



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, March 17, 2015**

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

**6:00 pm City Council Work Session**

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

**City Council Executive Session**  
(Pursuant to ORS 192.660(2)(h) Legal Counsel)  
Following the Regular Council Session

**URA Board of Directors Work Session**  
(following the City Council Executive Session)



Home of the Tualatin River National Wildlife Refuge

### **6:00 PM WORK SESSION**

1. TVWD Water Alignment (Sattler)
2. Washington County Emergency Management Co-op (Groth)

### **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 March 3, 2015 City Council Meeting Minutes
- B. Resolution 2015-029 authorizing reappointment of Marney Jett to the Parks and Recreation Board (Kristen Switzer)
- C. Resolution 2015-030 authorizing appointment of John Clifford to the Parks and Recreation Board (Kristen Switzer)
- D. Resolution 2015-031 authorizing appointment of Vytas Babusis to the Cultural Arts Commission (Kristen Switzer)
- E. Resolution 2015-034 Approving amendment No. 1 to the employment agreement between the City of Sherwood and Joseph Gall to alter the date for the work performance evaluation of Joseph Gall from February until October (Tom Pessemier)

#### **6. PRESENTATIONS**

- A. Proclamation National Arbor Week 2015
- B. Proclamation National Community Development Week

#### **7. CITIZEN COMMENTS**

#### **8. NEW BUSINESS**

- A. Resolution 2015-032 authorizing the City Manager to enter into a contract with AKS Engineering and Forestry to provide professional engineering services for the Columbia Street Regional Stormwater Quality Facility Pipe Bore Mitigation design and Permitting Project (Bob Galati, City Engineer)

### **AGENDA**

#### **SHERWOOD CITY COUNCIL March 17, 2015**

**6:00 pm City Council Work Session**

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

**City Council Executive Session  
(ORS 192.660(2)(h), Legal Counsel)**

**URA Board of Director Work Session  
(following the City Council Executive Session)**

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

**B. Resolution 2015-033 authorizing the City Manager to enter into lease agreements for the Center for the Arts (Tom Pessemier, Asst. City Manager)**

**9. 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) (2<sup>nd</sup> Reading)**

**10. CITY MANAGER AND DEPARTMENT REPORTS**

**11. COUNCIL ANNOUNCEMENTS**

**12. ADJOURN TO EXECUTIVE SESSION**

**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](http://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](mailto:murphys@sherwoodoregon.gov)



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**March 3, 2015**

**WORK SESSION**

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:05 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Jennifer Kuiper, Beth Cooke, Dan King and Linda Henderson. Councilor Jennifer Harris arrived at 6:08 pm.
3. **STAFF PRESENT:** City Manager Joseph Gall, Police Chief Jeff Groth, Community Services Director Kristen Switzer, Volunteer Coordinator Tammy Steffens, Community Development Director Julia Hajduk, Planning Manager Brad Kilby, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy.
4. **TOPICS:**

**A. Metro Solid Waste Community Enhancement Program**

Roy Brower, Solid Waste Compliance and Cleanup Manager and Bill Metzler, Senior Solid Waste Planner for Metro provided the Council with an overview of a new program, Metro Solid Waste Community Enhancement Program. Mr. Brower distributed documents to the Council, Metro Ordinance No. 14-1344 (see record, Exhibit A) and a map of Regional Solid Waste Facilities, (see record, Exhibit B). Mr. Brower stated the program is intended to recognize solid waste facilities, primarily those disposing of, transferring garbage and or food waste that may place an undue burden on local host communities such as Sherwood. Mr. Brower stated for Sherwood he was speaking of Pride Recycling. He said there are issues that surround solid waste facilities and the enhancement program that Metro implements was developed under state law in the late eighties. He stated it needed to be updated and wasn't very clear on which facilities were in or out or how the fees were to be collected or administered. Mr. Brower stated he and Mr. Metzler went through a yearlong process with the Metro Council and stakeholders which resulted in a proposal going to the Metro Council in October 2014. He said Metro approved the modifications to the existing Solid Waste Community Enhancement Program. He said the purpose of the program is to collect fees for garbage delivered to eligible facilities, primarily transfer stations and in Sherwood, it is Pride Recycling. He said this would provide funding to the local community to "rehabilitate and enhance the area in and around the facility", per state law.

Mr. Brower explained there are currently three existing programs and each program has a committee established to help promote and solicit and select projects for funding. He stated one of the programs is in Oregon City and they have operated a program since 1988 through an IGA with Metro. He said Forest Grove has a transfer station that is owned by Waste Management and they have been operating a

transfer station since 1989, also implemented by the City of Forest Grove through an IGA with Metro. He explained the third as Metro having two directly administered committees, where Metro takes in the funds and sets up the committee and makes the decisions with the committee on what projects are funded. He said one of them is the Metro Central Transfer Station operating since 1991 and the St. John's Landfill which closed in the 1990's. He stated there is still a balance that has carried all these years which the Metro Council has decided to expend and get out of the business for that facility.

He said under the updated program there will be four new facilities brought into the program in addition to the existing ones, all transfer stations; Pride Recycling, Republic Waste Willamette Resources in Wilsonville, Waste Management Transfer Station in Troutdale and a facility owned by Recology on Suttle Road in Portland which is a food waste reload facility.

He said effective July 1<sup>st</sup> all eligible solid waste facilities will be required to collect and remit to Metro a Community Enhancement Fee of \$1.00 per ton on all garbage delivered to those facilities. He said that fee at the existing facilities in Oregon City, Forest Grove and Portland have been .50 per ton since the beginning and state law allows the fee to increase to \$1.00 per ton. He said all facilities including Sherwood's facility will increase to \$1.00 per ton beginning July 1, 2015. He said the amount of money collected will depend on the volume of waste going through the facility. He said, for example, Pride takes through about 70,000 tons per year and we will be collecting about \$70,000 that would be available to Sherwood through this process to spend on community enhancement projects. He said Metro South in Oregon City will collect about \$160,000 per year due to the size of that facility.

He said Metro already collects fees from these facilities, regional system fees, excise taxes, DEQ tonnage fees and TIF fees. He said this community enhancement fee is a comparably small fee. He said Metro will collect the fee and disperse it directly to the host City for funding projects selected by the local enhancement committee, or through the Metro administered committees. He said funds should be used for rehabilitation and enforcement of the area in and around the disposal site consistent with state law which would generally correspond with the City's boundaries. He said part of the expectation is an advisory committee would need to be established to oversee how the funds are spent. He said there are many modes of committees and it could consist of entirely citizens appointed by the Mayor or City Council or a combination, or it could be the City Council. He said this is the model used in Forest Grove, the City Council serves as the Enhancement Committee, hearing project proposals and deciding how to disperse the funds. He said Metro Councilor Dirksen has expressed an interest in being a nonvoting member of your committee. He explained within the program the host local government can claim up to a 20% administrative fee from the funds for mailings, websites, etc. associated with the program.

Mr. Brower stated in addition to the documents provided this evening he provided City Manager Gall with a copy of a proposed IGA, should Sherwood want to take responsibility for the program and said Metro is willing to enter into an IGA. Mr. Brower offered to answer questions.

City Manager Gall stated the IGA is tentatively scheduled on the agenda forecast for May. He said one question he asked Metro is, does the City have a choice in this matter.

Mr. Brower said Metro will collect the fee and the City has a choice whether to administer it or have Metro administer it. He said Metro's preference and their Councilors preference is for the local community to do it. He said Metro does not take any of the money, they just collect it.

Mr. Metzler said the philosophy is that the local community knows best what projects to fund.

Councilor Kuiper asked what does Metro get out of this? If Metro is assessing a \$1.00 per ton fee, equally about \$70,000 and giving that back to Sherwood, why collect the fee? Mr. Metzler replied it's a pass through to establish good feelings and good will in communities that have these types of facilities. He said it's about having good projects and helping the communities that step up to have such a facility. He said Pride is a good operator and probably has not had many problems, but there are other communities where there can be impacts associated with having a facility. He said it's a way to give back to the community as a way to say thank you. Mr. Brower provided the example of other facilities, such as Forest Grove which is located between a park and a residential area. He said Metro is trying to level the playing field and ensure all ratepayers and tons are treated the same across the region.

Councilor Kuiper clarified the fee would be billed to Pride and Pride could potentially pass that fee along to the community. Mr. Brower replied yes and said the curb cost comes to about .50 to .75 per household per year.

Mr. Gall stated Metro has figures showing how much Sherwood is contributing to the Pride site verses non-Sherwood residents and asked Mr. Brower to explain. Mr. Brower stated this is true for all transfer stations, they serve the community where they are located, and in Sherwood's case only about 12% of the tonnage comes from Sherwood residents, the rest comes from neighboring areas, Mr. Brower referred to Exhibit B.

Councilor Robinson asked if there is an expectation that Metro will set a policy and reward people for having transfer stations in their City and is this forming a basis for the state to come in and increase that dollar per ton to recapture funds above the dollar amount? Mr. Brower replied that is not Metro's intent and said there was an effort in years past in Lane County to try and increase the fee and Metro did not take a position on it, they were not inclined to support an increase. He said this is a good question for Metro Councilor Dirksen. Mr. Brower said they have not heard of anyone trying to increase the fee.

Councilor Robinson asked if Metro has entered into IGA's with very many cities? Mr. Brower said they are working through the cities and are redoing the IGA's for Forest Grove and Oregon City and the new IGA's are with Sherwood, Troutdale and Wilsonville and they have had similar meetings with these cities.

Councilor Henderson asked if the Forest Grove facility took household junk or just commercial? Mr. Brower replied their facility is just commercial and said the Hillsboro landfill is an option for that area.

City Manager Gall commented about garbage being a business that is market driven, with facilities regulated by Metro and the state. Mr. Brower said Metro was working on a "solid waste roadmap" which looks at the long term fate of our waste, trying to get the most value out of the waste verses using landfills. He gave the example of the Covanta facility in Marion County where waste is burned for energy and food is separated out for composting. General discussion followed regarding this type of a facility and pollution and how they have improved over the years.

Mayor Clark stated with the collection of fees effective July 1<sup>st</sup>, when will the funds be allocated to the City? Mr. Brower stated they will begin collecting July 1<sup>st</sup> and will remit the funds to the City on a quarterly basis.

City Manager Gall stated Councilor Dirksen indicated the funds to Sherwood would be around \$70,000 per year and said he wants to ensure this is accurate, as the City puts together the budget this will be revenue. Mr. Brower replied they are pretty convinced the amount is accurate and said they have spoken with Mr. Leichner often about their tonnage. City Manager Gall stated he will put this amount into the City's proposed budget.

Mr. Gall said he has spoken to some of the Council members and it seems like the Council should be the members of the committee and decide how to expend the funds rather than create another advisory committee. Mr. referred to the City of Forest Grove and their setup. Mr. Brower referred to the City of Oregon City and said they use their Council as their committee and added a few citizen members. He said Metro is leaving this to the City to decide.

Mr. Gall stated he will be asking the Council members for their committee preference as the IGA he plans on bringing to the Council in May will need to indicate this.

Mayor Clark thanked Metro and addressed the next work session topic.

## **B. Community Gardens Project**

City Manager Gall informed the Council this idea for a Community Garden Program came from Mayor Clark and said staff has done research from other cities in Washington County and he is looking for direction from the Council to continue with developing the program. He stated if the program is developed it will probably be managed by Kristen Switzer in Community Services, with the bulk of the work performed by Tammy Steffens and it will also impact the public works department. He stated he has experience with community gardens from his time with the City of Beaverton and said their program was very successful. He said he wants to proceed with the idea in a thoughtful manner to avoid getting into something that is a headache for us. He said in most cities the programs are very popular and there are waiting lists.

Tammy Steffens Volunteer Coordinator presented information (see record, Exhibit C) and explained community gardens involve individual garden spaces where community members pay an annual fee while the entire space is cared for cooperatively. She said a community garden is to some people a place to grow produce and for other a place to exercise. She said some use the gardens due to lack of space at their homes and others take part in the garden to build or revitalize a sense of community among neighbors.

Tammy explained the benefits of the community gardens to provide gathering places to strengthen social networks through gardening and to develop a sense of pride for residents, they foster relationships, lower food budgets and benefit psychological health. They set aside green space and encourage physical activity.

Tammy explained the gardens require a lot of work, need an organization committee, rules, funding, sponsorships and people that are committed. She explained common challenges faced by community gardens being management intensive, they demand patients and time and the capacity to work with and organize people and projects. They require systems to enforce rules and resolve conflicts. Tammy stated they are maintenance intensive with grass needing to be mowed, barks chips spread, equipment needing to be repaired and plant debris needs to be composted.

Tammy explained site permanency and said if site permanency is an issue then time, effort and money cultivating the soil can be lost.

Tammy explained things to consider when decisions are being made. Are the gardens open to people that live outside the City limits? She said if so, will there be a different fee? Do we reserve a number of plots to support a local food bank and is there a difference in these fees as well? Will plots be reserved for low income families and if so, what are the qualifying procedures.

Tammy recapped what will be provided at the City and posed the following questions. She said location is something to be considered and will have a major effect on the decisions that need to be made. Will the City allow for ADA accessibility? Does it fit the personality of the particular neighborhood, have water, parking, site permanency, sun, soil and shade? Do you want to reserve a place for a designated children's garden and if yes, what are the ground rules for that space, and will the flowers and produce be available to anyone or saved for a food bank? Do you want to declare the garden as pesticide free?

Tammy explained data in comparison to other cities in this area and what they charge. She explained each City is different and some provide, tools, a shed, yard debris service and some provide just the dirt and water.

Tammy explained potential partners and said it's important to have partners to help with the success of the program and help with the ongoing cost.

Tammy explained next steps, provided the Council with a handout of Community Garden Comparisons, (see record, Exhibit D), and explained. Tammy further explained gardens as being pesticide free and referred to as organic. She said they don't require the gardeners to use organic seeds and they don't necessarily use organic soil and said when they say organic they are referring more to pesticide free and natural type fertilizers.

Tammy offered to answer questions and discussion occurred regarding current community gardens in Sherwood and there being two that are run by churches. Questions were asked about tools and tool sheds and where they are kept and Tammy explained what other cities provide and don't provide.

City Manager Gall offered to the Council a visit of the gardens in Beaverton and spoke of some of the challenges. Discussion occurred regarding a site manager/leader and this person being a volunteer, partnerships, and garden sites at churches and schools. City Manager Gall said he did not want to discuss sites yet and wanted to discuss the program first. Comments were received regarding building the gardens utilizing scouts working on their Eagle Projects. Comments were received that a community garden was talked about when the City built Snyder Park and it was cut from the budget along with a few other features. Discussion occurred regarding raised beds and ADA accessibility, watering systems, and what the City could provide in the form of hoses. Discussion occurred regarding a lottery system and first right of refusal for returning gardeners.

City Manager Gall commented in regards to having successful gardens if done well and being concerned with the resources required for more than one garden. He spoke of soil testing at sites and sun exposure. General discussion followed.



Mayor Clark thanked Tammy for the information and said she is hearing the Council members are in support of a program, Council members conceded.

**5. ADJOURN**

Mayor Clark adjourned the work session at 6:50 pm and convened to a regular Council meeting.

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:00 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Sally Robinson, Councilors Linda Henderson, Jennifer Harris, Jennifer Kuiper, Beth Cooke and Dan King.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Police Chief Jeff Groth, Community Development Director Julia Hajduk, Planning Manager Brad Kilby, Senior Planner Connie Randall, Administrative Assistant Colleen Resch, and City Recorder Sylvia Murphy. City Attorney Chris Crean.
4. **APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR KUIPER TO APPROVE THE AGENDA, SECONDED BY COUNCILOR ROBINSON. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.**

Mayor Clark addressed the next item on the agenda.

**5. CONSENT AGENDA:**

**A. Approval of February 17, 2015 City Council Meeting Minutes**

**MOTION: FROM COUNCILOR COOKE TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR.**

Mayor Clark addressed the next item on the agenda.

**6. PRESENTATIONS:**

**A. TVF&R State of the District**

Fire Chief Mike Duyck presented the TVF&R Annual Update (see record, Exhibit E). He introduced TVF&R staff members Captain Brian Smith and the crew of Engine 33, Division Chief Al Kennedy and Christina Lent. He stated the briefing would include a year in review, planning for the future and what we are doing as a partnership to create safer communities. He recapped Sherwood incidents that TVF&R responded to in 2014 and said 79% of the responses were emergency/medical in nature. He said there were a small percentage of fires, hazardous material conditions and public assistance calls they responded to. He recapped district-wide responses and said there are slight trends upwards, which are

consistent with the population growth, and last year they responded to over 35,000 calls district-wide out of the 21 fire stations.

He spoke on the programs offered and said they try to focus on prevention and education and provided examples. He said with their partnerships with law enforcement agencies they try to get to the high schools and present simulated car accidents, and commented on the impact this has on the students. He referred to the partnership with middle school and high school students learning hands only CPR and said last year they trained almost 5,000 students and over the last three years they trained over 16,000 students in the fire district. He noted those students then train others and they are seeing exponential increases in the number of people that know how to do CPR as a result of that program. He referred to the inspection program and said they conducted over 6,000 inspections and focused on the higher risk businesses and worked closely with the City Building Department. He said they investigated over 170 fires and commented on the landlord training program for multifamily dwellings. He stated they train the landlords on how to make their complexes safer and prevent fires. He said historically TVF&R has seen its highest life lost incidents in multifamily housing and they have found that having the landlords trained has proven to be effective. He said the program has been nationally recognized and won national awards and they provide it free of charge. He stated they interacted with over 50,000 patrons of the fire district last year passing on knowledge on how to be successful and safer in their own lives.

He commented on accomplishments and thanked the community for passing the local option levy and said that is a significant revenue stream. He said since that passage they have trained 25 new recruit firefighters, deployed medic units that are transportable, purchased land and opened stations. He said there are a number of creative pilots and gave the example of one with Metro West Ambulance where they are looking at our resources and theirs and try to determine how to decrease response times. He said there has been a significant decrease in response times but it is too early to provide statistics. He commented on other pilot projects where they are sharing resources with private ambulance providers.

He discussed planning for the future and said there are a number of sites identified to augment their responses and said in anticipation for the growth in the Bull Mountain Roy Rogers area they know they will need to add fire stations in the future as that growth occurs. He said they continue to do analysis to make sure the community's needs are met as it grows and they will work closely with the City and the County to understand and be ready to respond. He commented on a career firefighter academy and said there are currently 12 going through the academy. He said there was a recruitment process for volunteer firefighters and they received nearly 100 applications. He stated there are plans to purchase several new apparatus, response apparatus for the volunteers, some ladder trucks and the regular capitol upgrades. He said there are some station remodels occurring and they are anticipating more diversity in the organization and they need to accommodate for dual genders. He stated they are doing seismic upgrades and received a federal grant for the upgrades. He commented on leveraging technology and data for better outcomes in the field. He referred to the emergency/medical side and said they are doing EKGs in the field and transmitting that data to the emergency room to cut down the time it takes for a patient to receive treatment. He said they are exploring telemetry with emergency room doctors.

He commented on the relationship with the Sherwood Police Department and said on Valentine's Day they hosted the first survivors breakfast and he said that was an opportunity to bring the people they responded to over the year that were in cardiac arrest that survived. He said the chances of surviving a cardiac arrest nationally is less than 10 percent. He stated with the partnerships they have and the CPR training they were able to have 22 of the 36 survivors last year attend the breakfast. He presented a video

from the breakfast that highlights the Sherwood Police Department. He thanked the City for the partnership and helping create a safer community.

Mayor Clark thanked Chief Duyck and stated she attended the High School simulation event and said it is very impactful and effective.

Council President Robinson asked if TVF&R has any lobbyist who push legislation and provided the example of requiring teachers to have training in CPR and the AEDs.

Chief Duyck responded that they belong to the Oregon Fire Chiefs Association and partner with the League of Cities and others and said there are a couple of bills currently and one allows for the training to occur across the schools and with the students at a minimal impact. He said the benefit they have with the school districts within TVF&R is they have the resources to partner with the schools and can help them with the training of students and provided examples of passing on the lifesaving skills to all the staff and the students. He noted that in the incident shown in the video the officers arrived to someone already doing CPR.

Council President Robinson referred to the lock-in drills at the schools and asked if the fire department participates in those drills.

Chief Duyck said yes and noted there is discussion around the right protocol and said the Police Officers have the tools such as weapons and the firefighters don't. He said they are learning from other events around the country about how to be more successful.

Councilor Harris asked how can businesses get AEDs and who pays for them.

Chief Duyck said there was a piece of legislation that passed and stated if occupancy was a certain type and reached a threshold you have to have an AED on site but it gave businesses several years to accomplish that. He said there are grants available and said if a business is interested they should contact TVF&R and they will inform them of the options. He said we want to know which businesses have an AED so we can catalogue the information. He reminded the Council of the smart phone APP called Pulse Point which notifies you if you know CPR of where a cardiac arrest is and said they need to put all the businesses that have AEDs in the system. He noted the highest chance of survival is when CPR is started immediately and an AED is used to deliver a shock. He encouraged people to go to the TVF&R website or call and said there is information on how to get and AED and how to get it catalogued in the system.

Council President Robinson asked if part of the landlord training includes the requirement to have a carbon monoxide detector in addition to the fire detectors.

Chief Duyck said he could find out. He said they try to get into most of the apartment complexes to check access water supply and a number of things and he said he is sure it is on the list of things to check.

Councilor Kuiper asked how the Pulse Point is working.

Chief Duyck said it has been available for a year and they have had a few saves. He noted that most people that use it tend to be emergency responders themselves. He said the emergency responders have

the skills and the training and that is a benefit. He stated some of the public has downloaded the APP and a few have checked the box that they will respond to a CPR incident. He stated they have not received nearly the penetration that they anticipated. He noted it may be a generation issue. He said they have had some of their emergency responders use the APP and save lives and gave an example and said it is working.

Councilor Henderson referred to the number of medical incidents they responded to and asked if there is a chance that our station will get one of the two man cruisers.

Chief Duyck said there are medic units surrounding the area, which from a deployment standpoint is a good system because those units can respond if a transport is needed and you don't lose that unit as they go to the hospital. He said the medic units are only one component of their response and said they also have the cars which are SUVs that respond with one responder. He said they are adding more to the system. He noted they are working on a pilot with motorcycles and working with local law enforcement and plan to do a launch of that program later this year. He stated Sherwood has 21 fire stations at its disposal and if a significant incident happens here you will get everything. He commented on the benefits of a regional response model and the amount of resources in Sherwood.

Mayor Clark thanked Chief Duyck and the TVF&R staff for their service and addressed the next item on the agenda.

## **7. CITIZEN COMMENTS:**

Kurt Kristensen, Sherwood resident approached the Council and commented on the lock-in drills at the schools and said he is one of those teachers and said he would like to see what is happening when they are locked in. He said the students are very fearful and realize that something bad could be happening. He commented on the 2015 review of the Water Master Plan and said the \$42 million plan started in 2005 and currently is producing most of the water for Sherwood. He said he was concerned at the time and noted that it narrowly won and there were issues regarding the election and the language on the ballot. He said the first phase cost \$42 million and the next phase is proposing to spend another \$26 million. He said he has reviewed the papers and the May 5, 2011 presentation by Chris Uber made to the PNWS where he called Sherwood's journey "developing a controversial water supply". He noted that Sherwood is changing and growing and said we were promised lower water rates by 2015. He said the previous Council changed the billing period from being every 2<sup>nd</sup> month to being every month so in essence it looks like the water rates have doubled. He stated the Water Master Plan discusses how the new costs will be allocated and he is concerned that the cost will be put on existing ratepayers as opposed to SDC charges. He said this year we may see a 6-10% increase in water rates because the last Council did not vote on it. He noted this issue needs deeper scrutiny and perhaps go before the voters. He said there is plenty of time to review the issue and it is a sensitive issue. He encouraged the Council to work slowly and let the voters have a look at it.

Ivonne Gebhardt, Sherwood resident came forward and provided information about a book she has been reading titled "Crucial Conversations: Tools for Talking When the Stakes are High". She said the definition of a crucial conversation is a discussion between two or more people where the stakes are high, opinions vary and emotions run strong. She read the chapter titles and a list of examples of crucial conversations. She asked what are the crucial issues facing our community, and are there conversations that are not

being held or not holding well that will keep us from progress. She said each conversation we engage in can turn into a crucial conversation and it is important to work on and improve these skills.

Eugene Stewart, approached the Council and encouraged them to set up a work session with the Senior Center and the Loaves and Fishes Program and set goals, determine where help is needed and examine the condition of the building. He said Loaves and Fishes is projected to spend \$90,000 this year and asked if the City should help with this. He suggested inviting the CEO of Loaves and Fishes to a work session. He said there is an agency in Washington County that is available to provide travel assistance for seniors. He suggested having a work session in the afternoon so the seniors can attend and provide input. He said the Senior Center is getting busier and parking will be a problem soon. He stated there is property in front of the senior center that is for sale and maybe could be swapped for something downtown that a developer would like to develop with no cost to the City. He commented on traffic and asked if the traffic light could be resituated to where there could be another entrance into the center with a 4 way stop sign. He said we need to be thinking about the future and have a plan and how to pay for it.

Tess Kies, Sherwood resident came forward and commented on the grand opening and said *Mary Poppins* will be performed there and said there will be a YMCA event on March 14. She said she is representing Tom Grant who will be performing a benefit on March 20 at the Sherwood Community Arts Center. She said he attended the grand opening to assess where he will be playing. She said the benefit is for two students representing the Student Ambassador Program started by President Eisenhower in 1956 to foster world peace. She said the students who are going are 2 of 5 chosen from Oregon and Mr. Grant is doing a benefit to raise funds for their trip. She noted 503 Uncorked will be pouring wine, Sweet Story will be in attendance and Schwan's will be providing free ice cream. She said there will be a silent auction and the event is March 20 and the doors open at 6:30 pm and the event starts at 7:00 pm. She said tickets are available online.

Mayor Clark addressed the next item on the agenda.

## 8. PUBLIC HEARING:

### 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

Associate Planner Connie Randall came forward and presented the staff report. She said there are 52 proposed amendments and they are primarily to correct errors, increase consistency, formatting and referencing between sections to consolidate definitions and clarify code language and intent. She said they are proposing the elimination of two fairly confusing diagrams in the ordinance and creating a true matrix format for the commercial design to make it easier for developers, the Planning Commission and residents to understand what the regulations and expectations are. She stated there are two minor substantive changes proposed. She said the first one is for incidental and retail sales in the Light Industrial (LI) zones and it deals with the allowed incidental sales. She stated the second is for the amount of monetary assurance, typically what a performance bond requires when public improvements are required to be completed as a condition of subdivision approval.

She provided background information and said the Planning Commission began discussing this on April 8, 2014 with a public work session. She said they met in a work session on September 9 and October 28 to review more than 80 potential code amendments. She said the majority of those were classified as

minor along with the two substantive changes and staff received unanimous approval to move forward with the minor corrections. She said the remaining were classified as larger policy issues requiring more community thought and research and they were tabled and will be back before the Planning Commission. She stated the Planning Commission held a public hearing on December 9 and recommended approval of the 52 items included in this proposal. She said the City Council had a work session on February 3 to review the Planning Commission's recommendation. She said public notice of both the Planning Commission and the City Council public hearings were published in the *Times* and the *Sherwood Gazette* 2 weeks prior to each hearing and also a second time within 5 days of each hearing. She said there were notices posted in the 5 locations in town at least 20 days prior to the hearings and the information was posted on the City website. She stated notice was provided to the Department of Land Conservation and Development on November 4, 2014.

She discussed two required findings in the current ordinance and said any time there is a plan amendment or zone ordinance text amendment there needs to be an identified need. She said they have established there is an identified need through the public work session in April 2014. She said the second condition is it needs to be consistent with the intent of the Comprehensive Plan and the City and State regulations. She said these are all very minor grammatical errors and are consistent with the intent of the Comprehensive Plan. She stated it also has to be consistent with the transportation planning rule and there is only one edit that this impacts and that is the minor substantive change to incidental retail sales in the industrial zones.

She referred to item 10 of the 52 items listed and said this deals with the use table in the industrial code and it deals specifically with incidental retail sales. She said it has to be associated with a permitted use and it is limited to a maximum of 10% of the total floor area of the business. She stated currently it is a Conditional Use Permit required in the light industrial and general industrial zone and it is permitted in our employment industrial zone. She said they are proposing to change it to permitted across all zones for a consistent treatment of how incidental retail sales are handled in industrial zones. She stated prior to 2012 incidental retail sales were allowed in the light industrial and general industrial district and in 2012 there was a code amendment and clean-up which consolidated all of the chapters of industrial to make it into one chapter and put it in a table format and through that there was an oversight where it got made a conditional use permit rather than an outright permit. She said they are proposing to restore the rights the businesses had prior to 2012. She said this is consistent with Metro's Urban Growth Management Functional Plan which specifically requires limitations on retail sales in industrial and said we currently have those limitations and referred to a footnote #7 that addresses that. She said they are limited in size to 5,000 square feet in a single outlet and no more the 20,000 square feet in a multiple outlet for the same development project. She said that regulation would not change and is consistent with the transportation planning rule. She stated the City Engineer has reviewed the proposal and said since we are not expanding any uses and simply changing the way we would allow the use he does not foresee any significant change or impact to the transportation system in the City.

She referred to the second proposed substantive change and said it is with the performance security in the subdivision chapter. She said they are proposing to increase the amount required from 100% of the estimated cost of improvements to 125%. She stated this is to cover the costs in the event that the City will have to pull a performance bond and make the changes. She said typically in the development process when there are required public improvements the applicant is required to bond for those improvements to demonstrate that they are financially able to put those improvements in. She said if a project does not go as planned and the public is left with an uncompleted project the City has the ability to

pull the bond and implement those changes and complete the improvements as required. She noted it costs money to pull bonds and manage the oversight which is not accounted for in the original 100% of the estimated costs. She said they are proposing to make the subdivision section consistent with our public infrastructure chapter. She stated the public infrastructure chapter was amended a few years ago and increased the amount to 125% and it was missed in the subdivision chapter.

She said based on the finding of fact and the staff report presented in the public hearing in December 2014, the Planning Commission recommended that the City Council approve these code amendments.

Councilor King asked how they determined the 25% increase. Ms. Randal said 25% was consistent with the other section of the code.

Community Development Director Julia Hajduk stated 125% is the industry standard and noted there are some jurisdictions that require as much as 150%.

Council President Robinson said she was on the Planning Commission at the time and they found that when a contractor defaults the cost is always more than 100% of the project and it is important to require 125% so the City is not out any money on the project.

Councilor Cooke stated she was also on the Planning Commission and this was a lengthy process and she commended staff for their work.

Mayor Clark opened the public hearing.

Tess Kies, Sherwood resident approached the Council asked for an example of retail sales in an industrial area.

Ms. Hajduk said it is common to have situations where you have a manufacturing establishment and a small portion of that operation is open to the public for retail sales. She said a small percentage is allowed to serve the population that works there or to sell the wares that are made there.

Mr. Gall said a good example is Two Kilts Brewery, they manufacture in an industrial zone and have a tasting room for the public. He said that tasting room is incidental to the primary industry use. Discussion followed and other examples were given.

With no further public testimony, Mayor Clark closed the public hearing.

Mayor Clark reminded the Council of the new procedure of extending ordinances to a second reading. She asked for a motion for a second reading.

City Attorney Crean said the Council should take a vote on the ordinance tonight and in two weeks there will be another vote and assuming they are both affirmative it would pass. He said in the Charter, Section 16 (a) states that adoption of an ordinance requires approval by a majority of the Council at two separate meetings. He said if for example it were approved at the first meeting and then two weeks later in response to concerns there was a motion to amend and then it was approved again. He stated then you have not approved the same ordinance at two separate hearings so you would have to schedule it again to approve the same ordinance at two separate meetings. He said he appreciates the intent of the

Charter Review Committee and said the Council is the final arbiter of what its Charter means. He said the Charter does require approval by a majority at two separate meetings separated by at least six days. He stated there has to be some evidence of approval by a majority of the council at two separate meetings. He said typically that is by a motion or some other action of the Council to affirmatively establish that it was approved by a majority of the quorum.

The City Recorder asked if the Council by stating a motion and voting, if that could be the approval to move the ordinance to a future date for consideration.

Mayor Clark said she personally like this better as it seems strange to approve something twice and she would be comfortable entertaining a motion to continue it to the next meeting.

Mr. Crean said the motion would be to continue for approval at the next meeting.

Councilor Cooke asked if they could continue to put on the consent agenda for the following meeting.

Mayor Clark said it would have to be another public hearing to give the public a chance to comment. She asked for a motion.

Mr. Crean noted that the ordinance has to be read at two consecutive meetings. He said you need a motion to read caption and move to schedule two weeks out at the next meeting for approval.

**MOTION: FROM MAYOR CLARK TO DIRECT THE CITY RECORDER TO READ CAPTION AND RESCHEDULE ORDINANCE 2015-003 AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS, I, II, III, IV, V, VI, VII AND VIII, SECONDED BY COUNCILOR HARRIS. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.**

Councilor Henderson clarified that there will be public comment again on March 17, 2015. Mayor Clark replied yes. Councilor Henderson replied that was the intent of the Charter Review Committee to have two opportunities to comment on an ordinance.

Mayor Clark said it will be listed as a public hearing at the next meeting.

The City Recorder said that she will work with Mr. Crean to develop a standard statement for this process.

Mayor Clark said it seems cumbersome, thanked staff and said she would appreciate that.

## 9. CITY MANAGER REPORT:

City Manager Gall stated there was a work session next week regarding marijuana.

Ms. Hajduk said it is a public work session where the public will be invited to have a dialogue with the Planning Commission. Julia explained the meeting format will have multiple tables for public seating alongside of planning commissioners. She said they will be discussing medical marijuana and it is very important to have as many people as possible and said we are on a tight timeframe to come up with recommended language for the Council. She stated the moratorium ends around the end of April,



beginning of May. She said the work session starts at 6:30 pm and will be held in the Community Room on March 10.

Council President Robinson referred to the comments made by Eugene Stewart regarding the Senior Center and asked if we have a liaison and if we receive reporting that supports that number.

Mr. Gall said occasionally we have work sessions and it has been a while and now we have a new Council and he will talk to the Mayor about scheduling a work session.

He said Community Service Director Kristen Switzer is the staff liaison to the Senior Center and is the most knowledgeable about how operations are handled and how they have evolved. He recommended visiting the Senior Center to see how it is being used. He said Mr. Stewart has been consistent with his ideas and concerns. He said Councilor Henderson is the Council liaison and Kristen Switzer is the staff liaison.

Council President Robinson asked if there is a budget item for the Senior Center.

Mr. Gall said there is a small budget but the operations are mainly operated by Loaves and Fishes through a contract with the City.

Mayor Clark addressed the next item on the agenda.

## **10. COUNCIL ANNOUNCEMENTS:**

Councilor King expressed his gratitude for being invited to the Police Dinner. He commented how great it is to see how the police department has come along in the past seven years and commended Chief Groth and the men and women of the force and said he looks forward to attending a future event.

Councilor Henderson announced that Mary Poppins will open on March 5 and said she will need to excuse herself to go help with the event. She announced there is a Tom Grant performance on March 20. She thanked the staff for the Sherwood Center for the Arts grand opening. She said it was a great event and in speaking with staff, staff thought we had in excess of nearly 2,000 in attendance. She commented on the acoustics and the quality of the facility and said this is a credit to many people, former members of Council, staff and people they met while researching the type of center to build. She commented regarding the quality of the sound and stated that tickets in general cost \$10-\$12. She commented regarding the parking for the 300 seat facility and the potential for increased business in old town during performances. She shared a recent conversation with a resident about his inability to hold an event at the new facility because it was already booked and said they will be working on being more flexible and creative to make events work. She thanked staff and members of the Cultural Arts Commission for their efforts and support at the event.

Councilor Henderson left the meeting at 8:20 pm.

Councilor Kuiper echoed the comments about the Police Dinner and the grand opening of the Sherwood Center for the Arts. She announced that yesterday was the neighborhood dog park meeting for the neighbors around the proposed dog park, she said the City is required to notice this as it is a land use action. She commented on the timeline and said we will need to go through a budget process and

hopefully work will begin in July or August. She reported on the Parks and Recreation Board meeting and said the consulting landscape design company came to the meeting and presented three options for Woodhaven Park and the Board chose one option and that will be presented at a community open house in April. She said by this fall they should have construction bid documents to get things started.

Council President Robinson said she attended a local budget law seminar with Finance Director Julie Blums and said there were no changes in the laws but the way things are reported will be a little different and she is looking forward to that process. She said hopefully the last position on the Budget Committee will be filled and training can start for the budget process. She commented on Kurt Kristensen's comments regarding the Water Master Plan and said the Planning Commission is reviewing it and said it's an update to the plan, where we are today and where we need to be in 20 years. She encouraged citizen's to attend the planning commission meetings. She said we have a consultant who has done some research and we have asked some very important questions and she believes they are doing a great job.

She echoed the comments about the Sherwood Center for the Arts grand opening and shared a conversation she had while attending an event in Tualatin and how people outside of our City already know about the center and are attending our events. She announced the Planning Commission work session to discuss marijuana and the meeting format which will be a round table format with lists of topics and locations to discuss. She commented about the location of and they want the community's input on where it should go, for example general industrial or commercial. She said they need community input and said they understand that the citizen's within the limits of Sherwood did not vote to pass Measure 91 and with that in mind they want the public's input. She said we are allowed to regulated time, place and manner of where the medical marijuana dispensaries are located in the City. Councilor Robinson stated she wanted to acknowledged City staff and said many have worked here a long time and stated the benefits of long term employees is that they know the industry and what is available. She gave the examples of researching and obtaining grants and provided examples of the grant from DEQ to cleanup the tannery site and the grant obtained for a planning associate, Connie Randalls position and a grant for our new technology in this community room. She said we have people out there trying to maximize our tax dollars and we have a lot in our City that is funded by grants and thanked staff for their efforts.

Councilor Harris commented on the grand opening of the Sherwood Center for the Arts and thanked Sweet Story, Sesame Donuts and Symposium for their donations. She commented on the Sherwood Library and said there will be a Washington County Library Services local option levy in November and stated that 21% of the City's Library budget comes from that levy. She noted the importance of the levy and said it has been five years since the last levy and asked everyone to stay informed and if they had questions to contact Library Manager Adrienne Calkins, and said Ms. Calkins has an article in the Sherwood Archer. She referred to the March calendar for the Library and highlighted a few events such as Lego Maniacs on Saturday and on March 12, a Mind the Gap event in correlation with Oregon Humanities and the talk is about gender and how it shapes our lives and said it's a free event. She said on March 20<sup>th</sup> there is a Stuff Friends Sleepover and explained the event. She commented about the Homework Help Program for students every Tuesday from 3-5pm. She commented on the number of volunteers and said there are over 30 volunteers at the library. She announced that Washington County is using the Sherwood Center for the Arts to host a story telling program that is free on April 11-18 and is geared toward adults and 503 Uncorked will be there.

Councilor Cooke announced that there are vacancies on the Planning Commission and applications are due March 13 and she encourage citizens to apply. She said she attended the grand opening for the

Sherwood Center for the Arts and the Police Dinner. She commented on how the police force is a strong part of our community. She stated she attended the City Day at the Capitol with Mayor Clark and Councilor Harris and said it was an opportunity to learn more about the legislative issues potentially impacting our community.

Mayor Clark reported she attended the City Day at the Capitol and said she set up interviews and lobby opportunities with Senator Thatcher and Representative Davis. She said she met Governor Kate Brown and appreciated the opportunity to share ideas with other elected officials. She said she attended the one year anniversary and ribbon cutting for the Growler House. She stated she attended the Westside Economic Alliance breakfast and they spoke of waste management and they had speakers from Providence and they talked about recycling programs, which she is very interested in setting up in Sherwood and they also spoke of community gardens. She said it was a great event and Providence donates thousands of pounds of food to the communities they are in. She said she attended the Swinging with Spaghetti fundraiser in support of the band program. She commented on the grand opening of the Sherwood Center for the Arts and said she had a brief moment to speak about fiscal responsibility and to keep that facility busy. She reminded everyone of daylight savings time this coming Sunday.

**11. ADJOURN:**

**MOTION TO ADJOURN: FROM COUNCILOR KUIPER, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR, (Councilor Henderson was not present).**

Mayor Clark adjourned the meeting at 8:14 pm

Submitted by:

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Sylvia Murphy, MMC, City Recorder

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Krisanna Clark, Mayor

**Council Meeting Date:** March 17, 2015

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Kristen Switzer, Community Services Director  
Through: Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-029 authorizing reappointment of Marney Jett to the Parks and Recreation Board**

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**ISSUE:**

Should the City Council reappoint Marney Jett to the Parks & Recreation Board?

**BACKGROUND:**

Marney Jett was appointed to the Parks and Recreation Board by Resolution 2010-047 and reappointed by Resolution 2012-055 and has served 2 terms. The Parks and Recreation Board currently has vacancies and Marney Jett has requested reappointment. Marney currently serves as the Board representative for Sherwood West and has been a valuable member to the board.

Council Liaison Jennifer Kuiper, and the Chair of the Parks Board, with assistance of staff, are both recommending Marney Jett for reappointment.

According to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

**RECOMMENDATION:**

Staff respectfully recommends City Council approval of Resolution 2015-029, authorizing reappointment of Marney Jett to the Parks and Recreation Board.



**RESOLUTION 2015-029**

**AUTHORIZING REAPPOINTMENT OF MARNEY JETT TO THE  
PARKS AND RECREATION BOARD**

**WHEREAS**, Marney Jett was appointed to the Parks and Recreation Board by Resolution 2010-047 and reappointed by Resolution 2012-055; and

**WHEREAS**, the Parks and Recreation Board currently has vacancies and Marney Jett has requested reappointment; and

**WHEREAS**, Council Liaison Jennifer Kuiper, and the Chair of the Parks Board, with assistance of staff, are recommending Marney Jett for reappointment; and

**WHEREAS**, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

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

**Section 1.** The Mayor is authorized to reappoint Marney Jett to a two year term, expiring March 2017.

**Section 2:** This Resolution is effective upon its approval and adoption.

**Duly passed by the City Council this 17<sup>th</sup> day of March 2015.**

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Krisanna Clark, Mayor

Attest:

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Sylvia Murphy, MMC, City Recorder

**Council Meeting Date:** March 17, 2015

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Kristen Switzer, Community Services Director  
**Through:** Joseph Gall, ICMA-CM City Manager

**SUBJECT: Resolution 2015-030 authorizing appointment of John Clifford to the Parks and Recreation Board**

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**ISSUE:**

Should the City Council appoint John Clifford to the Parks and Recreation Board?

**BACKGROUND:**

The Parks and Recreation Board currently has vacancies and John Clifford has applied for appointment. Interviews were conducted and the Council Liaison Jennifer Kuiper, the Chair of the Parks Board, with assistance of staff, are recommending John Clifford for appointment. John recently served on the Planning Commission and has a desire to now serve on the Parks & Recreation Board.

According to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

**RECOMMENDATION:**

Staff respectfully recommends City Council approval of Resolution 2015-030, authorizing appointment of John Clifford to the Parks and Recreation Board.



**RESOLUTION 2015-030**

**AUTHORIZING APPOINTMENT OF JOHN CLIFFORD TO THE  
PARKS AND RECREATION BOARD**

**WHEREAS**, the Parks and Recreation Board currently has vacancies and John Clifford has applied for appointment; and

**WHEREAS**, Council Liaison Jennifer Kuiper, and the Chair of the Parks Board, with assistance of staff, are recommending John Clifford for appointment; and

**WHEREAS**, according to Chapter 2.16 of the Sherwood Municipal Code, members of the Parks and Recreation Board shall be appointed by the Mayor with consent of the City Council.

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

**Section 1.** The Mayor is authorized to appoint John Clifford to a two year term, expiring March 2017.

**Section 2.** This Resolution is effective upon its approval and adoption.

**Duly passed by the City Council this 17<sup>th</sup> day of March 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Council Meeting Date:** March 17, 2015

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Kristen Switzer, Community Services Director  
**Through:** Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-031 appointing Vytas Babusis to the Cultural Arts Commission**

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**ISSUE:**

Should the City Council appoint Vytas Babusis to the Cultural Arts Commission?

**BACKGROUND:**

The Cultural Arts Commission currently has 2 vacancies. Council Liaison Jennifer Harris, the Chair of the Cultural Arts Commission, Vicki Poppen, with assistance of staff, are recommending Vytas Babusis for appointment.

According to Chapter 2.08.010 of the Sherwood Municipal Code, members of the Cultural Arts Commission shall be appointed by the Mayor with consent of the City Council for a two year term.

**RECOMMENDATION:**

Staff respectfully recommends City Council approval of Resolution 2015-031 appointing Vytas Babusis to the Cultural Arts Commission.





**RESOLUTION 2015-031**

**APPOINTING VYTAS BABUSIS TO THE CULTURAL ARTS COMMISSION**

**WHEREAS**, the Cultural Arts Commission currently has 2 vacancies; and

**WHEREAS**, the Council Liaison, Chair of the Cultural Arts Commission, with assistance from staff, are recommending Vytas Babusis for appointment; and

**WHEREAS**, according to Chapter 2.08.010 of the Sherwood Municipal Code, members of the Cultural Arts Commission shall be appointed by the Mayor with consent of the City Council for a two year term.

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

**Section 1.** The Mayor is authorized to appoint Vytas Babusis to a two year term, expiring March 2017.

**Section 2.** This Resolution is effective upon its approval and adoption.

**Duly passed by the City Council this 17<sup>th</sup> day of March 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Tom Pessemier, Assistant City Manager

Through: Paul C. Elsner,  
City Attorney's Office (Beery Elsner Hammond, LLP)

**SUBJECT: Resolution 2015-034, Approving Amendment No. 1 to the employment agreement between the City of Sherwood and Joseph Gall to alter the date for the work performance evaluation of Joseph Gall from February until October**

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**Issue:**

Should the Council authorize the Mayor to sign Amendment No. 1 to the Employment Agreement between the City of Sherwood and Joseph Gall changing the City Council assessment of Joseph Gall's work performance from February to October?

**Background:**

The City of Sherwood and Joseph Gall have an Employment Agreement executed in June of 2014. The Agreement included a provision (Section VII(A)) that scheduled the job evaluation of Mr. Gall's performance for February 17, 2015; however, since many of the Council positions changed in January of 2015 it was believed by the Mayor and Joe Gall that it would be more appropriate to reschedule the evaluation for October, 2015 (and thereafter for each successive October) so the current set of Councilors (and newer ones that may be seated in March and May of this year ) have sufficient time and interactions with the City Manager to evaluate and assess his performance. This will also afford staff and the Council ample time to collect and put together effective evaluation criteria for the evaluation.

**Financial Impacts:**

None.

**Recommendation:** Approval of Resolution 2015-034, Approving Amendment No. 1 to the employment agreement between the City of Sherwood and Joseph Gall to alter the date for the work performance evaluation of Joseph Gall from February until October.



**RESOLUTION 2015-034**

**APPROVING AMENDMENT No. 1 to THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SHERWOOD AND JOSEPH GALL TO ALTER THE DATE FOR THE WORK PERFORMANCE EVALUATION OF JOSEPH GALL FROM FEBRUARY UNTIL OCTOBER**

**WHEREAS**, Joseph Gall has been employed by the City of Sherwood since 2012 and has an employment agreement (Agreement) with the City to act as its City Manager effective until June 30, 2017; and

**WHEREAS**, Section VII(A) of the Agreement requires City Council meet with Joseph Gall prior to February 17, 2015 and not later than each successive February thereafter to evaluate and assess his job performance as City Manager; and

**WHEREAS**, City Council had numerous membership changes in January 2015 and both Council and Joseph Gall believe it is not either in the best interest of the City or Employee to meet during the time initially set out in Section VII(A) of the Agreement and wish to change the timing for the evaluation/assessment for the City Manager from February to October; and

**WHEREAS**, Council would like to keep evaluations spaced approximately one year apart; and

**WHEREAS**, both the City Council and Joseph Gall are willing to amend the Agreement to provide for an evaluation process be conducted not later than October 17, 2015 and thereafter not later than October each successive year of the Agreement.

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

**Section 1.** The Sherwood City Council hereby approves Amendment No. 1 to the employment agreement between the City of Sherwood and Joseph Gall as shown in Exhibit A and authorized the Mayor to sign said Amendment on behalf of the City.

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

**Duly passed by the City Council this 17<sup>th</sup> day of March 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

# Exhibit A

## Amendment No. 1

### Employment Agreement Between Joseph Gall And City of Sherwood, Oregon

The City of Sherwood and Joseph Gall amend the second sentence in Section VII(A) of the Employment Agreement by ~~deleting~~ and **adding** language such that the sentence reads:

The City Council shall meet with EMPLOYEE at least once annually during the term of this Agreement, which first meeting shall occur not later than ~~February~~ **October** 17, 2015, and thereafter not later than the second Council meeting in ~~February~~ **October** of each year for purposes of evaluating and assessing the performance of the EMPLOYEE.

All other terms and condition of the Employment Agreement between Joe Gall and the City of Sherwood, Oregon remain unchanged.

City of Sherwood

Joseph Gall

\_\_\_\_\_  
Krisanna Clark  
Mayor

\_\_\_\_\_  
Joe Gall

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**TO:** Sherwood City Council

**FROM:** Bob Galati P.E., City Engineer  
Through: Joseph Gall, ICMA-CM, City Manager  
Julia Hajduk, Community Development Director

**SUBJECT:** **Resolution 2015-032 authorizing the City Manager to enter into a Contract for Professional Services with AKS Engineering and Forestry for the Columbia Street Regional Water Quality Facility Pipe Bore Mitigation Design and Permitting project**

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**Issue:**

Should the City Council authorize the City Manager to enter into a contract for professional services with AKS Engineering and Forestry to provide consultant services for the Columbia Street Regional Stormwater Quality Facility Pipe Bore Mitigation Design and Permitting project?

**Background:**

The City of Sherwood Stormwater Master Plan identifies the Columbia Street Regional Stormwater Treatment Facility project (CC-3) as a needed improvement of the City's stormwater facilities. The City contracted with AKS Engineering and Forestry under Resolution 2013-064 to provide engineering design and permitting services in the development of this project.

As part of the project design process, the City applied to outside jurisdictional agencies for review, approval and permitting of the project improvements. These outside jurisdictional agencies include Clean Water Services (CWS), US Army Corp of Engineers (USACE), Oregon Department of Fish and Wildlife (ODFW), and Division of State Lands (DSL). ODFW determined that a downstream reach of the drainage corridor was fish habitat and that an existing culvert crossing the Pacific and Western Railroad right-of-way was preventing fish passage.

As part of permit approval for the Columbia Street stormwater quality treatment facility project, ODFW required that the City upgrade and replace the existing culvert with a larger culvert to allow fish passage. This requirement was not part of the original master plan project description or scope of work for development of the regional stormwater treatment facility. It is a project identified in the Stormwater Master Plan and eligible for use of stormwater SDC funds.

Given a parallel CWS requirement that the Sherwood Center for the Arts site stormwater runoff would be treated by the newly constructed regional treatment facility prior to grant of occupancy, it was negotiated that the downstream culvert mitigation design and construction project would occur immediately following the completion of the regional stormwater quality facility construction. This agreement was intended to remove an unintended impact of delaying the opening of the Sherwood Center for the Arts.

Under Oregon Revised Statutes (ORS 279C.115) a contract for professional services may be amended or assigned to a consultant if the work being performed is an extension of the original project, and that the original contract was issued using the State's contracting requirements. The City did utilize the State's contracting requirements for issuance of the original contract with AKS, and the work being proposed under the submitted scope and fee is an extension of the original project.

**Financial Impacts:**

The cost of the design and permitting work will be covered by the remaining unused project funds budgeted for the Columbia Street Regional Stormwater Quality Facility Design and Construction project. The cost of constructing the improvement will be included in the FY15-16 capital improvement plan budget and will be separately bid and awarded.

The long term maintenance costs associated with this work will be cleaning of the new culvert and removal of overgrown vegetation and invasives by Public Works.

**Recommendation:**

Staff respectfully recommends City Council adoption of Resolution 2015-032 authorizing the City Manager enter into a professional services contract with AKS Engineering and Forestry for the scope of work and fee described in Exhibits A and B. The amount of the contract with AKS is \$24,915. Staff also recommends authorizing the City Manager to amend the contract amount by up to \$1,245 (5% contingency amount) to account for unanticipated issues. The total not-to-exceed contract amount is \$26,160.



**RESOLUTION 2015-032**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AKS ENGINEERING AND FORESTRY TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE COLUMBIA STREET REGIONAL STORMWATER QUALITY FACILITY PIPE BORE MITIGATION DESIGN AND PERMITTING PROJECT**

**WHEREAS**, the Columbia Street Regional Stormwater Quality Facility is identified in the City's Stormwater Master Plan (project number CC-3); and

**WHEREAS**, AKS Engineering and Forestry was contracted with under Resolution 2013-064 to provide professional engineering services in the design and permitting of the Columbia Street Regional Stormwater Quality Facility project; and

**WHEREAS**, during the permitting process Oregon Department of Fish and Wildlife (ODFW) placed a condition on the project permit approval requiring replacement of a downstream culvert crossing of Pacific & Western Railroad right-of-way; and

**WHEREAS**, the replacement of the downstream culvert is deemed necessary by ODFW for fish passage; and

**WHEREAS**, the downstream culvert replacement was not included in the original scope of work for the regional stormwater quality facility project; and

**WHEREAS**, ORS 279C.115 states, "A local contracting agency may enter into an architectural, engineering or land surveying services contract directly with a consultant if the project described in the contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier contract with the consultant that was awarded under rules adopted under ORS 279A.065 and the new contract is a continuation of that project."; and

**WHEREAS**, the work identified in the contract is deemed a continuation of the original Columbia Street Regional Stormwater Quality Facility project.

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

**Section 1.** The City Manager is authorized to enter into a contract for professional services with AKS Engineering and Forestry for the project scope and fee described in the attached Exhibit A and Exhibit B, in the amount of \$24,915.

**Section 2.** The City Manager is authorized to amend the contract by up to \$1,245 (5%) for unanticipated issues, for a total not-to-exceed budget amount of \$26,160.

**Section 3.** This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 17<sup>th</sup> day of March 2015.

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder



## EXHIBIT A

### SCOPE OF WORK

#### TASK 13 FISH PASSAGE MITIGATION SERVICES

As part of the Columbia Street Regional Stormwater Facility project, a horizontal bore beneath the Southern Pacific Railroad right-of-way is proposed to provide a secondary culvert outflow and reduce the backwater surface water elevation for the project. Due to the fact that the secondary culvert cannot meet Oregon Department of Fish and Wildlife (ODFW) fish passage requirements, an offsite fish passage project is proposed to mitigate these impacts.

ODFW has approved replacing an existing culvert on a tributary to Cedar Creek as suitable fish passage mitigation to off-set the impacts associated with the new culvert placement at the City's Columbia Street Water Quality Facility. The proposed mitigation includes replacing an existing 36-inch diameter culvert with a natural stream bottom culvert to "open" a minimum of 440 linear feet of fish habitat from nearby Cedar Creek.

Work below the ordinary high water mark (OHWM) of the tributary to Cedar Creek requires authorization from the Oregon Department of State Lands (DSL) and the Portland District Army Corps of Engineers (Corps).

#### Task 13.1 – Topographic Surveying Services:

AKS will perform the following services:

- The Oregon Utility Notification Center (locate services) will be contacted to ensure any underground utilities in the area of the proposed driveway approach will be located and the surface markings can be field tied.
- Perform a field topographic survey of the existing culvert and the unnamed tributary of Cedar Creek (as identified by the Limits of Surveying boundary on the Mitigation Area exhibit provided by the City).
- Based on the field topographic survey, prepare an existing conditions plan showing: one foot contours, delineated wetland boundaries, ordinary high water marks, existing access roads/paths, forested areas, and approximate property boundaries for the westerly boundary of the site. This plan will be utilized to prepare engineering plans for the proposed culvert mitigation project and will be utilized for construction staking.

#### Deliverables:

The project deliverables will include:

- Existing Conditions Plan (incorporated into plan sheets for culvert design)

### **Task 13.2 Natural Resource Services:**

AKS will provide the following scope of work with respect to Natural Resource services:

- According to Oregon Administrative Rule (OAR) 141-089-0740, replacement of culverts for fish passage can be authorized under a General Permit from DSL. This task includes preparing the General Authorization Eligibility Form for submittal to DSL.
- The project also qualifies for approval under Nationwide Permit #3 Maintenance Activities. This task includes preparing a Pre-Construction Notification for submittal to the Corps to receive federal authorization for the culvert replacement. The culvert replacement is not expected to require compensatory waters mitigation.
- If necessary, prepare a Simplified Assessment for submittal to CWS to receive a Service Provider Letter for temporary construction impacts within the associated vegetated corridor.
- AKS will coordinate with the project team to facilitate the submittal and reviews of the DSL/Corps and CWS permits. This task includes coordination with the project team to ensure the design of the new culvert meets ODFW fish passage requirements at road/stream crossings.

#### Deliverables:

The project deliverables will include:

- General Authorization Permit for City signatures and submittal to DSL
- Pre-Construction Notice Form for City signature & submittal to Corps
- Simplified Site Assessment report for proposed culvert replacement
- Sensitive Areas Certification Form for City signature & submittal to CWS (if needed)

### **Task 13.3 – Fish Passage Culvert Design Services:**

AKS will perform the following services:

- Prepare final civil engineering construction plans, details, and specifications for the proposed culvert replacement which complies with Oregon’s fish passage rules. These plans will include the following sheets:
  - Cover Sheet
  - Existing Conditions Plan
  - General Construction Notes
  - Erosion Control Plan and Details (assumes a disturbed area of less than 1 acre)
  - Grading Plan
  - Replacement Culvert Plan, Profile & Cross-Section
  - Construction Details for the replacement stream crossing structure (assumed to consist of a partially buried large diameter culvert)
- Site drainage analysis for culvert capacity
- Hydraulic analysis of proposed culvert to meet ODFW fish passage design and CWS requirements
- In conjunction with the natural resource permitting and civil design services, AKS will perform the following landscape architecture services (as needed):
  - Vegetated Corridor Enhancement Plan



- Vegetated Corridor Mitigation Plan
  - Streambank Revegetation Plan
  - Landscaping Legend, Details, and Notes
- In addition to preparing the above plans, the AKS team will prepare the following documents:
    - Bid sheet
    - Project special provisions
    - Engineer's construction cost estimate
  - AKS will submit these civil engineering and landscape plans to the City for review and comment, then make any necessary revisions.

**Deliverables:**

The project deliverables will include:

- Civil engineering construction plans, details, and specifications
- Hydraulics report
- Landscape plan (as needed)
- Bid sheet
- Project special provisions
- Engineer's construction cost estimate

**Task 13.4 – Construction Surveying Services:**

AKS will provide one set of construction stakes for the following item:

- Clearing limits and erosion control
- Tree fencing stakes (angle points and inter-visible)
- Storm drainage structure offset stakes for the stream crossing

Construction staking provides the necessary information for the contractor to construct the improvements in accordance with the plans.

**Deliverables:**

The project deliverables will include:

- Cut Sheets

**Task 13.5 - Construction Administration & Support Services:**

- AKS will attend the pre-construction meeting scheduled by the City of Sherwood.
- Respond to contractor Requests for Information (RFI's) and issue clarifications to design requirements.
- Review contractor submittal documents (assume 2 total).

**Deliverables:**

The project deliverables will include:



- Pre-construction meeting notes
- Submittal reviews
- RFI clarifications

**Task 13.6 - Project Close-Out Services:**

- AKS will perform a walk-through following substantial project completion and create a project punch list.

**Deliverables:**

The project deliverables will include:

- Punch list

**Task 13.7 – Surveyed As-Builts**

AKS will provide as-built engineering plans of the culvert to include the following:

- Survey elevations and location of the new culvert

**Deliverables**

The project deliverables will include:

- As-built culvert plan

**Assumptions/Exclusions:**

- The proposed culvert replacement does not require compensatory waters mitigation.
- Pedestrian path/trail design between Wyndham Ridge subdivision and Meinecke Parkway roundabout is not included.
- The City of Sherwood will be responsible for all primary construction phase inspection and coordination services.
- A land use application is not required for the proposed culvert replacement project or associated improvements.
- The City will be responsible for submitting plans, application forms, etc., to CWS for permitting.
- The City will be responsible for preparing the bidding and project contract documents. (The AKS team will prepare the plans, reports, bid sheet, and special provisions.)
- If a pipe arch or open bottomed culvert is required, a geotechnical engineering report will be provided by the Client to address footing design and include bearing capacities.
- Geotechnical Engineering services are not included within this scope of work.
- Construction time will be no more than 90 days during a single construction season.
- Corps/DSL monitoring is excluded from this scope of work.





**PROJECT COSTS**

**EXHIBIT B**

AKS ENGINEERING & FORESTRY, LLC												
ESTIMATED PERSONNEL TASK HOURS												
PROJECT TASK AND SUBTASK ELEMENTS	Project Principle Engineer/ Surveyor	Design Engineer/ Architect	Eng. Tech	Wildland Scientist	Sr. Landscape Architect	Landscape Architect	Project Surveyor	Survey Tech	Survey Crew (Time Period)	Chemical	TOTAL TASK HOURS	TOTAL COST
TASK 13 - FISH PASSAGE MITIGATION SERVICES												
13.1 Topographic Surveying Services	4						3	8	10	2	27	\$2,800
13.2 Natural Resource Services	2	2	10	40						2	56	\$5,370
13.3 Fish Passage Culvert Design Services	8	40	60		8	12				2	130	\$11,860
13.4 Construction Surveying Services	1	1	1				1	4	8	2	18	\$1,860
13.5 Construction Administration & Support Services	2	6									8	\$830
13.6 Project Close-Out Services	1	3				3					7	\$640
13.7 Surveyed As-Builts	1	1					1	2	4		9	\$1,045
<b>PERSONNEL TASK HOURS SUBTOTAL</b>	<b>19</b>	<b>53</b>	<b>71</b>	<b>40</b>	<b>8</b>	<b>15</b>	<b>5</b>	<b>14</b>	<b>22</b>	<b>8</b>	<b>255</b>	
<b>PERSONNEL COST SUBTOTAL</b>	<b>\$2,185</b>	<b>\$5,300</b>	<b>\$5,035</b>	<b>\$4,000</b>	<b>\$840</b>	<b>\$1,125</b>	<b>\$500</b>	<b>\$1,180</b>	<b>\$3,080</b>	<b>\$390</b>		<b>\$24,615</b>
<b>TOTAL REIMBURSABLE EXPENSES (AT COST)</b> (INCLUDING MILEAGE, COPIES, ETC)												<b>\$300</b>
<b>TOTAL NOT TO EXCEED COST:</b>												<b>\$24,915</b>

Services will be invoiced to the City of Sherwood on an hourly basis (once a month) at the rates listed above, not to exceed the total above for deliverables listed. Application fees, title reports, recording fees, bid package copies, etc to be paid by City of Sherwood.

**TO:** Sherwood City Council

**FROM:** Tom Pessemier, Assistant City Manager  
Through: Joseph Gall, ICMA-CM, City Manager

**SUBJECT: Resolution 2015-033, authorizing the City Manager to enter into lease agreements for the Center for the Arts**

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**Issue:**

Should the Council authorize the City Manager to sign lease agreement(s) for the Center for the Arts?

**Background:**

The Center for the Arts (Center) is a project that has been in development for many years. A fundamental consideration that has been discussed many times to making a Center run successfully is additional financial support to offset operational costs of the facility. The Urban Renewal Agency and the City of Sherwood determined that one way to provide the facility with operational funds was to lease out space to tenants that would be compatible with the facility. The Center currently has 3,000 sf of lease space that was specifically created to be leased and may have additional opportunities inside the building for time limited leases/agreements in the future.

The Urban Renewal Agency has not turned over the lease space to the City at this point because additional construction in the lease spaces is necessary. However, immediately before the space is occupied, the space will turn over to the City and the lease and lease revenue will go to the City of Sherwood.

Currently lease space is being advertised and the City has outlined a selection process that will consist of the following:

- City and URA has retained Kidder Mathews to market and manage the leasing process.
- Lease property will be advertised for at least 6 weeks before any proposals are considered.
- Prospective tenants will submit requests for proposals (RFP) to the City for consideration
- A selection team consisting of City Councilors and Staff will review proposals for financial and compatibility with the operations of the Center.
- The selection team will recommend proposals to the City Manager and Kidder Mathews to begin lease negotiations.
- The City Manager will enter into a lease once they feel it is in the best interests of the City of Sherwood and the Center.
- The City Manager will update Council at a public meeting about any Lease Agreements or modifications.

With lease agreements, time is of the essence and prospective tenants must have an efficient process to work through all of the financial and operational mechanisms. There are many financial and operational issues that must be negotiated in a timely manner including:

- Development Fees
- Tenant Improvements
- Lease Rates
- Insurance, Taxes and Maintenance
- Consideration for operations in the Center

Once these items have been set the lease is expected to be executed in an expeditious manner and the reason for giving the City Manager the authority to execute agreements is prudent.

**Financial Impacts:**

The City will receive income from the leases that is meant to support the operations of the Center for the Arts. The amount cannot be determined until the leases are executed but will offset as much of the operational costs of the Center as possible.

**Recommendation:**

Staff respectfully recommends City Council adoption of Resolution 2015-033 authorizing the City Manager to enter into lease agreements for the Center for the Arts.



**RESOLUTION 2015-033**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENTS FOR THE CENTER FOR THE ARTS**

**WHEREAS**, the City of Sherwood has taken over the operations of the Center for the Arts Building; and

**WHEREAS**, lease space is currently available and being advertised for lease; and

**WHEREAS**, the City of Sherwood desires to enter into lease agreement with tenants that will support the facility both financially and operationally; and

**WHEREAS**, the City of Sherwood will follow a selection process for all leases that will meet City and State contracting rules; and

**WHEREAS**, from time to time such lease agreements may need modifications or extensions.

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

**Section 1.** The City Manager is authorized to enter into and modify Lease Agreements with Tenants in the Center for the Arts Building as necessary to provide financial support to the operations of the building.

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

**Duly passed by the City Council this 17<sup>th</sup> day of March, 2015.**

\_\_\_\_\_  
Krisanna Clark, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder



**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**

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**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.

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

**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**

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**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**

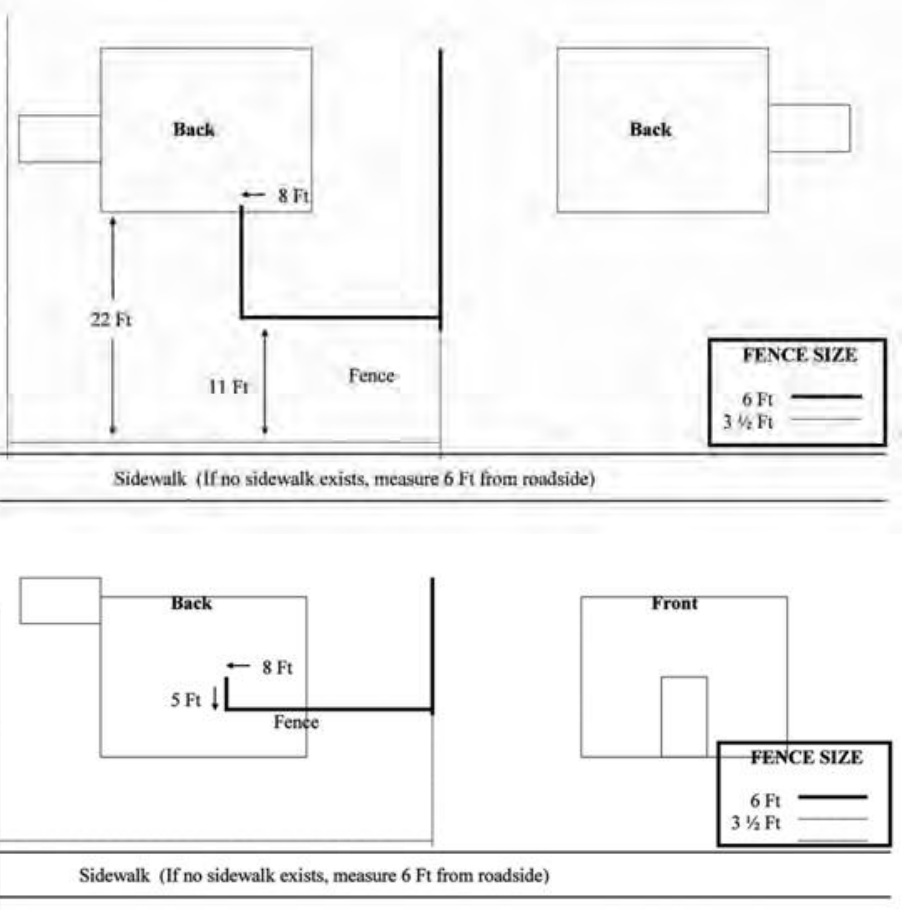
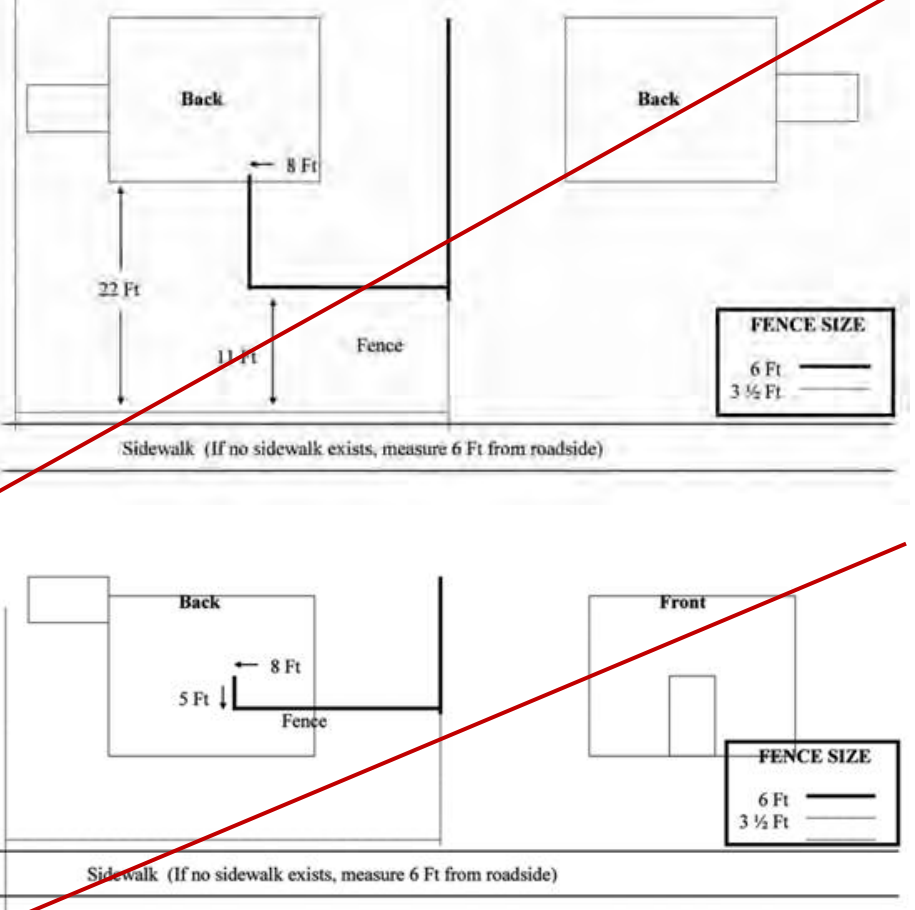
#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
1	16.06.020.C	269	A majority of members of the Commission shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Commission shall be necessary to legally act 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.	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 <del>those members, not less than</del> <u>shall</u> constitute a quorum. A majority vote of <del>is shall be</del> 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	<b>Accessory Building/Use:</b> A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.	1. Relocates definition for "Accessory Building" to the definition section, Section 16.10.020. 2. Provides distinct definitions for "Accessory Building" and "Accessory Use".	<b>Accessory Building/Use:</b> <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> <del>A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.</del> <b>Accessory Use:</b> <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.		<del>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.</del>
3	16.10.020	277	<b>Historic Resource:</b> 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: <b>Object:</b> 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. A. <b>Site:</b> 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. B. <b>District:</b> 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. C. <b>Primary, Secondary, &amp; Contributing:</b> Historic ranking in descending order based on four scoring criteria for surveyed properties — historical, architectural, use considerations, and physical and site characteristics.	Corrects a scrivener's error.	<b>Historic Resource:</b> 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: <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. <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. <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. <u>CD. Primary, Secondary, &amp; Contributing:</u> Historic ranking in descending order based on four scoring criteria for surveyed properties — historical, architectural, use considerations, and physical and site characteristics.
4	16.10.020	282	<b>Right-of-Way:</b> The area between boundary lines of a street or other easement.	Updates the definition to more accurately define the term.	<b>Right-of-Way:</b> <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> <del>The area between boundary lines of a street or other easement.</del>

#	Code Section	Page	Existing Code Language	Issue/Rational	Recommended Amendment
5	16.10.020	283	<p><b>Solid Waste Facility:</b></p> <p><b>A. Conditionally Exempt Small Quantity Collection Facility:</b> 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>B. Demolition Landfill:</b> 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><b>C. Household Hazardous Waste Depot:</b> 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><b>D. Limited Purpose Landfill:</b> 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><b>E. Resource Recovery Facility:</b> A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.</p> <p><b>F. Mixed Construction and Demolition Debris Recycling Facility:</b> 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><b>G. Solid Waste Composting Facility:</b> 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><b>H. Monofill:</b> 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><b>I. Municipal Solid Waste Depot:</b> 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><b>J. Small Scale Specialized Incinerator:</b> 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><b>K. Solid Waste Facilities:</b> Any facility or use defined in this Section of this Code.</p> <p><b>L. Solid Waste Transfer Station:</b> 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><b>M. Treatment and Storage Facility:</b> 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><b>N. Wood Waste Recycling Facility:</b> 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><b>O. Yard Debris Depot:</b> A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.</p> <p><b>P. Yard Debris Processing Facility:</b> 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><b>Solid Waste Facility:</b></p> <p><b>A. Conditionally Exempt Small Quantity Collection Facility:</b> 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>B. Demolition Landfill:</b> 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><b>C. 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6a	16.10.020	286	<p><b>Transportation Facilities and Improvements:</b> 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"> <li>1. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.</li> <li>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.</li> <li>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval.</li> <li>4. Landscaping as part of a transportation facility.</li> <li>5. Emergency measures necessary for the safety and protection of property.</li> <li>6. Street or road construction as part of an approved land use application.</li> <li>7. Transportation projects that are not designated improvements in the Transportation System Plan requires a site plan review and conditional use permit.</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Provides a distinct definition for "Transportation Facilities" and "Transportation Improvements".</li> <li>2. Corrects a scrivener's error: eliminates an extra ")."</li> <li>3. Eliminates the regulatory portion of the definition as they are already included in Chapter 16.66.</li> <li>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.</li> <li>5. Eliminates the use of "shall" per advice of legal counsel.</li> </ol>	<p><del><b>Transportation Facilities and Improvements:</b> 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.).</del></p> <p><b>Transportation Improvements:</b> Transportation improvements include the following:</p> <ol style="list-style-type: none"> <li><u>A</u>1. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.</li> <li><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.</li> <li><u>C</u>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval.</li> <li><u>D</u>4. Landscaping as part of a transportation facility.</li> <li><u>E</u>5. Emergency measures necessary for the safety and protection of property.</li> <li><u>F</u>6. Street or road construction as part of an approved land use application.</li> <li><del>7. Transportation projects that are not designated improvements in the Transportation System Plan requires a site plan review and conditional use permit.</del></li> <li><del>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.</del></li> </ol>																
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><del>Construction of A Conditional Use Permit is required for Transportation Facilities and Improvements that are:</del></p> <p><del>(1.) a Not designated in the adopted City of Sherwood Transportation System Plan (TSP); or,</del> and are</p> <p><del>(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.</del></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"> <li>1. Corrects a scrivener's error; a comma is missing.</li> <li>2. Eliminates the use of "shall" per advice of legal counsel.</li> </ol>	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 <del>be</del> <u>be</u> 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.	<b>See Attachment A: Residential Land Use Development Standards Table Legislative Edits.</b> 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 <del>commercial</del> <u>commercial-industrial</u> zones or contribute to the achievement of the objectives of the <del>commercial</del> <u>commercial-industrial</u> 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>EI<sup>1</sup></th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> <li>Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.<sup>7</sup></li> </ul> </td> <td>C</td> <td>C</td> <td>P</td> </tr> </tbody> </table> <p><sup>1</sup> See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.</p> <p><sup>7</sup> Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.</p>	Uses	LI	GI	EI <sup>1</sup>	<ul style="list-style-type: none"> <li>Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.<sup>7</sup></li> </ul>	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>EI<sup>1</sup></th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> <li>Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.<sup>7</sup></li> </ul> </td> <td><u>PG</u></td> <td><u>PG</u></td> <td>P</td> </tr> </tbody> </table> <p><sup>1</sup> See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.</p> <p><sup>7</sup> Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.</p>	Uses	LI	GI	EI <sup>1</sup>	<ul style="list-style-type: none"> <li>Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.<sup>7</sup></li> </ul>	<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"> <li>1. Corrects a scrivener's error: the correct reference is Chapter 16.120, not 16.122.</li> <li>2. Eliminates the use of "shall" per advice of legal counsel.</li> </ol>	If the PUD involves the subdivision of land, the proposal shall <del>must</del> <u>must</u> also include a preliminary subdivision plat and meet all requirements of Chapter 16. <del>122</del> <u>120</u> . The preliminary subdivision shall <del>will</del> <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"> <li>1. Corrects a scrivener's error: the correct reference is Chapter 16.120, not 16.124.</li> <li>2. Eliminates the use of "shall" per advice of legal counsel.</li> </ol>	If the PUD involves the subdivision of land, a final plat shall <del>must</del> <u>must</u> be prepared and submitted for final approval, pursuant to Chapter 16. <del>120</del> <u>124</u> .																

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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. <del>1.</del> Phasing</p> <p><del>a</del><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><del>b</del><u>2.</u> Any PUD which requires more than twenty four (24) months to complete <del>shall</del><u>must</u> be constructed in phases that are substantially complete in themselves and <del>shall</del> conform to a phasing plan approved as part of the Final Development Plan.</p> <p><del>2</del><u>B.</u> Failure to Complete</p> <p><del>a</del><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 <del>shall</del><u>will</u> determine whether or not the PUD's continuation, in whole or in part, is in the public interest.</p> <p><del>b</del><u>2.</u> If continuation is found not to be in the public interest, the Commission <del>shall</del><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><del>B</del><u>C.</u> Changes in Approved Plans</p> <p>1. Major Changes Proposed major changes in a Final Development Plan <del>shall be</del><u>are</u> considered the same as a new application, and <del>shall be</del><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><del>C</del><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 <del>shall be</del><u>is</u> the same as that allowed in the underlying zoning district, except as provided in <del>Subsections 16.40.040.D and 16.40.050.C.2(C)(2), below or 16.40.040.C above.</del></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 <del>16.40.050.C.2</del><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"> <li>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.</li> <li>2. Wall: A solid structural barrier that is not intended to alter the grade.</li> <li>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.</li> <li>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.</li> <li>5. Landscape feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.</li> <li>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.</li> </ol>		<p><del>Reserved</del>Definition:</p> <ol style="list-style-type: none"> <li>1. <del>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.</del></li> <li>2. <del>Wall: A solid structural barrier that is not intended to alter the grade.</del></li> <li>3. <del>Retaining wall: A solid barrier that provides a barrier to the movement of earth, stone or water and is used to alter the grade.</del></li> <li>4. <del>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.</del></li> <li>5. <del>Landscape feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.</del></li> <li>6. <del>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.</del></li> </ol>
16b	16.10.020	276	<b>Fence:</b> 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.	<b>Fence:</b> 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. <del>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.</del>
16c	16.10.020	287	None		<b>Wall:</b> 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	<b>Retaining Wall:</b> A structure constructed of stone, concrete, steel or other material designed to retain or restrain earth or rock.		<b>Retaining Wall:</b> A <del>structure-solid barrier</del> constructed of stone, concrete, steel or other material designed to retain or restrain earth, <del>or rock, or water and is used to alter the grade.</del>
16e	16.10.020	284	None		<b>Sound Wall:</b> 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		<b>Landscape Feature:</b> A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.
16g	16.10.020	277	None		<b>Hedges:</b> 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"> <li>1. In all cases, the following standards apply: <ol style="list-style-type: none"> <li>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.</li> <li>b. Chain link fencing is not allowed in any required residential front yard setback.</li> <li>c. The finished side of the fence must face the street or the neighboring property. This shall not preclude finished sides on both sides.</li> <li>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</li> <li>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.</li> <li>f. Fences and walls shall not be located within or over a public utility easement without an approved right-of-way permit.</li> </ol> </li> <li>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.</li> </ol>		<ol style="list-style-type: none"> <li>1. Eliminate Section 16.58.020.F.1 as it is unnecessary and renumber the conditions.</li> <li>2. Corrects a scrivener's error: the words "Section" should be capitalized; and inserts "a" where appropriate.</li> <li>3. Eliminates the use of "shall" per advice of legal counsel.</li> </ol>

#	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"> <li>1. Clarifies the word "it".</li> <li>2. Eliminates the use of "shall" per advice of legal counsel.</li> </ol>	Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, <del>it a primary structure shall</del> 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"> <li>1. Adds "or parcel" to clarify the intent of the code to apply to a lot or a parcel.</li> <li>2. Corrects a scrivener's error; "of" should be "or".</li> <li>3. Cleans up use of commas to clarify intent.</li> <li>4. Relocates the exception for residential use to the "Exceptions" section.</li> <li>5. Eliminates the use of "shall" per advice of legal counsel.</li> <li>6. Corrects Chapter title, "Infill Development".</li> </ol>	<p>If a lot <del>or parcel</del>, 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 <del>of or</del> aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, <del>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).</del></p> <p>B. Exceptions</p> <ol style="list-style-type: none"> <li>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 <del>cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68.</del></li> <li>2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill <del>Development</del>).</li> </ol>

#	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 <del>with</del> 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 <del>shall</del> <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> <del>the City limits and the Urban Growth Boundary.</del>
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 <del>use</del> <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> <del>e</del> <u>C</u> <del>o</del> <u>n</u> <del>d<u>i</u><u>t</u><u>i</u><u>o</u><u>n</u><u>a</u><u>l</u><u>u</u><u>s</u><u>e</u><u>p</u><u>e</u><u>r</u><u>m</u><u>i</u><u>t</u>, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.<u>A.4</u>,<del>below</del>.</del>
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> <del>4.G.4</del> .
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> <del>4.H.1</del> .
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> , <del>below</del> .
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> <del>020.4.G.6</del> .
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> <del>020.4.H.2</del> .
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 <del>shall</del> <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, <del>or the text of the Comprehensive Plan,</del> <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> <del>shall</del> <u>must</u> be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment <del>shall</del> <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><del>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.</del></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 shall is 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 98.a.-89.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><b>16.90.010 - Purpose</b></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"> <li>1. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.</li> <li>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"> <li>a. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.</li> <li>b. Vehicular and pedestrian ways and parking areas.</li> <li>c. Existing or proposed alteration of natural topographic features, vegetation and water-ways.</li> </ol> </li> </ol>	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><b>16.90.010 - Purpose</b></p> <p><del>A. Generally</del> <del>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.</del></p> <p><del>B. Objectives</del> 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"> <li><u>1</u>a. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.</li> <li><u>2</u>b. Vehicular and pedestrian ways and parking areas.</li> <li><u>3</u>e. Existing or proposed alteration of natural topographic features, vegetation and water-ways.</li> </ol>
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"> <li>1. Eliminates the use of "shall" per advice of legal counsel.</li> <li>2. Eliminates requirements for Site Plan review for a sign.</li> <li>3. Corrects a scrivener's error; a missing punctuation at the end of the sentence.</li> </ol>	<p>Site Plan Review Required Site Plan review <del>shall be</del>is 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, <del>and prior to the issuance of a sign permit for the erection or construction of a sign</del></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"> <li>1. Eliminates the use of "shall" per advice of legal counsel.</li> <li>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).</li> <li>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.</li> <li>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.</li> <li>5. Corrects references to code sections.</li> <li>6. Creates an actual matrix for the Commercial Design Review Matrix criteria in 16.90.030.D.7.d.</li> <li>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.</li> </ol>	<p><b>See Attachment B: Sections 16.90.020 and 16.90.030 Legislative Edits.</b></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 <sup>3</sup> ; Minimum Parking Standard = 1 per dwelling unit <sup>3</sup> 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 <sup>3</sup> ; Minimum Parking Standard = 1 per dwelling unit <sup>3</sup> 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> <del>six (6)</del> 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 <del>at 503-625-4202</del> <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. <del>040</del> <u>030</u> , 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 <del>§</del> <u>Section</u> 16.44.B.8 (Townhome- Standards) or <del>§</del> <u>Section</u> <del>16.142.030</del> <u>16.142.020</u> (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 <del>twenty-five</del> percent ( <del>125</del> <u>100</u> %) 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 <del>this</del> <u>Section 16.134.030</u> , <del>Greenways</del> , a <del>conditional use permit (CUP)</del> <u>Use Permit (CUP)</u> <del>shall be approved</del> <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 <del>this</del> <u>Section 16.134.050</u> , <del>Permitted Uses</del> .
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 <del>this</del> <u>Section 16.134.030</u> , <del>Greenways</del> .

#	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 <del>this Sections</del> <u>16.134.080 and 16.134.090</u> , <del>Floodplain Development and Floodplain Structures</del> .
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 <del>this Section</del> <u>16.134.050</u> , <del>Permitted Uses</del> , and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment <del>shall</del> <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 <del>shall</del> <u>must</u> establish the boundaries of the base flood by survey and <del>shall</del> dedicate said land as per <del>this Section</del> <u>16.134.050</u> , <del>Greenways</del> . The balance of the land and development <del>shall</del> <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 <del>shall</del> <u>must</u> be at least one and one-half (1½) feet above the base flood elevation and the building site <del>shall</del> <u>must</u> comply with the provisions of <del>Section 16.134.080.A</del> <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 <del>s</del> <u>Subsection 16.134.090.C.2 of Floodplain Structures</u> .
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 <del>shall be</del> <u>are</u> the same as in the underlying zoning district, except as provided in <del>this Section</del> <u>16.134.100</u> , <del>Additional Requirements</del> .

## 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 <sup>16</sup> : (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 <sup>27</sup> (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 <sup>38</sup>	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard <sup>49</sup>	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

<sup>16</sup> 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.

<sup>27</sup> Maximum height is the lesser of feet or stories.

<sup>38</sup> 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).

<sup>49</sup> 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. 2010-045, 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 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

Design Criteria	Possible Points				
	0	1	2	3	4
<b>Building Design</b> (21 Total Points Possible; Minimum 12 Points Required)					
These standards may be applied to individual buildings or developments with multiple buildings.					
<b>Materials<sup>1</sup></b>	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
<b>Roof Form<sup>2</sup></b>	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	--	--
<b>Glazing<sup>3</sup></b>	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)
<b>Fenestration on street-facing elevation(s)</b>	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	--
<b>Entrance Articulation</b>	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
<b>Structure Size<sup>4</sup> to discourage "big box" style development</b>	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

<sup>1</sup> No aluminum or T-111 siding permitted.

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

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

<sup>4</sup> 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>
<b>Building Location and Orientation</b> (6 Total Points Possible; Minimum 3 Points Required)					
<u>Location</u> <sup>5</sup>	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> <sup>6</sup>			Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk		
<b>Parking and Loading Areas</b> (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> <sup>7</sup>	>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%)	--

<sup>5</sup> 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.

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

<sup>7</sup> 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>
<b>Landscaping</b> (24 Total Point Possible; Minimum 14 Points Required)					
<u>Tree Retention</u> <sup>8</sup>	Less than 50% of existing trees on-site retained	51-60% of existing trees on-site retained	61-70% of existing trees on-site retained	71-80% of existing trees on-site retained	81-100% of existing trees on-site retained
<u>Mitigation Trees</u> <sup>9</sup>	Trees mitigated off-site or fee-in-lieu	25-50% of trees mitigated on-site	51-75% of trees mitigated on-site	76-100% of trees mitigated on-site	--
<u>Landscaping Trees</u> <sup>10</sup>	Less than one tree for every 500 square feet of landscaping	1 tree for every 500 square feet of landscaping	2 trees for every 500 square feet of landscaping	3 trees for every 500 square feet of landscaping	4 trees for every 500 square feet of landscaping
<u>Landscaped Areas</u>	Greater than 35% of landscaped areas are less than 100 square feet in size	Less than 25% of landscaped areas are less than 100 square feet in size	No landscaped areas are less than 100 square feet in size	--	--
<u>Landscaping Trees greater than 3-inch Caliper</u>	<25%	25-50%	>50%	--	--
<u>Amount of Grass</u> <sup>11,12</sup>	>75% of landscaped areas	50-75% of landscaped areas	25-49% of landscaped areas	<25% of landscaped areas	--
<u>Total Amount of Site Landscaping</u> <sup>13</sup>	<10% of gross site	10-15% of gross site	16-20% of gross site	21-25% of gross site	>25% of gross site
<u>Automatic Irrigation</u>	No	Partial	Yes	--	--
<b>Miscellaneous</b> (10 Total Points Possible; Minimum 5 Points Required)					
<u>Equipment Screening (roof)</u>	Equipment not screened	Equipment partially screened	Equipment fully screened	Equipment fully screened by materials matching building architecture/finish	--
<u>Fences and Walls</u> <sup>14</sup>	Standard fencing and wall materials (i.e. wood fences, CMU walls, etc.)	--	Fencing and wall materials match building materials	--	--
<u>On-Site Pedestrian Amenities Not Adjacent to Building Entrances</u>	No	Yes; 1 per building	Yes; more than 1 per building	--	--
<u>Open Space Provided for Public Use</u>	No	Yes; <500 square feet	Yes; 500-1,000 square feet	Yes; >1,000 square feet	--
<u>Green Building Certification</u>				LEED, Earth Advantage, etc. (Bonus)	

~~(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~~

<sup>8</sup> Based on tree inventory submitted with development application).

<sup>9</sup> When no mitigation is required, the project receives zero points.

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

<sup>11</sup> Shrubs and drought resistant ground cover are better.

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

<sup>13</sup> Includes visual corridor.

<sup>14</sup> 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

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**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](mailto:galatib@sherwoodoregon.gov)

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**City of Sherwood, Oregon**  
**Planning Commission**  
**December 9, 2014**

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**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](http://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 14<sup>th</sup> 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 8<sup>th</sup> 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 20<sup>th</sup> 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

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Planning Commission Meeting Minutes

December 9, 2014

Page 10 of 10





## 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 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 17<sup>th</sup> 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 <sup>16</sup> : (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 <sup>27</sup> (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 <sup>38</sup>	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard <sup>49</sup>	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

<sup>16</sup> 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.

<sup>27</sup> Maximum height is the lesser of feet or stories.

<sup>38</sup> 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).

<sup>49</sup> 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 <sup>1</sup>
<ul style="list-style-type: none"> <li>Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.<sup>7</sup></li> </ul>	<u>PG</u>	<u>PG</u>	P

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

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

**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**

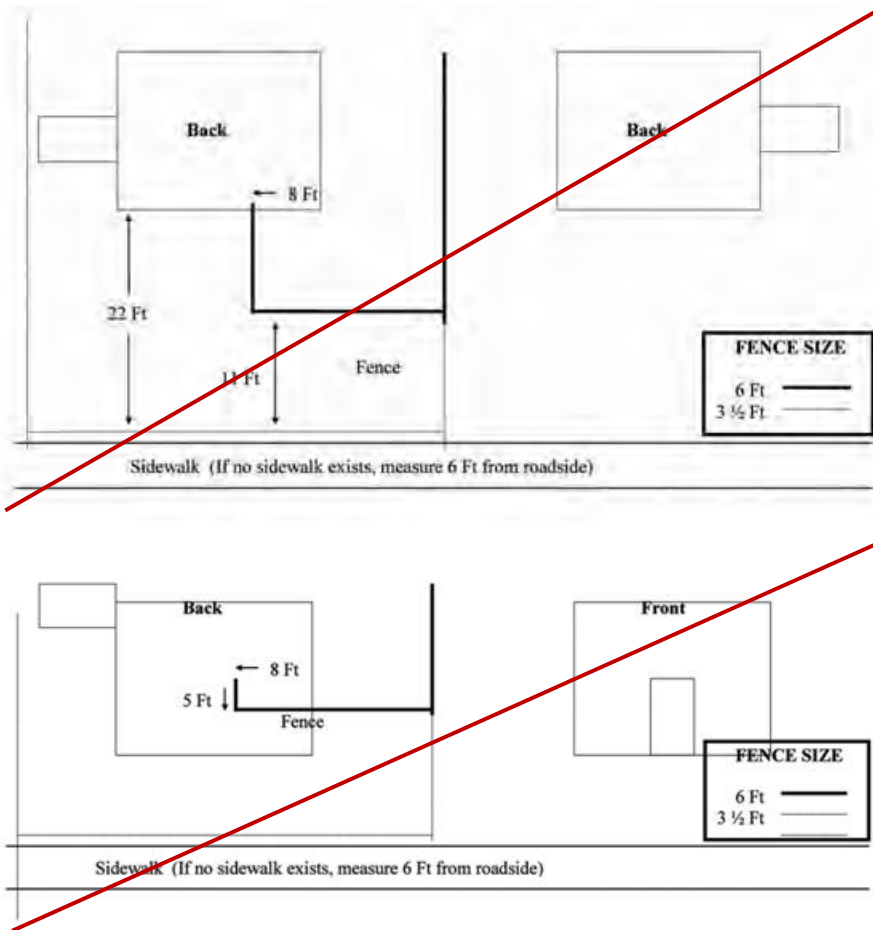
Hedges: A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area.

**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~~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 p 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**

<b>Design Criteria</b>	<b>Possible Points</b>				
	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Building Design</b> (21 Total Points Possible; Minimum 12 Points Required)					
These standards may be applied to individual buildings or developments with multiple buildings.					
<b>Materials<sup>1</sup></b>	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
<b>Roof Form<sup>2</sup></b>	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	--	--
<b>Glazing<sup>3</sup></b>	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)
<b>Fenestration on street-facing elevation(s)</b>	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	--
<b>Entrance Articulation</b>	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
<b>Structure Size<sup>4</sup> to discourage "big box" style development</b>	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

**Possible Points**

<sup>1</sup> No aluminum or T-111 siding permitted.

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

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

<sup>4</sup> 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>
<b>Building Location and Orientation</b> (6 Total Points Possible; Minimum 3 Points Required)					
<u>Location</u> <sup>5</sup>	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> <sup>6</sup>			Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk		
<b>Parking and Loading Areas</b> (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> <sup>7</sup>	>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%)	--

<sup>5</sup> 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.

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

<sup>7</sup> Percent of minimum required.

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

**(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**

<sup>8</sup> Based on tree inventory submitted with development application).

<sup>9</sup> When no mitigation is required, the project receives zero points.

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

<sup>11</sup> Shrubs and drought resistant ground cover are better.

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

<sup>13</sup> Includes visual corridor.

<sup>14</sup> 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**

**Page 413**

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 lot<sup>3</sup>; Minimum Parking Standard = 1 per dwelling unit

<sup>3</sup> 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 ~~Conditional Use~~ ~~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 ~~sSubsection 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~~.

**Sherwood Field House Monthly Report February 2015**

<u>February-15</u>	<u>Feb-15</u>		<u>YTD</u>		<u>Feb-14</u>
<b>Usage</b>		People		People	People
	<u>Count</u>	<u>Served*</u>	<u>Count</u>	<u>Served*</u>	<u>Served*</u>
Leagues	8	611	23	3659	644
Rentals	112	1680	625	9291	945
Other (Classes)					
[1] Day Use	10	98	61	443	99
<b>Total Usage</b>		<b>2389</b>		<b>13393</b>	<b>1688</b>
<b>Income</b>	<u>Feb-15</u>	<u>YTD</u>			
Rentals	\$8,261	\$40,334			
League fees (indoor)	\$10,155	\$53,206			
Card fees (indoor)	\$343	\$2,849			
Day Use	\$303	\$1,395			
Advertising					
Snacks	\$880	\$3,935			
Classes					
<b>Total</b>	<b>\$19,942</b>	<b>\$101,719</b>			
<b>FY 13 14</b>					
<b>Income</b>	<u>Feb-14</u>	<u>YTD</u>			
Rentals	\$5,100	\$31,373			
League fees (indoor)	\$11,200	\$63,781			
Card fees (indoor)	\$205	\$3,052			
Day Use	\$287	\$1,237			
Advertising					
Snacks	\$547	\$3,654			
Classes					
<b>Total</b>	<b>\$17,339</b>	<b>\$103,097</b>			

\*Estimated number of people served based on all rentals have a different # of people. Along with each team will carry a different # of people on their roster.



### **Sports Field and Gyms**

Youth soccer has continued to practice at Snyder Park during the month of February they also played 12 games up there during the month. They will be moving practice to the Ridges as they are out of season and the Lacrosse club will now get Snyder Park.

Youth basketball played 100 recreational games 3<sup>rd</sup> grade through high school during the month of February, they also played 59 classic games at SMS during the same time. For a total of 159 games in the month of February,

Greater Portland Soccer District rented 9 hours at Snyder Park during the month of February.

Most of the spring sports, Lacrosse, Baseball, and softball did some of their tryouts or evaluations during the month and will finish up during the first part of March.

I have had at least 5 requests for spring Basketball space and I am trying to fill those.

### **Field House**

Repaired the drinking fountain this month.

Public Woks scheduled a "high "cleaning this month. This entailed the cleaning of the high ducting and ledges that cannot be reached with our normal janitorial crew.

We are still running 4 night a week of adult leagues.

Pre- School play was a bit slower this month as we had such great weather in February.

Respectfully Submitted

Lance Gilgan

March 2, 2015