



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, March 3, 2015

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

6:00 pm Work Session

7:00 pm City Council Regular Meeting



Home of the Tualatin River National Wildlife Refuge

6:00 PM WORK SESSION

1. Metro Solid Waste Community Enhancement Program
2. Community Garden Program Development

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. CONSENT AGENDA
 - A. Approval of February 17, 2015 City Council Meeting Minutes
6. PRESENTATIONS
 - A. TVF&R Annual Update, Fire Chief Mike Duyck
7. CITIZEN COMMENTS
8. PUBLIC HEARINGS
 - A. Ordinance 2015-003 Amending multiple sections of the Zoning and Community Development Code including divisions I, II, III, IV, V, VI, VII, and VIII (Connie Randall, Associate Planner)
9. CITY MANAGER REPORT
10. COUNCIL ANNOUNCEMENTS
11. ADJOURN

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

City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the Sherwood Post Office. Council meeting materials are available at the Sherwood Public Library.

To Schedule a Presentation before Council:

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

AGENDA

**SHERWOOD CITY COUNCIL
March 3, 2015**

6:00 pm Work Session

**7:00 pm City Council Regular
Meeting**

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



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
February 17, 2015

WORK SESSION

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:32 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Jennifer Kuiper and Beth Cooke. Dan King via conference call. Councilor Jennifer Harris arrived at 5:40 pm and Councilor Linda Henderson arrived at 5:45 pm.
3. **STAFF PRESENT:** City Manager Joseph Gall, Public Works Director Craig Sheldon, Operations Supervisor Rich Sattler, Police Chief Jeff Groth, Community Development Director Julia Hajduk, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy.
4. **TOPICS:**

A. Water 101 Presentation

Craig Sheldon Public Works Director recapped a presentation (see record, Exhibit A) and referenced a map labeled Sherwood Water Supply Improvements Project Preliminary Hydraulic Profile Analysis (see record, Exhibit B). Craig explained the following areas in the presentation:

Water Project background, Transmission Mains, City Wells and their capacity's, Interruptible Water, Storage and Pump Stations. Craig briefed the Council on the water project history dating back to 2005 when the City went to the voters to seek approval of utilizing Willamette River Water. He stated in 2006 the City hired a consultant to complete a feasibility study of a pipeline route and the City entered into an Intergovernmental Agreement (IGA) with Tualatin Valley Water District (TVWD) to acquire ownership interest in the water treatment plant and purchase 5 mgd (million gallons per day) capacity of undivided interest. He said in 2007 the City entered into an IGA with the City of Wilsonville to purchase 20 mgd capacity and 2537 lf (linear feet) of transmission main (segment 2) and hired a consultant for design and construction management of the project. He said in 2008 the City entered into multiple IGA's with the City of Wilsonville for 6400 linear feet of a 48" transmission main with a capacity of 26.2 mgd, this was segments 4 and 5. The City then contracted with Emery and Sons to construct a 4 mgd reservoir with overlaying tennis courts located at Snyder Park and 1500 feet of a 48" award winning steel welded transmission main. He said the City entered into an IGA with the Willamette River Water Coalition (WRWC) to increase the City's share of the WRWC Willamette River Permit from 5 mgd to 20 mgd.

Craig stated in 2009 the City completed a 4.0 mg (million gallon) reservoir, tennis courts and pump station and the State of Oregon approved a Water Management and Conservation Plan relating to the Willamette

River for the City. He stated Emery and Sons was awarded the contract to construct 18,000 linear feet of the 48" main. He said in 2010 segments 6-9 of the pipeline were constructed and in 2011 the City entered into an IGA with the City of Wilsonville for temporary water. Also in 2011 the City completed a Meter Vault and a Rate Study with Wilsonville for costs associated with the water treatment plant. He said in 2012 the City completed a Seismic Upgrade to the Sunset Reservoir #1. In 2013 the City purchased 20 mgd ownership interest in Segment 3A and completed Segment 3B to finalize the pipeline project. He said in 2014 the City moved to implementing Advanced Metering Infrastructure (AMI).

Craig recapped Financial Analysis Performed and briefed the Council on the history and need to increase water rates and the desire of the Council at that time to implement a monthly water bill in anticipation of higher costs. He informed the Council that TVWD was unable to produce a monthly billing process and was not able to capture other fees that the City collected. He said it was then decided by the City Council that utility billing needed to be brought back in house.

Craig explained Rate Forecast Through Debt Repayment Period and informed the Council the average residential water bill was \$47.64 per month and the desire of the formerly seated Council was not to increase water rates. Discussion followed regarding the last rate increase and Craig stated the Finance Director was not present to answer but he thought the increase was in 2010 or 2011.

Craig explained the next steps in moving forward and the Council discussed neighboring jurisdictions and general water supply. Craig stated the City of Tualatin was currently reviewing their water options and Tigard and Lake Oswego were looking at a partnership. He briefed the Council on the Water Master Plan, the Water Treatment Master Plan, Plant Expansion and the Willamette River Governance Group. Council discussion followed.

B. Metro-Update from Metro Councilor Craig Dirksen

Mr. Dirksen presented the Council with a presentation (see record, Exhibit C) and a handout, Oregon Transportation Forum-Transportation Funding and Policy Package (see record, Exhibit D) and recapped transportation funding, transportation crisis, and lack of funding to maintain infrastructure. He explained the lack of federal funding and how the gas tax has lost its purchase power due to inflation and how Congress was taking money from income taxes to pay for highway construction. He recapped information regarding an Oregon solution and an Oregon Transportation Forum and the participating supporters. He explained the Forum agreed on a proposal in late 2014 for a smarter gas tax that ties gas tax to fuel efficiency that would increase funding for road maintenance. He explained it would also support transit for elderly and disabled residents. He recapped new construction and a gas tax increase for multi-modal enhance program for new projects and restore Connect Oregon funding, which would provide \$50 million a year. He explained "orphan highways" and how they function more like local arterials and spoke of Hwy 99 through Sherwood and Tualatin-Sherwood Road. He explained these orphan highways were neglected by ODOT. He explained a one-cent, 10 year gas tax would ensure needed improvements can occur.

Mr. Dirksen explained the support for this solution from JPACT (Metro's Joint Policy Advisory Committee on Transportation) and said state representatives needed to hear this is a priority.

Mr. Dirksen recapped the Southwest Corridor area and explained the current focus includes, OHSU, the Hillsdale area, PCC Sylvania and the Tigard Triangle. He informed the Council decisions were forthcoming this summer.

Mr. Dirksen briefly recapped transportation and transit of the east side of Portland. He explained and recapped the 2015 Growth Management Decision and informed the Council that upcoming discussions would be occurring with MPAC (Metro Policy Advisory Committee). He addressed the Climate Smart slide of the presentation and stated Metro Council has approved the groundbreaking plan. He stated it was based on implementing locally-adopted plans and said LCDC will review the plan Jan 22-23 in Portland.

Mr. Dirksen briefly recapped the Willamette Falls and said Metro, partners and property owners reached an easement agreement on Dec 11, 2014. He spoke of developments and providing public access to the falls and encouraging private development in the area.

Mr. Dirksen briefly reviewed the remainder of the presentation including parks and natural areas, neighborhood restoration grants, solid waste, Metro's new Auditor Brian Evans, the Oregon Zoo and new elephant feature and Portland's 5 Centers for the Arts all managed by Metro.

5. ADJOURN

Mayor Clark adjourned the work session at 7:03 pm and convened to a regular Council meeting.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:13 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Linda Henderson, Jennifer Harris, Jennifer Kuiper and Beth Cooke. Councilor Dan King via conference call.
3. **STAFF PRESENT:** City Manager Joseph Gall, Police Chief Jeff Groth, Police Captain Ty Hanlon, Police Captain Mark Daniel, Community Development Director Julia Hajduk, Human Resources Analyst Sherryl Childers, Public Works Director Craig Sheldon, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR KING VIA CONFERENCE CALL).

Mayor Clark addressed the next item on the agenda.

5. CONSENT AGENDA:

- A. Approval of February 3, 2015 City Council Meeting Minutes
- B. Resolution 2015-016 appointing Amy Miller Juve to the Police Advisory Board
- C. Resolution 2015-017 appointing Bob Silverforb to the Police Advisory Board

- D. Resolution 2015-018 appointing Christian Verkest to the Police Advisory Board
- E. Resolution 2015-019 appointing Christopher West to the Police Advisory Board
- F. Resolution 2015-020 appointing David McCart to the Police Advisory Board
- G. Resolution 2015-021 appointing Diane Foster to the Police Advisory Board
- H. Resolution 2015-022 appointing Laurie Zwingli to the Police Advisory Board
- I. Resolution 2015-023 appointing Rich Miller to the Police Advisory Board
- J. Resolution 2015-024 appointing Sean Garland to the Police Advisory Board
- K. Resolution 2015-025 authorizing the City Manager to sign the updated 2015 IGA with the City of Portland for the purposes of continued participation in the Regional Justice Information Network
- L. Resolution 2015-026 ratifying the contract agreement between the City of Sherwood and the American Federation of State, County and Municipal Employees (AFSCME); and authorizing the City Manager to sign the Successor Collective Bargaining Agreement between the City of Sherwood and AFSCME

MOTION: FROM COUNCILOR HARRIS TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR KING VIA CONFERENCE CALL).

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS:

A. Eagle Scout

Mayor Clark recognized Adrian Moons as an Eagle Scout Award recipient. Adrian was not present and Mayor Clark indicated the Certificate of Achievement would be mailed.

City Manager Gall stated although not scheduled on the agenda, he would ask the Council to consider the swearing in of a new Sherwood Police Officer.

B. Swearing In new Police Officer

Chief Groth asked Chris Pierce to come forward to be introduced and sworn in as a new Police Officer. He said Chris Pierce is originally from the Warrenton, Oregon area and attended Oregon State University earning a Bachelor of Science in Speech Communications. He said he worked at Costco and was a co-owner of a fitness facility. He said Chris competed against approximately 100 other applicants for the position and rose to the top as a recruit applicant beating out other applicants with police experience. He asked Chris to introduce his family.

Chris Pierce introduced his father Jim Pierce who is a retired Oregon State Police Officer, his mother, his sister and his girlfriend.

Chief Groth thanked the family members for attending and said that Chris came about this decision naturally having grown up with a father that served with the State Police. Chief Groth administered the Oath of Office and had Officer Pierce sign the Criminal Justice Code of Ethics. Chief Groth asked Jim Pierce to come forward and pin on Officer Pierce' police badge.

City Manager Gall asked Chief Groth to explain the process for a recruit.

Chief Groth said Officer Pierce will have an 18 month training process involving field training through the Sherwood Police Department and attendance at the Oregon Basic Police Academy in Salem. He said once he has completed all of the training he will be ready for patrol.

Mayor Clark congratulated Officer Pierce and addressed the next item on the agenda.

7. CITIZEN COMMENTS:

Ivonne Gebhart, Sherwood resident approached the Council and said as a 20 year plus resident of Sherwood it has been really something to live through growth and prosperity in our community and she shared topics that are important to Sherwood. She referred to supporting families by making sure that City government has done all within the law including second amendments rights, to provide protection of people and property through police and law enforcement with continued swift response of emergency personnel. She stated, next is supporting Sherwood families by maintaining a business friendly environment and free market approach to growth and policies that affect commerce. She stated parks and recreation are essential to a healthy, balanced community where members of our community can relax mind, body and spirit. She stated the budget process is essential to our community's peace of mind in not incurring debt without positive revenue options, planning and avoiding government growth in the name of community growth. She commented regarding transportation and said it includes scheduled and consistent street maintenance and supporting these in the budget. She stated many of the major arterials we use are governed and maintained by other governmental entities and maintaining intergovernmental representation for Sherwood's interest as we grow is paramount. She commented regarding Sherwood's infrastructure through utilities and water. She said finally, informing and providing educational opportunities to constituents on the workings, processes and procedures involved in keeping our municipality vibrant and law abiding and most importantly continued encouragement for civic duty and involvement in our form of government. She stated she wanted to encourage each one of our honorable members of the Council by saying each of you is a very special and an important resource to Sherwood, to stay positive and communicate within the bounds of love and respect, but if there is no love then at the very least respect the office for which each of you holds.

Jennifer Fagerstrom with Sherwood Main Street came forward as a representative of the Board of Directors and welcomed the new Councilors and new Mayor and said they are looking forward to working with the Council. She shared Sherwood Main Street's objectives and goals. She said they partner with Main Streets across Oregon and the goal is to revitalize Old Town and drive tourism and activity. She said they provide Old Town support to large scale events and are coordinating the Halloween activities this year. She said they partner with local community organizations and there are two board members that serve as Chamber ambassadors. She commented on the opening of the new arts center and said they are looking forward to partnering with the City. She referred to working with City staff and provided examples. She said as Old Town continues to grow they are looking forward to working with the Council and said Sherwood Main Street formally requests that the Council reassign a liaison to the Board of Directors and said this will keep the lines of communication open and assure maximum benefits to Old Town. She stated their meetings have approximately 20 community members and business owners in attendance and 10 active board members. She said the group is a volunteer led organization and primarily funded by 4 board members. She commented on the map project, provided a copy to the

Council, and said this was funded through local businesses and said now they are working on a winery map to drive some tourism into town. She requested a future opportunity to come before the Council and provide more information about Sherwood Main Street.

Mayor Clark said she served as the liaison to Sherwood Main Street previously and when the two Council vacancies are filled she will assign a new liaison.

Bud Ransom came forward and stated three years ago he was asked to place a slab up for the batting cages and he provided them a bid of \$14,000 and they agreed to let his men's senior semi pro team use the field. He said it has worked for the past 3 years and now they are asking him to pay \$1000 to use the field. He said he spoke with Recreation Coordinator Lance Gilgan and he suggested coming before the Council to have the agreement grandfathered in.

Mayor Clark suggested Mr. Ranson work with the City Manager. City Manager Gall said he will have staff respond to Mr. Ranson's request.

Michelle Boyle came forward and stated if you are wanting to downsize your home with less expense and upkeep in Sherwood there are not too many options. She said she has been a Sherwood resident for 8 years and is starting a dialogue about tiny houses. She said she is an advocate for socially and fiscally responsible living. She said she is building a tiny house in the driveway of her rental home. She said she is considering moving into her tiny home but asked what her options are in Sherwood. She commented on apartment living and the challenges and compared that to living in a cozy cottage. She shared her ideas about what can and should be done with the newly annexed area west of Sherwood. She said there is an opportunity to set Sherwood apart from our sprawling neighbors and consider more thoughtful and sustainable living options like tiny house communities. She said the recent downturn in the economy has proven that bigger is not always better. She said developers prefer apartments and large homes for their positive return on investment but when you consider the carbon footprint or average sustained values per square foot she would encourage them and the Council to take another look. She said tiny houses are gaining popularity with empty nesters, baby boomers, recent college graduates and small families with their eyes on sustainability. She commented on the financial advantages to living responsibly and provided examples. She referred to gaining a national spotlight for being progressively, socially and environmentally responsible and said the Council should consider zoning rules that encourage the lifestyles that focus on those goals. She said she is starting the dialogue and asked who she should talk to in order to make this happen.

Councilor Harris asked Ms. Boyle if the Council could come see the tiny home she is building.

Ms. Boyle said she is having an open house on Sunday at 1:00 pm at 22716 Lincoln Street and the house is about 60 percent complete.

Councilor Henderson encouraged everyone to park at Snyder and walk to the house. She stated that Ms. Boyle partnered with Public Works to get some recyclable material from the home off of Elwert Road.

Ms. Boyle said the house is still under construction and she will also have a grand opening when the house is completed.

Councilor Kuiper asked if her home is on wheels.

Ms. Boyle said yes. She said it is on an 8 x 24 foot long triple axel trailer. She said even if Sherwood does not embrace tiny houses on wheels there is a lot of opportunities for tiny houses and said it is an opportunity to add diversity to our housing and population and gain notoriety.

Mr. Gall said they will follow up with Ms. Boyle and answer her questions. He clarified that Sherwood west is not annexed into the City. He directed Ms. Boyle to the Planning Commission and staff noted the Planning Commission currently has a vacancy.

With no other citizen comments received, Mayor Clark addressed the next item on the agenda.

8. NEW BUSINESS:

A. Resolution 2015-027 assessing sidewalk construction costs on 22050 SW Hail Place Sherwood, Or 97140 and directing the City Recorder to enter such assessment in the City's Lien Docket

Public Works Director Craig Sheldon presented the staff report and said this is part of the Sidewalk Assistance Program and this particular property has signed up for the agreement but has not made all of the payments. He said staff is willing to work with the property owner and he is asking the Council to extend the deadline to June 1.

Council President Robinson clarified that Mr. Sheldon is asking the Council to approve an extension in the form of a resolution.

Mr. Sheldon said the property owner has been notified a minimum of 15 times and at that time a resolution to lien the property was placed on the Council agenda and the property owner was notified that they can attend the Council meeting. He said when the property owner received the letter they made a payment and asked if they could wait until they receive their tax returns. He said the amendment will extend the deadline to June 1. He said hopefully they will pay their bill and the lien process will be avoided.

Mayor Clark clarified that he is requesting to amend the resolution to include an extension.

The City Recorder stated that Mr. Sheldon is requesting that the Council amend the resolution with language extending the effectiveness of adding the property to the lien docket effective June 1. She said if approved the property owner would not go on a lien docket until June 1 allowing them time to pay the balance.

Mayor Clark asked if Council is willing to consider the amendment.

Council President Robinson asked how much has been paid and what payment did they just make.

Mr. Sheldon said they made a \$100 payment and the bill was almost \$900 and the balance is now \$200 and they said they would pay that as soon as they get their tax return.

Councilor Harris asked if they have been actively communicating with staff.

Mr. Sheldon said yes and noted they have 12 months to pay which ended at the end of December. He said staff has sent several notices per the code. He said when the property owner received notice that a resolution was coming before the Council they called and made arrangements. Mr. Sheldon said he would like to give them a chance to pay the bill before entering the lien process.

Councilor Kuiper clarified that the property owners indicated they would pay once they received their tax return.

Mr. Sheldon said yes and if this amended resolution is approved and they haven't paid by June 1 they will place a lien on the property.

Mayor Clark asked for the language needed to amend the resolution.

Ms. Murphy said under Section 2 of the resolution after the first sentence "City Council directs the City Recorder to enter the assessment in the docket of City liens." the amendment would be ", effective June 1, 2015 if not paid in full."

Council President Robinson stated it should read not paid in full by that date.

Ms. Murphy stated that the language "by that date" does not need to be added because it already states the date. She said the amendment would be to amend Section 2 sentence 1 removing the period and adding ", effective June 1, 2015 if not paid in full."

MOTION: FROM MAYOR CLARK TO AMEND THE RESOLUTION 2015-027 AS STATED BY THE CITY RECORDER.

Council President Robinson noted that Section 1 would also need to be amended to reflect \$200.

Ms. Murphy said the unpaid balance will go on the City lien docket. She noted the customer has paid \$100 and now the balance is \$200 and Section 1 will need to be amended.

MOTION: FROM MAYOR CLARK TO AMEND HER MOTION TO INCLUDE CHANGING THE AMOUNT FROM \$300 TO \$200, SECONDED BY COUNCIL PRESIDENT ROBINSON.

Ms. Murphy asked if there was a second on the first motion.

Mayor Clark withdrew both motions and made a new motion.

MOTION TO AMEND: FROM MAYOR CLARK TO AMEND RESOLUTION 2015-027 AS RECOMMENDED BY CITY RECORDER SYLVIA MURPHY TO ALSO CHANGE THE AMOUNT OWED FROM \$300 TO \$200, SECONDED BY COUNCIL PRESIDENT ROBINSON. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR KING VIA CONFERENCE CALL).

Ms. Murphy asked if the Council was planning on amending Section 2.

Mayor Clark said her motion incorporated all of the City Recorders recommendations and asked if that was the Councils understanding. The Council agreed that the motion was amended to include all of the changes recommended by staff.

MOTION: FROM MAYOR CLARK TO APPROVE RESOLUTION 2015-027 AS AMENDED, SECONDED BY COUNCIL PRESIDENT ROBINSON. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR KING VIA CONFERENCE CALL).

Mayor Clark addressed the next agenda item.

B. Resolution 2015-028 authorizing the City Manager to enter into a professional services contract with AMEC Foster Wheeler for environmental consultant services associated with the Tannery Brownfield Site Assessment

Councilor Kuiper stated she and her husband are employees of AMEC and they are Geologists and Project Managers. She said AMEC is a multinational global company with 40,000 employees. She stated there is an office in Tigard and a nationally recognized Brownfield expert and his team prepared a proposal for this project. She said they went through an interview process and intent to work on the Tannery Project under a grant. She stated she and her husband did not have any role in the proposal or the interview and do not intend to have a role in the project. She said however for the interest of avoiding any conflict of interest she will recuse herself from discussion and from the vote. Councilor Kuiper stepped down from the dais.

Community Development Director Julia Hajduk said the City applied for a grant from the EPA in January 2014 and AMEC Foster Wheeler pro bono assisted the City with submitting the grant application. She said AMEC understood that they would have to go through an RFP process. She said the EPA awarded the grant in early July of 2014 and they submitted additional paperwork to finalize. She said the grant period is from October 2014 to October 2017 and is a \$200,000 grant. She said the consultant piece that was budget in the EPA grant is \$143,300. She said she consulted with other jurisdictions to prepare the RFP and it was open from November 4 to November 26. She informed the Council there was an error in the staff report which states the RFP period was October 30 through November 24 and said but there was a delay. She said internal staff reviewed the RFP along with assistance from Oregon DEQ and Business Oregon which is the State Economic Development Agency and they helped score the proposals. She said they interviewed the top two applicants and AMEC Foster Wheeler was the consultant firm that was unanimously selected. She said this resolution would authorize the City Manager to enter into a contract with AMEC Foster Wheeler for up to \$143,300. She said there is a contingency included and it is 100% covered by the EPA grant and there are no costs to the City. She said because this was not included in this fiscal year budget there will be a supplemental budget in the future to document revenue in and the expenditure out which should be net zero.

Councilor Harris asked when the selection was made. Ms. Hajduk said early January.

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

MOTION: FROM COUNCILOR HARRIS TO APPROVE RESOLUTION 2015-028, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR KING VIA CONFERENCE CALL), COUNCILOR KUIPER RECUSED.

Councilor Kuiper returned to the dais.

Mayor Clark addressed the next item on the agenda.

9. CITY MANAGER REPORT:

City Manager Gall announced the grand opening for the Sherwood Center for the Arts on February 28 from 11:30 am to 3 pm. He commented on the appointments to the Police Advisory Board under the Consent agenda and asked the new members in the audience to stand and be recognized. He said Councilor Henderson is the liaison to the board and noted that they will be dealing with many topics as well as the marijuana issue. City Manager Gall and the Council welcomed the new board members.

Mayor Clark addressed the next item on the agenda.

10. COUNCIL ANNOUNCEMENTS:

Councilor Cooke said a Cub Scout Pack 710 is currently selling raffle tickets for the opportunity to win 2 Southwest Airlines round trip tickets and said to contact Pack 710 for more information.

Councilor Harris said she attended the Cultural Arts Committee meeting and announced the grand opening for the Sherwood Center for the Arts is 11 am to 3 pm and said there will be snacks provided by Sweet Story and Sesame Donut. She said there will be self-guided tours, live entertainment, art activities and souvenirs. She commented on the interest in the Center from other communities. She said there are 2 vacancies on the Cultural Arts Commission and encouraged people to apply and said they only meet once a month.

Council President Robinson said she is the liaison to the Planning Commission and extended an invitation to attend the meeting next Tuesday and said they need public input regarding the marijuana issues that are coming up. She stated they involve medical marijuana regulations and recreational use and said they are different issues with different deadlines. She noted they will be discussing medical marijuana dispensaries first and need input. She said the Sherwood West Concept Plan had its first meeting and may be looking for a different location to host more people. She urged citizens to attend the Sherwood West Concept Plan meeting and read about the plan on the City website. She thanked City staff for all of the efforts with the new Council to help them learn about the City government. She encouraged citizens to bring forward their concerns.

Councilor Kuiper announced the Sherwood Foundation for the Arts is having a puzzle contest on Saturday. She said she will be competing with her husband and it will be at the Police Station on February 21. She thanked to audience for attending the meeting and thanked the staff for entertaining all of their questions.

Councilor Henderson announced the new Police Advisory Board and said she is hoping they will get started next month and said the meeting will be open to the public and feedback is appreciated. She announced Mary Poppins will be performed the first two weekends in March at the Sherwood Center for the Arts. She said she is the liaison to the Community Development Block Grant Program which is a three tiered program that is federally funded through Washington County and is for capitol and service projects. She said she attended a meeting last Thursday where awards were being made to the County

Commissioners Board. She reported the City of Cornelius is partnering with Vienna Star to build a public library that has senior living above the library. She said it is a public/private partnership that provides senior living and in exchange for living they will volunteer in the library. She said Project Homeless Connect is a program in Washington County that is run through Sunrise Church in Hillsboro and said Kim Marshall who runs the program lives in Sherwood. She said they requested a \$50,000 grant and said Project Homeless twice a year coordinates with medical and dental professionals to provide services to the homeless. She announced the Tom Grant concert will be at the Sherwood Center for the Arts on March 20. She said the concert is a fundraiser for two Sherwood students going on a People to People exchange.

Mayor Clark announced the Growler House will have their one year celebration tomorrow night from 6 pm to 7 pm with a ribbon cutting at 6:30 pm. She said Friday is the Police Awards Banquet at Bella Via. She announced that Saturday is Swinging with Spaghetti at the Sherwood High School to support the Band. She said she is going to attend the City Day at the State Capitol with Councilor Harris and speak with Representative John Davis and Senator Kim Thatcher. She announced the ribbon cutting for the Sherwood Center for the Arts will be at 11:30 am on February 28 and the center will be open from 11 am to 4 pm.

Mayor Clark addressed the next item on the agenda.

11. ADJOURN:

MOTION TO ADJOURN: FROM COUNCILOR HENDERSON, SECONDED BY MAYOR CLARK. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (COUNCILOR KING VIA CONFERENCE CALL).

Mayor Clark adjourned the meeting at 8:14 pm

Submitted by:

Sylvia Murphy, MMC, City Recorder

Krisanna Clark, Mayor

TO: Sherwood City Council

FROM: Connie Randall, Associate Planner

Through: Julia Hajduk, Community Development Director and Brad Kilby, Planning Manager

SUBJECT: Ordinance 2015-003, amending multiple sections of the Zoning and Community development code including divisions I, II, III, IV, V, VI, VII, and VIII

Issue:

Shall the City Council adopt an ordinance amending the Zoning and Community Development Code (SZCDC) to correct errors and clarify code language and intent?

Summary:

With the goal of providing a more clear and usable code for both citizens and developers alike, City staff and the Planning Commission have identified a number of edits to the SZCDC. The majority of amendments in the 2014 Code Update seek to:

- correct errors;
- increase consistency between sections;
- consolidate definitions; and
- clarify code language and intent.

Two amendments propose substantive changes to the Code:

- An amendment to Chapter 16.31 would remove the Conditional Use Permit requirement for incidental retail sales in the Light Industrial (LI) and General Industrial (GI) zones, similar to what is permitted in the Employment Industrial (EI) zone.
- An amendment to Chapter 16.120 would increase the amount of monetary assurance of full and faithful performance of those seeking to subdivide land from 100% to 125% of the estimated cost of the improvements.

The proposal would amend Chapters 16.06 (Planning Commission), 16.10 (Definitions), 16.12 (Residential Land Use Districts), 16.31 (Industrial Land Use Districts), 16.40 (Planned Unit Development), 16.50 (Accessory Structures, Architectural Features and Decks), 16.58 (Clear Vision and Fence Standards), 16.60 (Yard Requirements), 16.66 (Transportation Facilities and Improvements), 16.70 (General Provisions), 16.72 (Procedures for Processing Development Permits), 16.80 (Plan Amendments), 16.82 (Conditional Uses), 16.84 (Variances), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking and Loading), 16.102 (Temporary, Portable, and Banner Signs), 16.106 (Transportation Facilities), 16.120 (Subdivisions), and 16.134 (Floodplain (FP) Overlay) of the Sherwood Zoning and Community Development Code (SZCDC).

The Planning Commission held a public hearing on December 9, 2014 and forwarded a recommendation of approval to the City Council. The Planning Commission recommendation as amended is attached in Exhibit 1.

Previous Council Action:

Work Session – February 3, 2015

Background:

The Planning Commission held a Public Work Session on April 8, 2014 to discuss three items:

1. The Sherwood Transportation System Plan Update;
2. Medical marijuana dispensary regulations; and
3. Zoning and Community Development Code updates.

During this session, staff identified the need to update typographical errors and erroneous references and facilitated a discussion on additional potential code revisions. Two additional Planning Commission Work Sessions were held on September 9, and October 28, 2014 to review more than 80 potential code amendments. The majority of items were classified as “clean up” items that would correct existing errors or simple clarifications that could make the code easier to understand and implement. Two items that proposed substantive changes to the code received unanimous support to change (proposed amendments to eliminate the Conditional Use Permit requirements for incidental retail sales in the Light Industrial (LI) and General Industrial (GI) zoning districts and increasing the amount of monetary assurances required for public improvements). The remaining items were considered larger policy issues and tabled to provide time for additional study and public discussion.

Alternatives:

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

Financial Impacts:

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

Recommendation:

Staff respectfully recommends that the City Council hold the first of two public hearings and determine whether to approve the ordinance or direct staff to make additional modifications to the proposed text changes for the second hearing. Staff has publicly noticed two City Council public hearings in the *Sherwood Gazette* and *The Times* for March 3rd and March 17th.

Attachments:

Exhibit 1: Planning Commission Recommendation to the City Council.

Planning Commission Recommendation to the City Council:**File No: PA 14-02 2014 Code Update**

Proposal: The Planning Commission Recommends that the City Council amend Chapters 16.06 (Planning Commission), 16.10 (Definitions), 16.12 (Residential Land Use Districts), 16.31 (Industrial Land Use Districts), 16.40 (Planned Unit Development), 16.50 (Accessory Structures, Architectural Features and Decks), 16.58 (Clear Vision and Fence Standards), 16.60 (Yard Requirements), 16.66 (Transportation Facilities and Improvements), 16.70 (General Provisions), 16.72 (Procedures for Processing Development Permits), 16.80 (Plan Amendments), 16.82 (Conditional Uses), 16.84 (Variances), 16.90 (Site Planning), 16.92 (Landscaping), 16.94 (Off-Street Parking and Loading), 16.102 (Temporary, Portable, and Banner Signs), 16.106 (Transportation Facilities), 16.120 (Subdivisions), and 16.134 (Floodplain (FP) Overlay) of the Sherwood Zoning and Community Development Code (SZCDC).

The majority of amendments in the 2014 Code Update seek to:

- correct errors;
- increase consistency between sections;
- consolidate definitions; and
- clarify code language and intent.

Two amendments propose substantive changes to the Code:

- An amendment to Chapter 16.31 would remove the Conditional Use Permit requirement for incidental retail sales in the Light Industrial (LI) and General Industrial (GI) zones, similar to what is permitted in the Employment Industrial (EI) zone.
- An amendment to Chapter 16.120 would increase the amount of monetary assurance of full and faithful performance of those seeking to subdivide land from 100% to 125% of the estimated cost of the improvements.

Planning Commission Public Hearing: The Planning Commission held a public hearing on December 9, 2014 to take testimony and consider the proposed text amendments. After considering the staff report, staff report, testimony and public comments, the Commission unanimously voted to recommend approval of the proposed code amendments with minor typographical and grammatical edits to Sections 16.94.020.A; 16.90.020 and 16.90.030 of the SZCDC.

The Planning Commission held three work sessions on April 8, 2014; September 9, 2014; and October 28, 2014 prior to the December 9, 2014 Public Hearing. A summary of each work session is included below in Section I.F.

I. BACKGROUND

- Applicant: This is a City initiated text amendment.
- Location: The proposed amendment is to the text of the development code and applies citywide.
- Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission considered the matter on December 9, 2014. At the close of their hearing, the Planning Commission decided to forward a recommendation to the City Council for their

consideration on the matter (Exhibit C). 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 December 9, 2014 Planning Commission hearing on the proposed amendment was published in *The Times* on November 27, 2014 and December 4, 2014 and published in the December edition of the *Gazette*. Notice was also posted in five public locations around town and on the web site on November 18, 2014.

Notice of the March 3, 2015 and March 17, 2015 City Council hearings on the proposed amendment were published in *The Times* on February 19, 2015 and February 26, 2015 and in the March edition of the *Gazette*. Notice was also posted in five public locations around town and on the website on February 11, 2015.

Oregon Department of Land Conservation and Development (DLCD) notice was submitted on November 4, 2014.

- E. Review Criteria:

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

- F. Background:

The Planning Commission has held three work sessions to discuss potential code updates:

Planning Commission Public Work Session April 8, 2014

The Public Work Session was held to discuss three items: the Sherwood Transportation System Plan Update; medical marijuana dispensary regulations; and Zoning and Community Development Code updates. During this session, staff identified the need to update typographical errors and erroneous references and facilitated a discussion on additional potential code revisions.

Planning Commission Work Session September 9, 2014

A Planning Commission Work Session was held on September 9, 2014. The Commission reviewed approximately 80 potential code amendments. The majority of items were classified as "clean up" items that would correct existing errors or simple clarifications that could make the code easier to understand and implement, two items proposed substantive changes to the code received unanimous support to change (see below), and the remaining items were considered larger policy issues and tabled to provide time for additional study and public discussion.

The first substantive change was an amendment to allow incidental retail sales in the Light Industrial (LI) and General Industrial (GI) zones. In August 2012, the City Council adopted Ordinance 2012-011 amending the Zoning and Community Development Code as presented in case PA 12-01. Among other things, the amendment consolidated three industrial zone chapters into one. Prior to the consolidation, the Light Industrial (LI) and General Industrial (GI) zones allowed "Incidental retail sales, limited to 10% of the total floor area of a business" as a permitted use and allowed "Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leasable area per building or business" as a conditional use. In consolidating the industrial chapters, incidental retail sales were limited to 10% of the total floor area of a business and limited to 5,000 square feet of sales or service area in a single outlet and 20,000 square feet for multiple outlets in the same development project. This use was permitted outright in the Employment Industrial (EI) zone and permitted conditionally in the LI and GI zones. As a result, a number of businesses with incidental retail sales legally established in the LI and GI zones prior to the 2012 change became non-conforming uses. The Planning Commission expressed a desire to allow limited incidental retail sales in all

industrial zones, similar to what had been previously permitted, but with size restrictions to limit significant increases in traffic patterns.

The second substantive change was an amendment to increase the amount of monetary assurance of full and faithful performance of those seeking to subdivide land from 100% to 125% of the estimated cost of the improvements. The City rarely has to pull a performance bond to ensure that public infrastructure improvements approved as part of a private subdivision are completed. However, in the event that it does happen, a bond for 100% of the estimated cost of improvements does not cover the cost incurred by the City to pull the bond and oversee construction of the improvements. Increasing the amount of the monetary assurance would help cover the associated administrative costs.

Planning Commission Work Session October 28, 2014

At the October 28, 2014 Planning Commission Work Session staff presented a legislative edit of the proposed amendments. The Commission reviewed the proposal and provided additional comments. During the session, the City Attorney recommended that the code language use a direct, active voice and avoid using the word “shall”.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

DLCD notice was submitted on November 4, 2014. Notice was sent to affected agencies on November 17, 2014.

On November 26, 2014, staff received comments from the Oregon Department of Transportation and the Department of Land Conservation and Development asking if staff would address the Transportation Planning Rule due to the increased commercial uses allowed in industrial zones. This item is addressed in *Section III. Required Findings for a Plan Text Amendment*, below.

Staff received comments from the Engineering Department on December 2, 2014 stating that the proposed code changes would not present any impacts to the existing City transportation system or the way the City analyzes future transportation impacts (Exhibit B).

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

Public:

The Planning Commission held three Work Sessions to discuss potential code updates: April 8, 2014; September 9, 2014; and October 28, 2014. In addition to the notice published in *The Times* and the *Gazette* and posted around town, the Planning Department article in the October/November 2014 issue of *The Sherwood Archer* discussed the proposed text amendment. To date, staff has not received any public comments on the proposed amendments.

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 proposal seeks to amend chapters of the Zoning and Community Development Code, Volume III of the Comprehensive Plan. 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 are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations.

A table of proposed text amendments is included in Exhibit A. In total, 52 items are proposed. The table lists each proposed amendment as well as an explanation for why it has been proposed. Two of the amendments propose substantive changes to the Code and are discussed below.

Item 10 of Exhibit A is an amendment to Chapter 16.31 which proposes to extend incidental retail sales permitted in the Employment Industrial (EI) zone to the Light Industrial (LI) and General Industrial (GI) zones. Currently, incidental retail sales are conditionally permitted, meaning a Conditional Use Permit is required. Prior to 2012, incidental retail sales, limited to 10% of the total floor area of a business, was permitted in the LI and GI zones. A text amendment in 2012 removed this provision and required a Conditional Use Permit for all incidental retail sales in the LI and GI zones while permitting them outright in the EI zone. This amendment would restore the ability of businesses in the LI and GI zones to have a small retail component to their business.

Item 45 of Exhibit A is an amendment to Chapter 16.120 which proposes to increase the amount of monetary assurance of full and faithful performance of those seeking to subdivide land from 100% to 125% of the estimated cost of the improvements. The City rarely has to pull a performance bond to ensure that public infrastructure improvements approved as part of a private subdivision are completed. In the event that it does happen, a bond for 100% of the estimated cost of improvements does not cover the cost incurred by the City to pull the bond and oversee construction of the improvements. Increasing the amount of the monetary assurance would help cover the associated administrative costs. This amendment also ensures consistency between Code Chapters as Section 16.108.020.D.2 requires a performance bond equal to 125% of the estimated cost of the improvements.

The remaining proposed amendments are administrative updates intended to correct scrivener, formatting and citation errors; consolidate definitions; and provide clarity to the code. For example, in a few instances the Code refers to sections that do not exist or have been renumbered through previous amendments. Additionally, in a prior edit, the publisher inadvertently inserted Section 16.90.030 (Site Plan Modification and Revocation) between Section 16.90.020.B and 16.90.020.C, which has caused some confusion. Where possible, the word "shall" has been eliminated and code language has been written in a more direct, active voice as suggested by the City's Attorney during the October 28, 2014 Planning Commission Work Session.

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

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed amendments. The Urban Growth Management Functional Plan places limits on the amount of commercial uses allowed in Employment areas. Specifically, Section 3.07.430 limits commercial uses to 5,000 square feet of sales or service area in a single outlet and 20,000 square feet for multiple outlets in the same development project. The proposed amendment to Chapter 16.31 would extend incidental retail sales permitted in the Employment Industrial (EI) zone to the Light Industrial (LI) and General Industrial (GI) zones limited to the area restrictions identified in the Functional Plan.

Consistency with Statewide Planning Goals

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

The Planning Commission held one public work session to elicit proposed amendments followed by two commission work sessions to prioritize potential code amendments. In addition, an article regarding the proposed code amendments was published in the October/November issue of the Sherwood Archer. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

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

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 proposal would restore the ability of businesses in the LI and GI zones to have a limited retail component to their business consistent with the provision of Section 3.07.430 of Metro's Urban Growth Management Functional Plan. 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 language within the existing development code. One proposal, Item 10 in Attachment A, would change incidental retail sales in the LI and GI zones from "conditionally permitted" to "permitted". As discussed above, limited incidental retail sales were permitted in both zones prior to 2012 and are currently allowed subject to a Conditional Use Permit. Consequently, the action does not permit a greater amount of retail commercial uses, but rather changes the method in which they are allowed. The City Engineering Department reviewed the proposed code amendments with DKS, the consulting firm that assisted the City with the 2014 Sherwood Transportation System Plan, and concluded that the proposed change would not present any impacts to the existing City transportation system or the way the City analyses future transportation impacts.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, the Planning Commission recommends approval of PA 14-02 as amended on December 9, 2014 (Exhibit C).

V. EXHIBITS

- A. PA 14-02 Proposed Code Amendments Table
- B. E-Mail Correspondence from Bob Galati dated December 2, 2014
- C. Minutes of the December 9, 2013 Planning Commission Meeting

EXHIBIT A
PA 14-02 Proposed Code Amendments Table

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
1	16.06.020.C	269	A majority of members of the Commission shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Commission shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.	<ol style="list-style-type: none"> 1. Eliminates the use of "shall" per advice of legal counsel. 2. Clarifies language to state that a majority vote of a quorum is necessary to legally act on a matter before the Commission. 	A majority of members of the Commission those members, not less than <u>shall</u> constitute a quorum. A majority vote of is <u>shall be</u> necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.
2a	16.10.020	272	Accessory Building/Use: A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.	<ol style="list-style-type: none"> 1. Relocates definition for "Accessory Building" to the definition section, Section 16.10.020. 2. Provides distinct definitions for "Accessory Building" and "Accessory Use". 	Accessory Building/Use: <u>A structure that is incidental and subordinate to the main use of property, is located on the same lot as the main use, and is freestanding or is joined to the primary structure solely by non-habitable space as defined by the State Building Code.</u> A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property. Accessory Use: <u>A use or activity that is subordinate and incidental to the primary use of the property. A property may have more than one accessory use.</u>
2b	16.50.010.A	362	Definition Accessory Building or Structure: A structure whose use is incidental and subordinate to the main use of property, is located on the same lot as the main use, and is freestanding or is joined to the primary structure solely by non-habitable space as defined by the State Building Code.		Reserved Definition Accessory Building or Structure: A structure whose use is incidental and subordinate to the main use of property, is located on the same lot as the main use, and is freestanding or is joined to the primary structure solely by non-habitable space as defined by the State Building Code.
3	16.10.020	277	<p>Historic Resource: A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:</p> <p>Object: A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g., statue, fountain, milepost, monument, sign, etc.</p> <p>A. Site: The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.</p> <p>B. District: A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g., downtown, residential, neighborhood, military reservation, ranch complex, etc.</p> <p>C. Primary, Secondary, & Contributing: Historic ranking in descending order based on four scoring criteria for surveyed properties — historical, architectural, use considerations, and physical and site characteristics.</p>	Corrects a scrivener's error.	<p>Historic Resource: A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:</p> <p><u>A. Object:</u> A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g., statue, fountain, milepost, monument, sign, etc.</p> <p><u>AB. Site:</u> The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.</p> <p><u>BC. District:</u> A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g., downtown, residential, neighborhood, military reservation, ranch complex, etc.</p> <p><u>CD. Primary, Secondary, & Contributing:</u> Historic ranking in descending order based on four scoring criteria for surveyed properties — historical, architectural, use considerations, and physical and site characteristics.</p>
4	16.10.020	282	Right-of-Way: The area between boundary lines of a street or other easement.	Updates the definition to more accurately define the term.	Right-of-Way: <u>An interest in real property typically acquired by reservation, dedication, prescription, or condemnation and intended for the placement of transportation and utility facilities and infrastructure or similar public use.</u> The area between boundary lines of a street or other easement.

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
5	16.10.020	283	<p>Solid Waste Facility:</p> <p>A. Conditionally Exempt Small Quantity Collection Facility: A facility that receives, sorts, temporarily stores, controls, and processes for safe transport hazardous waste from conditionally exempt generators, as that term is defined in ORS 465.003.</p> <p>B. Demolition Landfill: A land disposal site for receiving, sorting and disposing only land clearing debris, including vegetation and dirt, building construction and demolition debris and inert materials, and similar substances.</p> <p>C. Household Hazardous Waste Depot: A facility for receiving, sorting, processing and temporarily storing household hazardous waste and for preparing that waste for safe transport to facilities authorized to receive, process, or dispose of such materials pursuant to federal or state law.</p> <p>D. Limited Purpose Landfill: A land disposal site for the receiving, sorting and disposing of solid waste material, including but not limited to asbestos, treated petroleum, contaminated soil, construction, land clearing and demolition debris, wood, treated sludge from industrial processes, or other special waste material other than unseparated municipal solid waste.</p> <p>E. Resource Recovery Facility: A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.</p> <p>F. Mixed Construction and Demolition Debris Recycling Facility: A facility that receives, temporarily stores, processes, and recovers recyclable material from mixed construction and demolition debris for reuse, sale, or further processing.</p> <p>G. Solid Waste Composting Facility: A facility that receives, temporarily stores and processes solid waste by decomposing the organic portions of the waste by biological means to produce useful products, including, but not limited to, compost, mulch and soil amendments.</p> <p>H. Monofill: A land disposal site for receiving, sorting and disposing only one type of solid waste material or class of solid waste materials for burial, such as a facility which accepts only asbestos.</p> <p>I. Municipal Solid Waste Depot: A facility where sealed containers are received, stored up to seventy two (72) hours, staged, and/or transferred from one mode of transportation to another.</p> <p>J. Small Scale Specialized Incinerator: A facility that receives, processes, temporarily stores, and burns a solid waste product as an accessory use to a permitted use, including incinerators for disposal of infectious wastes as part of a medical facility, but not including mass burn solid waste incinerators, refuse-derived fuel technologies, human or animal remains crematorium, or any energy recovery process that burns unseparated municipal solid waste.</p> <p>K. Solid Waste Facilities: Any facility or use defined in this Section of this Code.</p> <p>L. Solid Waste Transfer Station: A facility that receives, processed, temporarily stores and prepares solid waste for transport to a final disposal site, with or without material recovery prior to transfer.</p> <p>M. Treatment and Storage Facility: A facility subject to regulation under the Resource Conservation and Recovery Act. 42 USC Sections 6901-6987, for receiving, sorting, treating, and/or temporarily storing hazardous waste, and for processing such waste for safe transport to facilities authorized to receive, treat, or dispose of such materials pursuant to federal or state law. Treatment and storage facilities do not include facilities for on-site disposal of hazardous waste.</p> <p>N. Wood Waste Recycling Facility: A facility that receives, temporarily stores and processes untreated wood, which does not contain pressure treated or wood preservative treated wood, in the form of scrap lumber, timbers, or natural wood debris, including logs, limbs, and tree trunks, for reuse, fuel, fuel pellets, or fireplace logs.</p> <p>O. Yard Debris Depot: A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.</p> <p>P. Yard Debris Processing Facility: A facility that receives, temporarily stores and processes yard debris into a soil amendment, mulch or other useful product through grinding and/or controlled biological decomposition.</p>	<p>Reformat subordinate items to be consistent with other entries (e.g. "Lot" and "Lot of Record" on pg. 279).</p>	<p>Solid Waste Facility:</p> <p>A. Conditionally Exempt Small Quantity Collection Facility: A facility that receives, sorts, temporarily stores, controls, and processes for safe transport hazardous waste from conditionally exempt generators, as that term is defined in ORS 465.003.</p> <p>B. Demolition Landfill: A land disposal site for receiving, sorting and disposing only land clearing debris, including vegetation and dirt, building construction and demolition debris and inert materials, and similar substances.</p> <p>C. Household Hazardous Waste Depot: A facility for receiving, sorting, processing and temporarily storing household hazardous waste and for preparing that waste for safe transport to facilities authorized to receive, process, or dispose of such materials pursuant to federal or state law.</p> <p>D. Limited Purpose Landfill: A land disposal site for the receiving, sorting and disposing of solid waste material, including but not limited to asbestos, treated petroleum, contaminated soil, construction, land clearing and demolition debris, wood, treated sludge from industrial processes, or other special waste material other than unseparated municipal solid waste.</p> <p>E. Resource Recovery Facility: A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.</p> <p>F. Mixed Construction and Demolition Debris Recycling Facility: A facility that receives, temporarily stores, processes, and recovers recyclable material from mixed construction and demolition debris for reuse, sale, or further processing.</p> <p>G. Solid Waste Composting Facility: A facility that receives, temporarily stores and processes solid waste by decomposing the organic portions of the waste by biological means to produce useful products, including, but not limited to, compost, mulch and soil amendments.</p> <p>H. Monofill: A land disposal site for receiving, sorting and disposing only one type of solid waste material or class of solid waste materials for burial, such as a facility which accepts only asbestos.</p> <p>I. Municipal Solid Waste Depot: A facility where sealed containers are received, stored up to seventy two (72) hours, staged, and/or transferred from one mode of transportation to another.</p> <p>J. Small Scale Specialized Incinerator: A facility that receives, processes, temporarily stores, and burns a solid waste product as an accessory use to a permitted use, including incinerators for disposal of infectious wastes as part of a medical facility, but not including mass burn solid waste incinerators, refuse-derived fuel technologies, human or animal remains crematorium, or any energy recovery process that burns unseparated municipal solid waste.</p> <p>K. Solid Waste Facilities: Any facility or use defined in this Section of this Code.</p> <p>L. Solid Waste Transfer Station: A facility that receives, processed, temporarily stores and prepares solid waste for transport to a final disposal site, with or without material recovery prior to transfer.</p> <p>M. Treatment and Storage Facility: A facility subject to regulation under the Resource Conservation and Recovery Act. 42 USC Sections 6901-6987, for receiving, sorting, treating, and/or temporarily storing hazardous waste, and for processing such waste for safe transport to facilities authorized to receive, treat, or dispose of such materials pursuant to federal or state law. Treatment and storage facilities do not include facilities for on-site disposal of hazardous waste.</p> <p>N. Wood Waste Recycling Facility: A facility that receives, temporarily stores and processes untreated wood, which does not contain pressure treated or wood preservative treated wood, in the form of scrap lumber, timbers, or natural wood debris, including logs, limbs, and tree trunks, for reuse, fuel, fuel pellets, or fireplace logs.</p> <p>O. Yard Debris Depot: A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.</p> <p>P. Yard Debris Processing Facility: A facility that receives, temporarily stores and processes yard debris into a soil amendment, mulch or other useful product through grinding and/or controlled biological decomposition.</p>

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment																
6a	16.10.020	286	<p>Transportation Facilities and Improvements: The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation improvements include the following:</p> <ol style="list-style-type: none"> 1. Normal operation, maintenance repair, and preservation activities of existing transportation facilities. 2. Design and installation of culverts, pathways, multi-use paths or trails, sidewalks, bike lanes, medians, fencing, guardrails, lighting, curbs, gutters, shoulders, parking areas, and similar types of improvements within the existing right-of-way. 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval. 4. Landscaping as part of a transportation facility. 5. Emergency measures necessary for the safety and protection of property. 6. Street or road construction as part of an approved land use application. 7. Transportation projects that are not designated improvements in the Transportation System Plan requires a site plan review and conditional use permit. 8. Transportation projects that are not planned, designed, and constructed as part of an approved land use application requires a site plan review and conditional use permit. 	<ol style="list-style-type: none"> 1. Provides a distinct definition for "Transportation Facilities" and "Transportation Improvements". 2. Corrects a scrivener's error: eliminates an extra ")." 3. Eliminates the regulatory portion of the definition as they are already included in Chapter 16.66. 4. Clarifies language to require a Conditional Use Permit for any Transportation Facility or Improvement that is not designated in the TSP or reviewed and approved with a land use application. 5. Eliminates the use of "shall" per advice of legal counsel. 	<p>Transportation Facilities and Improvements: The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.).</p> <p>Transportation Improvements: Transportation improvements include the following:</p> <ol style="list-style-type: none"> <u>A</u>1. Normal operation, maintenance repair, and preservation activities of existing transportation facilities. <u>B</u>2. Design and installation of culverts, pathways, multi-use paths or trails, sidewalks, bike lanes, medians, fencing, guardrails, lighting, curbs, gutters, shoulders, parking areas, and similar types of improvements within the existing right-of-way. <u>C</u>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval. <u>D</u>4. Landscaping as part of a transportation facility. <u>E</u>5. Emergency measures necessary for the safety and protection of property. <u>F</u>6. Street or road construction as part of an approved land use application. 7. Transportation projects that are not designated improvements in the Transportation System Plan requires a site plan review and conditional use permit. 8. Transportation projects that are not planned, designed, and constructed as part of an approved land use application requires a site plan review and conditional use permit. 																
6b	16.66.010.B	377	Construction of Transportation Facilities and Improvements that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved subdivision or partition subject to site plan shall be subject to Conditional Use review.		<p>Construction of A Conditional Use Permit is required for Transportation Facilities and Improvements that are:</p> <p>(1.) a Not designated in the adopted City of Sherwood Transportation System Plan (TSP); or, and are</p> <p>(2.) a Not designed and constructed as part of an approved land use application subdivision or partition subject to site plan shall be subject to Conditional Use review.</p>																
7	16.12.010.D	289	The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.	<ol style="list-style-type: none"> 1. Corrects a scrivener's error; a comma is missing. 2. Eliminates the use of "shall" per advice of legal counsel. 	The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing, multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.																
8	16.12.030	292-293	Residential Land Use Development Standards Table (see attached)	Corrects table footnote formatting; restarts footnote numbering with each table.	See Attachment A: Residential Land Use Development Standards Table Legislative Edits. Note: No substantive changes are proposed; amendment is limited to renumbering the table footnotes.																
9	16.31.020.C	319	Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.	Corrects a scrivener's error; the section is speaking to industrial zones, not commercial.	Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial industrial zones or contribute to the achievement of the objectives of the commercial industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.																
10	16.31.020 - Use Table	320	<table border="1"> <thead> <tr> <th>Uses</th> <th>LI</th> <th>GI</th> <th>EI¹</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.⁷ </td> <td>C</td> <td>C</td> <td>P</td> </tr> </tbody> </table> <p>¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.</p> <p>⁷ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.</p>	Uses	LI	GI	EI ¹	<ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.⁷ 	C	C	P	Allows incidental retail sales or display/showroom uses in the Light Industrial (LI) and General Industrial (GI) zones, similar to what is allowed in the Employment Industrial (EI) zone. Incidental sales is limited to 5,000 square feet (for a single outlet) and 20,000 square feet (for a multi-outlet development).	<table border="1"> <thead> <tr> <th>Uses</th> <th>LI</th> <th>GI</th> <th>EI¹</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.⁷ </td> <td><u>PG</u></td> <td><u>PG</u></td> <td>P</td> </tr> </tbody> </table> <p>¹ See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.</p> <p>⁷ Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.</p>	Uses	LI	GI	EI ¹	<ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.⁷ 	<u>PG</u>	<u>PG</u>	P
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11	16.40.020.B.5	341	If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.122. The preliminary subdivision shall be processed concurrently with the PUD.	<ol style="list-style-type: none"> 1. Corrects a scrivener's error: the correct reference is Chapter 16.120, not 16.122. 2. Eliminates the use of "shall" per advice of legal counsel. 	If the PUD involves the subdivision of land, the proposal shall <u>must</u> also include a preliminary subdivision plat and meet all requirements of Chapter 16. 122 120. The preliminary subdivision shall <u>will</u> be processed concurrently with the PUD.																
12	16.40.030.B	343	If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to Chapter 16.124.	<ol style="list-style-type: none"> 1. Corrects a scrivener's error: the correct reference is Chapter 16.120, not 16.124. 2. Eliminates the use of "shall" per advice of legal counsel. 	If the PUD involves the subdivision of land, a final plat shall <u>must</u> be prepared and submitted for final approval, pursuant to Chapter 16. 120 124.																

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
13	16.40.040.A.1	343-344	<p>A. 1. Phasing</p> <p>a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.</p> <p>b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.</p> <p>2. Failure to Complete</p> <p>a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.</p> <p>b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.</p> <p>B. Changes in Approved Plans</p> <p>1. Major Changes Proposed major changes in a Final Development Plan shall be considered the same as a new application, and shall be made in accordance with the procedures specified in this Chapter.</p> <p>2. Minor Changes Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.</p> <p>C. Multiple Zone Density Calculation When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.</p>	<p>1. Corrects numbering error; "A. 1. Phasing", is inconsistent with the Code numbering format.</p> <p>2. Eliminates the use of "shall" per advice of legal counsel.</p>	<p>A. 1. Phasing</p> <p>a<u>1.</u> The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.</p> <p>b<u>2.</u> Any PUD which requires more than twenty four (24) months to complete shall<u>must</u> be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.</p> <p>2<u>B.</u> Failure to Complete</p> <p>a<u>1.</u> When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall<u>will</u> determine whether or not the PUD's continuation, in whole or in part, is in the public interest.</p> <p>b<u>2.</u> If continuation is found not to be in the public interest, the Commission shall<u>will</u> recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.</p> <p>B<u>C.</u> Changes in Approved Plans</p> <p>1. Major Changes Proposed major changes in a Final Development Plan shall be<u>are</u> considered the same as a new application, and shall be<u>are</u> made in accordance with the procedures specified in this Chapter.</p> <p>2. Minor Changes Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.</p> <p>C<u>D.</u> Multiple Zone Density Calculation When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.</p>
14	16.40.050.C.1	344	<p>Density</p> <p>The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.</p>	<p>1. Revises reference to be consistent with similar references in the code.</p> <p>2. Eliminates the use of "shall" per advice of legal counsel.</p>	<p>Density</p> <p>The number of dwelling units permitted in a Residential PUD shall be<u>is</u> the same as that allowed in the underlying zoning district, except as provided in Subsections 16.40.040.D and 16.40.050.C.2(C)(2), below or 16.40.040.C above.</p>
15	16.40.060.C.6	346	<p>Density Transfer</p> <p>Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.</p>	<p>Corrects the reference from Section 16.142.040 to 16.40.050.C.2.</p>	<p>Density Transfer</p> <p>Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.40.050.C.2<u>142.040</u>.</p>

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
16a	16.58.020.B	370	<p>Definition:</p> <ol style="list-style-type: none"> 1. Fence: A freestanding structure that provides a barrier between properties or different uses on the same property and is generally used to provide privacy and security. A fence may be open, solid, wood, metal, wire, masonry or other materials and includes lattice or other decorative toppers. 2. Wall: A solid structural barrier that is not intended to alter the grade. 3. Retaining wall: A solid barrier that provides a barrier to the movement of earth, stone or water and is used to alter the grade. 4. Sound wall: An exterior wall designed to protect sensitive land uses including parks, residential zones and institutional public zones from noise generated by roadways, railways, commercial and industrial noise sources. 5. Landscape feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence. 6. Hedges: A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area. 		<p>ReservedDefinition:</p> <ol style="list-style-type: none"> 1. Fence: A freestanding structure that provides a barrier between properties or different uses on the same property and is generally used to provide privacy and security. A fence may be open, solid, wood, metal, wire, masonry or other materials and includes lattice or other decorative toppers. 2. Wall: A solid structural barrier that is not intended to alter the grade. 3. Retaining wall: A solid barrier that provides a barrier to the movement of earth, stone or water and is used to alter the grade. 4. Sound wall: An exterior wall designed to protect sensitive land uses including parks, residential zones and institutional public zones from noise generated by roadways, railways, commercial and industrial noise sources. 5. Landscape feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence. 6. Hedges: A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area.
16b	16.10.020	276	Fence: Any open or closed structure used to enclose any lot or parcel of ground, and usually constructed of wire, wood, brick, cement block, or stone.	Relocates all definitions to the definitions section of code.	Fence: A freestanding structure that provides a barrier between properties or different uses on the same property and is generally used to provide privacy and security. A fence may be open or solid and is usually constructed of wood, metal, wire, brick, cement block, stone, vinyl, or composite materials. Any open or closed structure used to enclose any lot or parcel of ground, and usually constructed of wire, wood, brick, cement block, or stone.
16c	16.10.020	287	None		Wall: A solid structural barrier that is not intended to alter the grade and is not considered a Retaining Wall or Sound Wall.
16d	16.10.020	282	Retaining Wall: A structure constructed of stone, concrete, steel or other material designed to retain or restrain earth or rock.		Retaining Wall: A structure-solid barrier constructed of stone, concrete, steel or other material designed to retain or restrain earth, or rock, or water and is used to alter the grade.
16e	16.10.020	284	None		Sound Wall: An exterior wall designed to protect sensitive land uses including parks, residential zones and institutional public zones from noise generated by roadways, railways, commercial and industrial noise sources.
16f	16.10.020	278	None		Landscape Feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.
16g	16.10.020	277	None		Hedges: A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area.
17	16.58.020.F	371	<p>General Conditions—All Fences:</p> <ol style="list-style-type: none"> 1. In all cases, the following standards apply: <ol style="list-style-type: none"> a. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side. b. Chain link fencing is not allowed in any required residential front yard setback. c. The finished side of the fence must face the street or the neighboring property. This shall not preclude finished sides on both sides. d. Buffering: If a proposed development is adjacent to an dissimilar use such as commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company shall be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122 e. In the event of a conflict between this section and the clear vision standards of Section 16.58.010, the standards in section 16.58.010 prevail. f. Fences and walls shall not be located within or over a public utility easement without an approved right-of-way permit. g. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence shall be used to measure the height. 		<ol style="list-style-type: none"> 1. Eliminate Section 16.58.020.F.1 as it is unnecessary and renumber the conditions. 2. Corrects a scrivener's error: the words "Section" should be capitalized; and inserts "a" where appropriate. 3. Eliminates the use of "shall" per advice of legal counsel.

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
18	16.58.020.F	371-372		Removes two diagrams as their purpose is unclear.	
19	16.60.030.B	373	Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, it shall be set back at least three (3) feet.	<ol style="list-style-type: none"> 1. Clarifies the word "it". 2. Eliminates the use of "shall" per advice of legal counsel. 	Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, it a primary structure shall must be set back at least three (3) feet.
20	16.60.040.A and 16.60.040.B	373	If a lot or the aggregate of contiguous lots or parcels recorded, or platted, prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot of aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68 (Infill Development).	<ol style="list-style-type: none"> 1. Adds "or parcel" to clarify the intent of the code to apply to a lot or a parcel. 2. Corrects a scrivener's error; "of" should be "or". 3. Cleans up use of commas to clarify intent. 4. Relocates the exception for residential use to the "Exceptions" section. 5. Eliminates the use of "shall" per advice of legal counsel. 6. Corrects Chapter title, "Infill Development". 	<p>If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded, or platted, prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot of or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68 (Infill Development).</p> <p>B. Exceptions</p> <ol style="list-style-type: none"> 1. Residential uses are limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68. 2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
21	16.70.020.B	383	Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for with adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.	1. Corrects a scrivener's error; the "with" in the first sentence is not needed. 2. Eliminates the use of "shall" per advice of legal counsel.	Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for with adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall <u>must</u> be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.
22	16.70.030.C.1.e	384	Vicinity Map showing the City limits and the Urban Growth Boundary.	Defines a useable scale for the Vicinity Map.	Vicinity Map showing <u>a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads</u> the City limits and the Urban Growth Boundary.
23	16.70.030.C.1.f	384	A narrative explaining the proposal in detail and a response to the Required Findings for Land use Review for the land use approval(s) being sought.	Corrects a scrivener's error; the word "Use" should be capitalized.	A narrative explaining the proposal in detail and a response to the Required Findings for Land use <u>Use</u> Review for the land use approval(s) being sought.
24	16.72.010.A.2.c	388	"Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.4, below.	1. Corrects the reference from 16.72.010.4 to 16.72.010.A.4. 2. Corrects a scrivener's error: "conditional use permit" should be capitalized.	"Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to <u>a</u> e <u>C</u> onditional u <u>U</u> se p <u>P</u> ermit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010. <u>A.4</u> , below .
25	16.72.010.A.2.d	388	"Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.4.G.4.	Corrects the reference from 16.90.020.4.G.4 to 16.90.020.D.6.d.	"Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020. <u>D.6.d</u> 4.G.4 .
26	16.72.010.A.2.e	388	Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in 16.90.020.4.H.1.	Corrects the reference from 16.90.020.4.H.1 to 16.90.020.D.7.b.	Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in <u>Section</u> 16.90.020. <u>D.7.b</u> 4.H.1 .
27	16.72.010.A.3.b	388	Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.4, below.	Corrects the reference from 16.72.010.4 to 16.72.010.A.4.	Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010. <u>A.4</u> , below .
28	16.72.010.A.4.d	388	Site Plans subject to Section 16.90.020.4.G.6.	Corrects the reference from 16.90.020.4.G.6 to 16.90.020.D.6.f.	Site Plans subject to Section 16.90. <u>020.D.6.f</u> 020.4.G.6 .
29	16.72.020.A.4.e	388	Industrial Site Plans subject to Section 16.90.020.4.H.2.	Corrects the reference from 16.90.020.4.H.2 to 16.90.020.D.7.b.	Industrial Site Plans subject to Section 16.90. <u>020.D.7.b</u> 020.4.H.2 .
30	16.72.020.B.2	390	Signage shall be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the hearing before the Hearing Authority for Type III, IV and V applications.	1. Eliminates the use of "shall" per advice of legal counsel. 2. The term "initial" is added in front of hearing to formalize the fact that the 20 day notice is only required prior to the initial hearing. If an item is continued during a public hearing, the hearing authority can direct staff to provide additional notice if it is warranted.	Signage shall <u>must</u> be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the <u>initial</u> hearing before the Hearing Authority for Type III, IV and V applications.
31	16.80.010 and 16.80.030.A	399-400	16.80.010 - Initiation of Amendments An amendment to the City Zoning Map or text of the Comprehensive Plan may be initiated by the Council, Commission, or an owner of property within the City. 16.80.030 - Review Criteria A. Text Amendment An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.	1. Clarifies the intent that amendments to the either the Comprehensive Plan or the Zoning and Community Development Code are processed in accordance with Chapter 16.80. 2. Eliminates the use of "shall" per advice of legal counsel.	16.80.010 - Initiation of Amendments An amendment to the City Zoning Map, or the text of the Comprehensive Plan, <u>or the text of the Zoning and Community Development Code</u> may be initiated by the Council, Commission, or an owner of property within the City. 16.80.030 - Review Criteria A. Text Amendment An amendment to the text of the Comprehensive Plan <u>or the Zoning and Community Development Code</u> shall <u>must</u> be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall <u>must</u> 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.

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
32	16.82.020.C.7 – 16.82.020.C.9	402- 403	<p>7. For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.</p> <p>8. For wireless communication facilities, no conditional use permit shall be granted unless the following additional criteria is found:</p> <p>a. The applicant shall demonstrate to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.</p> <p>b. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.</p> <p>c. The applicant shall demonstrate a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.</p> <p>d. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.</p> <p>e. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.</p> <p>9. The following criteria apply to transportation facilities and improvements subject to Conditional use approval (in addition to criteria 1-7) per 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved subdivision or partition subject to site plan review.</p> <p>a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.</p> <p>b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.</p> <p>c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval.</p> <p>d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section 1-7 and 9.a.-9.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.</p>	<p>1. Section 16.82.020.C.7 is deleted because the Highway 99W Capacity Allocation Program has been eliminated.</p> <p>2. Remaining items are renumbered.</p> <p>3. Eliminates the use of "shall" per advice of legal counsel.</p> <p>4. Clarifies intent of the additional criteria for transportation facilities and improvements.</p> <p>5. Corrects scrivener's errors: "conditional use permit" should be capitalized; "Chapter" should be inserted before "16.66".</p> <p>6. Revises Section 16.82.020.C.8 to be consistent with the proposed language in Section 16.66.010.B (Item 7A).</p> <p>7. Corrects reference to renumbered sections of code.</p>	<p>7. For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.</p> <p>7.8. For wireless communication facilities, no eConditional uUse pPermit shallwill be granted unless the following additional criteria is found:</p> <p>a. The applicant shall demonstrate to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.</p> <p>b. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.</p> <p>c. The applicant shall demonstrate a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.</p> <p>d. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.</p> <p>e. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.</p> <p>8.9. The following additional criteria apply to transportation facilities and improvements subject to Conditional uUse approval (in addition to criteria 1-7) per Chapter 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved land use applicationsubdivision or partition subject to site plan review.</p> <p>a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.</p> <p>b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.</p> <p>c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant shallis required to apply for and obtain a plan and/or zoning amendment prior to or in conjunction with eConditional uUse pPermit approval.</p> <p>d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) shallmust provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Sections 16.82.020.C.1-67 and 9.a.-8.9.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.</p>
33	16.84.030.A.1.d	406	A 5% reduction in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.	Clarifies code language to cover proposed increases and decreases to Code standards.	A 5% reduction-increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.
34	16.84.030.B.1.e	406	A 20% or less reduction in other Code standards or dimensions not otherwise specifically identified in this section.	Clarifies code language to cover proposed increases and decreases to Code standards.	A 20% or less reduction-increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
35	16.90.010	408.12	<p>16.90.010 - Purpose</p> <p>A. Generally This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code.</p> <p>B. Objectives Site planning review is intended to:</p> <ol style="list-style-type: none"> 1. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity. 2. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from: <ol style="list-style-type: none"> a. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features. b. Vehicular and pedestrian ways and parking areas. c. Existing or proposed alteration of natural topographic features, vegetation and water-ways. 	Eliminates 16.90.010.A as it appears to be the purpose of the Community Design Division (Division V), rather than the Site Planning Chapter (16.90).	<p>16.90.010 - Purpose</p> <p>A. Generally This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code.</p> <p>B. Objectives Site planning review is intended to:</p> <p><u>A</u>4. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.</p> <p><u>B</u>2. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:</p> <ol style="list-style-type: none"> <u>1</u>a. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features. <u>2</u>b. Vehicular and pedestrian ways and parking areas. <u>3</u>e. Existing or proposed alteration of natural topographic features, vegetation and water-ways.
36	16.90.020.A	408.12	<p>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</p>	<ol style="list-style-type: none"> 1. Eliminates the use of "shall" per advice of legal counsel. 2. Eliminates requirements for Site Plan review for a sign. 3. Corrects a scrivener's error; a missing punctuation at the end of the sentence. 	<p>Site Plan Review Required Site Plan review shall beis 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</p>
37	16.90.020 – 16.90.030	408.12 -412	Sections 16.90.020 (Site Plan Review) and 16.90.030 (Site Plan Modifications and Revocation) (see attached)	<ol style="list-style-type: none"> 1. Eliminates the use of "shall" per advice of legal counsel. 2. Corrects scrivener's errors: removes the extra comma at the end of item 16.90.020.B.2; corrects the plural/singular tense in 16.90.020.D.7.a.(5). 3. Corrects an error made when the publisher inserted Section 16.90.030, Site Plan Modifications and Revocation within Section 16.90.020 between 16.90.020.B and 16.90.020.C. 4. Removes reference to the Highway 99W Capacity Allocation Program as this program has been eliminated (Section 16.90.030.D.5) and renumbers the remaining items. 5. Corrects references to code sections. 6. Creates an actual matrix for the Commercial Design Review Matrix criteria in 16.90.030.D.7.d. 7. Revises the text of 16.90.030.A.1.b.(2) to clarify that adding a conditional use to approved Type II project is reviewed using a Type III procedure as the intent of this item is not to change an original Type IV procedure to a Type III by adding a conditional use. 	<p>See Attachment B: Sections 16.90.020 and 16.90.030 Legislative Edits.</p> <p>Note: No substantive changes are proposed: corrects errors; removes reference to the Highway 99W Capacity Allowance Program because it has been eliminated; clarifies code language and reformats the Commercial Design Review Matrix requirements into a matrix.</p>
38	16.92.020.A.3.b	413	Existing trees may be used to meet the standards of this chapter, as described in C.2. below.	Revises reference to be consistent with similar references in the code.	Existing trees may be used to meet the standards of this chapter, as described in <u>Section 16.92.020.C.2. below.</u>

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
39	16.94.020.A	421-423	Single, two-family and manufactured home on a lot ³ ; Minimum Parking Standard = 1 per dwelling unit ³ If the street on which the house has direct access is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential dwelling unit. (includes single-family detached or attached, two-family dwellings or a manufactured home on an individual lot)	Clarifies intent of footnote 3 by adding a requirement for two (2) off-street parking spaces for single, two-family and manufactured home on a lot if the street on which the house has direct access does not permit on-street parking.	Single, two-family and manufactured home on a lot ³ ; Minimum Parking Standard = 1 per dwelling unit ³ If the street on which the house has direct access <u>does not permit on-street parking</u> or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential dwelling unit. (includes single-family detached or attached, two-family dwellings or a manufactured home on an individual lot).
40	16.102.040.B.2	445	Each portable sign shall be a maximum of six (6) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs shall be sited per Section 16.102.040.	1. Eliminates the use of "shall" per advice of legal counsel. 2. Amends the section to be consistent with the most recent code amendments that allows portable signs within Old Town could be a maximum of (7) square feet as it pertains to an A-frame sign.	Each portable sign <u>shall</u> can be a maximum of <u>seven (7)</u> six (6) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs <u>shall</u> <u>must</u> be sited per Section 16.102.040.
41	16.106.040.C	457	Future Extension Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length shall comply with the Engineering Design Manual. A durable sign shall be installed at the applicant's expense. The sign shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."	1. Eliminates the use of "shall" per advice of legal counsel. 2. Updates code to direct concerned citizens to contact the City of Sherwood Engineering Department as opposed to a general phone number.	Future Extension Where necessary to access or permit future subdivision or development of adjoining land, streets <u>shall</u> <u>must</u> extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length <u>shall</u> <u>must</u> comply with the Engineering Design Manual. A durable sign <u>shall</u> <u>must</u> be installed at the applicant's expense. The sign <u>shall</u> <u>is required to</u> notify the public of the intent to construct future streets. The sign <u>shall</u> <u>must</u> read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202 <u>Engineering Department.</u> "
42	16.106.040.H	460	Buffering of Major Streets Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.	1. Eliminates the use of "shall" per advice of legal counsel. 2. Clarifies code language by adding commas. 3. Corrects the reference from 16.142.030 to 16.142.040.	Buffering of Major Streets Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties <u>shall</u> <u>must</u> be provided, <u>and</u> through and local traffic <u>shall</u> be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040 030 , and all applicable access provisions of Chapter 16.96, <u>shall</u> <u>are to</u> be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.
43	16.120.040.I	470.12	A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome-Standards) or §16.142.020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable	1. Replaces the symbol "\$" with the word "Section". 2. Corrects the reference from Section 16.142.020 to 16.142.030.	A minimum of five percent (5%) open space has been provided per <u>§Section</u> 16.44.B.8 (Townhome-Standards) or <u>§Section</u> 16.142.030 020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable
44	16.120.060.B	470.14	Performance Security The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.	1. Eliminates the use of "shall" per advice of legal counsel. 2. Updates code to more accurately reflect the cost of realizing and administering financial securities. It should be noted that the City does not typically have to pull a bond or other type of financial security on construction projects, but it does happen.	Performance Security The subdivider <u>shall</u> <u>is required to</u> provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred <u>twenty-five</u> percent (125 00 %) of the estimated cost of the improvements.
45	16.134.040.A	470.25	Provided land is not required to be dedicated as per this Section, Greenways, a conditional use permit (CUP) shall be approved before any use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in this Section, Permitted Uses.	1. Revises reference to be consistent with similar references in the code. 2. Corrects a scrivener's error: "conditional use permit" should be capitalized. 3. Eliminates the use of "shall" per advice of legal counsel.	Provided land is not required to be dedicated as per this Section 16.134.030 , Greenways , a Conditional Use Permit (CUP) shall be approved <u>is required</u> before any use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in this Section 16.134.050 , <u>Permitted Uses</u> .
46	16.134.050	470.26	In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or floodplain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per this Section, Greenways:	Revises reference to be consistent with similar references in the code.	In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or floodplain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per this Section 16.134.030 , <u>Greenways</u> .

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
47	16.134.050.C	470.26	Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of this Section, Floodplain Development and Floodplain Structures.	Revises reference to be consistent with similar references in the code.	Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of this Sections <u>16.134.080 and 16.134.090</u> , Floodplain Development and Floodplain Structures .
48	16.134.070.F	470.26	Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by this Section, Permitted Uses, and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment shall not result in any increase to flood levels during the occurrence of the base flood discharge.	1. Revises reference to be consistent with similar references in the code. 2. Eliminates the use of "shall" per advice of legal counsel.	Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by this Section <u>16.134.050</u> , Permitted Uses , and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment shall <u>will</u> not result in any increase to flood levels during the occurrence of the base flood discharge.
49	16.134.080.A.5	470.28	Subdivisions and Partitions All proposed subdivisions or partitions including land within an FP zone shall establish the boundaries of the base flood by survey and shall dedicate said land as per this Section, Greenways. The balance of the land and development shall:	1. Eliminates the use of "shall" per advice of legal counsel. 2. Revises reference to be consistent with similar references in the code.	Subdivisions and Partitions All proposed subdivisions or partitions including land within an FP zone shall <u>must</u> establish the boundaries of the base flood by survey and shall dedicate said land as per this Section <u>16.134.050</u> , Greenways . The balance of the land and development shall <u>must</u> :
50	16.134.090.A.2	470.28	The lowest floor elevation of a structure designed for human occupancy shall be at least one and one-half (1½) feet above the base flood elevation and the building site shall comply with the provisions of subsection A of Floodplain Development.	1. Eliminates the use of "shall" per advice of legal counsel. 2. Revises reference to be consistent with similar references in the code.	The lowest floor elevation of a structure designed for human occupancy shall <u>must</u> be at least one and one-half (1½) feet above the base flood elevation and the building site shall <u>must</u> comply with the provisions of Section 16.134.080.A <u>subsection A of Floodplain Development</u> .
51	16.134.090.D.1.d	470.29	Nonresidential structures that are elevated and not flood proofed, must meet the same standards for space below the lowest floor as per subsection C2 of Floodplain Structures.	1. Corrects a scrivener's error: deletes the comma after "proofed". 2. Revises reference to be consistent with similar references in the code.	Nonresidential structures that are elevated and not flood proofed, must meet the same standards for space below the lowest floor as per s <u>Subsection 16.134.090.C.2</u> of Floodplain Structures .
52	16.134.100.A	470.29	Dimensional standards or developments in the FP zone shall be the same as in the underlying zoning district, except as provided in this Section, Additional Requirements.	1. Eliminates the use of "shall" per advice of legal counsel. 2. Revises reference to be consistent with similar references in the code.	Dimensional standards or developments in the FP zone shall be <u>are</u> the same as in the underlying zoning district, except as provided in this Section <u>16.134.100</u> , Additional Requirements .

Attachment A: Residential Land Use Development Standards Legislative Edits

Section 16.12.030

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at building line ¹⁶ : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ²⁷ (in feet)	30 or 2 stories	30 or 2 stories	30 or 2 stories	30 or 2 stories	35 or 2.5 stories	40 or 3 stories
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ³⁸	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ⁴⁹	20	20	20	14	14	14
• Face of garage	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20

¹⁶ Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

²⁷ Maximum height is the lesser of feet or stories.

³⁸ Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).

⁴⁹ Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.

Attachment B: Sections 16.90.020 and 16.90.030 Legislative Edits

16.90.020 - Site Plan Review

A. Site Plan Review Required

Site Plan review ~~shall be~~ required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, 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~~

For the purposes of Section 16.90.020, the terms "substantial 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 modification.
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 modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.
5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. Exemption to Site Plan Requirement

1. Single and two family uses
2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks;
- ~~3. Major modifications~~
- ~~4. Minor modifications~~

~~(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-011, § 1, 10-4-2011)~~

Editor's note—Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former § 16.90.020, and adding new §§ 16.90.020 and 16.90.030. Former § 16.90.020 pertained to site plan review, and derived from Ord. 86-851; Ord. 91-922; Ord. 98-1053; Ord. 2003-1148; Ord. 2005-009; Ord. 2006-021; Ord. No. 2009-005, adopted June 2, 2009; Ord. No. 2010-05, adopted April 6, 2010; Ord. No. 2010-06, adopted April 6, 2010; and Ord. No. 2010-015, adopted October 5, 2010.

~~16.90.030 – Site Plan Modifications and Revocation~~

~~A. Modifications to Approved Site Plans~~

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

~~a. Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:~~

- ~~(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);~~
- ~~(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;~~
- ~~(3) 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;~~
- ~~(4) 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;~~
- ~~(5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;~~
- ~~(6) A reduction of more than 10 percent of the area reserved for common open space; or~~
- ~~(7) 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 (1)-(2) as determined by the Review Authority.~~

~~b. Approval Criteria. An applicant may request a major modification as follows:~~

- ~~(1) Upon the review authority 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 review authority may require other relevant information, as necessary, to evaluate the request.~~
- ~~(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.~~

~~(4) Notice shall be provided in accordance with Chapter 16.72.020~~

~~(5) The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria.~~

~~2. Minor Modifications to Approved Site Plans~~

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

~~b. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.~~

~~c. 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 review authority may require other relevant information, as necessary, to evaluate the request.~~

~~d. Minor Modification Approval Criteria. The review authority 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 above.~~

~~B. 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.~~

C. Reserved

D. Required Findings

No site plan approval ~~shall~~will be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.
2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
- ~~5. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.~~
- ~~56.~~ For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant ~~shall~~must provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer ~~shall be~~is required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study ~~shall~~must be coordinated with the provider of the affected transportation facility.
- ~~67.~~ The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards ~~shall~~ include the following:
 - a. Primary, front entrances ~~shall be~~are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - b. Buildings ~~shall be~~are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings ~~shall be~~are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding ~~shall be~~are prohibited. Street facing elevations ~~shall~~ have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain ~~shall be~~are required to be installed unless other architectural elements are provided for similar protection, such as an arcade.
 - d. As an alternative to the ~~above~~ standards in Section 16.90.020.D.6.7a—7c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use

development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.7a—7c above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

COMMERCIAL DESIGN REVIEW MATRIX

Design Criteria	Possible Points				
	0	1	2	3	4
Building Design (21 Total Points Possible; Minimum 12 Points Required)					
These standards may be applied to individual buildings or developments with multiple buildings.					
Materials¹	Concrete, artificial materials (artificial or "spray" stucco, etc.)	Cultured stone, brick, stone, decorative patterned masonry, wood	A mixture of at least two (2) materials (i.e. to break up vertical façade)	A mixture of at least three (3) materials (i.e. to break up vertical façade)	A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood
Roof Form²	Flat (no cornice) or single-pitch (no variation)	Distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment	Distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment	--	--
Glazing³	0-20% glazing on street-facing side(s)	>20% glazing on at least one street-facing side (inactive, display or façade windows)	>20% glazing on all street-facing sides (inactive, display or façade windows)	>20% glazing on at least one street-facing side (active glazing - actual windows)	>20% glazing on all street-facing sides (active glazing - actual windows)
Fenestration on street-facing elevation(s)	One distinct "bay" with no vertical building elements	Multiple "bays" with one or more "bay" exceeding 30 feet in width	Vertical building elements with no "bay" exceeding 30 feet in width	Vertical building elements with no "bay" exceeding 20 feet in width	--
Entrance Articulation	No weather protection provided	Weather protection provided via awning, porch, etc.	--	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered
Structure Size⁴ to discourage "big box" style development	Greater than 80,000 square feet	60,000 - 79,999 square feet	40,000 - 59,999 square feet	20,000 - 39,999 square feet	Less than 20,000 square feet

¹ No aluminum or T-111 siding permitted.

² Pictures and/or artistic renderings must be submitted for review by the Planning Commission if metal roofs are proposed.

³ Two (2) points if there is only one street-facing side and it is >20% glazing with inactive windows.

⁴ If multiple buildings are proposed, average the building sizes in the development.

<u>Design Criteria</u>	<u>Possible Points</u>				
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required)					
<u>Location</u> ⁵	Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening)	Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors)	Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner")	--	--
<u>Orientation</u>	Single-building site primary entrance oriented to parking lot	--	Single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area)	--	--
	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot	--	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian	--	--
<u>Secondary Public Entrance</u> ⁶			Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk		
Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					
<u>Location of Parking</u>	Greater than 50 percent of required parking is located between any building and a public street	25-50 percent of required parking is located between any building and a public street	Less than 25 percent of required parking is located between any building and a public street	No parking is located between any building and a public street	--
<u>Loading Areas</u>	Visible from public street and not screened	Visible from public street and screened	Not visible from public street	--	--
<u>Vegetation</u>	At least one "landscaped" island every 13-15 parking spaces in a row	At least one "landscaped" island every 10-12 parking spaces in a row	At least one "landscaped" island every 8-9 parking spaces in a row	At least one "landscaped" island every 6-7 parking spaces in a row	--
<u>Number of Parking Spaces</u> ⁷	>120%	101-120%	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	--
<u>Parking Surface</u>	Impervious	Some pervious paving (10-25%)	Partially pervious paving (26-50%)	Mostly pervious paving (>50%)	--

⁵ If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.

⁶ If primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance.

⁷ Percent of minimum required.

<u>Design Criteria</u>	<u>Possible Points</u>				
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Landscaping (24 Total Point Possible; Minimum 14 Points Required)					
<u>Tree Retention</u> ⁸	<u>Less than 50% of existing trees on-site retained</u>	<u>51-60% of existing trees on-site retained</u>	<u>61-70% of existing trees on-site retained</u>	<u>71-80% of existing trees on-site retained</u>	<u>81-100% of existing trees on-site retained</u>
<u>Mitigation Trees</u> ⁹	<u>Trees mitigated off-site or fee-in-lieu</u>	<u>25-50% of trees mitigated on-site</u>	<u>51-75% of trees mitigated on-site</u>	<u>76-100% of trees mitigated on-site</u>	--
<u>Landscaping Trees</u> ¹⁰	<u>Less than one tree for every 500 square feet of landscaping</u>	<u>1 tree for every 500 square feet of landscaping</u>	<u>2 trees for every 500 square feet of landscaping</u>	<u>3 trees for every 500 square feet of landscaping</u>	<u>4 trees for every 500 square feet of landscaping</u>
<u>Landscaped Areas</u>	<u>Greater than 35% of landscaped areas are less than 100 square feet in size</u>	<u>Less than 25% of landscaped areas are less than 100 square feet in size</u>	<u>No landscaped areas are less than 100 square feet in size</u>	--	--
<u>Landscaping Trees greater than 3-inch Caliper</u>	<u><25%</u>	<u>25-50%</u>	<u>>50%</u>	--	--
<u>Amount of Grass</u> ^{11,12}	<u>>75% of landscaped areas</u>	<u>50-75% of landscaped areas</u>	<u>25-49% of landscaped areas</u>	<u><25% of landscaped areas</u>	--
<u>Total Amount of Site Landscaping</u> ¹³	<u><10% of gross site</u>	<u>10-15% of gross site</u>	<u>16-20% of gross site</u>	<u>21-25% of gross site</u>	<u>>25% of gross site</u>
<u>Automatic Irrigation</u>	<u>No</u>	<u>Partial</u>	<u>Yes</u>	--	--
Miscellaneous (10 Total Points Possible; Minimum 5 Points Required)					
<u>Equipment Screening (roof)</u>	<u>Equipment not screened</u>	<u>Equipment partially screened</u>	<u>Equipment fully screened</u>	<u>Equipment fully screened by materials matching building architecture/finish</u>	--
<u>Fences and Walls</u> ¹⁴	<u>Standard fencing and wall materials (i.e. wood fences, CMU walls, etc.)</u>	--	<u>Fencing and wall materials match building materials</u>	--	--
<u>On-Site Pedestrian Amenities Not Adjacent to Building Entrances</u>	<u>No</u>	<u>Yes; 1 per building</u>	<u>Yes; more than 1 per building</u>	--	--
<u>Open Space Provided for Public Use</u>	<u>No</u>	<u>Yes; <500 square feet</u>	<u>Yes; 500-1,000 square feet</u>	<u>Yes; >1,000 square feet</u>	--
<u>Green Building Certification</u>				<u>LEED, Earth Advantage, etc. (Bonus)</u>	

~~(1) Building Design (21 Total Points Possible, Minimum 12 Points Required). Note: These standards may be applied to individual buildings or developments with multiple buildings.~~

~~(a) Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative patterned masonry, wood = 1; a mixture of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a~~

⁸ Based on tree inventory submitted with development application).

⁹ When no mitigation is required, the project receives zero points.

¹⁰ In addition to mitigated trees on-site, does not include Water Quality Facility Plantings.

¹¹ Shrubs and drought resistant ground cover are better.

¹² Schools automatically receive the full 3 points and are not penalized for amount of grass.

¹³ Includes visual corridor.

¹⁴ Including retaining walls.

- mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative-patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.
- (b) ~~Roof Form: Flat (no cornice) or single-pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.~~
- (c) ~~Glazing: 0—20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing—actual windows) = 3; >20% glazing on all street-facing sides (active glazing—actual windows) = 4.~~
- (d) ~~Fenestration (on street-facing elevation(s): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.~~
- (e) ~~Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered = 4.~~
- (f) ~~Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000—79,999 square feet = 1; 40,000 = 59,999 square feet = 2; 20,000—39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)~~
- (2) ~~Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required):~~
- (a) ~~Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.~~
- (b) ~~Orientation: Single building site primary entrance oriented to parking lot = 0; single building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.~~
- (c) ~~Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).~~
- (3) ~~Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required):~~
- (a) ~~Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.~~
- (b) ~~Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.~~
- (c) ~~Vegetation: At least one "landscaped" island every 13—15 parking spaces in a row = 0; at least one landscaped "island" every 10—12 parking spaces in a row = 1; at least one landscaped "island" every 8—9 parking spaces in a row = 2; at least one landscaped island every 6—7 parking spaces in a row = 3.~~
- (d) ~~Number of Parking Spaces (% of minimum required): >120% = 0; 101—120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.~~
- (e) ~~Parking surface: Impervious = 0; some pervious paving (10—25%) = 1; partially pervious (26—50%) = 2; mostly pervious (>50%) = 3.~~
- (4) ~~Landscaping (24 Total Points Possible, Minimum 14 Points Required):~~

- ~~(a) Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51—60% of existing trees on-site retained = 1; 61—70% of existing trees on-site retained = 2; 71—80% of existing trees on-site retained = 3; 81—100% of existing trees on-site retained = 4.~~
 - ~~(b) Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25—50% of trees mitigated on-site = 1; 51—75% of trees mitigated on-site = 2; 76—100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.~~
 - ~~(c) Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.~~
 - ~~(d) Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.~~
 - ~~(e) Landscaping trees greater than 3" caliper: <25% = 0; 25—50% = 1; >50% = 2.~~
 - ~~(f) Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50—75% of landscaped areas = 1; 25—49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.~~
 - ~~(g) Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10—15% of gross site = 1; 16—20% of gross site = 2; 21—25% of gross site = 3; >25% of gross site = 4.~~
 - ~~(h) Automatic Irrigation: No = 0; partial = 1; yes = 2.~~
 - ~~(5) Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).~~
 - ~~(a) Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.~~
 - ~~(b) Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.~~
 - ~~(c) On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building) = 2.~~
 - ~~(d) Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500—1,000 square feet) = 2; yes (>1,000 square feet) = 3.~~
 - ~~(e) Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.~~
 - e. As an alternative to the ~~above~~ standards in Sections 16.90.020.D.6.7a—7c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
 - f. As an alternative to the ~~above~~ standards in Sections 16.90.020.D.6.7a.—7e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.
- 7.8. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards ~~shall~~ include the following:
- a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) ~~must~~shall meet any four of the following six design criteria:
 - (1) A minimum 15% window glazing for all frontages facing an arterial or collector.
 - (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).
 - (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).
 - (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.
 - (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If ~~the a~~ loading area ~~are is~~ visible from an arterial or collector, ~~they it~~ must be screened with vegetation or a screen made of materials matching the building materials.
 - (6) All roof-mounted equipment is screened with materials complimentary to the building design materials.
 - b. As an alternative to Section 16.90.020.D.7.8.a ~~above~~, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):
 - (1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.

- (2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.
- (3) Support the City's goals of economic development.
- (4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020, ~~D.74.H.~~
- (5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.
- (6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.
- (7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

E. Approvals

The application ~~shall be~~ reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action ~~must~~ include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

F. Time Limits

Site plan approvals ~~shall be~~ void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. ~~For~~ site plan approvals granted on or after January 1, 2007 through December 31, 2009, the approval ~~shall be~~ extended until December 31, 2013.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-011, § 1, 10-4-2011)

Editor's note— Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former § 16.90.020, and adding new §§ 16.90.020 and 16.90.030. Former § 16.90.020 pertained to site plan review, and derived from Ord. 86-851; Ord. 91-922; Ord. 98-1053; Ord. 2003-1148; Ord. 2005-009; Ord. 2006-021; Ord. No. 2009-005, adopted June 2, 2009; Ord. No. 2010-05, adopted April 6, 2010; Ord. No. 2010-06, adopted April 6, 2010; and Ord. No. 2010-015, adopted October 5, 2010.

16.90.030 - Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

- a. Defined. A major modification review is required if one or more of the changes listed below are proposed:
 - (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);
 - (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
 - (3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
 - (4) 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;
 - (5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;
 - (6) A reduction of more than ten (10) percent of the area reserved for common open space; or
 - (7) 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 identified in Section 16.90.030.A.1.a.(1)-(2) as determined by the Review Authority.
- b. Approval Criteria. An applicant may request a major modification as follows:
 - (1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.
 - (2) The application is 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 Type II project is reviewed using a Type III procedure.
 - (3) The scope of review is 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 requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.
 - (4) Notice must be provided in accordance with Chapter 16.72.020
 - (5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

2. Minor Modifications to Approved Site Plans

- a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification.
- b. Minor Modification Review Procedure. An application for approval of a minor modification is reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications involve only clear and objective code standards.
- c. Minor Modification Applications. An application for minor modification must 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 review authority may require other relevant information, as necessary, to evaluate the request.
- d. Minor Modification Approval Criteria. The review authority approves, denies, or approves 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.

B. Revocation

Any departure from an approved plan is 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, will be revoked.

Connie Randall

From: Bob Galati
Sent: Tuesday, December 02, 2014 11:57 AM
To: Connie Randall; Bradley Kilby
Subject: Final Comment on Code Change Language

Brad & Connie,

I have reviewed the proposed code change with DKs and have concluded that the change will not present any impacts to the existing City transportation system or the way the City analyses future transportation impacts.

Robert J. Galati, PE

City Engineer

Ph: 503-925-2303

Email: galatib@sherwoodoregon.gov

City of Sherwood, Oregon
Planning Commission
December 9, 2014

Planning Commission Members Present: Staff Present:

Chair Jean Simson

Commissioner John Clifford

Commissioner Russell Griffin

Commissioner Lisa Walker

Julia Hajduk, Community Development Director

Bob Galati, Civil Engineer

Brad Kilby, Planning Manager

Connie Randall, Associate Planner

Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent:

Vice Chair James Copfer

Commissioner Beth Cooke

Commissioner Sally Robinson

Council Members Present:

None

Legal Counsel:

Chris Crean

1. Call to Order/Roll Call

Chair Jean Simson called the meeting to order at 7:04 pm.

2. Consent Agenda

Commissioner Lisa Walker asked about approving the minutes for commission members that were not present. With four commission members present there would not be a quorum to approve the Consent Agenda if any members abstained from voting. The following motion was received.

Motion: From Commissioner Russell Griffin to hold the Consent Agenda to the next meeting, Seconded by Commissioner John Clifford. All present Planning Commissioners voted in favor (Vice Chair Copfer and Commissioners Cooke and Robinson were absent).

3. Council Liaison Announcements

There were none

4. Staff Announcements

Brad Kilby, Planning Manager, spoke of the Boards and Commissions dinner held the previous week. He said the City was accepting applications for a Planning Commission vacancy coming in January with a deadline of December 19, 2014. Resolutions for appointment would go to the City council at the first of the year. (Note: the deadline for Planning Commission applications was extended to December 31, 2014.)

Brad commented that a resolution to form the Community Advisory Committee and the Technical Advisory Committee for the Sherwood West project would go before council on December 16, 2014 and

said there was a call for people interested in being on the Community Advisory Committee. For public outreach a letter was sent to property owners in the Sherwood West area (available online) and an article was placed in the December Gazette.

For more information see the city website at www.sherwoodoregon.gov/sherwoodwest.

Brad informed the Planning Commission of upcoming public hearings in January 2015 and said there would be no Planning Commission meeting on December 23, 2014.

Chair Simson asked if there was an update for traffic calming on Lynnly Way and the process for citizens to address traffic issues within the city. Julia Hajduk, Community Development Director, replied that the city receives complaints through the Community Development Department and the Police Department. She said the result might be increased enforcement, and in the case of Lynnly Way additional stop signs were placed. Julia advised that there was no funding for neighborhood traffic calming and she was hoping funding for a program could be allocated in the next budget cycle. She thanked citizens who continued to come to Planning Commission and City Council meetings to keep the issue “on the radar” until a long term solution is in place. Discussion followed.

5. Community Comments

Eugene Stewart, Sherwood business owner, commented about the traffic going through Sherwood which he said neither the transportation system plans for the city, county nor the state addressed. He said he traveled 99W a lot and he felt that a bypass needed to be on the front burner for the city. Mr. Stewart commented on development and traffic that slowed down the commute. He said that Sherwood West would add to traffic and pointed out the changes in traffic control devices over the years. Mr. Stewart added that TriMet busses did not have adequate space to stop out of traffic and commented on mass transit. He suggested that traffic increases should be monitored on a regular basis and said part of the traffic issues stem from people working outside of Sherwood. Mr. Stewart asked why the city could not assist businesses in coming to the city and used Two Kilts Brewery as an example.

Robert James Claus, Sherwood resident, commented on the upcoming changes in the City Council. He said he talked to the Secretary of State’s office and commented on the removal from the city charter regarding the ability for Council members to talk to a staff instead of going through the city manager. Mr. Claus commented on undue influence and alluded to a pattern of such. He commented on prosecutorial discretion, saying it was a felony.

Mr. Claus stated case law of Amber Realty vs. Euclid, spoke of zoning and takings which led into comments about overreaching police powers and Ferguson, Missouri. He commented on free speech in Sherwood and said it has been systematically shut down. Mr. Claus asserted that if zoning was given in one instance it should be granted in another. He suggested the Planning Commission had violated the 14th amendment and had a chance straighten it out.

Tim Voorhies, Sherwood property and business owner of Steeltek, said he wanted a two way conversation with staff and the Commission. He said he saw a public notice at the US Post Office for code changes for Industrial properties. He asked how long staff had been working on the code changes. Chair Simson responded that there was a work session on September 9, 2014. Mr. Voorhies commented

that there were around one hundred industrial properties in the city, his research indicated that only one other industrial property was aware of the code change and that it was common courtesy to send a notice to each of those properties. He said it was wrong that there was no public notification to the people being affected. Mr. Voorhies suggested that the room would be packed by the other industrial property owners if they knew what was going on. Chair Simson said Mr. Voorhies' comments belong on another agenda item and asked him to make his comments after the staff report.

Mr. Voorhies said he was talking about public notices and property owners deserve the courtesy of a notice by letter, not by posting it in different locations. He suggested that the change in City Council members would bring honor back to the city. Chair Simson directed staff to address Mr. Voorhies' comments regarding public notice in the staff report.

With no other community comments, Chair Simson turned to new business.

7. New Business

a. Public Hearing – PA 14-02 Sherwood Zoning and Community Development Code Update

Chair Simson read the public hearing statement and reminded that the Planning Commission would be forwarding a recommendation to City Council which would give another opportunity to provide testimony. PA 14-02 was a City initiated legislative amendment.

Connie Randall, Associate Planner, gave a presentation (see record, Exhibit 1) and said the amendment to the Sherwood Zoning and Community Development Code seeks to correct errors, increase consistency between sections of the code, consolidate definitions, and clarify code language. She said there were two substantive changes to the code.

Connie reviewed that the first substantive change was to Chapter 16.31 which proposed to remove the requirement to obtain a Conditional Use Permit for incidental retail sales in the Light and General Industrial zones. The effect would be to treat Light Industrial (LI) and General Industrial (GI) zoned properties the same as properties zoned Employment Industrial.

Connie described the second substantive change as a change to Chapter 16.120 which proposed to increase the amount of monetary assurance of full and faithful performance, to those seeking to develop land, from 100% to 125% of the estimated cost of improvements.

Note: These items are described in more depth later in the staff report.

Connie reminded that the Planning Commission had held three work sessions regarding the code amendments:

- April 8, 2014 – Potential code amendments were part of a number of topics open for comment from the public.
- September 9, 2014 – Staff organized comments heard from the April 8th work session and comments gathered by staff from applicants, phone inquiries, and staff review.
- October 28, 2014 – Amendments were clarified and prioritized. Language was reviewed again and staff received direction from the Planning Commission and comments from the City Attorney.

Connie recounted that public notices were posted in five locations and online November 18, 2014, an article was placed in the November/December issue of the Sherwood Archer, and a public notice was published in The Times on November 27, 2014 and December 4, 2014 and in the December 2014 edition of the Sherwood Gazette. She said this was a Type V application and all noticing requirements were met. Connie informed the Commission that a notice to the Department of Land Conservation and Development (DLCD) was sent on November 4, 2014 and Agency Notice to surrounding and affected agencies was sent on November 17, 2014.

Connie reported that staff had received comments from Oregon Department of Transportation (ODOT) and the DLCD asking if the Transportation Planning Rule (TPR) consistency would be addressed. No public comments were received.

Connie explained that two findings were required for text amendments:

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.

16.80.030.C – Transportation Planning Rule Consistency

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

Connie explained that the proposal sought to amend chapters of Volume 3 of the Zoning and Community Development Code of the Comprehensive Plan and did not include changes to the goals or policies. She said there were no additional standards other than ensuring that the language is consistent with the existing Comprehensive Plan and applicable rules.

Connie summarized that there was a table in the packet containing the proposed text amendments, as Exhibit A, containing 52 items or changes. Each table item listed the item and an explanation of what had been proposed and why. She reiterated that there were two substantive changes with the remainder being administrative updates intended to correct scrivener's, formatting, and citation errors. Connie said the changes would consolidate definitions and provide clarity to the code. For example in a few instances the code refers to sections that do not exist or have been renumbered through previous amendments. Connie disclosed that in a prior edit the publisher inadvertently inserted section 16.90.30 between section 16.90.20.B and 16.90.20.C which had caused a lot of confusion.

Connie added that where possible the word "shall" was eliminated and code language was written in a more direct and active voice as suggested by the city attorney during the October 28, 2014 work session; an action supported by the Commission.

Connie said some changes had been made to the proposed amendments since the October 28, 2014 work session and referred to a memo provided to the Commission (see record, Exhibit 2). She discussed

the elimination of Item 3 from the proposed edits as it would put a duplicate definition for “Diameter at Breast Height” in the code and the consolidation of Items 33-34 and Items 39-41. Connie explained that the verbiage remained the same, but the modifications resulted in a change in the item numbers from previous work session packets.

Connie pointed to Item 37 on page 63 in the packet and said the verbiage should read “yes; 500-1000 square feet” in the row titled Open Space Provided for Public Use. She pointed to Item 39 on page 56, and said there should be a period on the end of footnote 3.

Connie moved to Item 10 on page 49 of the packet. She explained that this was Section 16.31.20 or the use table for industrial zones and said “that incidental sales or display showrooms associated with a permitted use and limited to a maximum of 10% of the total floor of the business” were a conditional use item in the Light Industrial and General Industrial zones. She indicated that the proposal was to change incidental sales to a permitted use and to eliminate the requirement for a Conditional Use Permit; treating the properties that are zoned Light Industrial and General Industrial the same as the Employment Industrial zoned properties. Connie said there was a footnote that limited the size to 5000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project. This is consistent with metro’s Urban Growth Management Functional Plan Section 3.07.430 which allows for incidental retail as long as it is restricted in the current manner.

Commissioner Griffin repeated the requirements for clarification and commented that the use would now be permitted outright for Light and General Industrial. Connie confirmed and clarified that the limit was 10% or 5000 square feet, whichever is less. Chair Simson added that the current chart used to be a narrative, and before it was changed to a chart the retail sales had been allowed. Connie confirmed that prior to 2012 incidental retail sales with limitations were allowed in the LI and GI zones and this amendment restored the property rights prior to 2012. Connie added that regarding the Transportation Planning Rule the Engineering Department reviewed and determined that there would not be an increase in the amount of incidental retail sales because it would be currently permitted through a conditional use permit and would not significantly impact transportation facilities (see Planning Commission Packet, Exhibit B).

Connie described the second substantial change as, Item 44, Section 16.134.010.A in the Subdivisions section, dealing with the performance security. She stated the amount that the city would recover from a performance bond would change from 100% to 125%. Connie reported that it was very rare that the City has to pull a performance bond, but in the instance that it must there were administrative costs that are not recovered; when a developer does not complete a project and the City has to complete a project there is an additional burden to the city and the taxpayers that is not recovered. She explained that a previous amendment changed section 16.108.020.D.2 (also dealing with performance bonds) to the 125% performance bond so the change was also cleaning up inconsistencies in the code.

Chris Crean, City Attorney added that if the project is a public improvement, the City has to pay prevailing wage and go through a public contracting process, and the cost to the city for the same improvement would be higher; another justification to go to 125%.

Connie concluded by stating that based on findings of fact in the staff report and presentation in the Public Hearing, and the conclusion of law based on the applicable criteria, staff recommended the Planning Commission forward a recommendation of approval of PA 14-02 to the City Council.

Chair Simson commented that in the open house work session held in April 2014, the code amendments were not as popular a topic as medical marijuana and Old Town standards. She said there were comments made about how the code needed improved and many of those where substantive changes where the public wanted the Planning Commission to change or improve a process.

Chair Simson indicated that staff recognized seventy nine code errors which were brought to the Planning Commission on September 9, 2014. She explained that the Commission decided that was too many changes for the citizens to look at so it was split into three chunks. The first chunk was to address scrivener's errors and inconsistencies within the code that were causing trouble with staff and the two substantive changes as discussed by staff. Chair Simson disclosed that there are more changes that will occur such as the process for a land use in Old Town so the right thing can be done more easily. She expressed an expectation that more people would attend the hearings for more substantive code changes and said Staff had gone above and beyond for noticing as the Planning Commission had asked staff to publicize the proposal as much as possible.

Brad commented on Mr. Voorhies' assertion that every industrial property should be sent a letter and declared that none of the uses allowed currently were changed or further restricted; in fact the restrictions were reduced. He said there was no requirement to provide a Ballot Measure 56 notice, which would have required a notice to each individual property owner, but because the changes were minor scrivener's errors and changes intended to make the code more consistent, they did not send letters to individual property owners. Brad informed that when we get into the next phase and there is more policy related content that affects property owner's ability to do things on their property, the City will be required to provide Ballot Measure 56 notice to individual property owners affected by the regulations. He reminded that it is a great cost to the City and the taxpayers, so when it is required, it will be done. Brad commented that notice was provided in accordance with state law and over above what is required by state law in Sherwood.

Chair Simson asked if there were additional questions on the process. None were received.

Chair Simson asked for questions from commission members.

Commissioner Griffin asked if the 125% bond insurance had been in place for a while, adding that 25% sounded expensive. Brad responded that it was common practice in other jurisdictions and was not specific to Sherwood. He reminded that a project may take place over a couple of years and the cost of materials, administration, and labor could go up and governments have to pay prevailing wages so the cost of the City doing development can be significantly more than a private developer and the 25% increase is intended to capture those additional costs.

Chris Crean added that it also matches Sherwood up with other jurisdictions across the metropolitan area so developers who build in multiple jurisdictions will face similar regulations in multiple places. To extend uniformity is a benefit as well.

Commissioner Griffin turned to page 47, 2b, Section 16.50.010.A. He asked what it meant to strike out the verbiage with red and replace it with “reserved”.

Connie responded that it was a place holder and there will not be a section 16.50.010.A; rather than renumbering all of the code, it holds the spot open.

Commissioner Griffin turned to page 51, 16g, Section 16.10.020, and read the definition “Hedges: a line of closely spaced vegetation specifically planted and trained ...” and asked if the word “trained” was correct. Commissioner Clifford (a landscape architect) responded that training was an acceptable definition. Connie pointed out that it was not new language being proposed, but the current language in Section 16.58.20.B and staff was consolidating the definition into the definition section.

Commissioner Griffin turned to page 61, the Design Review Matrix. Chair Simson pointed out that the chart was created from the existing language. Commissioner Griffin commented that it was much easier to understand and under the Building Design it listed 21 points possible with a minimum of 12 points required. He gave examples of reducing the glazing as part of the design and increasing in another area of the matrix or deciding not to screen the roof and asked if that was what the City wanted. Connie responded that the matrix did not change the current system and only changed from in-line text to the matrix format. Brad added that this came up in the Sherwood Industrial Park II hearings where the applicant was not meeting all the standards and said there was an option that if the applicant did not meet all the standards they could come before the Planning Commission for an architectural review. Brad said if they choose to go through the standard approval process they have to meet a certain number of points. Discussion followed. Connie reminded the Commission that now that the code language was easier to read and the implications more understandable the standards may need to be reviewed regarding the kind of development the citizens wanted and to propose changes. She stated that staff had not proposed any changes, but tried to make easier to understand what the code required.

Chair Simson turned to page 66, Section F, Time Limits and asked about the verbiage for site plan approvals between 2007 and 2009 that received an extension to December 31, 2013 and asked if it should be removed or remain. Connie replied that the code is written in the active voice and there could be a case to leave the historical reference in the code. She suggested that it could be changed from “are extended” to “were extended”, but if so it would be only time in code where past tense is used; staff’s intent was to keep the code and not make the change. Chris Crean suggested the verbiage be “A site plan approval granted on or after January 1, 2007 through December 31, 2009 is extended until December 31, 2013.” Discussion followed and the Planning Commission accepted the suggestion by Mr. Crean.

Commissioner Griffin pointed out formatting issues on page 66 for percentages in Section 16.90.030.A.1.a., staff was directed to use the format of *ten (10)*.

Commissioner Griffin turned to page 67 and asked if the equivalent acknowledgement of a Clean Water Services provider letter could be an email. Brad responded that it could be an email or an official letter on letterhead.

With no other questions for the Commission, Chair Simson asked for public testimony.

Eugene Stewart commented that the Planning Manger's explanation helped with the confusion about notices, but it was his understanding that with any changes made to the text of the code the affected property owners had to be notified. He said the notice said it affected the whole city. Mr. Stewart agreed that it would cost a lot of money to send notices out, but it seemed like there should have been a notice. He questioned how Goal 1 was met, said maybe he was reading it wrong, but it seemed like the Commission needed to sit down and have a session on this open to the public. Mr. Stewart said he and the Planning Manager disagree on Goal 1, but the Planning Commission was not doing what the Planning Manager points to for Goal 1. Mr. Stewart asked why the citizens' involvement plan was continually ignored, said it should be written down someplace, and we should see if it is being done.

Mr. Stewart commented that the Planning Commission did not understand why the public did not get involved and answered that it was because of the way it is done. He said a person is given four minutes to speak, but might have a twenty page outline to discuss and the Commission might glance at it and push it aside. Mr. Stewart suggested that the Planning Commission needed to take public opinions into the process before a formal hearing and receive comments from the general public during a work session. He expressed confusion that the decision was made during the work session, because he thought the Commission was not supposed to make a decision until the public hearing. Mr. Stewart commented that the Commission is not supposed to talk to people before the meeting, and asserted that it did not work to have the public talk to the Planning Commission for four minutes. He said the time needed to be expanded, especially when there are good thoughts to present and added that the public needed feedback from the Planning Commission on what their thoughts were. Mr. Stewart commented about having a hearing in one of the busiest seasons of the year and suggested avoiding December. Mr. Stewart commented that Goal 1 says there is supposed to be a committee for citizens involvement and he would like to see the minutes of those meetings that are supposed to be held once a year. He did not think there had been a meeting held which has been required by state law for 40 years. Mr. Stewart maintained that if the City looked at its citizen involvement, there would be more participation.

Tim Voorhies, Sherwood property and business owner of Steeltex Industries, said it was interesting that Connie said that two public agencies commented and no citizens. He said he took that as fact that there was no public notification on it, because the people that I talked to were very concerned about what was going on with it, but they said the city was going to do what the city was going to do and our voice does not matter. Mr. Voorhies remembered a conversation with one of the city's staff, under a previous mayor's regime, who said "Tim, you don't understand the public process, all the decisions are made prior to any public meeting. If you don't like it, move your shop out of town". Mr. Voorhies commented that the bare minimums for the public notifications was met and said they fought hard to get the 1000 foot radius for zoning changes and annexation notifications and that was why he fought against Brookman. Mr. Voorhies explained that he was not notified, but was within the 1000 feet, but staff said they followed state rules because the property was not within the city limits yet so they did not notify out to 1000 feet.

Mr. Voorhies communicated that he did not trust the city one bit. He added that he did not know if this was the proper place to mention it, but the City was going to have a devil of a time passing any more housing to be annexed into this city from what he has heard around town. We don't want to get bigger. Mr. Voorhies asked if Sherwood West was being annexed to keep work ahead of staff and to keep the cash flow coming in. He enquired about spending the money ahead of getting the area annexed in and suggested annexation prior to planning as to not waste the money planning for something that probably will never get voted in to the city.

Mr. Voorhies commented that it was no surprise that more people were not present, because it is like hitting your head against the wall. He gave an example of when the Planning Commission did a great job on the cannery site, because the Commission listened to the public, but City Council threw the Commission under the bus. He said it took him back to the comment that all decisions were made prior to any public meetings. Mr. Voorhies asked the Commission if staff was leading them down the path that they wanted to travel, that he did not know, but he did not trust them.

Robert James Claus, Sherwood resident, commented regarding Chair Simson's remark about the most exciting topic being marijuana and said the Planning Commission did not understand why the public was unresponsive. He spoke about the annexation and mayoral elections. Mr. Claus commented that the process stinks and said the Planning Commission did not know what the words procedural due process meant. He alluded to the city attorney's experience and commented about putting in a pipeline, annexing 1000 acres, and putting in a junk apartment behind the scenes. He commented on councilman stating that it was not Walmart and without a response from the Planning Commission.

Mr. Claus said he was the only person in the room that has had the US Supreme Court talk about a code he wrote and said he could not work with staff because of their arrogance. He said Mr. Crean declined to accept his help before billboards were placed in the city and that was how the city got billboards.

Mr. Claus commented that it did not make a difference what was said to the Planning Commission that follows a fee driven staff because there is not enough money to pay them. He said the Planning Commission would go with a City Council that thinks they can keep stealing from the landowners every time they turn around and pay for something that we don't want.

Mr. Claus spoke of the Langer Farms development, questioned design standards, and commented that there were not any design standards. He repeated that people were not in attendance and suggested that it was because it did not make a difference. He said he did not care about medical marijuana and the Planning Commission was wrecking the city step by step. Mr. Claus spoke of police powers and asked the Commission to continue for two weeks for the new City Council. He said the Cannery Apartments were embarrassing with three quarters of a parking space and fifty units to the acre because someone wanted to turn this into downtown Portland.

Chair Simson called for a recess at 8:22 pm and reconvened at 8:26 pm.

Chair Simson asked for comments from staff regarding issues raised by public testimony.

Brad Kilby, Planning Manager, responded that the application was a legislative process and not a quasi-judicial process and the Planning Commission was not obliged to leave the record open. He noted that the matter would go before the newly seated City Council for those who expressed concerns. Brad reminded that there were not any substantive changes that caused him concern and said he did not hear any testimony applicable to the proposed amendments that he could respond to. Julia Hajduk, Community Development Director, added that the code update would be heard at the January 20th meeting and the recommendation should be forwarded to that City Council meeting.

Chair Simson indicated that the only comment she heard addressing the code amendments before the Commission were concerned with notification requirements which both the person testifying and staff showed that the minimums were met; it was posted in all the regular locations and there have been many work sessions and opportunities for people to see and read about.

Chair Simson asked for the Commission's desire regarding PA 14-02. Commissioner Walker commented that the matter did not need to be left open, the commission has been working on it for a long time, and there was nothing substantial enough in this phase. Commissioner Clifford agreed, said he had attended most of the meetings, and that the Commission had gone through the amendment line by line to clarify all of the terminology.

Chair Simson closed the public hearing and the following motion was received.

Motion: From Commissioner Lisa Walker to forward a recommendation of approval to the City Council for PA 14-02, Sherwood Zoning and Community Development Code Update, based on the applicant's testimony, public testimony received and analysis, finding and conditions in the Staff Report with the proposed minor modifications discussed this evening. Seconded by Commissioner Russell Griffin. All present Planning Commissioners voted in favor (Vice Chair Copfer and Commissioners Cooke and Robinson were absent).

8. Planning Commissioner Announcements

Commissioner Walker asked about the Planning Commission position held by Sally Robinson. Brad Kilby replied that applications for Commissioner Robinson's position were being accepted and Commissioner Clifford's position would be open in March 2015. Brad indicated that staff may keep applications received for this recruitment and ask for Planning Commission applications for a shorter timeframe for the open seat in March. He encouraged anyone wanting to be part of the process to get involved and committed to contacting an applicant from the previous round of recruiting to see if he was still interested.

9. Adjourn

Chair Simson adjourned the meeting at 8:33 pm.

Submitted by:

Kirsten Allen

Kirsten Allen

Planning Department Program Coordinator

Approval Date: January 13, 2015



ORDINANCE 2015-003

AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS I, II, III, IV, V, VI, VII, AND VIII

WHEREAS, it is necessary for the City to continually update the development code to ensure that it is clear, consistent, and current; and

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

WHEREAS, the amendments seek to correct errors, increase consistency, consolidate definitions, clarify code language, and make two minor substantive changes; and

WHEREAS, the two minor substantive changes specifically seek to remove the Conditional Use Permit requirement for incidental retail sales in the Light Industrial (LI) and General Industrial (GI) zoning districts in Chapter 16.31 and to increase the amount of performance security associated with the construction of public improvements in Chapter 16.120; and

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

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on December 9, 2014, and

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

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in Exhibit 1 of the City Council Staff Report; and

WHEREAS, the attached Exhibit A reflects the code amendments; and

WHEREAS, the City Council held public hearings on March 3, 2015 and March 17, 2015 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

Section 1. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts

the findings of fact contained in the Planning Commission recommendation finding that the text of the Sherwood Zoning and Community Development Code shall be amended as documented in Exhibit A.

Section 2. Approval. The proposed amendments for Plan Amendment (PA) 14-02 identified in Exhibit A is hereby **APPROVED**.

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

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

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

Duly passed by the City Council this 17th day of March 2015.

Krisanna Clark, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Cooke	_____	_____
Harris	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Robinson	_____	_____
Clark	_____	_____

EXHIBIT A
PA 14-02 Code Amendments

Item 1 **Section 16.06.020.C** **Page 269**

A majority of members of the Commission ~~shall~~ constitutes a quorum. A majority vote of ~~those members, not less than~~ a quorum, present at an open meeting of the Commission ~~is~~ shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

Item 2a **Section 16.10.020** **Page 272**

Accessory Building/Use: A structure that is incidental and subordinate to the main use of property, is located on the same lot as the main use, and is freestanding or is joined to the primary structure solely by non-habitable space as defined by the State Building Code. ~~A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.~~

Accessory Use: A use or activity that is subordinate and incidental to the primary use of the property. A property may have more than one accessory use.

Item 2b **Section 16.50.010.A** **Page 362**

Reserved Definition

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

Item 3 **Section 16.10.020** **Page 277**

Historic Resource: A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

- A.** **Object:** A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g., statue, fountain, milepost, monument, sign, etc.
- AB.** **Site:** The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.
- BC.** **District:** A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g., downtown, residential, neighborhood, military reservation, ranch complex, etc.
- CD.** **Primary, Secondary, & Contributing:** Historic ranking in descending order based on four scoring criteria for surveyed properties — historical, architectural, use considerations, and physical and site characteristics.

Item 4 **Section 16.10.020** **Page 282**

Right-of-Way: An interest in real property typically acquired by reservation, dedication, prescription, or condemnation and intended for the placement of transportation and utility facilities

and infrastructure or similar public use.~~The area between boundary lines of a street or other easement.~~

Item 5

Section 16.10.020

Page 283

Solid Waste Facility:

- A. Conditionally Exempt Small Quantity Collection Facility:** A facility that receives, sorts, temporarily stores, controls, and processes for safe transport hazardous waste from conditionally exempt generators, as that term is defined in ORS 465.003.
- B. Demolition Landfill:** A land disposal site for receiving, sorting and disposing only land clearing debris, including vegetation and dirt, building construction and demolition debris and inert materials, and similar substances.
- C. Household Hazardous Waste Depot:** A facility for receiving, sorting, processing and temporarily storing household hazardous waste and for preparing that waste for safe transport to facilities authorized to receive, process, or dispose of such materials pursuant to federal or state law.
- D. Limited Purpose Landfill:** A land disposal site for the receiving, sorting and disposing of solid waste material, including but not limited to asbestos, treated petroleum, contaminated soil, construction, land clearing and demolition debris, wood, treated sludge from industrial processes, or other special waste material other than unseparated municipal solid waste.
- E. Resource Recovery Facility:** A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.
- F. Mixed Construction and Demolition Debris Recycling Facility:** A facility that receives, temporarily stores, processes, and recovers recyclable material from mixed construction and demolition debris for reuse, sale, or further processing.
- G. Solid Waste Composting Facility :** A facility that receives, temporarily stores and processes solid waste by decomposing the organic portions of the waste by biological means to produce useful products, including, but not limited to, compost, mulch and soil amendments.
- H. Monofill:** A land disposal site for receiving, sorting and disposing only one type of solid waste material or class of solid waste materials for burial, such as a facility which accepts only asbestos.
- I. Municipal Solid Waste Depot:** A facility where sealed containers are received, stored up to seventy two (72) hours, staged, and/or transferred from one mode of transportation to another.
- J. Small Scale Specialized Incinerator:** A facility that receives, processes, temporarily stores, and burns a solid waste product as an accessory use to a permitted use, including incinerators for disposal of infectious wastes as part of a medical facility, but not including mass burn solid waste incinerators, refuse-derived fuel technologies, human or animal remains crematorium, or any energy recovery process that burns unseparated municipal solid waste.
- K. Solid Waste Facilities:** Any facility or use defined in this Section of this Code.
- L. Solid Waste Transfer Station:** A facility that receives, processed, temporarily stores and prepares solid waste for transport to a final disposal site, with or without material recovery prior to transfer.
- M. Treatment and Storage Facility:** A facility subject to regulation under the Resource Conservation and Recovery Act. 42 USC Sections 6901-6987, for receiving, sorting, treating, and/or temporarily storing hazardous waste, and for processing such waste for safe transport to facilities authorized to receive, treat, or dispose of such materials

pursuant to federal or state law. Treatment and storage facilities do not include facilities for on-site disposal of hazardous waste.

- N. **Wood Waste Recycling Facility:** A facility that receives, temporarily stores and processes untreated wood, which does not contain pressure treated or wood preservative treated wood, in the form of scrap lumber, timbers, or natural wood debris, including logs, limbs, and tree trunks, for reuse, fuel, fuel pellets, or fireplace logs.
- O. **Yard Debris Depot:** A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.
- P. **Yard Debris Processing Facility :** A facility that receives, temporarily stores and processes yard debris into a soil amendment, mulch or other useful product through grinding and/or controlled biological decomposition.

Item 6a

Section 16.10.020

Page 286

Transportation Facilities and Improvements: The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.)

Transportation Improvements: Transportation improvements include the following:

- A4. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.
- B2. Design and installation of culverts, pathways, multi-use paths or trails, sidewalks, bike lanes, medians, fencing, guardrails, lighting, curbs, gutters, shoulders, parking areas, and similar types of improvements within the existing right-of-way.
- C3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval.
- D4. Landscaping as part of a transportation facility.
- E5. Emergency measures necessary for the safety and protection of property.
- F6. Street or road construction as part of an approved land use application.
- ~~7. Transportation projects that are not designated improvements in the Transportation System Plan requires a site plan review and conditional use permit.~~
- ~~8. Transportation projects that are not planned, designed, and constructed as part of an approved land use application requires a site plan review and conditional use permit.~~

Item 6b

Section 16.66.010.B

Page 377

~~Construction of A Conditional Use Permit is required for~~ Transportation Facilities and Improvements that are:

- ~~(1.) A Not designated in the adopted City of Sherwood Transportation System Plan (TSP); or, and are~~
- ~~(2.) A Not designed and constructed as part of an approved land use application subdivision or partition subject to site plan shall be subject to Conditional Use review.~~

Item 7

Section 16.12.010.D

Page 289

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

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at building line ¹⁶ : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ²⁷ (in feet)	30 or 2 stories	30 or 2 stories	30 or 2 stories	30 or 2 stories	35 or 2.5 stories	40 or 3 stories
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ³⁸	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ⁴⁹	20	20	20	14	14	14
• Face of garage	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20

¹⁶ Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

²⁷ Maximum height is the lesser of feet or stories.

³⁸ Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).

⁴⁹ Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.

Item 9

Section 16.31.020.C

Page 319

Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the ~~commercial~~-industrial zones or contribute to the achievement of the objectives of the ~~commercial~~-industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.

Item 10

Section 16.31.020 -Use Table

Page 320

Uses	LI	GI	EI ¹
<ul style="list-style-type: none"> Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.⁷ 	<u>PG</u>	<u>PG</u>	P

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

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

Item 11

Section 16.40.020.B.5

Page 341

If the PUD involves the subdivision of land, the proposal ~~shall~~must also include a preliminary subdivision plat and meet all requirements of Chapter 16.~~422~~120. The preliminary subdivision ~~shall~~will be processed concurrently with the PUD.

Item 12

Section 16.40.030.B

Page 343

If the PUD involves the subdivision of land, a final plat ~~shall~~must be prepared and submitted for final approval, pursuant to Chapter 16.120~~124~~.

Item 13

Section 16.40.040.A.1

Page 343-344

A. ~~4.~~ Phasing

- ~~a~~1. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.
- ~~b~~2. Any PUD which requires more than twenty four (24) months to complete ~~shall~~must be constructed in phases that are substantially complete in themselves and ~~shall~~ conform to a phasing plan approved as part of the Final Development Plan.

~~2~~B. Failure to Complete

- ~~a~~1. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission ~~shall~~will determine whether or not the PUD's continuation, in whole or in part, is in the public interest.
- ~~b~~2. If continuation is found not to be in the public interest, the Commission ~~shall~~will recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

~~B~~C. Changes in Approved Plans

- 1. Major Changes
 - Proposed major changes in a Final Development Plan ~~shall~~beare considered the same as a new application, and ~~shall~~beare made in accordance with the procedures specified in this Chapter.
- 2. Minor Changes

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

CD. Multiple Zone Density Calculation

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.

Item 14

Section 16.40.050.C.1

Page 344

Density

The number of dwelling units permitted in a Residential PUD ~~shall be~~ is the same as that allowed in the underlying zoning district, except as provided in Subsections 16.40.040.D and 16.40.050.C.2(C)(2), below or 16.40.040.C above.

Item 15

Section 16.40.060.C.6

Page 346

Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.40.050.C.2~~142.040.~~

Item 16a

Section 16.58.020.B

Page 370

ReservedDefinition:

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

Item 16b

Section 16.10.020

Page 276

Fence: A freestanding structure that provides a barrier between properties or different uses on the same property and is generally used to provide privacy and security. A fence may be open or solid and is usually constructed of wood, metal, wire, brick, cement block, stone, vinyl, or composite materials.~~Any open or closed structure used to enclose any lot or parcel of ground, and usually constructed of wire, wood, brick, cement block, or stone.~~

Item 16c **Section 16.10.020** **Page 287**

Wall: A solid structural barrier that is not intended to alter the grade and is not considered a Retaining Wall or Sound Wall.

Item 16d **Section 16.10.020** **Page 282**

Retaining Wall: A ~~structure~~ solid barrier constructed of stone, concrete, steel or other material designed to retain or restrain earth, ~~or~~ rock, or water and is used to alter the grade.

Item 16e **Section 16.10.020** **Page 284**

Sound Wall: An exterior wall designed to protect sensitive land uses including parks, residential zones and institutional public zones from noise generated by roadways, railways, commercial and industrial noise sources.

Item 16f **Section 16.10.020** **Page 278**

Landscape Feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.

Item 16g **Section 16.10.020** **Page 277**

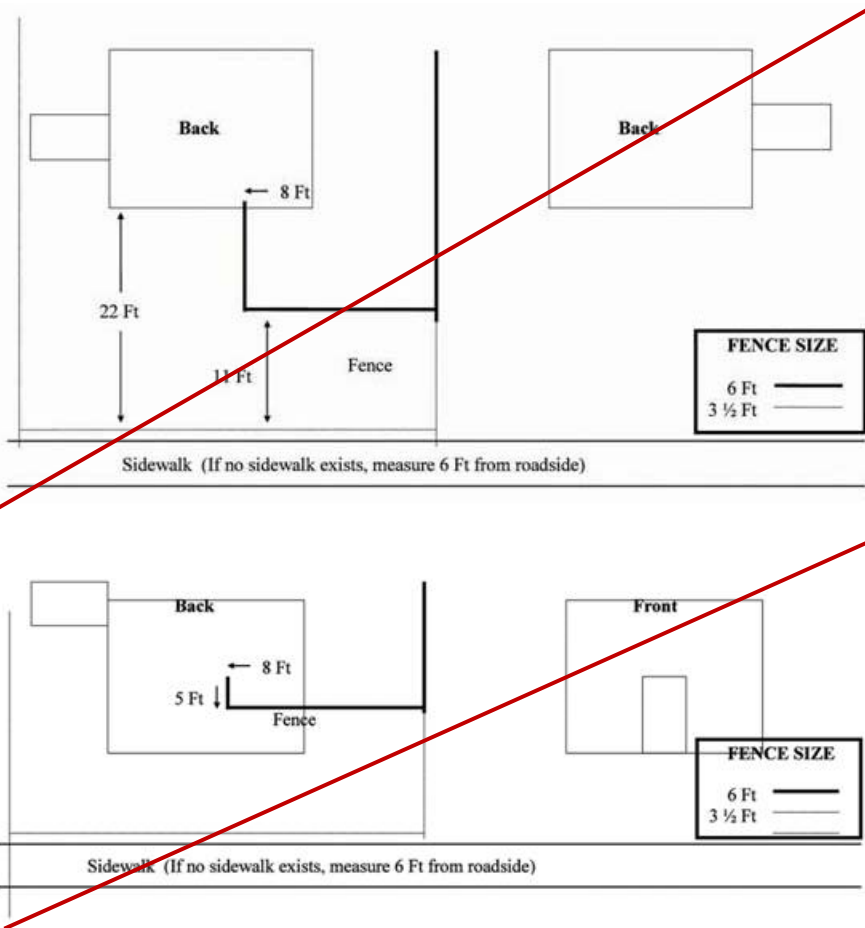
Hedges: A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area.

Item 17 **Section 16.58.020.F** **Page 371**

General Conditions—All Fences:

~~1. In all cases, the following standards apply:~~

- 1a. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
- 2b. Chain link fencing is not allowed in any required residential front yard setback.
- 3e. The finished side of the fence must face the street or the neighboring property. This ~~shall~~ does not preclude finished sides on both sides.
- 4d. Buffering: If a proposed development is adjacent to ~~a~~ dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company ~~shall~~ must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122
- 5e. In the event of a conflict between this ~~s~~Section and the clear vision standards of Section 16.58.010, the standards in ~~s~~Section 16.58.010 prevail.
- 6f. Fences and walls ~~shall~~ cannot be located within or over a public utility easement without an approved right-of-way permit.
- 7g. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence ~~shall be~~ is used to measure the height.



Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, ~~it a primary structure shall~~ must be set back at least three (3) feet.

If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded, or platted, prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot ~~of or~~ aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, ~~except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68 (Infill Development).~~

B. Exceptions

1. Residential uses are limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68.

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

Item 21 **Section 16.70.020.B** **Page 383**

Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for ~~with~~ adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes ~~shall~~must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.

Item 22 **Section 16.70.030.C.1.e** **Page 384**

Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads~~the City limits and the Urban Growth Boundary.~~

Item 23 **Section 16.70.030.C.1.f** **Page 384**

A narrative explaining the proposal in detail and a response to the Required Findings for Land ~~use~~Use Review for the land use approval(s) being sought.

Item 24 **Section 16.72.010.A.2.c** **Page 388**

"Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a e~~C~~Conditional u~~Use p~~Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4,~~below.~~

Item 25 **Section 16.72.010.A.2.d** **Page 388**

"Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d~~4.G.4.~~

Item 26 **Section 16.72.010.A.2.e** **Page 388**

Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b~~4.H.1.~~

Item 27 **Section 16.72.010.A.3.b** **Page 388**

Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.4,~~below.~~

Item 28 **Section 16.72.010.A.4.d** **Page 388**

Site Plans subject to Section 16.90.~~020.D.6.f~~020.4.G.6.

Item 29 **Section 16.72.010.A.4.e** **Page 388**

Industrial Site Plans subject to Section 16.90.~~020.D.7.b~~020.4.H.2.

Item 30 **Section 16.72.020.B.2** **Page 390**

Signage ~~shall~~must be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.

Item 31 **Section 16.80.010 and 16.80.030.A** **Page 399-400**

16.80.010 - Initiation of Amendments

An amendment to the City Zoning Map, ~~or 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.

16.80.030 - Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code ~~shall~~must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment ~~shall~~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.

Item 32 **Section 16.82.020.C.7 – 16.82.020.C.9** **Page 402-403**

~~7. For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.~~

78. For wireless communication facilities, no ~~e~~Conditional ~~u~~Use ~~p~~Permit ~~shall~~will be granted unless the following additional criteria is found:

- a. The applicant ~~shall~~demonstrates to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.
- b. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
- c. The applicant ~~shall~~demonstrates a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.
- d. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.
- e. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.

89. The following additional criteria apply to transportation facilities and improvements subject to Conditional ~~Use~~ approval ~~(in addition to criteria 1–7)~~ per Chapter 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved land use application~~subdivision or partition subject to site plan review~~.
- a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
 - c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant ~~shall~~is required to apply for and obtain a plan and/or zoning amendment prior to or in conjunction with ~~e~~Conditional ~~Use~~ Permit approval.
 - d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) ~~shall~~must provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Sections 16.82.020.C.1-67 and ~~98.a.-89.d~~. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

Item 33

Section 16.84.030.A.1.d

Page 406

A 5% ~~reduction~~increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.

Item 34

Section 16.84.030.B.1.e

Page 406

A 20% or less ~~reduction~~increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.

Item 35

Section 16.90.010

Page 408.12

16.90.010 - Purpose

~~A. Generally~~

~~This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code.~~

~~B. Objectives~~

Site planning review is intended to:

- A1. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- B2. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
 - 1a. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
 - 2b. Vehicular and pedestrian ways and parking areas.
 - 3e. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

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~~

16.90.020 - Site Plan Review

A. Site Plan Review Required

Site Plan review ~~shall be~~ required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, 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~~

For the purposes of Section 16.90.020, the terms "substantial 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 modification.
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 modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.
5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. Exemption to Site Plan Requirement

1. Single and two family uses
2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks;
- ~~3. Major modifications~~
- ~~4. Minor modifications~~

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-011, § 1, 10-4-2011)

~~Editor's note — Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former § 16.90.020, and adding new §§ 16.90.020 and 16.90.030. Former § 16.90.020 pertained to site plan review, and derived from Ord. 86-851; Ord. 91-922; Ord. 98-1053; Ord. 2003-1148; Ord. 2005-009; Ord. 2006-021; Ord. No. 2009-005, adopted June 2, 2009; Ord. No. 2010-05, adopted April 6, 2010; Ord. No. 2010-06, adopted April 6, 2010; and Ord. No. 2010-015, adopted October 5, 2010.~~

~~**16.90.030 – Site Plan Modifications and Revocation**~~~~A. Modifications to Approved Site Plans~~~~1. Major Modifications to Approved Site Plans~~

~~a. Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:~~

- ~~(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);~~

- ~~(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;~~
- ~~(3) 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;~~
- ~~(4) 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;~~
- ~~(5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;~~
- ~~(6) A reduction of more than 10 percent of the area reserved for common open space;~~
or
- ~~(7) 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 (1)-(2) as determined by the Review Authority.~~

~~b. Approval Criteria. An applicant may request a major modification as follows:~~

- ~~(1) Upon the review authority 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 review authority may require other relevant information, as necessary, to evaluate the request.~~
- ~~(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.~~
- ~~(4) Notice shall be provided in accordance with Chapter 16.72.020~~
- ~~(5) The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria.~~

~~2. Minor Modifications to Approved Site Plans~~

- ~~a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification as provided, above.~~
- ~~b. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.~~
- ~~c. 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 review authority may require other relevant information, as necessary, to evaluate the request.~~
- ~~d. Minor Modification Approval Criteria. The review authority 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 above.~~

B. ~~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.~~

C. Reserved

D. Required Findings

No site plan approval ~~shall~~will be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.
2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

~~5. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.~~

~~5~~6. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant ~~shall~~must provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer ~~shall be~~is required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study ~~shall~~must be coordinated with the provider of the affected transportation facility.

~~6~~7. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards ~~shall~~ include the following:

- a. Primary, front entrances ~~shall be~~are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
- b. Buildings ~~shall be~~are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
- c. The architecture of buildings ~~shall be~~are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding ~~shall be~~are prohibited. Street facing elevations ~~shall~~ have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain ~~shall be~~are required ~~be installed~~ unless other architectural elements are provided for similar protection, such as an arcade.

- d. As an alternative to the ~~above~~ standards in Section 16.90.020.D.6.7a—7c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.7a—7c above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

COMMERCIAL DESIGN REVIEW MATRIX

<u>Design Criteria</u>	<u>Possible Points</u>				
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Building Design (21 Total Points Possible; Minimum 12 Points Required)					
These standards may be applied to individual buildings or developments with multiple buildings.					
<u>Materials</u> ¹	<u>Concrete, artificial materials (artificial or "spray" stucco, etc.)</u>	<u>Cultured stone, brick, stone, decorative patterned masonry, wood</u>	<u>A mixture of at least two (2) materials (i.e. to break up vertical façade)</u>	<u>A mixture of at least three (3) materials (i.e. to break up vertical façade)</u>	<u>A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood</u>
<u>Roof Form</u> ²	<u>Flat (no cornice) or single-pitch (no variation)</u>	<u>Distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment</u>	<u>Distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment</u>	--	--
<u>Glazing</u> ³	<u>0-20% glazing on street-facing side(s)</u>	<u>>20% glazing on at least one street-facing side (inactive, display or façade windows)</u>	<u>>20% glazing on all street-facing sides (inactive, display or façade windows)</u>	<u>>20% glazing on at least one street-facing side (active glazing - actual windows)</u>	<u>>20% glazing on all street-facing sides (active glazing - actual windows)</u>
<u>Fenestration on street-facing elevation(s)</u>	<u>One distinct "bay" with no vertical building elements</u>	<u>Multiple "bays" with one or more "bay" exceeding 30 feet in width</u>	<u>Vertical building elements with no "bay" exceeding 30 feet in width</u>	<u>Vertical building elements with no "bay" exceeding 20 feet in width</u>	--
<u>Entrance Articulation</u>	<u>No weather protection provided</u>	<u>Weather protection provided via awning, porch, etc.</u>	--	<u>Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered</u>	<u>Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered</u>
<u>Structure Size</u> ⁴ <u>to discourage "big box" style development</u>	<u>Greater than 80,000 square feet</u>	<u>60,000 - 79,999 square feet</u>	<u>40,000 - 59,999 square feet</u>	<u>20,000 - 39,999 square feet</u>	<u>Less than 20,000 square feet</u>

Possible Points

¹ No aluminum or T-111 siding permitted.

² Pictures and/or artistic renderings must be submitted for review by the Planning Commission if metal roofs are proposed.

³ Two (2) points if there is only one street-facing side and it is >20% glazing with inactive windows.

⁴ If multiple buildings are proposed, average the building sizes in the development.

<u>Design Criteria</u>	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required)					
<u>Location</u> ⁵	Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening)	Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors)	Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner")	--	--
<u>Orientation</u>	Single-building site primary entrance oriented to parking lot	--	Single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area)	--	--
	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot	--	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian	--	--
<u>Secondary Public Entrance</u> ⁶			Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk		
Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					
<u>Location of Parking</u>	Greater than 50 percent of required parking is located between any building and a public street	25-50 percent of required parking is located between any building and a public street	Less than 25 percent of required parking is located between any building and a public street	No parking is located between any building and a public street	--
<u>Loading Areas</u>	Visible from public street and not screened	Visible from public street and screened	Not visible from public street	--	--
<u>Vegetation</u>	At least one "landscaped" island every 13-15 parking spaces in a row	At least one "landscaped" island every 10-12 parking spaces in a row	At least one "landscaped" island every 8-9 parking spaces in a row	At least one "landscaped" island every 6-7 parking spaces in a row	--
<u>Number of Parking Spaces</u> ⁷	>120%	101-120%	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	--
<u>Parking Surface</u>	Impervious	Some pervious paving (10-25%)	Partially pervious paving (26-50%)	Mostly pervious paving (>50%)	--

⁵ If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.

⁶ If primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance.

⁷ Percent of minimum required.

<u>Design Criteria</u>	<u>Possible Points</u>				
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Landscaping (24 Total Point Possible; Minimum 14 Points Required)					
<u>Tree Retention</u> ⁸	<u>Less than 50% of existing trees on-site retained</u>	<u>51-60% of existing trees on-site retained</u>	<u>61-70% of existing trees on-site retained</u>	<u>71-80% of existing trees on-site retained</u>	<u>81-100% of existing trees on-site retained</u>
<u>Mitigation Trees</u> ⁹	<u>Trees mitigated off-site or fee-in-lieu</u>	<u>25-50% of trees mitigated on-site</u>	<u>51-75% of trees mitigated on-site</u>	<u>76-100% of trees mitigated on-site</u>	--
<u>Landscaping Trees</u> ¹⁰	<u>Less than one tree for every 500 square feet of landscaping</u>	<u>1 tree for every 500 square feet of landscaping</u>	<u>2 trees for every 500 square feet of landscaping</u>	<u>3 trees for every 500 square feet of landscaping</u>	<u>4 trees for every 500 square feet of landscaping</u>
<u>Landscaped Areas</u>	<u>Greater than 35% of landscaped areas are less than 100 square feet in size</u>	<u>Less than 25% of landscaped areas are less than 100 square feet in size</u>	<u>No landscaped areas are less than 100 square feet in size</u>	--	--
<u>Landscaping Trees greater than 3-inch Caliper</u>	<u><25%</u>	<u>25-50%</u>	<u>>50%</u>	--	--
<u>Amount of Grass</u> ^{11,12}	<u>>75% of landscaped areas</u>	<u>50-75% of landscaped areas</u>	<u>25-49% of landscaped areas</u>	<u><25% of landscaped areas</u>	--
<u>Total Amount of Site Landscaping</u> ¹³	<u><10% of gross site</u>	<u>10-15% of gross site</u>	<u>16-20% of gross site</u>	<u>21-25% of gross site</u>	<u>>25% of gross site</u>
<u>Automatic Irrigation</u>	<u>No</u>	<u>Partial</u>	<u>Yes</u>	--	--
Miscellaneous (10 Total Points Possible; Minimum 5 Points Required)					
<u>Equipment Screening (roof)</u>	<u>Equipment not screened</u>	<u>Equipment partially screened</u>	<u>Equipment fully screened</u>	<u>Equipment fully screened by materials matching building architecture/finish</u>	--
<u>Fences and Walls</u> ¹⁴	<u>Standard fencing and wall materials (i.e. wood fences, CMU walls, etc.)</u>	--	<u>Fencing and wall materials match building materials</u>	--	--
<u>On-Site Pedestrian Amenities Not Adjacent to Building Entrances</u>	<u>No</u>	<u>Yes; 1 per building</u>	<u>Yes; more than 1 per building</u>	--	--
<u>Open Space Provided for Public Use</u>	<u>No</u>	<u>Yes; <500 square feet</u>	<u>Yes; 500-1,000 square feet</u>	<u>Yes; >1,000 square feet</u>	--
<u>Green Building Certification</u>				<u>LEED, Earth Advantage, etc. (Bonus)</u>	

(1) Building Design (21 Total Points Possible, Minimum 12 Points Required). Note: These standards may be applied to individual buildings or developments with multiple buildings.

(a) Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative-patterned masonry, wood = 1; a mixture

⁸ Based on tree inventory submitted with development application).

⁹ When no mitigation is required, the project receives zero points.

¹⁰ In addition to mitigated trees on-site, does not include Water Quality Facility Plantings.

¹¹ Shrubs and drought resistant ground cover are better.

¹² Schools automatically receive the full 3 points and are not penalized for amount of grass.

¹³ Includes visual corridor.

¹⁴ Including retaining walls.

- of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative-patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.
- ~~(b) Roof Form: Flat (no cornice) or single-pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.~~
- ~~(c) Glazing: 0—20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing—actual windows) = 3; >20% glazing on all street-facing sides (active glazing—actual windows) = 4.~~
- ~~(d) Fenestration (on street-facing elevation(s)): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.~~
- ~~(e) Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc provided near the entrance and covered = 4.~~
- ~~(f) Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000—79,999 square feet = 1; 40,000 = 59,999 square feet = 2; 20,000—39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)~~
- ~~(2) Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required).~~
- ~~(a) Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.~~
- ~~(b) Orientation: Single-building site primary entrance oriented to parking lot = 0; single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.~~

- ~~(c) Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).~~
- ~~(3) Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required).~~
- ~~(a) Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.~~
- ~~(b) Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.~~
- ~~(c) Vegetation: At least one "landscaped" island every 13—15 parking spaces in a row = 0; at least one landscaped "island" every 10—12 parking spaces in a row = 1; at least one landscaped "island" every 8—9 parking spaces in a row = 2; at least one landscaped island every 6—7 parking spaces in a row = 3.~~
- ~~(d) Number of Parking Spaces (% of minimum required): >120% = 0; 101—120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.~~
- ~~(e) Parking surface: Impervious = 0; some pervious paving (10—25%) = 1; partially pervious (26—50%) = 2; mostly pervious(>50%) = 3.~~
- ~~(4) Landscaping (24 Total Points Possible, Minimum 14 Points Required).~~
- ~~(a) Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51—60% of existing trees on-site retained = 1; 61—70% of existing trees on-site retained = 2; 71—80% of existing trees on-site retained = 3; 81—100% of existing trees on-site retained = 4.~~
- ~~(b) Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25—50% of trees mitigated on-site = 1; 51—75% of trees mitigated on-site = 2; 76—100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.~~
- ~~(c) Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.~~
- ~~(d) Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.~~
- ~~(e) Landscaping trees greater than 3" caliper: <25% = 0; 25—50% = 1; >50% = 2.~~
- ~~(f) Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50—75% of landscaped areas = 1; 25—49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.~~
- ~~(g) Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10—15% of gross site = 1; 16—20% of gross site = 2; 21—25% of gross site = 3; >25% of gross site = 4.~~
- ~~(h) Automatic Irrigation: No = 0; partial = 1; yes = 2.~~
- ~~(5) Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).~~

- ~~(a) Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.~~
 - ~~(b) Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.~~
 - ~~(c) On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building) = 2.~~
 - ~~(d) Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500—1,000 square foot)=2; yes (>1,000 square foot) = 3.~~
 - ~~(e) Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.~~
 - e. As an alternative to the ~~above~~ standards in Sections 16.90.020.D.6.7a—7c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
 - f. As an alternative to the ~~above~~ standards in Sections 16.90.020.D.6.7a.—7e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.
78. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards ~~shall~~ include the following:
- a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) ~~must~~shall meet any four of the following six design criteria:
 - (1) A minimum 15% window glazing for all frontages facing an arterial or collector.
 - (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).
 - (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).
 - (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.
 - (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If ~~the a~~ loading area ~~are~~is visible from an arterial or collector, ~~they~~it must be screened with vegetation or a screen made of materials matching the building materials.
 - (6) All roof-mounted equipment is screened with materials complimentary to the building design materials.
 - b. As an alternative to Section 16.90.020.D.78.a ~~above~~, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):
 - (1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.
 - (2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.
 - (3) Support the City's goals of economic development.

- (4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.~~D.74.H.~~
- (5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.
- (6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.
- (7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

E. Approvals

The application ~~shall be~~is reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action ~~must~~shall include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

F. Time Limits

Site plan approvals ~~shall be~~are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. ~~For~~A site plan approvals granted on or after January 1, 2007 through December 31, 2009, ~~the approval shall be~~is extended until December 31, 2013.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-011, § 1, 10-4-2011)

Editor's note— Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former § 16.90.020, and adding new §§ 16.90.020 and 16.90.030. Former § 16.90.020 pertained to site plan review, and derived from Ord. 86-851; Ord. 91-922; Ord. 98-1053; Ord. 2003-1148; Ord. 2005-009; Ord. 2006-021; Ord. No. 2009-005, adopted June 2, 2009; Ord. No. 2010-05, adopted April 6, 2010; Ord. No. 2010-06, adopted April 6, 2010; and Ord. No. 2010-015, adopted October 5, 2010.

16.90.030 - Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

a. Defined. A major modification review is required if one or more of the changes listed below are proposed:

- (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);
- (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
- (3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
- (4) 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;
- (5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;
- (6) A reduction of more than ten (10) percent of the area reserved for common open space; or

(7) 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 identified in Section 16.90.030.A.1.a.(1)-(2) as determined by the Review Authority.

b. Approval Criteria. An applicant may request a major modification as follows:

(1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

(2) The application is 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 Type II project is reviewed using a Type III procedure.

(3) The scope of review is 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 requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

(4) Notice must be provided in accordance with Chapter 16.72.020

(5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

2. Minor Modifications to Approved Site Plans

a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification.

b. Minor Modification Review Procedure. An application for approval of a minor modification is reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications involve only clear and objective code standards.

c. Minor Modification Applications. An application for minor modification must 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 review authority may require other relevant information, as necessary, to evaluate the request.

d. Minor Modification Approval Criteria. The review authority approves, denies, or approves 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.

B. Revocation

Any departure from an approved plan is 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, will be revoked.

Item 38

Section 16.92.020.A.3.b

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Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2. ~~below.~~

Item 39**Section 16.94.020.A****Page 421-423**

Single, two-family and manufactured home on a lot³; Minimum Parking Standard = 1 per dwelling unit

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential dwelling unit. (includes single-family detached or attached, two-family dwellings or a manufactured home on an individual lot).

Item 40**Section 16.102.040.B.2****Page 445**

Each portable sign ~~shall~~can be a maximum of seven (7)~~six (6)~~ square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs ~~shall~~must be sited per Section 16.102.040.

Item 41**Section 16.106.040.C****Page 457**

Future Extension

Where necessary to access or permit future subdivision or development of adjoining land, streets ~~shall~~must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length ~~shall~~must comply with the Engineering Design Manual.

A durable sign ~~shall~~must be installed at the applicant's expense. The sign ~~shall~~is required to notify the public of the intent to construct future streets. The sign ~~shall~~must read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at ~~503-625-4202~~Engineering Department."

Item 42**Section 16.106.040.H****Page 460**

Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties ~~shall~~must be provided, ~~and~~ through and local traffic ~~shall~~ be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.~~040~~030, and all applicable access provisions of Chapter 16.96, ~~shall~~are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

Item 43**Section 16.120.040.I****Page 470.12**

A minimum of five percent (5%) open space has been provided per ~~§Section~~ 16.44.B.8 (Townhome- Standards) or ~~§Section~~ 16.142.~~030~~020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

Item 44**Section 16.120.060.B****Page 470.14**

Performance Security

The subdivider ~~shall~~is required to provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred ~~twenty-five~~percent (~~125~~00%) of the estimated cost of the improvements.

Item 45 **Section 16.134.040.A** **Page 470.25**

Provided land is not required to be dedicated as per ~~this Section 16.134.030, Greenways~~, a ~~e~~Conditional ~~u~~Use ~~p~~Permit (CUP) ~~shall be approved~~is required before any use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in ~~this Section 16.134.050, Permitted Uses~~.

Item 46 **Section 16.134.050** **Page 470.26**

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or floodplain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per ~~this Section 16.134.030, Greenways~~:

Item 47 **Section 16.134.050.C** **Page 470.26**

Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of ~~this Sections 16.134.080 and 16.134.090, Floodplain Development and Floodplain Structures~~.

Item 48 **Section 16.134.070.F** **Page 470.26**

Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by ~~this Section 16.134.050, Permitted Uses~~, and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment ~~shall~~will not result in any increase to flood levels during the occurrence of the base flood discharge.

Item 49 **Section 16.134.080.A.5** **Page 470.28**

Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone ~~shall~~must establish the boundaries of the base flood by survey and ~~shall~~dedicate said land as per ~~this Section 16.134.050, Greenways~~. The balance of the land and development ~~shall~~must:

Item 50 **Section 16.134.090.A.2** **Page 470.28**

The lowest floor elevation of a structure designed for human occupancy ~~shall~~must be at least one and one-half (1½) feet above the base flood elevation and the building site ~~shall~~must comply with the provisions of ~~Section 16.134.080.A subsection A of Floodplain Development~~.

Item 51 **Section 16.134.090.D.1.d** **Page 470.29**

Nonresidential structures that are elevated and not flood proofed, must meet the same standards for space below the lowest floor as per ~~s~~Subsection ~~16.134.090.C.2 of Floodplain Structures~~.

Item 52 **Section 16.134.100.A** **Page 470.29**

Dimensional standards or developments in the FP zone ~~shall be~~are the same as in the underlying zoning district, except as provided in ~~this Section 16.134.100, Additional Requirements~~.