditioned throughout the report the proposed development can satisfy this criterion.*
- Page 31, under the first finding in the second sentence changed from *68 lots to 86 lots*
- Page 63, the staff recommendation is to remove the condition *D.39 Improvements to the vegetative corridor shall be constructed with the first phase of the development to be constructed west of Southwest Copper Terrace. Phase 2, 3, or 4* as an unnecessary and redundant condition because the phasing is determined by the Service Provider Letter 15003302 dated November 24, 2015 from Clean Water Services.
- Page 65, Condition 11. Amend the sentence to read *Prior to the issuance of any building permits for the site, the applicant provide a final grading permit that demonstrates compliance with this section (16.128.030)*
- Page 65, Condition 12 remove the word *obtained* in the second sentence.
- The staff report will be amended to specifically identify lots that will have a reduced setback as discussed on page 31.

Chair Simson asked for and received a general consensus regarding the scrivener's errors and changes as described by staff.

The following motion was received.

**Motion: From Vice Chair Russell Griffin that SUB 15-01 Mandel Farms Subdivision based on the applicant testimony, public testimony received, and the analysis, findings and conditions in the staff report with the modifications discussed previously in this meeting. Seconded by Commissioner Alan Pearson. All present Planning Commissioners voted in favor (Commissioners Meyer and Rettig were absent).**

### 7. Planning Commissioner Announcements

Vice Chair Griffin announced the summer musical in the park would be My Fair Lady.

Commissioner Pearson commented on the New Partners for Smart Growth Conference attended by Planning Commissioners, City Councilors, and city staff. He said the conference was informational and felt they were based on problems that old cities face so none of it applied to Sherwood as we are a young growing city with different problems. Commissioner Pearson noted that a smart person learns from their own mistakes, but a wise person learned from the mistakes of others. He suggested that Sherwood could learn from the mistakes of other cities through their aging, growth, and development and he was confident that what was learned would be applied to future meetings, discussions, and developments for Sherwood, because we all want the same thing for Sherwood, the best place in the world to live. He spoke of a section on AARP livability and a conversation with the mayor of Wilsonville who said Wilsonville had the same score of livability as Sherwood, but Commissioner Pearson would rather live in Sherwood. He concluded that a lot of the developmental tools were interesting, but they were just tools that we need to use and he learned a lot.

Chair Simson noted a website that had free tools available for communities to provide citizen involvement. She explained that participants were asked to text "hi" to a certain number and were later asked to respond to four questions. She imagined the possibilities and said the software was open source. She thought it was a good opportunity to get citizens to give their opinions.

She spoke of a keynote speaker that changed her opinion of what smart growth meant to Sherwood as a community and up to the national level. She said the speaker explained how what we do at a planning level was important for smart growth in this country and that smart growth was not putting solar panels on houses, but the ability to walk in a neighborhood so energy and resources are used to the best possible capacity.

### 8. Adjourn

Chair Simson adjourned the meeting at 7:45 pm.

Submitted by:

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Kirsten Allen, Planning Department Program Coordinator

Approval Date: \_\_\_\_\_

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**City of Sherwood, Oregon  
Joint Planning Commission and  
Police Advisory Board Work Session  
March 10, 2016**

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**Planning Commissioners Present:**

Chair Jean Simson  
Commissioner Alan Pearson  
Commissioner Lisa Walker

**Staff Present:**

Jeff Groth, Police Chief  
Ty Hanlon, Police Captain  
Josh Soper, City Attorney  
Brad Kilby, Planning Manager  
Michelle Miller, Senior Planner  
Michelle Babcock, CDD Administrative Assistant

**Police Advisory Board Present:**

Chair Laurie Zwinqli  
Sean Garland  
Amy Miller-Juvé  
Chris West

**Council Members Present:**

Council President Jennifer Harris  
Councilor Sally Robinson

## **1. Regulating Recreational Marijuana Facilities In Sherwood Discussion**

The meeting began at 7:00 pm. Planning Commissioners, Police Advisory Committee Members and the members of the public who attended split up into four groups. Michelle Miller, Senior Planner informed the group that City Council had decided in January 2016 to put a ban on the November 2016 ballot. Should voters decide not to place a ban on recreational marijuana facilities locating in Sherwood, regulations would need to be adopted on the rules and processes for such facilities that would be in addition to the rules put in place by the Oregon Liquor Control Commission (OLCC).

Josh Soper, City Attorney, gave details of the ban that is in place until the election. Police Chief Groth discussed the need for the community to be proactive in developing regulations. Small group discussion at each table followed.

At the end of the discussion period, each table was asked to share their thoughts on the most appropriate location for each license type, and any additional regulations they would like considered in future regulation of marijuana facilities in Sherwood. The following comments were received:

- Discussion about zoning; Industrial already has security
- In some cases commercially zoned land and uses are adjacent to residentially zoned land and uses.
- Consider using similar regulations as medical marijuana already codified
- Enforcement and regulation should extend to parks, other public facilities and schools
- The group would like to have a better understanding of the different license types
- Limit the size of the use
- Consider code that regulates noxious smells from production
- Consider additional buffers
- Consider regulating co-location of medical and recreational per OLCC
- How can we increase public awareness
- Type of permit; possible conditional use

Michelle thanked participants and encouraged participation in the online survey open until March 31, 2016.

The meeting adjourned at 8:45 pm.

Submitted by:

\_\_\_\_\_  
Kirsten Allen, Planning Department Program Coordinator

Approval Date: \_\_\_\_\_

# **New Business Agenda**

## **Item 6A**

**City of Sherwood  
STAFF REPORT:**

**April 5, 2016  
File No: PA 16-02 Code Update**

Signed:   
**Brad Kilby, AICP  
Planning Manager**

**Proposal:** The City Urban Renewal Agency is proposing to amend the Sherwood Zoning and Community Development Code to allow non-accessory parking lots within residential zones in the Old Town Overlay as a conditional use provided they are adjacent to a collector or arterial. Those streets include Pine, Washington, Main Street, and portions of 1st and 3rd streets, and are illustrated in the following figure.



**I. BACKGROUND**

- A. Applicant: This is an Urban Renewal Agency initiated text amendment.
- B. Location: The proposed amendment is to the text of the Comprehensive Plan and applies to any residentially zoned property within the Old Town Overlay that is adjacent to a collector or arterial street.
- C. Review Type: Proposed text amendments are legislative and require a Type V review, which involves public hearings before the Planning Commission and City Council. 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 April 12, 2016 Planning Commission hearing on the proposed amendment was published in *The Times* on March 17, 2016 and again on April 7, 2016. In addition notice was published in the April Gazette. Notice was also posted in five

public locations around town on March 17, 2016, on the City of Sherwood web site, and sent to all property owners within the Old Town Overlay.

Oregon Department of Land Conservation and Development (DLCD) notice was submitted on March 8, 2016.

E. Review Criteria:

The required findings for the Plan Amendment are identified in Section 16.80.030 of the SZCDC.

F. Background:

The Urban Renewal Agency purchased two lots within Old Town located at 15931 and 15919 SW 1<sup>st</sup> Street with the intention of building extra public parking that would be available in the event that the two lots located at 16020 SW 1<sup>st</sup> Street were to be sold and redeveloped. The two lots at 16020 SW 1<sup>st</sup> Street are currently unimproved, used for parking, and are across from City Hall. Lot 15919 SW 1<sup>st</sup> Avenue is zoned Medium Density Residential Low (MDRL) which currently does not allow non-accessory parking. It was determined that there may be other instances in the future where non-accessory parking may be needed in Old Town, and since there are a variety of mixed uses allowed throughout the Old Town Overlay, that it may be a good idea to allow them conditionally along collector and arterial designated streets where businesses are most likely to locate.

## II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

DLCD notice was submitted on March 8, 2016. Notice was sent to affected agencies on March 25, 2016.

Staff did not receive any agency comments except a phone call from Metro to ask about the proposal and to say that they would not be providing comments.

The City has not received any additional agency comments to date.

Public:

Public Notice of the proposed amendments were sent out to everyone in Old Town, and posted in five public locations around town on March 17, 2016.

On March 23-28, 2016, staff received comments from Mike Versteegh of 22335 SW Washington Street. In his letter, Mr. Versteegh indicates that he is adamantly opposed to the proposal, and states that, "It makes absolutely no sense to purchase and demolish homes (many historic) that make up the character and charm of Old Town Sherwood to build parking lots..." Mr. Versteegh's comments are attached to this report as Exhibit B.

## III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

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

### 16.80.030.A - Text Amendment Review

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

The applicant makes the argument that there is a need for this amendment because there is a desire to place a standalone public parking lot on URA owned property within Old Town and the existing regulations prevent it. The proposal seeks to amend chapters of the Zoning and Community Development Code, Volume III of the Comprehensive Plan to allow public parking in Old Town via a conditional use if it is adjacent to a collector or arterial street. The Old Town standards do not require off-street parking within the Smockville portion and require only 65% of the required parking in the Cannery portion. Because there is limited off-street parking required, there is often a public perception that there is a parking shortage.

Ultimately the URA plans to redevelop the lot across the street from City Hall (referred to as the Robinhood Lot) which will decrease the existing available off-street parking. The URA desires to provide additional off-street parking, to compensate for the parking that will be removed, prior to redevelopment of the Robinhood lot. At this point, staff cannot comment on whether there is, in fact, a present or long term need for additional parking in Old Town, but the City does occasionally field complaints about the lack of public parking in Old Town. It should be noted that the City has made an application to the Transportation and Growth Management Program to undergo a more thorough and comprehensive study of parking in Old Town. If approved, the work and study could occur within the next year or so.

With respect to other applicable plans, the Town Center Plan, adopted by Council in 2013, includes Old Town, and a policy (Policy 9) related to parking which states, "The City will support actions that provide sufficient parking for businesses and residents, while maximizing the efficiency of parking areas."

The 2006 Economic Development Strategy recognizes Old Town as an overlay district generally applied to commercially zoned property, and residential properties with the potential for commercial conversion. Referred to as the EOA, the document was incorporated into the Comprehensive Plan by reference. Within the EOA, there is language to suggest that problems and opportunities within Old Town would require the enhancement of public parking. There are no specific goals or policies relative to the lack or provision of public parking within the plan, but the City URA board, which is also the City Council, has indicated that there is a need for additional parking to replace the parking that would be lost when the two lots located at the southwest corner of the intersection of SW 1<sup>st</sup> street and SW Pine were redeveloped. The URA board authorized the purchase of the two properties for this purpose, and has authorized their staff liaison to proceed with this request.

#### Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed amendment. Metro policies related to parking are only intended to ensure that minimum and maximum parking ratios called for by Cities within the Metro Urban Growth Boundary do not conflict with the Urban Growth Management Functional Plan limits.

#### 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.

Formal notice was also published in the newspaper two weeks prior to the hearing, published in the April issue of the Gazette, and has been posted around town in five conspicuous places, is provided on the City's website, and staff took the added measure of notifying all property

owners within the Old Town Overlay of the proposed amendment. The proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

**FINDING:** While this specific proposal does not include changes to the goals and policies of the Comprehensive Plan, it would amend language of the Zoning and Community Development Code.

There do not appear to be any Comprehensive Plan requirements that would conflict with the proposed code language. As discussed in the analysis, the URA has indicated that there is a need for the proposed amendment to allow a parking lot to be constructed that could replace the parking that would be lost with the redevelopment of the more visible parcels located at the intersection of SW Pine and SW 1<sup>st</sup> Streets. That decision was also based on a perceived need by the business owners and public who patronize and live in Old Town. Therefore, the proposed amendment is not in conflict with any applicable City, regional or State regulations.

#### **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 amendment does not affect the functional classification of any street. It should be noted that future applications for parking lots are subject to Conditional Use review and are limited to streets that are collectors and arterials within Old Town.

#### **IV. RECOMMENDATION**

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends that the Planning Commission recommend approval of PA 16-02 to the City Council for their consideration.

#### **V. EXHIBITS**

- A. Applicants Materials
- B. Letter from Mike and Cheryl Versteegh dated March 28, 2016
- C. PA 16-02 Proposed Code Amendments Table



Home of the Tualatin River National Wildlife Refuge

Case No. PA 16-02  
Fee 5330  
Receipt #  
Date 2-8-16  
TYPE V

### City of Sherwood Application for Land Use Action

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

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

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

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

**Owner/Applicant Information:**

Applicant: Robert Galati, PE - City of Sherwood Phone: (503) 925-2303  
 Applicant Address: same as owner Email: \_\_\_\_\_  
 Owner: Sherwood Urban Renewal Agency Phone: \_\_\_\_\_  
 Owner Address: 22560 SW Pine Street, Sherwood, Oregon 97140 Email: GalatiB@SherwoodOregon.gov  
 Contact for Additional Information: Keith Jones, HHPR - (503) 221-1131 - keithj@hhpr.com

**Property Information:**

Street Location: N/A - Legislative Text Amendment  
 Tax Lot and Map No: N/A - Legislative Text Amendment  
 Existing Structures/Use: N/A - Legislative Text Amendment  
 Existing Plan/Zone Designation: N/A - Legislative Text Amendment  
 Size of Property(ies) N/A - Legislative Text Amendment

**Proposed Action:**

Purpose and Description of Proposed Action: \_\_\_\_\_  
Zoning Text Amendment to allow stand-alone parking in residential zones within the Old Town Overlay District as a conditional use, when the parking fronts an Arterial or Collector Street. Amend Section 16.162.040.

Proposed Use: N/A - Legislative Text Amendment

Proposed No. of Phases (one year each): N/A - Legislative Text Amendment

Exhibit A

**LAND USE APPLICATION FORM**

**Authorizing Signatures:**

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

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

  
\_\_\_\_\_  
Applicant's Signature

2. 17. 16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Owner's Signature

2/2/16  
\_\_\_\_\_  
Date

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

**3 \* copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).

**Copy of Deed** to verify ownership, easements, etc.

**At least 3 \* folded** sets of plans

**At least 3 \* sets** of narrative addressing application criteria

**Fee** (along with calculations utilized to determine fee if applicable)

**Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

**Signed checklist** verifying submittal includes specific materials necessary for the application process

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

HHPR JOB NUMBER – SHR-14

**Comprehensive Plan Text Amendment  
Proposal to Allow Public Off-Street Parking Lots in Residential Zones  
within Old Town  
Applicant Narrative**

**Owner/Applicant:**

City of Sherwood  
Robert J. Galati, PE  
22560 SW Pine Street  
Sherwood, OR 97140  
(503) 925-2303  
[GalatiB@SherwoodOregon.gov](mailto:GalatiB@SherwoodOregon.gov)

**Contact:**

Keith Jones, AICP, LEED AP ND  
Harper Houf Peterson Righellis Inc.  
205 SE Spokane Street, Suite 200  
Portland, OR 97202  
[keithj@hhpr.com](mailto:keithj@hhpr.com)  
(503) 221-1131

**Summary of Request:**

Amend Sherwood Zoning and Community Development Code Section 16.162.040 to allow stand-alone parking lots as a conditional use in residential zones within the Old Town Overlay District. Currently stand alone parking lots are allowed outright in commercial zones in the Old Town Overlay but not permitted in residential zones. Amendment would only allow stand-alone parking lots in residential zones along collector and arterial streets.

**Date:**

February 2, 2016



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## I. DESCRIPTION OF PROPOSAL

In the past several years, City of Sherwood staff has received many comments on the need to expand the amount of public parking available within the Old Town area. Citing the lack of public parking as a main concern and limitation to business growth, the City of Sherwood Urban Renewal Agency has identified several areas within the Sherwood's Old Town that are capable of being developed as public parking lots. It is believed that additional public parking lots would provide the relief sought by Old Town business owners.

Chapter 16.162 (Old Town (OT) Overlay District) of the Sherwood Zoning and Community Development Code (SZCDC) regulates uses in the Old Town Overlay per Section 16.162.030 and 16.162.040. Both these sections state that the underlying zone dictates allowed uses in Old Town. However, these sections also state that the Old Town Overlay can set special standards for allowed uses specific to Old Town.<sup>1</sup>

In Old Town, stand-alone parking lots, parking lots not directly tied to a specific land use, are not currently treated differently than the underlying zone's use requirements. Therefore, stand-alone parking lots are allowed as stated in the underlying zone. There are three zoning districts within the Old Town Overlay and stand-alone parking is allowed in these zones as follows:

1. Retail Commercial (RC) (Section 16.22.020) – Public or commercial parking (non-accessory) is a permitted use
2. High Density Residential (HDR) (Section 16.12.020) – Not specified and therefore not allowed
3. Medium Density Residential Low (MDRL) - (Section 16.12.020) – Not specified and therefore not allowed

To accommodate the identified need for an increase in public parking within Old Town, the applicant requests a zoning text amendment that would allow stand-alone parking (public and commercial (non-accessory) parking) in the Old Town Overlay as a conditional use.

### Approval Request

The applicant requests a text amendment to the SZCDC as follows:

#### ***16.162.040 - 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. *Uses permitted as conditional uses in the RC zone, Section 16.28.020, HDR zone, Section 16.20.020, and the MDRL zone, Section 16.16.020, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Section 16.162.030 and this Section.*

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<sup>1</sup> Section 16.162.030 and 040 both refer to the underlying zone as dictating allowed uses in Old Town. However, these sections also state "unless otherwise stated" allowing uses to be treated differently in Old Town and establishing unique requirements for permitted and conditional uses in Old Town.



- B. *Townhouses (shared wall single-family attached) subject to Chapter 16.44. In addition, any garages shall use alley access. RC zone setback standards may be used in lieu of other applicable standards.*
  
- C. *Public and commercial (non-accessory) parking within residential zoning districts. Such parking is only allowed when the lot that the parking will be constructed on has street frontage on arterial or collector street as indicated per the Sherwood Transportation System Plan.*



**II. RESPONSE TO APPLICABLE APPROVAL CRITERIA**  
**SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE**

**Chapter 16.80 – Plan Amendments**

**16.80.010 – Initiation of Amendments**

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

**Response:** The amendment request is being initiated by the City's Urban Renewal Agency as a property owner.

**16.80.020 – Amendment Procedures**

*Zoning Map or Text Amendment*

- A. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010.*
- B. Public Notice - Public notice shall be given pursuant to Chapter 16.72.*
- C. Commission Review - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030.*
- D. Council Review - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.*

**Response:** The City of Sherwood Urban Renewal Agency conducted a neighborhood meeting on a proposed public parking lot site and solicited comments related to the proposal and public parking needs within Old Town. The neighborhood meeting was held on December 2, 2015. Documentation of the meeting including notice affidavit, sign-in sheet and copy of the mailed notice are attached.

**16.80.030 – Review Criteria**

*A. Text Amendment*

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

*[...]*

**Response:** The Sherwood Urban Renewal Agency Board has identified the need for providing additional parking within the Old Town area. Response to applicable Comprehensive Plan policies is provided in Section III of this report.



**III. RESPONSE TO APPLICABLE COMPREHENSIVE PLAN POLICIES**  
**SHERWOOD ZONING COMPREHENSIVE PLAN PART II**

The Sherwood Comprehensive Plan Part II contains the City's land use policies. Review of this document the following applicable policies have been identified:

**Chapter 4 – Section O. Community Design**

**Chapter 4 - Section 3 (General Objectives)**

c. *To develop and implement policy which will minimize or eliminate adverse visual effects caused or perpetuated by the design and location of new development including but not limited to effects from.*

- 1) *The scale, mass, height, area, and architectural design of buildings and structures.*
- 2) *Vehicular and pedestrian ways and parking areas.*
- 3) *Existing or proposed alteration of natural topographic features, vegetation and waterways.*
- 4) *Other developments or structures including, utility lines, storage, or service areas and advertising features which may result in the interference with sun and light exposure, views, vistas, privacy and general aesthetic value of the neighborhood or area.*

**Response:** The Sherwood Urban Renewal Board has identified a need for additional parking within Old Town. There is an existing non-conforming parking area at the southeast corner of SW 1<sup>st</sup> Street and SW Pine. This off-street parking area does not meet current code standards including requirements for landscaping and paving. This parking area was created when the old Robin Hood Theater was demolished in 2002 and was intended at that time to be temporary. Now that the old Robin Hood Theater site is being considered for sale to private development, this parking will no longer be available. The Urban Renewal Board desires to replace this non-conforming parking lot with a permanent solution that will meet current code standards. As stated previously, the proposed text amendment is necessary to allow public parking lots within residential areas of Old Town where stand-alone public parking lots are not currently allowed by the SZCDC.

This text amendment, if approved, would apply within all of the Old Town Overlay District. As each proposed project and potential site are unique, the applicant proposes that any stand-alone parking projects on residential property within the Old Town Overlay be processed as a conditional use. The SZCDC already requires that all site plan reviews be processed as a Type IV Planning Commission hearing for sites in the Old Town Overlay. Making these proposals also a conditional use would allow the Planning Commission to place additional conditions on these proposals and to review a proposal for consistency with the Comprehensive Plan. The conditional use would also give the Planning Commission greater authority to deny the proposal if it was found not to be consistent with City goals and objectives for Old Town.



In addition to requiring conditional use approval, the applicant also proposes that parking lots on residential property in the Old Town Overlay only be allowed on arterial and collector streets. Doing this will prevent parking lots from being constructed within the areas of Old Town that have the most residential character and where the parking would likely have the greatest negative impacts on residential character.

#### IV. RESPONSE TO APPLICABLE POLICY DOCUMENTS

##### 2005 Sherwood Old Town Design Guidelines

**Response:** The Sherwood Old Town Design Guidelines only have one guideline specific to parking areas. This one guideline states that stormwater runoff should be treated in vegetated swales. Stormwater treatment is site specific and must meet the requirements of Clean Water Services. Treatment of runoff with vegetated swales is a typical requirement for development of parking areas and is typically required by Clean Water Services and the City of Sherwood.

This is a guideline and not a requirement. Each site should be reviewed independently including topography and availability of stormwater systems. However, current standards and regulations regarding parking lots are consistent with this guideline.

##### 2013 Sherwood Town Center Plan

**Response:** The 2013 Sherwood Town Center Plan indicates that parking should be managed so that there is sufficient parking for businesses and residents while using land efficiently. Public off-street parking lots are identified in the Town Center Plan as an effective way of addressing parking needs and therefore the proposal is consistent with the Town Center Plan.

Policy 9 of the Town Center plan addresses parking. In particular, Strategy 9.1 applies directly to Old Town, stated as follows:

*STRATEGY 9.1 Examine parking supply and demand in Old Town to determine if changes to existing parking standards are necessary.*

The applicant proposes to allow stand-alone parking in residential zones as a conditional use. All parking lots will need to also have a Type IV site plan review approval since this is currently required for all site plan reviews in Old Town. The conditional use and Type IV site plan review will give the Planning Commission the ability to review each Old Town parking proposal in residential zones and to determine if the proposal meets City policy and objectives. The Planning Commission will be given greater authority to place conditions on the proposal or to deny the proposal if found to not be consistent with the site in which it is proposed to be located.

The applicant is requesting this text amendment in support of proposed stand-alone parking (public and commercial (non-accessory) parking) within the Old Town Overlay. The applicant finds that there is a need for public parking since the existing non-conforming parking lot at NW 1<sup>st</sup> Street and SW Pine (former Robin Hood Theater site) will be displaced in the near future and because the Sherwood Urban Renewal Agency in consultation with Old Town area business owners has identified a need to provide additional off-street public parking lots within Old Town.



**V. CONCLUSION**

This summary of request demonstrates compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve this application.



Mike & Cheryl Versteegh  
22335 SW Washington St.  
Sherwood, Oregon 97140

March 28<sup>th</sup>, 2016

Planning Department – City Hall  
22560 SW Pine Street  
Sherwood, OR 97140

**COMMENT RE: Public or Commercial Parking within the Old Town Overlay**

Dear Planning Member(s)

Let it be known and stated for public record that we are adamantly **opposed** to the proposal for a text amendment to conditionally allow public or commercial parking (non-accessory, stand-alone) provided the lot is within the Old Town Overlay District, and the property is located on a collector or arterial street.

It makes absolutely no sense to purchase and demolish homes (many historic) that make-up the character and charm of Old Town Sherwood in order to build parking lots. Displacing residents, who are active tax payers, from their community is not the answer.

Tearing down homes that are the fabric of our community only to replace them with scabs of asphalt patches peppered throughout the heart of our city is poor planning. I suggest you consider utilizing areas within the city that are not currently occupied. I propose that you open (and pave) the large gravel lot located at the corner of 3<sup>rd</sup> and Pine Street which is currently not in use and could accommodate numerous vehicles.

If you are really “hell bent” on using tax payer money to pave over something.....I suggest you start with the streets in old town as they are in grave dis-repair.

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS<sup>11</sup>

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

SectionS:

Footnotes:

--- (1) ---

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

16.12.010 - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre.

2. VLDR Planned Unit Development Density Standards

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre under the following conditions:

- a. The minimum lot size is not less than 10,000 square feet;
- b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and
- c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

3. Southeast Sherwood Master Planned Unit Development

- a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre.

Exhibit C

Page 1

- b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
  - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
  - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
  - (3) There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
  - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
  - (5) The view corridors identified in the SE Sherwood Master Plan.
  - (6) The housing design types that are compatible with both surrounding and existing development.
- c. A density transfer under Chapter 16.40.050.C.2. is not permitted for development under this Section 16.12.010.A.3.
- d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.

B. Low Density Residential (LDR)

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

C. Medium Density Residential (MDRL)

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

D. Medium Density Residential High (MDRH)

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

E. High Density Residential (HDR)

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

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2013-003, § 2, 9-3-2013; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

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

USES	VLDR	LDR	MDRL	MDRH	HDR
<b>RESIDENTIAL</b>					
• Single-Family Attached or Detached Dwellings	P	P	P	P	P
• Two Family Dwelling Units	N	N	P	P	P
• Multi-family Dwellings	N	N	N	P	P
• Townhomes-subject to Chapter 16.44	N	N	N	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes <sup>1</sup>	P	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed					

<sup>1</sup> Group homes not to exceed five (5) unrelated persons in residence provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.

USES	VLDR	LDR	MDRL	MDRH	HDR
• Government-Assisted housing <a href="#">[2]</a>	P	P	P	P	P
<b>ACCESSORY USES</b>					

• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
<b>COMMERCIAL</b>					
• Agricultural Uses <sup>[3]</sup>	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
• Plant Nurseries <sup>[4]</sup>	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C

• <u>Public or Commercial Parking (non-accessory)</u> <sup>6</sup>	N	N	C	C	C
<b>CIVIC</b>					
• Public Recreational Facilities <sup>[5]</sup>	P	P	P	P	P

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• Religious Institutions, Private Fraternal Organizations and Lodges, Country clubs or other similar clubs	C	C	C	C	C
• Cemeteries and crematory mausoleums	C	C	C	N	N
• Civic Buildings-(such as police and fire stations, post office)	C	C	C	C	C
• Public Use Buildings-(such as libraries, and community centers)	C	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed					

USES	VLDR	LDR	MDRL	MDRH	HDR
• Golf Courses	C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed					

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

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

Footnotes:

--- (2) ---

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

--- (3) ---

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

--- (4) ---

Includes other agricultural uses and associated commercial buildings and structures

--- (5) ---

Includes, but is not limited to parks, playfields, sports and racquet courts, but excludes golf courses

~~---(6)---~~

Public or commercial parking lots (non-accessory) subject to conditional use approval provided the lot is located within the Old Town Overlay District, and has frontage on a collector or arterial.

# **New Business Agenda**

## **Item 7A**

**City of Sherwood**  
**STAFF REPORT:**

**April 5 2016**  
**File No: PA 16-04 Industrial Uses Code Amendment**

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Signed:   
Julia Hajduk, Community Development Director

**Proposal:** The City proposes to amend the Development Code to update Chapter 16.31 regarding the allowed uses on all industrially zoned properties. The overall goal is to provide more clarity and certainty for potential developers regarding the uses that will be allowed while continuing to protect the community from undesirable 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 is scheduled to consider the matter on April 12, 2016. At the close of their hearing, they will forward a recommendation to the City Council who will consider the proposal, and make the final decision whether to approve, modify, or deny the proposed language. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.
  
- D. Public Notice and Hearing: Notice of the April 12, 2016 Planning Commission hearing on the proposed amendment was published in *The Times* on March 17, 2016 and April 7, 2016, and published in the April edition of *The Gazette*. Notice was also posted in five public locations around town and on the web site on March 18, 2016. In addition, a separate notice was sent to all Industrial properties in town consistent with the provisions of ORS 227.186 on March 18, 2016. Finally, notice was sent via email to interested parties who signed up for additional notification.

DLCD notice was mailed on February 19, 2016.

- 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). Comp plan policies Chapter 4, H (Economic Development) and K (Industrial Planning Designations). In addition, because the changes are to industrial uses, Metro Title 4 standards are applicable.
  
- F. Background:  
The City of Sherwood adopted a concept plan and implementing code language for the Tonquin Employment Area (TEA) in October 2010. The intent at the time was to make the types of uses we wanted most, permitted outright and other uses that would complement the vision permitted conditionally upon demonstrating that they were compatible with the desired uses and intent. In August 2012 the City updated the industrial use code sections

as part of a larger code clean-up project and in the translation process of merging 3 chapters with slightly different use categories into 1, there were very few uses allowed outright or conditionally in the TEA area. This was brought to the City's attention by multiple property owners and brokers as they were trying to sell and develop properties in the TEA. The City staff and Planning Commission identified this as an opportunity to not only address the problem in the TEA but also to better categorize uses in all industrial zones to regulate the types of uses that would not be compatible with the community (for example, those that are attractive nuisances or emit noxious odors) while being open to new products and processes. After obtaining feedback from industrial property owners, representatives from the development community, Sherwood residents, and the planning staff drafted the proposed amendments. A summary of the amendments are included in Attachment 1 to this staff report. The proposed changes with track changes shown are in Attachment 2 and a clean copy of the proposed changes are included as Attachment 3.

## II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

### Agencies:

DLCD notice was sent on February 19, 2016. The City has not received any comments to date on the proposed amendments.

**Metro** was provided notice and indicated that they would like to see analysis in the staff report that identifies how much of the LI, GI, and EI land overlaps with Title 4 land. Some of the permitted uses might raise concerns about increases in daily traffic, but it would depend on whether they're in Title 4 areas or not.

**Staff response:** Compliance with Title 4 is discussed in Section III of this staff report.

### Public:

Notice was initially sent to all industrial property owners informing them of work sessions on the topic. An interested parties list was developed and a project web page developed. Notice of the public hearing was mailed to all industrial property owners, emailed to interested parties, posted on the web site, posted in 5 locations around the City and published in The Times and The Gazette.

The following comments have been received as of the date of this staff report:

**Pride Disposal** submitted a letter dated March 21, 2016 (Attachment 4). Their letter stated "Pride Recycling Company operates a solid waste transfer and recycling station at 13910 SW Tualatin-Sherwood Road. The new amendments to the Sherwood Development Code, specifically regarding a facility as ours needs to be clarified. In one section the siting of a solid waste transfer station is a conditional permit; another section refers to General purpose solid waste landfills, incinerators and other *solid waste facilities* as not being allowed. A solid waste transfer station is a solid waste facility, and therefore the intent is unclear. It is my hope that this can be easily corrected."

**Staff response:** The proposed changes did not make changes to these existing categories. That said, it is clear that there is an inconsistency and, as currently written makes it unclear. It is proposed that "not otherwise permitted in this code" be added to the end of "General purpose solid waste landfills, incinerators and other solid waste facilities" to make it clear that the other use category "solid waste transfer stations" is allowed.

**Rhys Conrad**, representing the Orr Family, submitted a letter dated April 4, 2016 (Attachment 5). Their letter is generally supportive of the proposed amendments but propose that there be no cap on the amount of standalone warehousing that is permitted without a conditional use permit. If a cap is necessary, they recommend it be increased to 150,000 square feet rather than 100,000 as currently proposed.

### 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.**

There is a clear need for clarification of the industrial use categories in the EI zone to open up the permissible uses to those that are realistic and in line with the vision of the Tonquin Employment Area plan. Feedback received through the public outreach process also demonstrates a need for the additional clarification and modifications made with the proposed amendments.

#### Applicable Comprehensive Plan Policies

#### **Chapter 4, H. ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES**

**Policy 5 - The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.**

**Economic Development Strategy - Policy 1 - Support existing businesses and recruit additional businesses that provide local family-wage jobs. Replace any employment land rezoned for other uses with other employment land.**

**Strategy 1.3: Support and build upon manufacturing and other industries likely to produce family-wage jobs.**

#### **Chapter 4, K. INDUSTRIAL PLANNING DESIGNATIONS**

**Policy 2 - The City will encourage sound industrial development by all suitable means to provide employment and economic stability to the community.**

The proposed amendments are consistent with the applicable criteria by providing for uses that expand and provide family wage jobs. In addition, by distinguishing uses based on impacts off site and providing for specific uses that are deemed incompatible in all zones, the changes respect the intent outlined in the comprehensive plan for the LI, GI and EI zones. In addition, the modifications made that affect the EI zone allow for uses that provide jobs, limit commercial and uses incompatible with the long term vision for the area. These changes also help set the stage for development of the area.

#### Applicable Regional (Metro) Standards

#### **Metro Functional Plan - 3.07.430 Protection of Industrial Areas**

**A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to**

daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
2. Training facilities whose primary purpose is to provide training to meet industrial needs.

**B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.**

**C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.**

Sherwood updated its code in 2012 to fully comply with Title 4 and the proposed changes do not change the uses that are otherwise limited by the Title 4 requirements. Sherwood's industrial land is primarily identified on the Metro Title 4 maps as "Industrial Area" with some of the light industrial areas identified as "employment areas". The proposed amendments do not modify the uses already restricted by the Title 4 requirements. In instances where a new category was added that had the potential of allowing more uses that might cater to daily customers or allow for commercial uses, clarifications or footnotes were added. Attachment 3 provides a detailed summary of each change and an explanation of the change. This summary also notes where the change was made to clarify/confirm Title 4 compliance.

#### Consistency with Statewide Planning Goals

The process for developing and identifying the proposed changes has been made consistent with Goal 1, citizen involvement. There are no known Statewide Planning Goals that directly apply to the proposed amendments, however, it could be argued that the changes will provide more economic development opportunities and have been developed based on specific and valid feedback from the development community. If these changes were not made there is a very good chance that the TEA would remain undeveloped for years to come because the existing permissible uses are very limited and incompatible with the market realities. Therefore, the amendments are supportive of Goal 9.

**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, staff recommends Planning Commission forward a recommendation of approval of PA 16-04 to the City Council.

- V. Attachements**
1. Proposed development code changes – Clean format
  2. Proposed development code changes – Track changes format
  3. Summary of proposed changes
  4. March 21, 2016 letter from Mike Leicher of Pride Disposal
  5. April 4, 2016 letter from Rhys Conrad of Macadam Forbes

#### 16.10.020 Definitions

ADD the following:

**Small-scale energy facilities** - a facility, such as a solar panel, that produces energy but that is 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%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height.

**Large-scale facilities** - a facility that produces energy and exceeds the thresholds of a 'small-scale energy facility'".

#### Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS<sup>[19]</sup>

Sections:

Footnotes:

--- (19) ---

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

#### 16.31.010 - Purpose

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

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

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

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.
- C. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

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

Uses	LI	GI	EI <sup>1</sup>
<b>RESIDENTIAL</b>			
• Single Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
<b>CIVIC</b>			
• 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
<b>COMMERCIAL</b>			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
<b>Entertainment/recreation</b>			
• 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 <sup>2,3</sup>	C	C	C
<b>Motor Vehicle related</b>			
• 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	C <sup>4</sup>
• Vehicle fueling stations or car wash facilities <sup>5</sup>	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
<b>Office and Professional Support services</b>			
• Business and professional offices <sup>3</sup>	P	P	P

• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities <sup>3</sup>	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	P	P	P
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 <sup>3</sup>	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 <sup>3</sup>	P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	p <sup>6</sup>	p <sup>6</sup>	N
• Tool and equipment repair, rental and sales, including truck rental <sup>7</sup>	P	P	P
• 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 <sup>3</sup>	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 <sup>8</sup>	C	C	C
• Public or commercial parking (non- accessory)	N	N	N

• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/Kennels and pet daycare facilities with outdoor recreation areas <sup>8</sup>	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru <sup>3</sup>	C	C	C
• Restaurants with drive-thru services	N	N	N
• On-site cafeteria that is secondary to, and serving employees of, a permitted use	P	P	P
<b>INDUSTRIAL</b>			
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided there is no exterior odor, noise or unscreened storage and not otherwise regulated elsewhere in the code,	P	P	P
• Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations.	C	P	C
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Distribution, warehousing and storage associated with a permitted use operating on the same site	P	P	P
• Distribution and warehousing up to 100,000 square feet, provided product(s) are stored within an enclosed building <sup>9</sup>	P	P	P
• Distribution and warehousing greater than 100,000 square feet provided product(s) are stored within an enclosed building <sup>9</sup>	N	P	C
• mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, including biomedical compounding	P	P	P

• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards,	C	P	C <sup>4</sup>
• Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses <sup>10</sup>	P	P	P
• Industrial laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	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
The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City			
• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of 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
• 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
• General purpose solid waste landfills,-incinerators, and other solid waste facilities	N	N	N

WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers <sup>11</sup> 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

<sup>1</sup> See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

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

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

<sup>4</sup> On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

<sup>5</sup> Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use- no public retail fuel sales.

<sup>6</sup> See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

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

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

<sup>9</sup> Stand alone. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations

<sup>10</sup> These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

<sup>11</sup> Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

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

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 <sup>9</sup>	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback <sup>11</sup>	20 feet	20 feet	None
Side Yard Setback <sup>10</sup>	None	None	None

Rear Yard Setback <sup>11</sup>	None	None	None
Corner lot street side <sup>11</sup>	20 feet	20 feet	None
Height <sup>11</sup>	50 feet		

<sup>9</sup> 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.

<sup>10</sup> 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.

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

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

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

B. Land Division Restrictions

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

approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2012-011, § 2, 8-7-2012)

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

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

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - Community Design

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

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.10.020 Definitions

ADD the following:

**Small-scale energy facilities** - a facility, such as a solar panel, that produces energy but that is 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%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height.

**Large-scale facilities** - a facility that produces energy and exceeds the thresholds of a 'small-scale energy facility'.

Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS<sup>[19]</sup>

Sections:

Footnotes:

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

16.31.010 - Purpose

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

- B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.
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(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 - Uses

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

Uses	LI	GI	EI <sup>1</sup>
<b>RESIDENTIAL</b>			
• <u>Single</u> Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
<b>CIVIC</b>			
• 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
<b>COMMERCIAL</b>			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
<b>Entertainment/recreation</b>			
• 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 <sup>2,3</sup>	C	C	C
<b>Motor Vehicle related</b>			
• 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	<del>NC</del> <sup>4</sup>
• Vehicle fueling stations or car wash facilities <sup>4,5</sup>	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 <sup>53</sup>	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities <sup>36</sup>	P	P	<u>PC</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>CP</u>	<u>CP</u>	<u>CP</u>
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 <sup>36</sup>	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 <sup>73</sup>	P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	<del>P<sup>640</sup></del>	<del>P<sup>640</sup></del>	N
• Tool and equipment <u>repair</u> , rental and sales, including truck rental <sup>7</sup>	P	P	P
• 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 <sup>37</sup>	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P

<ul style="list-style-type: none"> <li>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<sup>8</sup></li> </ul>	C	C	C
<ul style="list-style-type: none"> <li>Public or commercial parking (non- accessory)</li> </ul>	N	N	N
<ul style="list-style-type: none"> <li>Veterinarian offices and animal hospitals</li> </ul>	C	C	C
<ul style="list-style-type: none"> <li>Animal boarding/Kennels and <u>pet</u> daycare facilities with outdoor recreation areas<sup>8</sup></li> </ul>	C	C	C
Eating and Drinking establishments:			
<ul style="list-style-type: none"> <li>Restaurants, taverns, and lounges without drive-thru<sup>37</sup></li> </ul>	C	C	C
<ul style="list-style-type: none"> <li>Restaurants with drive-thru services</li> </ul>	N	N	N
<ul style="list-style-type: none"> <li><u>On-site cafeteria that is secondary to, and serving employees of, a permitted use</u></li> </ul>	<u>P</u>	<u>P</u>	<u>P</u>
INDUSTRIAL			
<ul style="list-style-type: none"> <li><u>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed buildingFood products provided there is no exterior odor, noise or unscreened storage and not otherwise regulated elsewhere in the code, 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</u></li> </ul>	P	P	<u>NP</u>
<ul style="list-style-type: none"> <li><u>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations.</u></li> </ul>	<u>C</u>	<u>P</u>	<u>C</u>
<ul style="list-style-type: none"> <li><u>Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of -Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals</u></li> </ul>	N	C	N
<ul style="list-style-type: none"> <li>Distribution, warehousing and storage associated with a permitted use <u>operating on the same site</u></li> </ul>	P	P	P

<u>Distribution and warehousing up to 100,000 square feet, provided product(s) are stored within an enclosed building<sup>9</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Distribution and warehousing greater than 100,000 square feet provided product(s) are stored within an enclosed building<sup>9</sup></u>	<u>N</u>	<u>P</u>	<u>C</u>
<del>• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use</del>	<del>P</del>	<del>P</del>	<del>P</del>
• mini-warehousing or self-storage	N	P	N
• Medical or dental laboratories, <u>including biomedical compounding</u>	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, <del>building maintenance services, and similar uses</del>	C	P	<u>NC<sup>4</sup></u>
<u>Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses<sup>10</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>
• <del>Industrial</del> laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
• Sawmills	C	C	N
• <u>Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants</u>	<u>N</u>	<u>C</u>	<u>N</u>
• <u>Solid waste transfer stations</u>	<u>N</u>	<u>C</u>	<u>N</u>
<del>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:</del>			
<del>• Pharmaceuticals in facilities up to 50,000 square feet building size</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>• Pharmaceuticals in facilities larger than 50,000 square feet building size</del>	<del>N</del>	<del>C</del>	<del>N</del>

<del>• Building components, furniture, fixtures, signs</del>	P	P	N
<del>• Non-motorized recreational vehicles and equipment</del>	P	P	N
<del>• Manufactured homes, farm equipment, and greenhouses</del>	N	P	N
<del>• 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</del>	P	P	N
<del>• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products</del>	P	P	P
<del>• 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</del>	N	N	N
<u>The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City</u>			
<u>• Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of <del>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</del></u>	<u>N</u>	<u>N</u>	<u>N</u>
• 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
<del>• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants</del>	<del>N</del>	<del>€</del>	<del>N</del>
<del>• Solid waste transfer stations</del>	<del>N</del>	<del>€</del>	<del>N</del>

• General purpose solid waste landfills,-incinerators, and other solid waste facilities	N	N	N
• <del>Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration</del>	<del>N</del>	<del>C</del>	<del>N</del>
<b>WIRELESS COMMUNICATION FACILITIES</b>			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers <sup>119</sup> 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
<b>OTHER</b>			
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

<sup>1</sup> See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

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

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

<sup>4</sup> On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted

<sup>45</sup> Limited to Cardlock, ~~or~~ wholesale or facilities incidental to and solely serving an associated permitted or conditional use- no public retail fuel sales.

<sup>640</sup> See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

<sup>57</sup> Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

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

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

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

<sup>9</sup> Stand alone. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations

<sup>10</sup> These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

<sup>911</sup> Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

~~<sup>40</sup> See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.~~

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 - Development Standards

A. Generally

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

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 <sup>9</sup>	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback <sup>11</sup>	20 feet	20 feet	None
Side Yard Setback <sup>10</sup>	None	None	None
Rear Yard Setback <sup>11</sup>	None	None	None
Corner lot street side <sup>11</sup>	20 feet	20 feet	None
Height <sup>11</sup>	50 feet		

<sup>9</sup> 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.

<sup>10</sup> 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.

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

16.31.040 - Employment Industrial (EI) Restrictions

A. Use Restrictions

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

2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

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

(Ord. No. 2012-011, § 2, 8-7-2012)

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

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

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 - Community Design

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

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 - Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

Summary of draft Industrial Use changes – 4-12-16		
Change	Explanation	
1	<p><b>Added: Small-scale energy facilities</b> - a facility, such as a solar panel, that produces energy but that is 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%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height.</p> <p><b>Large-scale facilities</b> - a facility that produces energy and exceeds the thresholds of a 'small-scale energy facility'.</p>	<p>These are referred to in the existing code but have no definition. These were added in 2012 when the code was updated and the proposed definitions were discussed with the Commission and Staff, however it appears the definition was inadvertently not included in the amendments at the time.</p>
2	<p><b>Added:</b> "single" in from of dwelling unit</p>	<p>To clarify that you could not have more than one dwelling unit</p>
3	<p><b>Changed</b> "Automotive, boat, trailer and recreational vehicle storage" from not permitted to conditional with restrictions in the EI zone</p> <p><b>Added:</b> restriction note that this use was conditional "On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted"</p>	<p>Helps to address concerns raised by property owner with property almost entirely constrained by overhead powerline easements.</p>
4	<p><b>Added:</b> Footnote to the vehicle fueling stations or car wash facilities" that allows for facilities incidental to and solely serving an associated permitted or conditional use</p>	<p>This is to take into account industrial uses that might have fueling facilities for their fleet or equipment. This was based on comments from Enterprise Holdings. Remains consistent with Title 4 by continuing to limit to prohibit public sales</p>
5	<p><b>Changed</b> footnote on Business and Professional offices to reflect renumbering</p>	<p>Reflects renumbering</p>
6	<p><b>Changed:</b> "Business support services such as duplicating, photocopying, mailing services, fax and computer facilities" from Conditional in the EI to Permitted in the EI</p>	<p>Unnecessary to have that added layer of discretion in the EI zone</p>
7	<p><b>Changed</b> footnote on "Business support services..." to reflect renumbering</p> <p><b>Changed:</b> "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" from Conditional in all industrial zones to Permitted</p>	<p>Unnecessary to have that added layer of discretion for something that is "essential to and customarily associated with" a permitted use</p>
8	<p><b>Changed</b> footnote on "daycares, preschools..." to reflect renumbering</p>	<p>Reflects renumbering</p>
9	<p><b>Changed</b> footnote on "incidental retail sales..." to reflect renumbering</p>	<p>Reflects renumbering</p>
10	<p><b>Changed</b> footnote on "medical marijuana dispensary..." to reflect renumbering</p>	<p>Reflects renumbering</p>

11	<b>Added</b> “repair” to tool and equipment rental and sales...	To clarify that tool repair would also be allowed. Footnote 7 was also modified to add “sales and rental areas” to make it clear that those types of uses are still limited per Metro title 4 requirements but industrial repair types of uses would be permitted.
12	<b>Changed</b> footnote on “retail building material sales and lumberyards” to reflect renumbering	Reflects renumbering
13	<b>Added:</b> “pet” under animal boarding/kennels and daycare facilities...	Clarification that it was a pet daycare and not a child daycare
14	<b>Changed</b> footnote on “Restaurants, taverns, and lounges without drive-thru” to reflect renumbering”	Reflects renumbering
15	<b>Add:</b> On-site cafeteria that is secondary to, and serving employees of, a permitted use	To make it clear that a cafeteria on-site and serving the employees of a business does not require a conditional use. Because it is serving employees and secondary to a permitted use, it is consistent with Metro Title 4 requirements.
16	<b>Add:</b> Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided there is no exterior odor, noise or unscreened storage and not otherwise regulated elsewhere in the code	This provides general categories and allows for differentiation by zone when considering what it looks like from the outside and potential adverse impacts. Removed many of the specific categories in the original section. Differentiated from other categories in that there is “no exterior odor, noise or unscreened storage and not otherwise regulated elsewhere in the code”
17	<b>Add:</b> Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations.	Allows for industrial uses with some off site impacts (noise, odor, etc) provided they comply with other standards such as DEQ regulations. By stating “not otherwise prohibited” it allows restriction of specific uses not desired
18	<b>Added</b> ” Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of” in front of “acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals”	To clarify this is different from the more general category. The reason for this is because of the chemicals used. It is not appropriate in the LI zone due to the proximity to residential and commercial and is not consistent with the vision for the Tonquin Employment Area, therefore this distinction retains it is prohibited in the LI and EI and conditional in the GI

19	<b>Added:</b> "operating on the same site" in front of Distribution, warehousing and storage associated with a permitted use	Clarifies that a permitted use (such as manufacturing: may also have distribution and warehousing associated with it without the size limitations for a standalone use
20	<b>Add:</b> Distribution and warehousing up to 100,000 square feet, provided product(s) are stored within an enclosed building <sup>9</sup>	Responds to specific feedback from owners within the TEA area to allow some distribution and warehousing while providing some level of protection of the area for jobs. This category (up to 100,000 square feet) is permitted in all zones
21	<b>Add:</b> Distribution and warehousing greater than 100,000 square feet provided product(s) are stored within an enclosed building	Footnote clarifies that this only applies to standalone facilities. Responds to specific feedback from owners within the TEA area to allow some distribution and warehousing while providing some level of protection of the area for jobs. This category (greater than 100,000 square feet) makes it possible for larger facilities in the TEA area provided the applicant demonstrates compliance with conditional use criteria, including demonstrating a need.
22	<b>Deleted:</b> Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	Footnote clarifies that this only applies to standalone facilities. Unnecessary with the other changes being made
23	<b>Changed:</b> Medical or dental laboratories to <b>add</b> "including biomedical compounding	Later on (#32) we propose to delete "Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration". Currently medical labs are permitted but biomedical compounding is only permitted conditionally in the GI zone. It is not clear how or why this is different from a medical lab. According to the FDA website, "In general, compounding is a practice in which a licensed pharmacist, a licensed physician, or, in the case of an outsourcing facility, a person under the supervision of a licensed pharmacist, combines, mixes, or alters ingredients of a drug to create a medication tailored to the needs of an individual patient."
24	<b>Changed:</b> "Contractors' storage and equipment yards, building maintenance services, and similar uses" to remove "building maintenance services and similar uses"	Allows us to respond to property owner/develop desire for building maintenance type uses while restricting contractors storage to only lots with constrained land. This helps to address

	<p><b>Added:</b> restriction note that this use was conditional “On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted”</p> <p><b>Added:</b> Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses</p> <p><b>Added:</b> footnote “These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.”</p>	<p>concerns raised by property owner with property almost entirely constrained by overhead powerline easements</p> <p>Responds to comments from owners and developers to allow uses that are customarily associated with industrial areas. Footnote provides clarification of use to differentiate it from a commercial use to address Metro Title 4 requirements</p>
25		
26	<p><b>Added:</b> “Industrial” in front of “laundry, dry cleaning, dyeing, or rug cleaning plants”</p>	<p>To clarify this is different from a personal service. This is more consistent with Title 4 requirements than the current code which does not provide this clarity. One reason for this distinction and maintaining existing use restrictions is that there are more chemicals and impacts associated with a large scale industrial facility which could be incompatible with LI adjacent to residential and commercial areas and is inconsistent with the vision for the EI zone.</p>
27	<p><b>Deleted</b> “Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:”</p>	<p>Replaced with more general as described above in #16 and #17</p>
28	<p><b>Deleted</b></p> <ul style="list-style-type: none"> <li>● 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</li> <li>● Pharmaceuticals in facilities up to 50,000 square feet building size</li> <li>● Pharmaceuticals in facilities larger than 50,000 square feet building size</li> <li>● Building components, furniture, fixtures, signs</li> <li>● Non-motorized recreational vehicles and equipment</li> <li>● Manufactured homes, farm equipment, and greenhouses</li> <li>● 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</li> </ul>	<p>These uses were very specific and otherwise covered by #16 and #17 described above</p>

	<ul style="list-style-type: none"> <li>Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products</li> </ul>	
29	<p><b>Moved</b> “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” to new subheading and <b>Changed</b> to read “<u>Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of 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</u>” to new subheading</p>	Moved new subheading capturing the prohibited uses in all industrial zones
30	<p><b>Added:</b> “The following Uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City”</p>	To provide for a subheading of all prohibited uses across all industrial zones
31	<p><b>Moved:</b> “Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants” and “Solid waste transfer stations”</p>	Housekeeping move to separate out from prohibited uses. These are conditionally permitted in the GI zone.
32	<p><b>Deleted</b> “Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration”</p>	See explanation above under #23



March 21, 2016

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

Pride Recycling Company operates a solid waste transfer and recycling station at 13910 SW Tualatin-Sherwood Road. The new amendments to the Sherwood Development Code, specifically regarding a facility as ours needs to be clarified. In one section the siting of a solid waste transfer station is a conditional permit; another section which refers to General purpose solid waste landfills, -incinerators, and other *solid waste facilities* as not being allowed. A solid waste transfer station is a solid waste facility, and therefore the intent is unclear. It is my hope that this can easily corrected.

Thank you.

Mike Leichner  
Pride Recycling Company



April 4, 2016

Planning Commission  
City of Sherwood

RE: Allowed Uses on Industrial Properties

Dear Planning Commissioners:

As you know, we represent Orr Family Farm, LLC. Orr Family Farm, at 96 acres, is the largest single property owner in the City of Sherwood. Its property is located in the Tonquin Employment Area, directly abutting Tualatin-Sherwood Road and the future extension of S.W. 124th Avenue. We have been working closely with staff over the past six months or so as part of the City's review of allowed uses in its industrial code. That collaboration has been very productive and we believe that the proposed code amendments that are currently before you go a long way to ensure the success of the Tonquin Employment Area. There is still one area of disagreement, however, and that is with respect to standalone warehousing in the Employment Industrial ("EI") zone, which is the zoning designation for the Orr Family Farm's property. The current proposal is to allow standalone warehouses in the EI zone as a permitted use, but only up to 100,000 square feet. Any proposed warehouse over 100,000 square feet would be a conditional use in the EI zone. We would prefer that standalone warehousing be a permitted use in the EI with no cap, but if there is a cap, we would ask that it be raised to 150,000 square feet.

As we have discussed throughout this process, standalone warehousing is a critical component of the overall industrial employment system. Warehouses provide services and support for the region's most significant employers, which is particularly evident in the Sherwood/ Tualatin Industrial market. One example is the 100,000sf industrial building currently occupied by Lamm Research as storage space. Another more recent example is Oregon Wine Storage who operates a 145,000 square foot standalone warehouse that serves the surrounding vineyards and wineries. In both instances, these facilities are providing a secondary need to the primary business/industry.

If the fear is that, without a square-footage cap, a huge regional distribution center will locate in the EI zone, that is extremely unlikely. Sherwood is not close enough to the region's freight movement infrastructure, e.g., the Portland Airport and major transportation systems, to attract such a use. Therefore, the market for standalone warehouses in the Sherwood/Tualatin

industrial market is self-limiting, but it is still critical. Warehousing supports just the kinds of businesses that the City hopes to attract to the Tonquin Employment Area, and not allowing sufficient warehouse capacity would be detrimental to vitality of that area.

It is critical to consider the complexity of our client's property when discussing this issue. Zoning, while critical, is one component to developing a property. Through evaluation of high-level planning analysis of the Orr Family Farm property, there will be significant costs related to infrastructure, natural resource mitigation, and grading to create areas that are flat enough to accommodate industrial buildings. These site constraints require significant time and money to overcome. The proposed square-footage cap at 100,000sf is another constraint that will cause further delay in the development of the subject property. Allowing additional square-footage at the current limits through a conditional use process is not a satisfactory alternative as there is so much uncertainty related to the approval criteria and process for conditional uses.

We appreciate staff's willingness to include standalone warehousing as a permitted use, and acknowledging its importance in the EI zone. We appreciate the opportunity to continue to participate in this important code update process.

Sincerely,

Stu Peterson, SIOR  
Principal

Rhys Konrad, LEED AP  
Broker