



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
April 12, 2011 – 7 PM**

Business Meeting – 7:00

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda:** Minutes – February 22, 2011
- 4. Council Liaison Announcements**
- 5. Staff Announcements**
- 6. Community Comments**
- 7. Old Business- none**
- 8. New Business**
- 9. Adjourn**

Work session – Following Business meeting

1. New Planning Commissioner welcome and orientation
2. Code Clean-Up Project:
 - a. Site Plan Modification
 - b. Open Space
 - c. Commercial and Industrial standards
 - d. Temporary Sign Work Plan

City of Sherwood, Oregon
Draft Planning Commission Minutes
February 22, 2011

Commission Members Present:

Chair Allen
Jean Simson
Brad Albert
Russell Griffin
Michael Cary

Staff:

Julia Hajduk, Planning Manager
Zoe Monahan, Assistant Planner
Karen Brown, Recording Secretary

Commission Members Absent:

Lisa Walker
Raina Volkmer

Council Liaison – Councilman Luman

1. **Call to Order/Roll Call** – Vice Chair Simson called the meeting to order.
2. **Agenda Review** – Due to late arrivals, the order of A & B under new business will be switched.
3. **Consent Agenda** – includes minutes from August 24th, 2010 and January 11, 2011. Julia Hajduk noted that in the January 11th minutes, Matt Nolan’s name was included and should not have been. Brad Albert’s name was not included and should have been. Motion to approve the consent agenda as corrected made by Commissioner Griffin. Motion seconded by Commissioner Carey. A vote was taken and all present were in favor. The motion passed.
4. **City Council Comments** – none given,
5. **Staff Announcements** – Julia advised that she had received a letter of resignation from Commissioner Volkmer. She also noted that Commissioner Simson’s term will end the last part of March and she has chosen not to ask to be reappointed. The two chairs will be filled as soon as possible.

The City Council has passed the Code update I.V, which includes the street tree amendment and fences and hedges and will be effective March 17, 2011.

Arbor Day is set to be celebrated April 22nd this year in a large open space near Inkster Drive. There have been trees planted in this area in the past that could be planted in someone’s name in dedication.

The Commissioners were asked to bring their code books to the next meeting so they may be updated with current updates.

Lastly, there have been a few neighborhood meetings held as a result of the Phase I code updates including a meeting for the Stella Olsen Memorial Park Restrooms. As an example of the new notice provisions; 217 were mailed to residents. Another current application in process is for a change to the GI Joes' property and that will include 300 notices mailed.

Council Liaison Dave Luman arrived. Commissioner Simson asked that it be pointed out what changes the Council made regarding hedges, trees and fences in their final decision on the Code Clean Up. Julia stated that the Council decided that they did not want to remove hedges from the definition of fences. Hedges are now allowed to be as tall as 8' in residential zones and 12' tall in commercially and industrially zoned areas.

- 6. Community Comments – Neil Shannon 23997 SW Red Fern Drive, Sherwood, OR** spoke and presented a power point presentation about a wetland area within the Brookman Road development area. He would like to bring this area, “a jewel” in his words, to the Commission’s attention. He stated that it is his understanding that the pedestrian access off of Red Fern will be used as an access road, but the commitment has been made to repair any damage done to the path by the large equipment. He showed examples of the existing large trees and existing forestation. He feels the biggest challenges of the work being done are the marshes at the south end of the creek. He would like to urge that work proceed with care and caution of the area and its natural habitat and forests. He does not want to stop the project, but rather educate the crews to the sensitive nature of the area.

(Recording Secretary note: Chair Allen arrived during Mr. Shannon’s testimony.)

- 7. Old Business – none**

- 8. New Business – PA 11-01 Code Clean-up Phase II**

Chair Allen opened the public hearing.

Michelle Miller began by giving an overview of the contents of the Staff Report. The development code has not had a comprehensive update in quite some time. In April of 2010 a multi-phased process began to evaluate different code provisions. Phase I included: application submittal requirements, public notices and other simple fixes. Phase II includes: Residential Uses and Variances, Home Occupations, Accessory Structures, Architectural Features and Clear Vision Areas. She reviewed the proposed changes and the staff recommendation.

(Recording Secretary note: Commissioner Walker arrived.)

Neil Shannon 23997 SW Red Fern Drive, Sherwood OR testified that while he has never raised chickens, it is not a problem; however needing a \$1,000 plus variance is very expensive. His main focus is on the HAM radio antennas. He is a radio operator that works with a group called A.R.E.S. (Amateur Radio Emergency Services) and wanted to remind everyone that in emergency situations how important HAM Radio operations can be. He pointed out that in State Statute there is the recommendation of antenna height being allowed to 70', with some exceptions. The one suggestion he had would be to remove the term HAM

from the code language as this is a slang term and the Amateur Radio Operator would suffice.

Michelle gave closing thoughts including more detailed information regarding feedback received about chickens and the difference in waste produced by different types of chickens; egg laying vs. chickens raised for consumption.

There were scrivener's errors and editing comments that were noted, discussed and corrected. Chair Allen closed the public hearing and opened the project up for deliberation. He noted that discussion was needed on whether Townhomes are permitted or not and if the format of the numbering in the Home Occupations language should be changed to be consistent with other language.

Commission Simson pointed out further inconsistencies with the code language regarding chapter 16.4 6 regarding manufactured home placement.

Julia suggested changing the wording in 16.4 6 010 by deleting the specific zoning MDRL and MDRH. The Commission will consider that amendment.

Deliberation continued regarding, pergolas, arbors, and trellises with Commissioner Simson wanting to follow recommendations she heard from the City Council to keep the code "neighbor friendly". Height requirements, setbacks and separations were discussed and how the regulations of Building Codes fit with what is proposed. Commissioner Simson concluded that what she is suggesting is that, more permanent structures of a certain height would need to comply with the setback requirements.

Chair Allen suggested the wording be: pergolas, arbors, trellises and similar structures without closed sides, under 10' in height would not be required to meet setbacks.

Moving forward, Commissioner Simson recommended adding changes that would state "applicability for doing a variance would not apply to a modified PUD standard."

Addressing a redundancy in the variance language on page 18, item 3. d. Julia suggested deleting the portion of the code that states "and cannot be part of a subdivision application." The Commission agreed.

Also on page 18, Commissioner Simson, recommended changing the 25% reduction talked about in item E to be changed to 20% to maintain consistency in variances throughout the code. The Commission agreed.

Commissioner Griffin suggested formatting the tables to maintain headings that would allow ease of understanding for customers at the counter.

The Commission discussed chicken enclosures and recommended making minor formatting corrections and specify what the definition of a "nuisance" is and what can be abated.

As it had been discussed earlier, on page 3 under residential uses in the MDRL column, townhomes should be changed to an N (not permitted) and in a later code change be looked at more closely.

Chair Allen suggested that rather than seeing this issue back at a Planning Commission meeting just to view the corrections and changes made, forwarding it on to City Council with all of the changes noted.

Commissioner Simson made a motion to recommend for approval to the City Council PA 11-01 Code Clean Up Phase II based on the adoption of the staff report, findings of fact, public testimony, staff recommendations, agency comments, applicant comments and conditions and code language as revised to be heard tentatively at the April 5 City Council meeting. Commissioner Walker seconded motion. All commissioners present were in favor and the motion carried.

After a short recess Chair Allen reconvened the meeting and asked Zoe to proceed with her tree panel follow up.

Zoe gave a brief recap of a Tree Panel discussion that was held on the 8th, that included Kristen Ramsted from the Oregon Department of Forestry, Todd Prager from the City of Tigard and developers Ted Eagon and Randy Sabastion. Tree preservation value, removal and mitigation were among the topics they discussed.

Commissioner Simson gave her feedback on the discussion including how exciting it was that the developers, foresters and arborists were all so close in their comments about the value of trees in the community, and that it really does economically and ecologically enhance the community. They talked about the benefits of good quality tree canopies and not necessarily saving all trees. Another item they discussed was offering incentives to preserve cohesive stands of trees and encouraging wider planter strips to enhance the tree presence. They all preferred the tree for tree idea of replacement rather than inch per inch replacement.

Commissioner Albert pointed out that one of the issues the arborist had discussed was looking at the types of canopies that are being removed and the quality of those canopies. As far as the replacement trees, asking if the new trees will provide a canopy as good as what was there and what will it look like years down the road.

Julia encouraged everyone to watch the meeting and pointed out the option of making trees an asset rather than a penalty to developers.

Zoe explained the timeline for this topic: On March 8th she will have a concept framing memo prepared for the Commission to discuss goals and objectives. Tentatively on April 26th the goals and objectives will be finalized and hopefully on May 24th, discussion on the first draft language at a work session.

Chair Allen closed the meeting.

End of minutes.



MEMORANDUM

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Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
David Luman

City Manager
Jim Patterson

DATE: April 5, 2011
TO: Planning Commission
FROM: Heather Austin, AICP, Senior Planner
SUBJECT: Site Plan Modification Code Updates

Currently, the Sherwood Zoning and Community Development Code, Section 16.90.020.3.0, requires all “proposed changes” to approved site plans to be “submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee”.

This ambiguous, one-size-fits-all language has been a stumbling block to developers making changes, including improvements, to approved site plans. It has also resulted in staff reports in excess of 30 pages for a simple change to the parking layout or addition of a very small, accessory building to the site.

While some proposed modifications to approved plans do warrant a full re-review, others can be processed quickly and efficiently at little cost to the developer or the community.

To this end, staff has prepared draft language to include two types of site plan modification: major and minor. This is very similar to the language suggested by the Oregon Model Development Code for Small Cities.

Staff invited 40 members of the development community (anyone listed as an “applicant” on a land use application in Sherwood in the last 5 years for whom we have or could obtain valid contact information) to attend a brown bag lunch discussion on this issue, as well as proposed changes to public improvements and subdivisions/partitions (to be discussed at the Planning Commission work session on April 26th). The discussion was held on March 16, 2011 and was attended by 3 members of the development community who provided valuable feedback on all of the issues presented.

Attachment 1 is the proposed language for Planning Commission review as a result of the feedback received at the brown bag discussion. Generally the feedback was supportive of a process for major and minor modifications to approved plans. They asked for clear definitions and objective criteria.

**Proposed language for review by the Planning Commission on April 12, 2011
(Revised based on comments received at the developer brown bag lunch discussion)**

16.90.020 Site Plan and Site Plan Modification Review

A. Site Plan Review Required

Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use and prior to the issuance of a sign permit for the erection or construction of a sign, subject to the following exceptions:

- ~~Except for~~ single and two family uses, and
- ~~manufactured homes located on individual residential lots as per Section 16.46.010, but including manufactured home parks,~~
- Minor modifications per 16.90.020.B.1.c
- ~~-no substantial changes to the site or use shall be made, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed in accordance with Chapter 16.72.~~

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

1. The activity alters the exterior appearance of a structure, building or property and is not considered a minor modification per 16.90.020.B.1.c .
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a minor modification per 16.90.020.B.1.c.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, as per Section 16.90.020 and is not considered a minor modification per 16.90.020.B.1.c.
5. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.
6. The activity is subject to site plan review by other requirements of this Code.

~~7. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020.~~

~~B. Exemptions~~

~~The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the~~

**Proposed language for review by the Planning Commission on April 12, 2011
(Revised based on comments received at the developer brown bag lunch discussion)**

~~building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76.~~

CB. ~~Plan Changes~~ Modifications and Revocation

1. ~~Changes~~ Modifications to Approved Site Plans

~~Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.~~

a. Major Modifications to Approved Site Plans

~~1. Major Modification Defined. The City Manager or his or her designee shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:~~

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

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

~~c. A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;~~

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

~~e. An increase in the floor area or height proposed for non-residential use by more than 10 percent;~~

~~f. A reduction of more than 10 percent of the area reserved for common open space; or~~

~~g. Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items a.-f., as determined by the City Manager or his or her designee.~~

~~b. Major Modification Applications; Approval Criteria. An applicant may request a major modification as follows:~~

~~1. Upon the City Manager or his or her designee determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The City Manager or his or her designee may require other relevant information, as necessary, to evaluate the request.~~

**Proposed language for review by the Planning Commission on April 12, 2011
(Revised based on comments received at the developer brown bag lunch discussion)**

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

3. The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 16.72.020.

4. The decision ~~making body~~ shall approve, deny, or approve with conditions an application for major modification based on written findings ~~of~~ the criteria.

c. Minor Modifications to Approved Site Plans

1. A Minor Modification is ~~A~~ any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Section 16.90.020.C.1.a, above.

2. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the City Manager or his or her designee using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.

3. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The City Manager or his or her designee may require other relevant information, as necessary, to evaluate the request.

4. Minor Modification Approval Criteria. The City Manager or his or her designee shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as described in Section 16.90.020.CB.1.a, above.

2. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

No other changes to the remainder of chapter



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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DATE: April 5, 2011
TO: Planning Commission
FROM: Heather Austin, AICP, Senior Planner
SUBJECT: Parks and Open Space Code Updates

Staff has updated the proposed code language based on discussions with the Parks Board, the Planning Commission and the City Attorney. Several changes have been made to the language that was presented for the Planning Commission work session on March 8, 2011 (language presented on March 8 is included as Attachment 1 and the updated proposed language is included as Attachment 2). These changes include:

16.142.030.A- Breaking this section up for ease of readability. Added the restriction that required setbacks cannot be counted toward open space requirement.

16.142.030.B (formerly part of A.)- Added a maximum of 10,000 square feet to the amount of "enhanced streetscapes" that can be used toward the open space calculation.

16.142.030.C (New)- As staff discussed with the City Attorney, the current SDC methodology requires developers to pay SDCs for 100% of the growth-related need for parks and open space. Adding a conveyance requirement in addition to the SDC would "over charge" the developer and wording needs to be in place until the methodology is updated.

16.142.030.D (Formerly B)- The conveyance language was changed based on discussions at Parks Board and Planning Commission to control what is dedicated the City and to clarify conveyance procedures. This language is based on language found in the *Oregon Model Development Code for Small Cities*.

16.142.030.E (Formerly C)- No changes proposed.

16.142.030.F (Formerly D)- Removal of "mature tree stands" based on discussions with Parks Board (unclear, open to interpretation, would need very clear definition of "mature tree stand", probably unnecessary).

16.142.030.G (Formerly E)- No changes proposed.

16.142.030.H (Formerly F)- No changes proposed.

Proposed language as reviewed previously by the Parks Board, Planning Commission and City Attorney

Chapter 16.142 PARKS, OPEN SPACES AND TREES

16.142.010 Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2.

(Ord. 2006-021; 91-922, § 3)

16.142.020 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards ([townhome development requirements for open space dedication can be found in Section 16.44.B.8- Townhome Standards](#)):

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

16.142.030 Single-Family Residential Subdivisions

- A. In all single-family residential subdivisions, a minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as “open space”. Open space must include, as a minimum, usable areas such as public parks, tot lots, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. Required setbacks may not be used to calculate open space. Open space standards for multi-family developments can be found in Section 16.142.020 (Multi-Family Developments) and open space standards for townhome developments can be found in Section 16.44 (Townhomes).
- B. Enhanced streetscapes such as “boulevard treatments” in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement (for example, if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement).
- C. Parks System Development Charges (SDCs) shall be creditable for open space conveyance based on the methodology identified in the most current *Parks and Recreation System Development Charges Methodology Report*. At no point shall the SDC and open space conveyance requirement exceed one hundred percent (100%) of the need created by the development.
- D. The open space shall be conveyed in accordance with one of the following methods:
1. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Manager or his or her designee with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities (generally the City will not accept area less than 10,000 square feet in size and areas that have no physical improvements);
 2. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- E. The density of the single-family residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section (for example, a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet).
- F. If the proposed residential subdivision contains or is adjacent to any sites identified as “parks” on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas.

Proposed language as reviewed previously by the Parks Board, Planning Commission and City Attorney

G. If the proposed residential subdivision does not contain or is not adjacent to any sites identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant shall have the options of off-site park/open space dedication or paying a fee-in-lieu of dedication.

H. This standard shall not apply to residential partitions provided that a development may not use phasing to avoid the minimum open space requirement. Any partitions of land occurring on land that was part of an approved partition in the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

16.142.~~030~~040 Visual Corridors

16.142.~~040~~050 Park Reservation

16.142.~~050~~060 Street Trees

16.142.~~060~~070 Trees on Property Subject to Certain Land Use Applications

16.142.~~070~~080 Trees on Private Property- not subject to a land use action

16.142.~~080~~090 Recommended Street Trees

Proposed language for review by the Planning Commission on April 12, 2011

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(Ord. 2006-021; 91-922, § 3)

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1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

16.142.030 Single-Family Residential Subdivisions

- A. In a single-family residential subdivision, a minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as “open space”. Open space must include, at a minimum, usable areas such as public parks, tot lots, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. Required setbacks may not be used to calculate open space. Open space standards for multi-family developments can be found in Section 16.142.020 (Multi-Family Developments) and open space standards for townhome developments can be found in Section 16.44 (Townhomes).
- B. Enhanced streetscapes such as “boulevard treatments” in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement (for example, if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement).
- C. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current *Parks and Recreation System Development Charges Methodology Report*. At no point shall the SDC and open space conveyance requirement exceed one hundred percent (100%) of the need created by the development.
- D. The open space shall be conveyed in accordance with one of the following methods:
1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager’s designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners’ association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- E. The density of a single-family residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section. (For example, a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet).
- F. If a proposed residential subdivision contains or is adjacent to a site identified as “parks” on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.

Proposed language for review by the Planning Commission on April 12, 2011

G. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space or pay a fee-in-lieu of dedication.

H. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

16.142.~~030~~040 Visual Corridors

16.142.~~040~~050 Park Reservation

16.142.~~050~~060 Street Trees

16.142.~~060~~070 Trees on Property Subject to Certain Land Use Applications

16.142.~~070~~080 Trees on Private Property- not subject to a land use action

16.142.~~080~~090 Recommended Street Trees



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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Mayor
Keith Mays

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2009 Top Ten Selection



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DATE: April 5, 2011

TO: Planning Commission

FROM: Julia Hajduk, Planning Manager
Heather Austin, Senior Planner, AICP

SUBJECT: Commercial and Industrial Use Classifications

At the last Planning Commission work session (March 8, 2011) the Commission began review of the Commercial and Industrial Use tables. As part of the Code Clean-Up project we are trying to evaluate the use classifications to ensure that they are consistent and accurately reflect the intent and modern day uses and needs.

The Planning Commission has met several times to begin discussion on updating the commercial and industrial use classifications. The issue papers were presented and discussed on 8/24/10 (see PC packet dated 8/24/10). At the March 8th meeting, we were able to discuss seven out of the then identified fourteen issues. Staff has taken the feedback from those seven issues and updated the table and the analysis accordingly. In addition, staff has continued work on the remainder of the table and continued analyzing and evaluating additional issues. Attachment 1 to this memo is an analysis of issues along with a staff recommendation for initial consideration or status update (if the issue has already been discussed by the Commission).

The attached table (Attachment 2) is the most current effort to create use classifications that can be considered across all zones. This table is reflected in track changes with new text being identified blue underline and deleted text identified with ~~red strikethrough~~. Revisions to the format are not reflected in track changes. As a reminder, the intent of this code clean-up project is to simply clarify uses that are permitted. Staff has generally not approached this to question whether uses that are permitted should be conditional or prohibited, rather staff has recommended clarifying gray areas and defining the uses differently so as to better capture what the permitted uses are; however as noted, there are certain uses that staff has identified the need for additional discussion.

The next step after reaching some initial agreement on the use classifications is to conduct additional outreach and assessment to determine whether we would be creating a non-conforming use in a particular zone.

Analysis of issues to be resolved:

1. Hospitals/Emergency Care Facilities/Sanitariums in Industrial Zones

Hospitals and emergency care facilities are permitted conditionally in the LI zone but the code is silent in the GI and EI zones. Additionally, the code is silent on sanitariums in all industrial zones. Because of the intense land use nature of hospitals and sanitariums, limiting them to conditional in the LI zone seems appropriate (they are also permitted conditionally in the GC and RC zones).

Staff recommendation: Identify hospitals/emergency care facilities and sanitariums as “not permitted” in the GI and EI zones.

Status – The Commission recommended that emergency care facilities be removed from the category and have urgent care facilities under medical and dental offices. Sanitariums are similar to residential care facilities provided the definition was updated.

2. Public use buildings such as libraries, museums, community centers, etc.

The code currently permits public use buildings, including but not limited to libraries, museums, community centers, and senior centers as conditional in all of the commercial zones except Office Commercial. Staff is recommending that these uses be permitted conditionally in the OC zone. The code is currently silent on these uses in the industrial zones. Because the industrial zones are intended to promote manufacturing and employment, it seems appropriate to limit these public use buildings to the commercial zones.

Staff recommendation: Specifically identify public use buildings as not permitted in the industrial zones

Status – The Commission supported staff’s recommendation on these uses and the table has been updated accordingly.

3. Golf Courses in the IP Zone (discrepancy)

In the IP zone public golf courses are permitted, however they are also listed as prohibited under the private lodge section.

Staff recommendation: Discuss and provide direction on whether golf courses should be conditional or prohibited in the IP zone.

4. Power generation (solar panels, etc)

Power generation is currently listed as “power generation plants and associated facilities serving any use” and “power generation plants and associated facilities serving a permitted use”. The first is permitted conditionally in the LI zone and is silent in all other zones. The second is permitted conditionally in all industrial zones and is silent in all commercial zones. The intent is to permit a power generation plant of any size in the LI zone and to allow uses to generate power for internal use in any of the industrial zones. One unintended consequence of making these uses conditional may be limiting small business/property owners from generating power on site, such as solar energy. A typical home solar electricity system is about 3 kW but most tax credits for home systems are capped at 10 kW. To allow solar electricity systems on homes and commercial businesses, a new use is needed that identifies system size.

Staff recommendation: Remove the current power generation uses. Add a use that reads “power generation up to 10 kW” and permit this outright in all zones. Add a use that reads

“power generation up to 50 kW” and permit this outright in all commercial, institutional and industrial zones. Add a use that reads “power generation greater than 50 kW” and permit this conditionally in all industrial zones.

Status - The commission had concern about this staff recommendation because they felt that not all power generation is the same so using the KW generated does not accurately reflect the impact (or lack of) to the neighboring properties. Staff recommends two new categories: “small-scale power generation facility” and “large scale power generation facility”. Staff plans to discuss this with Planning Commission at the meeting.

5. Religious Institutions

There was much discussion during the residential use component of the code clean-up project on the religious institution category and whether it should be differently defined. Ultimately, the recommendation in the residential use section was to refer to it as “Religious Institutions” and combine it with “Private Fraternal Organizations and Lodges, Country Clubs or other similar clubs”. The same could be done for commercial, however, there are currently more variations within the commercial zones that need to be considered. Specifically, churches under 5,000 square feet are permitted outright, however churches over 5,000 square feet are conditional. In residential zones, all churches are conditional. The commercial use classifications for churches are specific that they include all related structures such as classrooms, assembly areas, offices and parsonages.

The limitation on size has proven problematic in a few instances when a church in one zone has considered expanding onto adjacent land that is a different zone. Even if the expansion is minimal and less than 5,000 square feet, the combined square footage of the church may trigger a conditional use. For example, Sherwood Presbyterian Church is on IP zoned property but they expanded their offices and Sunday school classes onto the neighboring property, utilizing the existing building.

The code is currently silent on churches in industrial zones. The Oregon Model Development Code for Small Cities recommends two categories: “religious institutions and houses of worship lawfully existing as of [date]” and “new religious institutions and houses of worship”. The first is recommended as permitted in all industrial zones and the second is recommended as conditional or permitted outright in the LI zone and not permitted in the GI zone. The City of Portland permits “religious institutions” in all employment zones but in no industrial zones. The GI zone is intended for intense industrial use and the greatest potential for conflicts between the industrial uses and church uses exist in this zone. Additionally, all three industrial zones are seen as vital to the economic development policies of the city- increasing employment and tax revenue- neither of which are accomplished with church uses.

Staff recommendation: Provide discussion and direction on churches in commercial zones and whether differentiation by size is appropriate. To ensure that current uses do not become non-conforming, staff recommends the approach of the Model Code with permitting outright “religious institutions and houses of worship lawfully existing as of xx, 2011” in all zones. Staff further recommends listing “new religious institutions and houses of worship” as permitted conditionally in the EI and LI zones and not permitted in the GI zone.

Status – The Commission directed to look at language developed for the residential uses which stated “Religious Institutions, Private Fraternal Organizations and Lodges, Country clubs or other similar clubs”. The table is updated to reflect this direction with the following changes: “secondary uses” was added and the “country clubs and similar clubs” is retained under the commercial use category. This change results in private fraternal organizations and lodges being permitted in the RC and GC zone when they were previously conditional. Staff has requested feedback from Metro on churches in industrial zones.

6. Hotels

Hotels are conditional in the GC zone and OC and not permitted in the NC zone. It is silent in the RC zone. The purpose of the RC zone is to provide “areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts.” A hotel does not require larger parcels and does not produce excessive environmental impacts and while it does not necessarily meet the retail or service component envisioned in the zone it can be complimentary with the retail uses.

Staff recommendation: It is recommended that hotels and motels be conditionally permitted in the RC zone.

Status – The Commission directed that hotels and motels should be permitted (not conditional) in the RC and GC zone. The rationale for this was that there are sufficient standards in place regarding setbacks and screening to protect neighboring properties and there is no more impact than any other commercial use that is otherwise permitted.

7. Auto-related uses

There are currently a number of categories for auto related uses. Each is slightly different. In addition, there are a wide range of “autos” listed from small motorcycles to manufactured homes. Consideration should be given to differentiating large vehicles and equipment from relatively smaller ones. Below is a list of the elements identified in the automobile related use classifications:

Type of uses	Type of vehicles
<ul style="list-style-type: none"> • Auto repair • Auto service • Auto sales • Parts sales • Auto rental 	Automobile Recreational vehicle Motorcycle Truck Manufactured home Boat Farm equipment Commercial farm equipment Other equipment

Staff recommendation: Staff has developed a recommendation for updating the auto related use classifications. The recommendation is based on the following assumptions, thoughts and considerations:

- It is recommended that manufactured home be separated completely from the automobile related uses.
- Anything that can be accomplished within a fully enclosed building will have little to no impact on the surrounding area. For example, parts sales, and smaller vehicles (such as motorcycles, small watercraft and compact cars) can work well within fully enclosed structures.

- Repair and service generally occurs within a garage with the doors open. There is noise associated with the equipment used. It is hard to distinguish other differences between repair and service. Although service type uses generally provide relatively quick in and out routine maintenance of vehicles, whereas repairs generally require longer periods and fewer in and out customers. However, exceptions to this are common. For this reason, it is recommended that repair and service be classified together.
- The NC and RC have a conflict in that repair and service is not permitted but is conditional when conducted entirely within an enclosed building. This essentially means that repair and service is not permitted as it would be almost impossible to have a repair and service use that does not provide the roll up garage doors to remain open for ventilation. In addition, there are several existing auto service uses in the RC zone (*Chevron and Jiffy Lube to name 2*).
- Repair and service needs to be defined and differentiated from vehicle fueling stations and car wash facilities

Status – there was general support of the staff recommendation however there was disagreement with staff’s assessment of what “entirely enclosed” was. **Additional staff work and discussion with the Commission** is needed on this.

The Commission supported differentiating sales with outdoor display and sales without outdoor display but suggested providing for some very limited outdoor display even if the majority of the sales area was within an enclosed building. **More staff work and Commission** discussion on this is needed

8. Office related uses in OC/Business and Professional Services

The OC zone specifies specific types of office uses permitted and while medical offices are permitted, other offices are limited to only those “whose activities are such that few visitors, other than employees, have reason to come to the premises.” There is clearly a disconnect because both those that are permitted and those that are limited would generate a similar amount of traffic. The purpose of the OC zone is to provide “areas for business and professional offices and related uses in locations that can be closely associated with residential area and adequate major streets.”

In looking at the permitted uses, it appears that the differentiation is intended to differentiate offices from personal services that bring in more frequent customers or clients.

Staff recommendation: As proposed in the table, “business and professional offices” could be permitted in the OC zone while “personal services” could be conditional. Conditional is recommended because the OC zone currently allows uses that are permitted outright in the RC zone to be considered conditionally in the OC zone.

9. Bakeries

Bakeries are permitted as part of general retail provided the product is sold on the premises only. While it is believed that the intent of this limitation was to prevent large-scale bakeries from locating in commercial zones (as opposed to industrial) this has the potential of also limiting small establishments that wish to distribute to others.

Staff recommendation: Restrict the limitation on selling baked goods off-site to large distribution operations or those requiring delivery trucks.

10. Tool and Equipment Rental

The General Industrial zone currently permits “equipment rental and sales” and the Light Industrial zone permits “tool and equipment rental”. These are uses that are somewhat commercial in nature but are generally found in industrial zones. Staff has been approached a number of times regarding the location of a truck rental facility, such as a U-Haul business. It is unclear under current zoning where this would be permitted.

Staff recommendation: As proposed in the table, create the category “tool and equipment rental and sales, including truck rental” and permit it in the GI, LI, EI and GC zones (limited size in industrial to comply with Metro standards) and conditional in RC.

11. Health clubs

The OR zone is the only zone to specify “health clubs.” As other than in this zone, there is no clear classification for health clubs historically, we have looked to the closest use in other zone. It has been determined that a health club is closest to a sport or racquet club, however this use is conditional in the GC and RC zones. There should be discussion of this use to better determine where it best fits. The amount of space required in current facilities can range significantly and all health clubs are not created equally. Some such as Curves or SnapFitness require only small storefront spaces while others, such as 24 Hour Fitness or Bally’s require much larger spaces and offer more amenities. The larger facilities require more parking, are less likely to combine trips with another use and have a larger visual scale than smaller facilities

There are several existing health clubs in Sherwood that have been determined to be pre-existing non-conforming in Industrial zones.

Staff Recommendation: Differentiate small scale health clubs that fit well into strip malls or other existing developments from those that tend to be larger and stand alone. Permit the small scale facilities in all Commercial zones and the larger scale facilities in GC zones.

Status – The commission indicated support for the staff recommendation. The table has been updated to reflect this direction. The commission indicated support for small-size health clubs that are associated with another use in the industrial zones. Staff has updated the table to reflect this direction.

12. Animal related

There are many animal related uses today that are not well captured in the current classification list. The only animal related uses are Small animal clinic veterinarians with indoor kennels for small animal patient use only in the Office Retail Zone; Veterinarian offices and animal hospitals; and Animal boarding/Kennels. We routinely have requests for “doggie daycare” facilities, grooming facilities and have even had a training club inquire as to where they could locate. As the only location that specified kennels and boarding (as not permitted) was the NC zone, we have traditionally determined that animal related uses fall most closely with the veterinarian office and animal hospital. However this interpretation has been questioned many times because day care facilities for animals are not significantly different from that for children in regards to noise, traffic and even space requirements. Overnight kennels may not be the most appropriate in a commercial zone but may be more appropriate in an industrial zone. Veterinarian offices are a conditional use in the RC zone but a medical office is a permitted use even though from a traffic standpoint and medical waste standpoint they are essentially the same. Animals may make more noise than humans but even that can be debated if young children are involved. In addition some current stores such as PetSmart or PetCo offer many of these services in their retail establishment.

The Oregon Model Code considered veterinarians, kennels limited to boarding and animal grooming as personal services.

Staff Recommendation: It is recommended that animal related services be considered a personal service and not specifically treated differently from other personal services with the exception of those that might provide outdoor facilities.

13. Limited manufacturing in the GC zone

Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing is currently permitted in the GC zone. This is a very specific list that allows no flexibility for similar uses. In addition, beverage bottling plants and commercial bakeries can be very intense industrial uses that may not be appropriate for the GC zone but are more appropriate for the industrial zones. Other types of limited manufacturing, may be appropriate for the GC zone but, because of the exclusivity of this list, would not be permitted.

Staff recommendation: It is recommended that this use be changed to read “limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use”. This use would still be appropriate for only the GC zone commercially and all industrial zones.

14. Medical, dental and similar laboratories

Medical, dental and similar laboratories are permitted in the GC zone whereas laboratories are permitted in the industrial zones. This permits additional labs, such as film processing, research and scientific experimentation laboratories in the industrial zones but not in the GC zone.

Staff recommendation: It is recommended that “medical and dental laboratories” remain permitted in the GC zone as well as permitted in GI, LI and EI. In addition, it is recommended that “laboratories” be changed to “laboratories (not medical or dental)” to be permitted in the GI, LI and EI zones and not in the commercial zones.

15. Agricultural Uses in the Industrial Zones

Agricultural uses, such as farming, horticulture and raising of animals other than household pets, is not discussed in the industrial zones in the current code. While it is unlikely that a property owner will develop vacant industrial land into a farming operation, it is likely (such as in the Tonquin Employment Area) that a property already being used for agricultural purposes may remain as such until which time industrial development occurs. In addition, farming requires little site construction and, therefore, leaves a property ready for redevelopment.

Staff recommendation: As shown in the table below, permit farming, horticulture and the raising of animals in the industrial zones.

Commercial, Institutional & Public and Industrial Zones

Proposed designation of permitted, conditional or not permitted uses in zones that are currently silent regarding the use is identified in track changes. Additional text changes or clarification are noted in track changes. Footnotes represent standards and caveats already imbedded in the code. Highlighted areas require additional discussion.

		OC	OR	NC	RC	GC	IP	LI	GI	EI
Residential use types										
	Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings. ¹	C	€	C	C	C	N	N	N	N
	Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 16.20.040 High Density Residential (HDR) Dimensional Standards ²	P	P	P	P	P	N	N	N	N
	Residential Care Facilities	N	N	N	C	C	N	N	N	N
	Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission.	P		P	P	P	C	P	P	P
Civic Use types										
	Hospitals and emergency care facilities	N	€	N	C	C	N	C	N	N
	Sanitarium				€	€	N			
	Correctional institutions	N		N	N	C	N	N	N	N
	Cemeteries and crematory mausoleums.	N	N	N	C	C	C	N	N	N
	Police and fire stations and other emergency services	N		C	C	C	C	C	C	C
	Vehicle testing stations	N		N	N	C	C	C	C	C
	Postal services - Public	N		C	C	C	C	C	C	C

¹ The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

² (except as limited in 16.22.060)

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Postal substations when located entirely within, and incidental to a use permitted outright.	<u>N</u>		P	<u>N</u>	P	<u>C</u>	C	C	C
	Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, <u>but excluding offices</u>	<u>C</u>		C	C	C	C	<u>N</u>	<u>N</u>	<u>N</u>
	Public and private utility buildings structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	<u>N</u>	N	N	C	C	C	P	P	P
	<u>Small-scale power generation facilities.</u> Power generation plants and associated facilities serving any use.	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Large-scale power generation facilities.</u> Power generation plants and associated facilities serving a permitted use.	<u>N</u>		<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>
		<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
	Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C		N	C	C	C	C	<u>C</u>	C
	Public or private outdoor recreational facilities including parks, playfields and sports and racquet courts.							C	C	C
	Churches under 5,000 square feet in size. <u>Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses.</u>	<u>C</u>	N	N	C <u>P</u>	C <u>P</u>	C	<u>N</u>	<u>N</u>	<u>N</u>
	Churches over 5,000 square foot in size		N	N	C	C	C	N	N	N
	Public and private schools providing education at the elementary school level or higher	<u>C</u>		C	C	C	C	<u>N</u>	<u>N</u>	<u>N</u>
Commercial uses types										
	Commercial Trade Schools, <u>commercial educational services and training facilities</u>	<u>C</u>		N	P	P	N	<u>P</u>	<u>P</u>	C
	Training facilities whose primary purpose is to provide training to meet industrial needs.							P	P	
	Entertainment/recreation									
	Adult entertainment business, subject to Section 16.54.010	N	N	N	N	P	<u>N</u>	N	<u>N</u>	N

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Motion picture and live theaters within enclosed building	<u>N</u>	N	N	P	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Drive-in motion picture theaters	<u>N</u>		<u>N</u>	N	N	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Private lodges, fraternal organizations, c Country clubs, sports and racquet clubs and other similar clubs.	<u>N</u>		N	C	C	N	<u>C</u>	<u>C</u>	<u>C</u>
	Public or Private Golf courses	<u>N</u>		N	N	N	C	<u>N</u>	<u>N</u>	<u>N</u>
	<u>Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities³</u>	<u>N</u>		<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>
	Hotels and motels.	C	C	N	<u>P</u>	C <u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Motor Vehicle related									
	<u>Motorized vehicle and sport craft</u> Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment repairs and service	<u>N</u>		N <u>C</u>	N <u>C</u>	P	<u>N</u>	C	C	<u>N</u>
	Automotive service stations, including tire and wheel balancing, and incidental repair, when conducted entirely within an enclosed building			C	C					
	All automotive and equipment <u>Motorized vehicle and sport craft</u> repair and service clearly incidental and secondary to and customarily associated with a use permitted outright <u>or conditionally</u> .	<u>C</u>	N	N	C	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.</u>	<u>N</u>		<u>N</u>	<u>N</u>	<u>C</u>		<u>N</u>	<u>N</u>	<u>N</u>
	Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, <u>Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.</u>	<u>N</u>	N	N	N <u>C</u>	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

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

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

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, and equipment <u>parts sales</u>		N	N	N	P		N	N	N
	Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, and equipment <u>rentals</u>		N	N	N	P				
	Automotive, boat, trailer and recreational vehicle storage	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	C	<u>C</u>	<u>N</u>
	Commercial farm equipment and vehicle <u>sales</u>		N		N	N	N	N	N	
	Vehicle fueling stations <u>or car wash facilities</u>	<u>N</u>	N	<u>N</u>	<u>C</u>	P	<u>N</u>	<u>C</u> ⁵	<u>C</u> ⁴	<u>C</u> ⁴
	junkyards and salvage yards	<u>N</u>		N	N	N	<u>N</u>	N	N	N
	Manufactures home sales <u>and display area</u>	N		N	<u>N</u>	P <u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Glass installation and sales							P	<u>P</u>	N
	Office and Professional Support services									
	Blueprinting, printing, publishing or other reproduction services.			N	P	P				
	<u>Offices, government</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>			
	Business and professional offices, <u>non-government.</u>	P	P	P	P	P	N	P	P	P
	Business and professional offices, associated with another use in this zone that does not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices)	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u> ⁶	<u>P</u> ⁷	<u>P</u> ⁶	<u>P</u> ⁶

⁵ Card lock or wholesale only. Public retail sales prohibited

⁶ Government offices and offices associated with another permitted or conditional use are permitted as a conditional use

⁷ Business and professional offices that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map are permitted outright. Business and professional offices that received land use approval after January 1, 2010 and that are designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) are permitted **IF** limited in size to not more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project. Business and professional offices that received land use approval after January 1, 2010 and that are designated "industrial" on Metro's 2008 title 4 Map that do not cater to daily customers are permitted outright.

			OC	OR	NC	RC	GC	IP	LI	GI	EI
		Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).							P	P	<u>P</u>
		Business and professional offices in buildings that received land use approval after January 1, 2010 that are designated "industrial" on Metro's 2008 Title 4 Map and that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.							P	P	
		Offices of educational, financial, governmental, non-profit, real estate, research, or other similar service organizations whose activities are such that few visitors, other than employees, have reason to come to the premises.		P	P	P	P		<u>P</u>	P	<u>P</u>
		Contractor's offices and other offices associated with a use permitted in the underlying zone							P	<u>P</u>	P
		Business services									
		<u>Business support services such as</u> duplicating, photocopying, mailing services, fax and computer facilities	<u>P</u>	P	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u> ⁸	<u>P</u> ⁷	<u>C</u> ⁷
		employment agencies		P				<u>N</u>		<u>C</u>	<u>C</u>
		business management services		P				<u>N</u>			
		office and communication equipment services		P				<u>N</u>			

⁸ Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building			C	C	C	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
	Medical and dental offices <u>and urgent care facilities</u>	P		P	P	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Childcare									
	Day cares, preschools, and kindergartens, when clearly secondary to a commercial use <u>permitted use</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Day cares, preschools, and kindergartens as a stand alone use.	<u>N</u>		P	P	P	<u>N</u>	C ⁹	C ⁹	C ⁹
	General Retail – sales oriented									
	General retail trade, not exceeding 10,000 square feet of gross square footage.	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	General retail trade <u>greater than 10,000 square feet of gross square footage</u> , including bakeries where product distribution is limited to retailing on the premises only	<u>N</u>		P	P	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Incidental retail sales or display/showroom directly associated with a permitted use pursuant to § 16.31.020. and Sales or display space shall be limited to a maximum of 10 % of the total floor area of the business	<u>N/A</u>		<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N</u>	<u>C</u>	<u>C</u>	P
	<u>Tool and Equipment Rental</u> and <u>Sales, Including Truck Rental</u>	<u>N</u>		<u>N</u>	<u>C</u>	<u>P</u>	<u>N</u>	C <u>P</u> ⁹	<u>P</u> ⁹	<u>P</u> ⁹
	Tool and Equipment Rental	<u>N</u>		<u>N</u>			<u>N</u>	P	P	
	Convenience stores		<u>N</u>							
	Grocery store		<u>N</u>							
	Retail plant nurseries and garden supply stores ¹⁰	<u>N</u>	<u>N</u>	N	P	P	<u>N</u>	<u>P</u> ⁹	<u>P</u> ⁹	<u>N</u>
	Wholesale Plant Nurseries							<u>N</u>	<u>N</u>	<u>N</u>

⁹ Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project

¹⁰ Wholesale plant nurseries prohibited

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Pawn shops		N							
	Wholesale building material sales	<u>N</u>		<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	C	P	<u>N</u>
	Wholesale plumbing supplies and service	<u>N</u>		N	N	P	<u>N</u>	C	P	<u>N</u>
	<u>Retail</u> building material sales and lumberyards. ¹¹	<u>N</u>		N	C	P	<u>N</u>	C	P	<u>N</u>
	Personal Services									
	Health clubs <u>less than 5,000 square feet in size.</u>	<u>P</u>	C	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P¹²</u>	<u>P¹²</u>	<u>P¹²</u>
	<u>Health clubs greater than 5,000 square feet in size</u>	<u>N</u>		<u>N</u>		<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	financial institutions catering to daily customers	N	P	P	P	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	<u>Other Ppersonal services catering to daily customers where patrons pay for or receive a service rather than goods or materials,</u> including but not limited to financial, <u>beauty, dance or music classed, pet grooming,</u> medical and dental, social services, and similar support services.	<u>C</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>C¹³</u>	<u>C¹³</u>	<u>C¹³</u>
	FLORIST SHOPS		P	P						
	<u>Public or commercial parking (non- accessory)</u>	<u>C</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Small animal clinic veterinarians with indoor kennels for small animal patient use only		P							
	Veterinarian offices and animal hospitals.	N		N	C	P	<u>N</u>	C	<u>C</u>	<u>C</u>
	Animal boarding/Kennels and daycare facilities with outdoor recreation areas ¹⁴	<u>N</u>		<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
	Eating and Drinking establishments:									

¹¹ Specify zones which require all activities to be within an enclosed building

¹² When secondary to a permitted use

¹³ Must meet the requirements of 16.31.050 or 16.31.055, as applicable

¹⁴ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service"

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Restaurants, taverns, and lounges without drive-thru ¹⁵¹⁶	P	C	C	P	P	<u>N</u>	C ¹⁷	C ¹⁷	C ¹⁷
	Restaurants, taverns and lounges without drive thru that are not larger than 5,000 square feet in a single outlet or larger than 20,000 square feet in multiple outlets in the same development project.							C	C	C
	Restaurants, taverns, and lounges with drive-thru or take-out services	N	N	N	P	P	<u>N</u>	N	<u>N</u>	N
	Taverns or lounges when clearly secondary to the primary use.		C							
Industrial use types	Industrial and manufacturing uses, except as specifically permitted by Sections 16.30.020 and 16.30.030	<u>N</u>		<u>N</u>	<u>N</u>	N	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing	<u>N</u>		<u>N</u>	<u>N</u>	P	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Medical, dental, and similar or dental laboratories	<u>N</u>		N	C	P	<u>N</u>	P	P	P
	Laboratories (not medical, dental or similar or dental).	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	P	P
	Wholesale trade		N	N	N	N			P	
	Warehousing	N	N	N	N	N			P	
	commercial storage	N	N	N	N	N			P	
	mini-warehousing or self storage	<u>N</u>	N	N	N	<u>N</u>	<u>N</u>	<u>N</u>	P	<u>N</u>
	Distribution, warehousing and storage associated with a permitted use.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	<u>P</u>	P
	Research and development and associated manufacturing.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	P
	Contractors storage and equipment yards, building maintenance services, and similar uses.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	C	P	<u>N</u>

¹⁵ May not be located within 100 feet of residential property in the OR zone

¹⁶ Limited to no more than 10% of the square footage of each development in the Adams Avenue Concept Plan area

¹⁷ Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Laundry, dry cleaning, dyeing, or rug cleaning plants.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	C	P	<u>N</u>
	Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:									
	Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, drugs, pharmaceuticals, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	P	<u>N</u>
	Building components, furniture, fixtures, signs.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	P	<u>N</u>
	Non-motorized recreational vehicles and equipment.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	<u>P</u>	<u>N</u>
	Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and farm equipment and greenhouses	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	<u>N</u>
	<u>Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone.</u>	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
	Iron, steel, sheetmetal, other metal products, hand tools, including machining, welding, electroplating, and casting and molding of semi-finished and finished metals, except as prohibited by Section 16.34.040.							P	P	<u>N</u>
	Paper, wood, boxes, containers, lumber and similar products made from wood, paper, metal and other materials, except as prohibited by Section 16.34.040.							P	P	<u>N</u>
	Plastics and plastic products.							P	P	<u>N</u>
	Renewable energy/energy efficiency, <u>sustainable environmental products, advanced manufacturing, high technology, biotechnology, biopharmaceuticals, sports apparel and other recreational products.</u>	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	P

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Sustainable environmental products							P	P	P
	Advanced manufacturing							P	P	P
	High technology							P	P	P
	Biotechnology and biopharmaceuticals							P	P	P
	Sports apparel and other recreational products							P	P	P
	Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.							N	C	N
	Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, toxins, fertilizer, herbicides, insecticides, and similar chemicals.	N		N	N	N	N	N	C	N
	Fertilizer, herbicides and insecticides.							N	C	N
	Celluloid or pyroxylin.							N	N	N
	Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.							N	N	N
	Explosives and radioactive materials.							N	N	N
	Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.							N	N	N
	Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.	N		N	N	N	N	N	N	N
	Sawmills and paper mills.	N		N	N	N	N	C	N	N
	Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	N		N	N	N	N	N	N	N
	Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	N		N	N	N	N	N	N	N
	Meat, fish, poultry and tannery processing.	N		N	N	N	N	N	N	N

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	N
	Solid waste transfer stations.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	C	<u>N</u>
	General purpose solid waste landfills, -incinerators, and other solid waste facilities.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	N	N	N
	Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	C	<u>N</u>
Wireless communication facilities	Radio, television, and similar communication stations, including <u>associated</u> transmitters.	<u>N</u>	N	N	N	C	C	<u>N</u>	<u>N</u>	<u>N</u>
	Wireless communication towers ¹⁸ and transmitters	<u>C</u>		<u>C</u>	<u>C</u>	C	C	C	C	C
	Wireless communication facilities on City-owned property	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	P	<u>C</u>	<u>C</u>	<u>C</u>
	Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.	<u>P</u>		<u>P</u>	<u>P</u>	P	P	P	P	P
Other	Agricultural uses including but not limited to:									
	Farm equipment sales and rentals	<u>N</u>	N	N	P	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Farming and horticulture	<u>N</u>	N	N	P	P	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Raising of animals other than household pets	<u>N</u>	N	N	N	N	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Wholesale plant nurseries				N					
	PUDs, subject to Chapter 16.40.	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	P	P	P
	Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86 and not to exceed one year	P	P	P	P	P	<u>P</u>	P	P	P

¹⁸ except for towers located within 1,000 feet of the Old Town District which are prohibited.

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Truck and bus yards	<u>N</u>		<u>N</u>	<u>N</u>	P	<u>N</u>	<u>N</u>	P	<u>N</u>
	Truck and bus terminals	<u>N</u>		<u>N</u>	<u>P</u>	P		<u>N</u>	P	<u>N</u>
	Any use not otherwise listed that can be shown to be consistent with the uses associated with allowed <u>or conditional</u> uses in 16.31.020(A), <u>the underlying zone.</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	C
	All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 16.34.020 and 16.34.030.							N	N	N
	Other similar uses permitted in the underlying zone, subject to Chapter 16.XX.							P	P	



MEMORANDUM

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DATE: April 5, 2011
TO: Planning Commission
FROM: Heather Austin, AICP, Senior Planner
SUBJECT: Temporary and Wall Signs Code Updates

Phase 4 of the Code Clean-up project includes a review of the temporary sign standards. Temporary *and* wall sign standards have specifically been identified by the City Council as items that need to be addressed through this code clean-up project. As such, wall signs have been added to the temporary signs review.

Staff has not provided an issue paper on these topics yet because a better understanding of the issues is needed. In particular, we need a better understanding of the issues with the temporary sign permit standards as identified by the City Council and temporary sign permit recipients (there were 54 in 2010). To this end, staff has prepared a work plan that includes a work session with the City Council and a survey to recent applicants of temporary sign permits. This work plan will be provided to the Planning Commission at the meeting on April 12th for review and discussion.

Similarly, staff needs to gain a better understanding from the City Council of the identified issues with current wall sign requirements. To do this, staff has proposed a work session with the City Council prior to submittal of an issue paper to the Planning Commission.