



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

July 26, 2016

**6 PM Work Session & Public Open House
7 PM Planning Commission Meeting**

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



City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
July 26, 2016
6:00 PM Public Work Session
7:00 PM Regular Meeting

6:00 Public Work Session and Public Open House Agenda

1. Presentation of the Sanitary Sewer Master Plan and Stormwater Master Plan

A joint Planning Commission Work Session and Public Open House will be held for a presentation of the City's Draft Sanitary Sewer Master Plan and Draft Stormwater Master Plan. These plans are currently going through review and updating. The presentation will provide information on the future of both systems through the next 7 years.

7:00 Regular Meeting

1. Call to Order

2. Consent Agenda – None

3. Council Liaison Announcements

4. Staff Announcements (Brad Kilby)

5. Community Comments

6. Old Business

a. Public Hearing – PA 16-05 Medical Marijuana Facilities (Michelle Miller)

The City proposes to amend the Zoning and Development Code to regulate recreational marijuana facilities. The proposal includes adding zoning restrictions for the five recreational marijuana license types and includes additional time, place and manner restrictions. The Planning Commission will make a recommendation to City Council.

7. Planning Commissioner Announcements

8. Adjourn

New Business Agenda

Item A

CITY OF SHERWOOD
Staff Report
Recreational Marijuana Facilities Code Amendments

Date: July 19, 2016
File No: PA 16-05

TO: Planning Commission

Hearing Date: July 26, 2016

From:



Michelle Miller, AICP
Senior Planner

Proposal:

The proposal seeks to amend the Sherwood Zoning and Community Development Code Chapters 16.10 (Definitions), 16.12 (Residential Land Uses), 16.22 (Commercial Land Uses) 16.31 (Industrial Land Uses), 16.38 (Special Uses) and 16.72 (Procedures for Processing Development Permits) in order to develop reasonable time, place and manner restrictions concerning recreational marijuana facilities. The proposed text amendment Code language is included as Exhibit A.

Specifically, the proposed Code amendments include:

- Adding definitions for the five recreational marijuana license facilities types: processing, production, retail sales, testing laboratories, and wholesale operations
- Adding the five license types to the “Use Tables” categories in the Commercial and Industrial zones and prohibitions in the Residential zones
- Adding the recreational marijuana facilities to the Type II process- staff level decision with posting onsite and notice to property owners within 1,000 feet
- Adding criteria for the five license types in the Special Use Chapter 16.38 that creates general standards for indoor production and storage only of marijuana, compliance with State licensing requirements, odor mitigation measures, public access restrictions, proximity to residential and mixed use zones for non-retail operations
- Adding specific criteria for retail marijuana facilities that includes limiting hours and size, additional restrictive buffers around public parks and plazas, and other retail marijuana and medical dispensaries,
- Adding limitations on mobile and drive through businesses and specific security measures, size and site requirement for retail outlets.
- Prohibiting recreational marijuana facilities within the Old Town overlay.

I. BACKGROUND

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

- B. Location: The proposed amendment is to the text of the Sherwood Zoning and Development Code and applies citywide.
- C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on July 26, 2016. At the close of the hearing, the Commission will forward a recommendation to the City Council who will consider the proposal, and make the final decision whether to approve, modify, or deny the proposed language. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice on the proposed amendment was published in *The Times* on July 21, 2016 and the July 2016 edition of the Gazette. Notice was also posted in five public locations around town and on the web site on July 5, 2016.
- E. Review Criteria
The required findings for the Plan Amendment are identified in § 16.80 (Plan Amendments), Comprehensive Plan Criteria: Chapter 2-Planning Process, Metro Urban Growth Management Functional Plan: Title 4. , Oregon Transportation Planning Rule: (OAR 660-012-0060), Statewide Planning Goals: Goal 1- Citizen Involvement.
- F. History
Oregon voters passed Measure 91 in 2014 legalizing recreational marijuana. Over the past two years, the Oregon legislature and the Oregon Liquor Control Commission (OLCC) have developed statewide regulations and processes in order to implement this measure.

The Oregon Legislature made significant changes to Measure 91 during the 2015 session in HB 3400 and HB 2041. One of the provisions included the ability of local jurisdictions to “opt out” or ban all types of recreational marijuana licenses within a particular jurisdiction. The Sherwood City Council decided to place the issue on the ballot and let Sherwood voters decide whether to ban all or one of the recreational marijuana license types (Ord. 2016-02). Because the issue is on the upcoming ballot there is a moratorium in place, restricting all marijuana related businesses or facilities from locating in Sherwood until the issue is resolved by the Sherwood voters with the November 2016 election.

If the voters decide not to make the ban permanent, the Sherwood community has this opportunity with these proposed code and plan amendments to further restrict marijuana-related facility locations or implement other restrictions as needed. Additionally, it is important to clearly confirm the permitted locations for particular facility types. These restrictions would need to be adopted through a plan amendment to the Sherwood Zoning and Development Code.

The OLCC has begun accepting online applications for licenses to operate recreational marijuana- related facilities in Oregon. The OLCC requires an applicant to seek out verification from the local jurisdiction indicating that the proposed use is permitted within the land use zone where the facility is to be located. The required form to be completed by a local jurisdiction is called a “land use compatibility statement,” commonly known as a LUCS. The OLCC will only issue licenses for those land uses found to be compatible with local zoning and part of that approval requires getting a signed LUCS from the local jurisdiction.

If local marijuana facilities are not banned, staff will have the certainty of knowing the location of where facilities should be located and a process for evaluating their location in the community and ultimately sign the LUCs forms in compliance with the OLCC rules.

G. Public Outreach

During March 2016, the City initiated an online survey to gauge the community's level of support for time, place and manner restrictions for regulating recreational marijuana facilities. The online survey ran from March 1-31 and the City received 289 responses. Individual internet provider (IP) addresses were recorded and we received five duplicate addresses with two responses and one IP address providing three responses. Otherwise, all of the responses were had unique IP addresses. The survey response memo is attached as Exhibit C.

The Planning Commission and the Police Advisory Board (Board) hosted public work sessions on March 10, 2016 and April 26, 2016 concerning regulation of recreational marijuana facilities in Sherwood. Approximately twenty people attended each of the events and discussed the options for marijuana facilities regulations. Generally those in attendance understood that any proposed regulations would be implemented only if Sherwood voters decided not impose a ban on recreational marijuana facilities locating in Sherwood. The issue of a ban along with a local recreational marijuana tax will be decided in November 2016.

At the session, Commissioners and Police Advisory Board members led small group discussions on several issues concerning regulating recreational marijuana facilities. The Commission noted different opinions about the appropriate regulations concerning facilities and their location in the community. When asked which zone would be suitable for the different license types, support was favorable for both industrial and commercial zones and keeping the zoning the same as the State regulations. Those in attendance expressed concern about producers and retail outlets due to the odors, visibility and attracting minors to their location. They also expressed concern about proximity to residential neighborhoods and wanted to ensure that facilities could not be located in Old Town.

Consensus was reached on creating 1,000-foot buffers around the parks where retail facilities could not be located as well as identifying that all license types could be processed under a special use category as a Type II staff level decision. Many agreed that the rules established for medical marijuana dispensaries are appropriate for retail facilities.

Staff met with the Police Advisory Board on February 18, 2016 and June 16, 2016 and provided the draft code amendments concerning recreational marijuana facilities. The Board considered the language and discussed the various time, place and manner restrictions proposed in the draft language. In considering the proposal, the Police Advisory Board's questions and concerns expressed were focused on visibility of the businesses to the public, proximity to residential neighborhoods, and potential oversaturation of the market.

Other outreach included attending the Community Service Fair on May 21, 2016 along with the Police Advisory Board members and Music on the Green on July 13, 2016 in which staff discussed the proposed amendments with community members and passed out a summary of the proposed code changes.

Additionally, staff prepared articles for the "Sherwood Archer", the City's informational newsletter and kept a web page current with the proposed meeting schedule and other relevant background materials.

II. PUBLIC COMMENTS

Ballot Measure 56 requires local jurisdictions to notify individual property owners when a change to a comprehensive plan or zoning ordinance could result in a rezone of property. The proposed amendments in this application will not change the base zoning classification or be a change that limits or prohibits previously allowed land uses. The proposed amendments do not limit or prohibit currently allowed land uses. The amendments will actually create new permitted uses within the land use categories of retail

commercial, general commercial, light industrial and general industrial land use zones. Therefore, Ballot Measure 56 is not applicable to this Code amendment.

Notice on the proposed amendment was published in *The Times* on July 21 2016 and the July 2016 edition of the Gazette. Notice was also posted in five public locations around town and on the web site on July 5, 2016.

Community comments were collected in the public outreach avenues discussed previously in this report. Community members expressed a variety of concerns related to the different license types.

Staff Response: Council has discretion under time, place and manner regulations to determine the most appropriate hours of operation that are in the community's best interest. The online survey concerning regulating marijuana facilities in Sherwood indicated support for restrictions concerning hours of operation and other locational issues. The Planning Commission Public Work Sessions also indicated support for developing regulations that minimized visibility near residential neighborhoods and establishing rules that addressed the negative odors and other aspects of growing and processing marijuana related products. Public comments are welcome up to and at each of the upcoming hearings.

III. AGENCY COMMENTS

Staff sent notice to the Department of Land Conservation and Development on June 21, 2016. They have made no comments.

IV. PLAN AMENDMENT REQUIRED FINDINGS

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.

Consistency with State Statutes and Regulations

State law authorizes the operation of recreational marijuana facilities and provides those facilities with immunity from state criminal prosecution. Although the State of Oregon has passed legislation authorizing marijuana-related facilities and providing criminal immunity under state law, the operation of those facilities remains illegal under federal law.

The City Council has home rule authority to decide whether and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by state statute.

Oregon Revised Statutes (ORS) 475B, Cannabis Regulations.

The proposed code language is consistent with the statute in that ORS 475B allows local jurisdictions the authority to develop local, time place and manner regulations. The statute allows local jurisdictions to establish reasonable regulations concerning the hours during which retail facilities may operate, reasonable conditions on the manner and operations of a particular license type, and finally reasonable limitations on where a facility may be located within the local jurisdictions.

The proposed code language includes similar definitions for the five license types as regulated by the OLCC and ORS 475 B. Additionally, the statute allows local jurisdictions to prohibit facilities from locating a maximum distance of 1,000 feet from another retail outlet. The proposed local code

language includes this provision for retail and medical marijuana dispensary facilities and is therefore consistent with state law.

Oregon Administrative Rules (OAR) 845 DIVISION 25, RECREATIONAL MARIJUANA

The proposed regulations are consistent with this section which identifies the location and other regulations concerning the five recreational marijuana license types. This section prohibits the location of retail marijuana facilities within 1,000 feet of a school attended primarily by minors. The OAR defines the five license types and requires a license to be in compliance with the OLCC regulations before a license is issued, thereby ensuring that any local facility is subject to the minimum regulations as developed by the OLCC. The proposed amendments are consistent with these OLCC provisions, and therefore implement and enforce the OAR.

Consistency with Local Regulations

The current Sherwood Municipal Code and the Zoning and Development Code do not specifically permit recreational marijuana-related facilities as an allowed use in any of the planning districts, but does regulate medical marijuana dispensaries. Given the statewide authorization of marijuana and its related businesses, the lack of regulations causes legal uncertainty about whether and under what circumstances the five license types could be located within the City. City regulations are needed to clarify this uncertainty and establish which planning zone(s) the five license types are allowed to be located in, and under what restrictions they may operate within the community.

The proposed amendments would create a Type II land use process for permitting the five recreational marijuana facilities to be located within the City. The following table identifies the permitted zones of the five different license types.

Table 1. **Proposed Zoning for the Recreational Marijuana Facilities**

	<u>Neighborhood Commercial</u>	<u>Office Commercial</u>	<u>Retail Commercial</u>	<u>General Commercial</u>	<u>Light Industrial</u>	<u>General Industrial</u>	<u>Employ- ment Industrial</u>
Producer	N	N	N	N	P	P	N
Processor	N	N	N	N	P	P	P
Wholesale Operator	N	N	N	P	P	P	P
Retail Sales Operator	N	N	N	P	P	P	P
Laboratory and Testing Facility	N	P	P	P	P	P	P

The Neighborhood Commercial zone is not considered a suitable location for any of the license types as this zone is typically closer to residential neighborhoods and parks. The limitation of 3,000 square feet in size is comparable to the permitted incidental “retail” uses maximum allowed within Sherwood’s industrial zones and is compatible with Metro Title 4 Functional Plan.

State law requires a 1,000-foot buffer zone around elementary and secondary schools, for any retail facility presumably in order to minimize adverse impacts on places where minor children congregate and minimize diversion of marijuana to minors. Parks in Sherwood have outdoor play areas where

minors congregate, sometimes unsupervised. The additional buffer around parks is similar to what the requirements are for medical marijuana dispensary outlets.

The proposed amendments establish reasonable restrictions on hours of operation, allowed locations, odor, design, and operational requirements to prevent or mitigate potential offsite community impacts. As detailed in the Buffer Map (Exhibit D), the mapping of the effects of the proposed location restrictions indicates that there are limited areas where potential recreational marijuana facilities can comply with the buffer and zoning restriction, without creating an undue burden on businesses trying to find a location to operate.

The purpose of the proposed amendments is to prevent or mitigate possible adverse community impacts associated with recreational marijuana facilities. These include, but are not limited to the following:

- Diversion of marijuana to minors;
- Crime such as theft, burglary, armed robbery, and kidnapping that can result due to the presence of large amounts of cash, a product that can be resold for significant amounts of money on the black market, and potentially vulnerable users visiting the facilities;
- Threats to health, life and property resulting from facilities not constructed to code; and/or
- Unwanted noise generated by visiting customers during early or late hours

These impacts are intended to be prevented or controlled by creating minimum distances between the five different recreational marijuana license types and residential neighborhoods or other places where children are present, by limiting hours of operation, and by requiring minimum design standards to facilitate odor mitigation, security and safety.

Consistency with the Sherwood Comprehensive Plan

While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language within the Development Code, which is a component of the larger Comprehensive Plan and is reviewed in that light. There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language, as the Comprehensive Plan does not address or comment on specific types of land uses, like a marijuana facility but rather identifies policy goals for the more general land uses of commercial and industrial uses. The proposed language continues to implement the Land Use goals and policies as they apply to Commercial and Industrial zoning uses.

Consistency with Metro Urban Growth Management Functional Plan (Metro Code Chapter 3.07)

Title 4 of the Metro Functional Plan calls for the protection of industrial areas by limiting the size and location of new retail uses. The proposed regulations identify a retail marijuana facility as a use that would be limited in size in the industrial zone. Recreational marijuana facilities are most similar to retail uses as they are selling marijuana to the general population over 21, rather than manufacturing a product from raw materials. The Functional Plan limits the size of retail uses within the industrial zone to 5000 square feet and the proposed amendment is compatible with this size limitation because the size of a retail facility is limited to 3,000 square feet.

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.

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

The applicable Statewide Planning Goals include:

Goal 1 (Citizen Involvement)

Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1.

FINDING: Based on the above discussion, the applicant satisfies this planning goal.

Goal 2 (Land Use Planning)

FINDING: The proposed amendment, as demonstrated in this report is processed in compliance with the local, regional and state requirements.

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

Goal 9 (Economic Development)

Goal 10 (Housing)

FINDING: The Statewide Planning Goals 3-10 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Goal 11 (Public Facilities and Services)

Goal 12 (Transportation)

FINDING: As discussed earlier in this report, the proposed amendments are compatible with existing zoning designations and the public facilities and services. The amendments are consistent with the "Transportation Planning Rule" which implements Goal 12 as discussed below.

Goal 13 (Energy Conservation)

Goal 14 (Urbanization)

Goal 15 (Willamette River Greenway)

Goal 16 (Estuarine Resources)

Goal 17 (Coastal Shorelands)

Goal 18 (Beaches and Dunes)

Goal 19 (Ocean Resources)

FINDING: Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

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

16.80.030 - Transportation Planning Rule (TPR) 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. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

B. “Significant” means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.

C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.

FINDING: The code amendments would not significantly affect a transportation facility because the average daily trips will be comparable to the number of trips anticipated with an already identified commercially or industrially zoned property.

Staff assessment and recommendation on Plan Amendment:

Based on the analysis above and the fact that the proposed language has been developed through an extensive public process, there is adequate information to support the proposed amendments. Therefore, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of the text amendment to the City Council as proposed based on the findings of fact within this report.

V. ATTACHMENTS

- A. Proposed Text Amendment with Track changes
- B. Proposed Text Amendment, clean copy
- C. Recreational Marijuana Facilities memo concerning survey results dated April 12, 2016
- D. Zoning and Buffer Map

Chapter 16.10 - Definitions*

Exhibit A

Sections:

16.10.010 - Generally

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the word "will" or "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

16.10.020 - Specifically

The following terms shall have specific meaning when used in this Code:

Abut: Contiguous to, in contact with, or adjoining with a common property line; two properties separated by another parcel, lot, tract or right-of-way measuring twenty (20) feet in width or less, shall be considered abutting for the purposes of interpreting the infill-related development standards. See also, Adjacent.

Access: The way or means by which pedestrians and vehicles enter and leave property.

Access Way: A pathway providing a connection for pedestrians and bicyclists between two (2) streets, between two (2) lots, or between a development and a public right-of-way. An access way is intended to provide access between a development and adjacent residential uses, commercial uses, public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An access way may be a pathway for pedestrians and bicyclists (with no vehicle access), a pathway on public or private property (i.e., with a public access easement), and/or a facility designed to accommodate emergency vehicles.

Accessory Building: 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.

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.

Adjacent: A relative term meaning nearby; may or may not be in actual contact with each other, but are not separated by things of the same kind. For example, a lot is adjacent to a lot across the street because the lots are separated by a street, not an intervening lot.

Alteration: An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts.

Apartment: Each dwelling unit contained in a multi-family dwelling or a dwelling unit that is secondary to the primary use of a non-residential building.

Assisted Living Facilities: A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

Automobile Sales Area: An open area, other than a street, used for the display, sale, or rental of new or used automobiles, and where no repair work is done, except minor incidental repair of automobiles to be displayed, sold, or rented on the premises.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood" or "100-year flood plain".

Basement: Any floor level below the first story in a building, except as otherwise defined in the Uniform Building Code and this Code.

Board-and-batten: Wall covering composed of solid wood wide boards, and solid wood narrow strips. Wide boards are attached vertically with small spaces remaining. Narrow strips, or batten, are attached over spaces between boards.

Boarding or Rooming House: Any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise.

Building: Any structure used, intended for, supporting or sheltering any use or occupancy. Each portion of a structure separated by a division wall without any openings shall be deemed a separate building.

Building Area: That portion of a property that can be occupied by the principal use, thus excluding the front, side and rear yards.

Building, Existing: Any building erected prior to the adoption of this Code or one for which a legal building permit has been issued.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- B. An elevation ten (10) feet higher than the lowest grade, when the sidewalk or ground surface described in this Section is more than ten (10) feet above lowest grade.

Building Official: The City employee or agent charged with the administration and enforcement of the Uniform Building Code and other applicable regulations.

Building Permit: A permit issued under the terms of the Uniform Building Code.

Buffer: A landscaped area, wall, berm or other structure or use established to separate and protect land uses.

Change in Use: A change to a parcel of land, a premise or a building which creates a change in vehicular trip generation activities, which changes the minimum parking requirements of this Code, or which changes the use classification as defined by this Code or the Uniform Building Code.

Church: Any bona-fide place of worship, including Sunday School buildings, parsonages, church halls, and other buildings customarily accessory to places of worship.

City: The City of Sherwood, Oregon and its duly authorized officials, employees, consultants and agents.

Clean Water Services: An agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.

Code: The City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City of Sherwood Comprehensive Plan.

Co-Location: The placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank or utility pole.

Commercial Trade School: Any private school or institution operated for profit that is not included in the definitions of an educational institution or school.

Commission: The City of Sherwood Planning Commission.

Common-Wall Dwelling: Dwelling units with shared walls such as two-family, and multi-family dwellings.

Community Development Plan: Part 2 of the City of Sherwood Comprehensive Plan.

Compatible: Any structures or uses capable of existing together in a harmonious, orderly, efficient, and integrated manner, considering building orientation, privacy, lot size, buffering, access and circulation.

Comprehensive Plan: The City of Sherwood Comprehensive Plan.

Conditional Use: A use permitted subject to special conditions or requirements as defined in any given zoning district and Chapter 16.82 of the Code.

Condominium: An individually-owned dwelling unit in a multi-family housing development with common areas and facilities.

Convalescent Homes: See Nursing Home in this Code.

Council: The City of Sherwood City Council.

Day-Care Facility: Any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this Code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.

Deed Restriction: A covenant or contract constituting a burden on the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or the City of Sherwood, and designed to mitigate or protect against adverse impacts of a development or use to ensure compliance with a Comprehensive Plan.

Demolish: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or resource.

Density: The intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net buildable acre means an area measuring 43,560 square feet after excluding present and future rights-of-way and environmentally constrained areas.

Designated Landmark: A property officially recognized by the City of Sherwood as important in its history, culture, or architectural significance.

Designated Landmarks Register: The list of, and record of information about, properties officially recognized by the City of Sherwood as important in its history.

Development: Any man-made change to improved or unimproved real property or structures, including but not limited to construction, installation, or alteration of a building or other structure; change in use of a building or structure; land division; establishment or termination of rights of access; storage on the land; tree cutting; drilling; and any site alteration such as land surface mining, dredging, grading, construction of earthen berms, paving, parking improvements, excavation or clearing.

Development Plan: Any plan adopted by the City for the guidance of growth and improvement in the City.

Diameter at Breast Height (DBH): Is a standard arboricultural method for measuring the diameter of a tree. For the purposes of this code, DBH shall be measured four and a half feet above ground level as defined by the International Society of Arboriculture.

Drive-In Restaurant: Any establishment dispensing food and/or drink, that caters primarily to customers who remain, or leave and return, to their automobile for consumption of the food and/or drink, including business designed for serving customers at a drive-up window or in automobiles.

Dwelling Unit: Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one (1) family as defined by this Code, and containing sleeping, kitchen and bathroom facilities.

Dwelling, Single-Family: A structure containing one (1) dwelling unit.

Dwelling, Single-Family Attached: A single structure on two (2) lots, containing two (2) individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.

Dwelling, Two-Family or Duplex: A single structure on one (1) lot containing two (2) individual dwelling units, sharing a common wall, but with separate entrances.

Dwelling, Townhome or Row House: A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a single lot as individual condominium units. The units are distinct from each other by scale, color, massing, or materials.

Dwelling, Multi-Family: A single structure containing three (3) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-family dwellings include structures commonly called garden apartments, apartments and condominiums. Multi-family dwellings that are attached on one or both sides to similar adjacent but distinct units are considered townhomes (see definition above).

Easement: The grant of the legal right to use of land for specified purposes.

Educational Institution: Any bona-fide place of education or instruction, including customary accessory buildings, uses, and activities, that is administered by a legally-organized school district; church or religious organization; the State of Oregon; or any agency, college, and university operated as an educational institution under charter or license from the State of Oregon. An educational institution is not a commercial trade school as defined by Section 16.10.020.

Established Neighborhood: An existing residential area that is taken into consideration when infill development is proposed. See Chapter 16.68, Infill Development Standards, intended to promote compatibility between existing residential areas and new development through controls on the type, height, size, scale, or character of new buildings.

Environmentally Constrained Land: Any portion of land located within the floodway, 100 year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services.

Environmentally Sensitive Land: Land that does not meet the definition of environmentally constrained, but which is identified on the inventory of Regionally Significant Riparian and Wildlife Habitat Map adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2.

Expedited Land Division: A residential land division process which must be expedited within 63 days of receiving a complete application in accordance with ORS 197.360. The decision is rendered without a public hearing and must meet applicable land use regulation requirements. All appeals of expedited land divisions must be decided by a hearings officer.

Extraordinary Historic Importance: The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Evergreen: A plant which maintains year-round foliage.

Ex-parte Contact: Contact or information passed between a party with an interest in a quasi-judicial land use decision and a member of the Council or Commission, when such information is not generally available to other members of the Council or Commission, or other interested persons. The member shall disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or other parties to an application before the Council or Commission. Ex-parte contacts with a member of the Commission or Council shall not invalidate a final decision or action of the Commission or Council, provided that the

member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

Extra Capacity Improvements: Improvements that are defined as necessary in the interest of public health, safety and welfare by Divisions V, VI, and VIII of this Code, and the Community Development Plan, to increase the capacities of collector or arterial streets; water, sewer, storm drainage or other utility facilities; and parks and open space.

Family: One (1) person living alone or two (2) or more persons related by blood, marriage, or adoption; or a group not exceeding five (5) persons living together as a single housekeeping unit, excluding occupants of a boardinghouse, fraternity, hotel, or similar use.

Family Day Care Provider: A day care provider which accommodates fewer than thirteen (13) children in the provider's home.

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.

Fiber Board (also pressboard or stucco board): A building material composed of wood chips or plant fibers bonded together with or without stucco and compressed into rigid sheets.

Fiber Cement Board (i.e. HardiPlank): A fire resistant building material composed of wood fiber and cement compressed into clapboard.

Fire District: Tualatin Valley Fire and Rescue.

Flag Lot: A building lot which is provided access to a public street by means of a narrow strip of land with minimal frontage.

Flood Plain: The flood-hazard area adjoining a river, stream or other water course, that is subject to inundation by a base flood. The flood plain includes the floodway and floodway fringe, and the City greenway, as defined by this Code.

Floodway: The channel of a river, stream or other watercourse, and the adjoining areas of the flood plain, required to discharge the base flood without cumulatively increasing the water surface elevation of said watercourse by more than one (1) foot.

Flood Fringe: The area of the flood plain lying outside of the floodway.

Footcandle: A unit of illumination. One footcandle is the intensity of illumination when a source of one (1) candlepower illuminates a screen one (1) foot away.

Frontage: That side of a parcel abutting on a street or right-of-way ordinarily regarded as the front of the parcel, except that the shortest side of a corner lot facing a street, shall not be deemed the lot frontage.

Garage: A building or a portion thereof which is designed to house, store, repair or keep motor vehicles.

Government Structure: Any structure used by a federal, state, local government, or special district agency.

Ground Floor Area: The total area of a building measured by taking the largest outside dimensions of the building, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

Hard Surface: Any man-made surface that prevents or retards the saturation of water into land, or that causes water to run-off in greater quantities or increased rates, than existed under natural conditions prior to development. Common hard surfaces include but are not limited to: roofs, streets, driveways, sidewalks and walkways, patios, parking and loading areas, and other graveled, oiled, macadam or concrete surfaces. Also referred to as impermeable surface.

Hazardous Waste: Has the meaning given that term in ORS 466.005.

Hearing Authority: The City of Sherwood Planning Commission, City Council, Landmarks Advisory Board or Hearings Officer.

Hearings Officer: An individual appointed by the City Council to perform the duties as specified in this Code.

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.

Historic Integrity: The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

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.
- B. **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.
- C. **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.
- D. **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.

Historic Resources of Statewide Significance: Buildings, structures, objects, sites, and districts which are listed on the Federal National Register of Historic Places.

Hogged Fuel: Fuel generated from wood or other waste that has been fed through a machine that reduces it to a practically uniform size of chips, shreds, or pellets.

Home Occupation: An occupation or a profession customarily carried on in a residential dwelling unit by a member or members of a family residing in the dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hotel: A building or buildings in which there are more than five (5) sleeping rooms occupied as temporary dwelling places, which rooms customarily do not contain full kitchen facilities, but may include kitchenettes.

Homeowners Association: A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscaping, or parking maintenance, or other activities provided for by covenant or legal agreement.

Household: All persons occupying a group of rooms or a single room which constitutes a dwelling unit.

Inert Material: Solid waste material that remains materially unchanged by variations in chemical, environmental, storage, and use conditions reasonably anticipated at the facility.

Inventory of Historic Resources: The record of information about resources potentially significant in the history of the City of Sherwood as listed in the Cultural Resource Inventory (1989), and hereafter amended.

Junk: Materials stored or deposited in yards and open areas for extended periods, including inoperable or abandoned motor vehicles, inoperable or abandoned machinery, motor vehicle and machinery parts, broken or discarded furniture and household equipment, yard debris and household waste, scrap metal, used lumber, and other similar materials.

Junk-Yard: Any lot or site exceeding two hundred (200) square feet in area used for the storage, keeping, or abandonment of junk as defined by this Code.

Kennel: Any lot or premise on which four (4) or more dogs or cats more than four (4) months of age are kept.

Laboratory, Medical or Dental: A laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists, and where no fabrication is conducted on the premises except the custom fabrication of dentures.

Landmarks Board: The City of Sherwood Landmarks Advisory Board.

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

Leachate: Liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.

Level of Service (LOS): A measure of the overall comfort afforded to motorists as they pass through a roadway segment or intersection, based on such things as impediments caused by other vehicles, number and duration of stops, travel time, and the reserve capacity of a road or an intersection (i.e., that portion of the available time that is not used). LOS generally is referred to by the letters "A" though "F", with LOS "E" or "F" being generally unacceptable. LOS generally is calculated using the methodology in the Highway Capacity Manual, Special Report 209, by the Transportation Research Board (1985).

Limited Land Use Decision: A final decision or determination in accordance with ORS 197.195 made by a local government pertaining to a site within an urban growth boundary which concerns: 1) the approval or denial of a subdivision or partition, or 2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright but not limited to site review and design review.

Loading or Unloading Space: An off-street space or berth for the temporary parking of vehicles while loading or unloading merchandise or materials.

Lower Explosive Limit: The minimum concentration of gas or vapor in air that will propagate a flame at twenty-five degrees (25°C) Celsius in the presence of an ignition source.

Lot: A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City. A lot may be:

- A. A single lot of record; or a combination of complete lots of record, or complete lots of record and portions of other lots of record.
- B. A parcel of land described by metes and bounds; provided that for a subdivision or partition, the parcel shall be approved in accordance with this Code.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of streets and access easements to other property.

Lot, Corner: A lot situated at the intersection of two (2) or more streets, other than an alley.

Lot Coverage: The proportional amount of land on a lot covered by buildings.

Lot Depth: The average horizontal distance between the front and rear lot lines measured in the direction of the side lot lines.

Lot Frontage: The distance parallel to the front lot line, measured between side lot lines at the street line.

Lot, Interior: A lot other than a corner lot.

Lot of Record: Any unit of land created as follows:

- A. A parcel in an existing, duly recorded subdivision or partition.

- B. An existing parcel for which a survey has been duly filed which conformed to all applicable regulations at the time of filing.
- C. A parcel created by deed description or metes and bounds provided, however, contiguous parcels created by deed description or metes and bounds under the same ownership and not conforming to the minimum requirements of this Code shall be considered one (1) lot of record.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.

Lot Lines: The property lines bounding a lot.

Lot Line, Front: The line separating a lot from any street, provided that for corner lots, there shall be as many front lines as there are street frontages.

Lot Line, Rear: A lot line which is opposite and most distant from the front lot line, provided that for irregular and triangular lots, the rear lot line shall be deemed a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street is considered a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot Width: The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.

Manufactured Home: A structure transportable in one or more sections, intended for permanent occupancy as a dwelling. All manufactured homes located in the City after the effective date of this Code shall meet or exceed the standards of the U.S. Department of Housing and Urban Development and shall have been constructed after June 15, 1976.

Manufactured Home Park: A lot, tract, or parcel with four (4) or more spaces within five-hundred (500) feet of one another available for rent or lease for the siting of manufactured homes.

Manufactured Home Space: A plot of land within a manufactured home park designed to accommodate one (1) manufactured home, on a rental or lease basis.

Marijuana Processing: A building or structure used in whole or in part for processing recreational marijuana as defined in Chapter 614, Oregon Laws 2015 as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is licensed by the Oregon Liquor Control Commission. Processing does not include packaging or labeling.

Marijuana Production: A building or structure used in whole or in part for producing recreational marijuana as defined in Chapter 614, Oregon Laws 2015, as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include drying or cultivation of immature plants received from a producer, or the cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

Marijuana Retail Sales: A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Testing Laboratories: A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesale Operations: A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

Medical Marijuana Dispensary: A retail facility registered by the Oregon Health Authority that is allowed to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable product to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). A dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

Mixed Solid Waste: Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for future use.

Mobile Vendor: A service establishment operated from a licensed and moveable vehicle that vends or sells food and/or drink or other retail items.

Motel: See Hotel.

Municipal Solid Waste: Solid waste primarily from residential, business, and institutional uses.

Net Buildable Acre: Means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses. When environmentally sensitive areas also exist on a property and said property is within the Metro urban growth boundary on or before January 1, 2002, these areas may also be removed from the net buildable area provided the sensitive areas are clearly delineated in accordance with this Code and the environmentally sensitive areas are protected via tract or restricted easement.

Net Developable Site: Remaining area of a parent parcel after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses but not including preserved areas for tree stands which are not associated with wetlands, streams or vegetated corridors.

Non-Attainment Area: A geographical area of the State which exceeds any state or federal primary or secondary ambient air quality standard as designated by the Oregon Environmental Quality Commission and approved by the U.S. Environmental Protection Agency.

Non-Conforming Structure or Use: A lawful structure or use, existing as of the effective date of this Code, or any applicable amendments, which does not conform to the minimum requirements of the zoning district in which it is located.

Nursing Home: An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care, or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Occupancy Permit: The permit provided in the Uniform Building Code which must be issued prior to occupying a building or structure or portion thereof. For the purposes of this Code, "occupancy permit" includes the final inspection approval for those buildings or structures not required to obtain an occupancy permit by the Uniform Building Code.

Occupy: To take or enter upon possession of.

Office: A room or building for the transaction of business, a profession or similar activities, including but not limited to administration, bookkeeping, record keeping, business meetings, and correspondence. Products may not be stored or manufactured in an office, except to accommodate incidental sales, display and demonstration.

Off-Street Parking: Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way.

Open Space: Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.

Parks Board: The City of Sherwood Parks Advisory Board.

Partition: The dividing of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area exists as a unit or contiguous units of land under single ownership at the beginning

of each year. Partitions do not include: divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; divisions of land made pursuant to a court order, lot line adjustments where an additional parcel is not created and where the existing parcels are not reduced below the minimum requirements of this Code.

Partition Land: A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the Comprehensive Plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Partition Plat: Partition plat includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land partition.

Pedestrian Facilities: Improvements and provisions made to accommodate or encourage walking, including but not limited to sidewalks, accessways, signalization, crosswalks, ramps, refuges, paths, and trails.

Pedestrian Way: A right-of-way for pedestrian traffic.

Person: A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Plat: The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.

Plat, Preliminary: A map and plan of a proposed subdivision, as specified by this Code.

Principal Building/Use: The main or primary purpose for which a structure, land, or use is designed, arranged, or intended, or for which the building or use may lawfully be occupied or maintained under the terms of this Code.

Professional Engineer: A professional engineer currently licensed to practice in the State of Oregon. The type of professional engineer may be specified in the ordinance (i.e., civil, structural, acoustic, traffic, etc.).

Professions: Members of professions, such as doctors, dentists, accountants, architects, artists, attorneys, authors, engineers, and others who are generally recognized professionals by virtue of experience or education.

Public Hearing: Hearings held by the Commission or the Council for which a form of prescribed public notice is given.

Public Park: A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.

Public Place: Any premise whether, privately or publicly owned, which by physical nature, function, custom, or usage, is open to the public at times without permission being required to enter or remain.

Public Plaza: A square in a city or town; an open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit, and sometimes shops which is under the control, operation or management of the City or other government agency.

Public Use Building: Any building or structure owned and operated by a government agency for the convenience and use of the general public.

Public Utility Facilities: Structures or uses necessary to provide the public with water, sewer, gas, telephone or other similar services.

Recycled Materials: Solid waste that is transformed into new products in such a manner that the original products may lose their identity.

Recycling: The use of secondary materials in the production of new items. As used here, recycling includes materials reuse.

Relocation: The removal of a resource from its historic context.

Regionally Significant Fish and Wildlife Habitat: Those areas identified on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map, adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2, as significant natural resource sites.

Residential Care Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Care Home: A residence for five (5) or fewer unrelated physically or mentally handicapped persons and for the staff persons who need not be related to each other or any other home resident.

Residential Structure: Any building or part of a building, used or constructed as a sleeping or other housekeeping accommodation, for a person or group of persons.

Restrictive Covenant: A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.

Retail Trade: The sale of goods and products to the consumer generally for direct consumption and not for resale.

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

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.

Road: The portion or portions of street rights-of-way developed for vehicular traffic.

Rural Zone: A land use zone adopted by a unit of local government that applies to land outside a regional urban growth boundary.

Sanitariums: An institution for the treatment of chronic diseases or for medically supervised recuperation.

School: See Educational Institution.

Sealed Container: A receptacle appropriate for preventing release of its contents, protecting its contents from the entry of water and vectors, and that will prevent the release of noxious odors if the contents are capable of emitting such odors.

Setback: The minimum horizontal distance between a public street right-of-way line, or side and rear property lines, to the front, side and rear lines of a building or structure located on a lot.

Shared-use path: A facility for non-motorized access conforming to City standards and separated from the roadway, either in the roadway right-of-way, independent public right-of-way, or a public access easement. It is designed and constructed to allow for safe walking, biking, and other human-powered travel modes.

Sidewalk: A pedestrian walkway with hard surfacing.

Sight Distance: The distance along which a person can see approaching objects, such as automobiles or pedestrians, from a street intersection or a driveway along a street.

Sign: An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure, or land, which directs attention to a product, place, activity, person, institution, or business.

Significant Vegetation: A tree exceeding six (6) inches in diameter measured four (4) feet above grade at the base of the tree or other vegetation more than four (4) feet above grade, but not including blackberry or other vines or weeds.

Skirting: A covering that totally obscures the undercarriage of a manufactured home, and extending from the top of the undercarriage to the ground.

Soil Amendment: A material, such as yard waste compost, added to the soil to improve soil chemistry or structure.

Solid Waste: Has the meaning given that term in ORS 159.005.

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, processes, 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.

Solid Waste Processing: An activity or technology intended to change the physical form or chemical content of solid waste or recycled material including, but not limited to, sorting, baling, composting, classifying, hydropulping, incinerating or shredding.

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.

Special Care Facility: A facility licensed by the State of Oregon, defined in OAR and not otherwise defined in this Code. Uses wholly contained within the facility and not independently accessible to the non-resident public which are either essential or incidental to the primary use shall be permitted. Where such facility contains uses which are otherwise listed as conditional uses in the base zone then those uses must be subjected to the conditional use process if they are independently accessible to the non-resident public from the outside of the facility building(s).

Specialized Living Facility: Identifiable services designed to meet the needs of persons in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such usable or unused under-floor space shall be considered as a story.

Story, First: The lowest story in a building, provided such floor level is not more than four (4) feet below grade, for more than 50 percent (50%) of the total perimeter, or not more than eight (8) feet below grade, at any point.

Story, Half: A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than three (3) feet above the floor of such story.

Street: A public or private road, easement or right-of-way that is created to provide access to one or more lots, parcels, areas or tracts of land. Categories of streets include:

- A. **Alley:** A narrow street, typically abutting to the rear lot or property line. [Figure 8-3a of the Transportation System Plan illustrates the alley cross-section]
- B. **Arterial:** Arterial streets provide connectivity at a regional level, but are not State routes. [Figure 8-2 of the Transportation System Plan illustrates arterial cross-sections.]
- C. **Bikeway:** Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:
 - (1) **Multi-use Path.** A paved way (typically 8 to 12-feet wide) separate from vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

- (2) **Bike Lane.** A portion of the street (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- (3) **Shoulder Bikeway.** The paved shoulder of a street that does not have curbs or sidewalks that is 4 feet or wider and is typically shared with pedestrians.
- (4) **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles. Also called Bike Route.
- (5) **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (NOTE: Figure 8-6 of the Transportation System Plan illustrates the multi-use path and trail cross-sections).
- D. **Collector:** Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]
- E. **Cul-de-Sac:** A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- F. **Half Street:** A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.
- G. **Local Street:** Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a & 8-5b of the Transportation System Plan illustrate local street cross-sections.]
- H. **Marginal Access Street (frontage or backage road):** A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]
- I. **Neighborhood Route:** Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. [Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]
- J. **Principal Arterial:** Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].

Street Line: A dividing line between a lot and a street right-of-way.

Street Plug: A narrow strip of land located between a subdivision and other property, that is conveyed to the City for the purpose of giving the City control over development on the adjacent property.

Structure: A structure must be more than one foot from grade to be considered a structure.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Stucco board: A fiber cement board core product that mimics the appearance of stucco.

Subdivision: The division of an area or tract of land into four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision Improvements: Construction of facilities such as streets; water, sewer, gas and telephone lines; storm drainage; and landscaping.

Surrounding: To be encircled on all or nearly all sides; as interpreted for property lines and land uses, a use is surrounded by another use when the other use is abutting on greater than 75% of its perimeter.

Temporary Use: A use of land, buildings or structures not intended to exceed twelve (12) months, unless otherwise permitted by this Code.

Townhomes: (See "Dwelling- Townhome or Row House")

Transportation Facilities: 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:

- A. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.
- B. 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.
- C. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval.
- D. Landscaping as part of a transportation facility.
- E. Emergency measures necessary for the safety and protection of property.
- F. Street or road construction as part of an approved land use application.

Unified Sewerage Agency: The former name of Clean Water Services; an agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.

Urban Growth Boundary: The Metropolitan Portland Urban Growth Boundary (UGB) as acknowledged by the State Land Conservation and Development Commission.

Urban Zone: A land use zone adopted by a unit of local government that applies to land inside a regional urban growth boundary.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use by Right: A use which is a "use permitted outright" in any given zoning district established by this Code.

Wall: A solid structural barrier that is not intended to alter the grade and is not considered a retaining wall or sound wall.

Warehouse: A structure or part of a structure used for storing and securing goods, wares or merchandise.

Wetlands: Those land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are generally identified in the City's 1992 Local Wetland inventory, and the Metro 2004 Natural Resources Inventory, or in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).

Wholesale Trade: The sale of goods and products to an intermediary generally for resale.

Wireless Communication Facility: An unmanned facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

Yard: The existing or required space on a parcel which shall remain open, unoccupied, and unobstructed from the ground surface to the sky, except as otherwise provided by this Code. Categories of yards include:

- A. **Front Yard:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

B. **Rear Yard:** A yard, unoccupied except by a building or structure of an accessory type as provided by this Code, extending the full width of the lot between the rear lot line and the extreme rear line of a building.

C. **Side Yard:** The yard along the side line of a lot and extending from the setback line to the rear yard.

Zero-Lot-Line: Attached or detached dwelling units which are constructed with only one side yard or no rear yard setbacks.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-009 §§ 1, 2)

16.12.020 - Residential Land Uses

A. Residential Land Uses

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

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

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

USES	VLDR	LDR	MDRL	MDRH	HDR
• Government-Assisted housing ^[2]	P	P	P	P	P

ACCESSORY USES					
• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
• Recreational Marijuana Processing -not for personal use or consumption	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
COMMERCIAL					
• Agricultural Uses ^[3]	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
• Plant Nurseries ^[4]	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C
CIVIC					
• Public Recreational Facilities ^[5]	P	P	P	P	P

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

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

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

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

Footnotes:

--- **(2)** ---

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

--- **(3)** ---

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

--- **(4)** ---

Includes other agricultural uses and associated commercial buildings and structures. [Recreational marijuana producing as defined in Chapter 16.10.020 is expressly prohibited in all residential zones.](#)

--- **(5)** ---

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

16.22.020 – Commercial Uses

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

	OC	NC ¹	RC	GC
RESIDENTIAL				
• Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings. ^{2,3}	P	P	P	P
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
CIVIC				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P

• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P

Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• Junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
Childcare				

• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P
• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C ⁵	P
• Recreational Marijuana Wholesale Operator⁹	N	N	N	P
• Recreational Marijuana Retail Sales Operator⁹	N	N	N	P
Personal Services				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	N	N	C	C

Eating and Drinking establishments				
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Recreational Marijuana Producer or Processor ⁹	N	N	N	N
• Medical or dental laboratories	N	N	C	P
• Recreational Marijuana Laboratory or Testing Facility ⁹	N	p ¹	p ²	P
WIRELESS COMMUNICATION FACILITIES				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters ⁸	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:				
• Farm equipment sales and rentals	N	N	P	P
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

¹ See special Criteria for the NC zone, 16.22.050.

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

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

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

⁵ All activities are required to be within an enclosed building.

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

⁷ Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

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

⁹ [Subject to Special Uses, Recreational Marijuana Facilities 16.38.030](#)

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 – Industrial Uses

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

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

COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
• Recreational Marijuana Retail Sales Operator¹	<u>P</u>	<u>P</u>	<u>P</u>
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	C
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C
Childcare			

• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use ⁶	C	C	C
General Retail - sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ⁷	P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	P ¹⁰	P ¹⁰	N
• Tool and equipment rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N

INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Recreational Marijuana Laboratory or Testing Facility¹¹	P	P	P
• Recreational Marijuana Producer¹¹	P	P	N
• Recreational Marijuana Processor¹¹	P	P	P
• Recreational Marijuana Wholesale Operator¹¹	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials	P	P	N
• Pharmaceuticals in facilities up to 50,000 square feet building size	P	P	P

• Pharmaceuticals in facilities larger than 50,000 square feet building size	N	C	N
• Building components, furniture, fixtures, signs	P	P	N
• Non-motorized recreational vehicles and equipment	P	P	N
• Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities	N	N	N

• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

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

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

³ 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.

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

⁵ 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.

⁶ 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.

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

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

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

¹⁰ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

¹¹ [Subject to Special Uses, Recreational Marijuana Facilities 16.38.030](#)

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

Chapter 16.38 - Special Uses

Sections:

16.38.010 - General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

16.38.020 - Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475.314. Failure to comply with Oregon Health Authority regulations is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process.

C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.
2. Security Measures Required
 - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.
 - b. Exterior lighting must be provided and continuously maintained.
 - c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.
3. Co-location Prohibited
 - a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.
 - b. A medical marijuana dispensary may not be located at the same address with any facility or business at which medical marijuana is inhaled or consumed by cardholders.
4. Mobile and Delivery Businesses Prohibited
 - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
 - b. A dispensary may not operate to deliver medical marijuana.
5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

- a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.
- b. Another medical marijuana dispensary.
- c. A public park or plaza.

(Ord. No. 2015-005, § 2, 5-5-2015)

16.38.030 Recreational Marijuana Facilities.

A. Characteristics:

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, a Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

C. General Standards for Recreational Marijuana Facilities

1. All new construction of marijuana facilities shall comply with Chapter 16.90, Site Planning.
2. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
3. Security Measures Required
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained per Chapter 16.154, Heat and Glare.
 - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana, processed marijuana or marijuana waste is allowed at any recreational marijuana facilities.

4. Proximity Restrictions. A recreational marijuana production, processing, testing laboratory or wholesale sales facility shall not be located within 100 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.

5. No recreational marijuana facility may be located within the Old Town Overlay District.

D. Standards for Marijuana Production and Processing Facilities

1. In production facilities, views from the exterior of the building into the area where marijuana is being grown are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.

2. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.

3. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems sufficiently designed to prevent detection of marijuana odor from adjacent properties and the public right-of-way. Such systems shall include the following features:

a. Installation of activated carbon filters on all exhaust outlets to the building exterior;

b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and

c. Maintenance of negative air pressure within the facility; or

d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the system described in subsections a-c above.

E. Standards for Recreational Marijuana Retail Sales Facilities

1. All new construction of retail marijuana facilities shall comply with 16.90 Site Planning.

2. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.

3. Hours of Operation. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. all days of the week. An individual facility may set hours within those specified, but may not be open outside those parameters.

4. Security Measures Required.

- a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
- b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.
- c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
- 5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.
- 6. Drive-in or Drive-Through Facilities Prohibited. A retail sales facility shall not have a drive-in or drive-through facility, as defined in Section 16.10.020.
- 7. Proximity Restrictions. A retail facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
 - a. Schools. Within 1,000 feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.
 - b. Other Retail Facilities. Within 1,000 feet of another retail recreational marijuana facility or any medical marijuana dispensary.
 - c. Public Plazas and Active Use Parks. Within 1,000 feet of a public plaza or active use park. As used in this paragraph, an active use park includes a park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features that is generally open to the public for park use.
- 8. No recreational marijuana retail facility may be over 3,000 square feet in area used for the display of retail marijuana products.

Chapter 16.10 - Definitions

Exhibit B

Sections:

16.10.010 - Generally

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the word "will" or "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

16.10.020 - Specifically

The following terms shall have specific meaning when used in this Code:

Abut: Contiguous to, in contact with, or adjoining with a common property line; two properties separated by another parcel, lot, tract or right-of-way measuring twenty (20) feet in width or less, shall be considered abutting for the purposes of interpreting the infill-related development standards. See also, Adjacent.

Access: The way or means by which pedestrians and vehicles enter and leave property.

Access Way: A pathway providing a connection for pedestrians and bicyclists between two (2) streets, between two (2) lots, or between a development and a public right-of-way. An access way is intended to provide access between a development and adjacent residential uses, commercial uses, public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An access way may be a pathway for pedestrians and bicyclists (with no vehicle access), a pathway on public or private property (i.e., with a public access easement), and/or a facility designed to accommodate emergency vehicles.

Accessory Building: 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.

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.

Adjacent: A relative term meaning nearby; may or may not be in actual contact with each other, but are not separated by things of the same kind. For example, a lot is adjacent to a lot across the street because the lots are separated by a street, not an intervening lot.

Alteration: An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts.

Apartment: Each dwelling unit contained in a multi-family dwelling or a dwelling unit that is secondary to the primary use of a non-residential building.

Assisted Living Facilities: A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

Automobile Sales Area: An open area, other than a street, used for the display, sale, or rental of new or used automobiles, and where no repair work is done, except minor incidental repair of automobiles to be displayed, sold, or rented on the premises.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood" or "100-year flood plain".

Basement: Any floor level below the first story in a building, except as otherwise defined in the Uniform Building Code and this Code.

Board-and-batten: Wall covering composed of solid wood wide boards, and solid wood narrow strips. Wide boards are attached vertically with small spaces remaining. Narrow strips, or batten, are attached over spaces between boards.

Boarding or Rooming House: Any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise.

Building: Any structure used, intended for, supporting or sheltering any use or occupancy. Each portion of a structure separated by a division wall without any openings shall be deemed a separate building.

Building Area: That portion of a property that can be occupied by the principal use, thus excluding the front, side and rear yards.

Building, Existing: Any building erected prior to the adoption of this Code or one for which a legal building permit has been issued.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- B. An elevation ten (10) feet higher than the lowest grade, when the sidewalk or ground surface described in this Section is more than ten (10) feet above lowest grade.

Building Official: The City employee or agent charged with the administration and enforcement of the Uniform Building Code and other applicable regulations.

Building Permit: A permit issued under the terms of the Uniform Building Code.

Buffer: A landscaped area, wall, berm or other structure or use established to separate and protect land uses.

Change in Use: A change to a parcel of land, a premise or a building which creates a change in vehicular trip generation activities, which changes the minimum parking requirements of this Code, or which changes the use classification as defined by this Code or the Uniform Building Code.

Church: Any bona-fide place of worship, including Sunday School buildings, parsonages, church halls, and other buildings customarily accessory to places of worship.

City: The City of Sherwood, Oregon and its duly authorized officials, employees, consultants and agents.

Clean Water Services: An agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.

Code: The City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City of Sherwood Comprehensive Plan.

Co-Location: The placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank or utility pole.

Commercial Trade School: Any private school or institution operated for profit that is not included in the definitions of an educational institution or school.

Commission: The City of Sherwood Planning Commission.

Common-Wall Dwelling: Dwelling units with shared walls such as two-family, and multi-family dwellings.

Community Development Plan: Part 2 of the City of Sherwood Comprehensive Plan.

Compatible: Any structures or uses capable of existing together in a harmonious, orderly, efficient, and integrated manner, considering building orientation, privacy, lot size, buffering, access and circulation.

Comprehensive Plan: The City of Sherwood Comprehensive Plan.

Conditional Use: A use permitted subject to special conditions or requirements as defined in any given zoning district and Chapter 16.82 of the Code.

Condominium: An individually-owned dwelling unit in a multi-family housing development with common areas and facilities.

Convalescent Homes: See Nursing Home in this Code.

Council: The City of Sherwood City Council.

Day-Care Facility: Any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this Code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.

Deed Restriction: A covenant or contract constituting a burden on the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or the City of Sherwood, and designed to mitigate or protect against adverse impacts of a development or use to ensure compliance with a Comprehensive Plan.

Demolish: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or resource.

Density: The intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net buildable acre means an area measuring 43,560 square feet after excluding present and future rights-of-way and environmentally constrained areas.

Designated Landmark: A property officially recognized by the City of Sherwood as important in its history, culture, or architectural significance.

Designated Landmarks Register: The list of, and record of information about, properties officially recognized by the City of Sherwood as important in its history.

Development: Any man-made change to improved or unimproved real property or structures, including but not limited to construction, installation, or alteration of a building or other structure; change in use of a building or structure; land division; establishment or termination of rights of access; storage on the land; tree cutting; drilling; and any site alteration such as land surface mining, dredging, grading, construction of earthen berms, paving, parking improvements, excavation or clearing.

Development Plan: Any plan adopted by the City for the guidance of growth and improvement in the City.

Diameter at Breast Height (DBH): Is a standard arboricultural method for measuring the diameter of a tree. For the purposes of this code, DBH shall be measured four and a half feet above ground level as defined by the International Society of Arboriculture.

Drive-In Restaurant: Any establishment dispensing food and/or drink, that caters primarily to customers who remain, or leave and return, to their automobile for consumption of the food and/or drink, including business designed for serving customers at a drive-up window or in automobiles.

Dwelling Unit: Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one (1) family as defined by this Code, and containing sleeping, kitchen and bathroom facilities.

Dwelling, Single-Family: A structure containing one (1) dwelling unit.

Dwelling, Single-Family Attached: A single structure on two (2) lots, containing two (2) individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.

Dwelling, Two-Family or Duplex: A single structure on one (1) lot containing two (2) individual dwelling units, sharing a common wall, but with separate entrances.

Dwelling, Townhome or Row House: A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a single lot as individual condominium units. The units are distinct from each other by scale, color, massing, or materials.

Dwelling, Multi-Family: A single structure containing three (3) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-family dwellings include structures commonly called garden apartments, apartments and condominiums. Multi-family dwellings that are attached on one or both sides to similar adjacent but distinct units are considered townhomes (see definition above).

Easement: The grant of the legal right to use of land for specified purposes.

Educational Institution: Any bona-fide place of education or instruction, including customary accessory buildings, uses, and activities, that is administered by a legally-organized school district; church or religious organization; the State of Oregon; or any agency, college, and university operated as an educational institution under charter or license from the State of Oregon. An educational institution is not a commercial trade school as defined by Section 16.10.020.

Established Neighborhood: An existing residential area that is taken into consideration when infill development is proposed. See Chapter 16.68, Infill Development Standards, intended to promote compatibility between existing residential areas and new development through controls on the type, height, size, scale, or character of new buildings.

Environmentally Constrained Land: Any portion of land located within the floodway, 100 year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services.

Environmentally Sensitive Land: Land that does not meet the definition of environmentally constrained, but which is identified on the inventory of Regionally Significant Riparian and Wildlife Habitat Map adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2.

Expedited Land Division: A residential land division process which must be expedited within 63 days of receiving a complete application in accordance with ORS 197.360. The decision is rendered without a public hearing and must meet applicable land use regulation requirements. All appeals of expedited land divisions must be decided by a hearings officer.

Extraordinary Historic Importance: The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Evergreen: A plant which maintains year-round foliage.

Ex-parte Contact: Contact or information passed between a party with an interest in a quasi-judicial land use decision and a member of the Council or Commission, when such information is not generally available to other members of the Council or Commission, or other interested persons. The member shall disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or other parties to an application before the Council or Commission. Ex-parte contacts with a member of the Commission or Council shall not invalidate a final decision or action of the Commission or Council, provided that the

member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

Extra Capacity Improvements: Improvements that are defined as necessary in the interest of public health, safety and welfare by Divisions V, VI, and VIII of this Code, and the Community Development Plan, to increase the capacities of collector or arterial streets; water, sewer, storm drainage or other utility facilities; and parks and open space.

Family: One (1) person living alone or two (2) or more persons related by blood, marriage, or adoption; or a group not exceeding five (5) persons living together as a single housekeeping unit, excluding occupants of a boardinghouse, fraternity, hotel, or similar use.

Family Day Care Provider: A day care provider which accommodates fewer than thirteen (13) children in the provider's home.

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.

Fiber Board (also pressboard or stucco board): A building material composed of wood chips or plant fibers bonded together with or without stucco and compressed into rigid sheets.

Fiber Cement Board (i.e. HardiPlank): A fire resistant building material composed of wood fiber and cement compressed into clapboard.

Fire District: Tualatin Valley Fire and Rescue.

Flag Lot: A building lot which is provided access to a public street by means of a narrow strip of land with minimal frontage.

Flood Plain: The flood-hazard area adjoining a river, stream or other water course, that is subject to inundation by a base flood. The flood plain includes the floodway and floodway fringe, and the City greenway, as defined by this Code.

Floodway: The channel of a river, stream or other watercourse, and the adjoining areas of the flood plain, required to discharge the base flood without cumulatively increasing the water surface elevation of said watercourse by more than one (1) foot.

Flood Fringe: The area of the flood plain lying outside of the floodway.

Footcandle: A unit of illumination. One footcandle is the intensity of illumination when a source of one (1) candlepower illuminates a screen one (1) foot away.

Frontage: That side of a parcel abutting on a street or right-of-way ordinarily regarded as the front of the parcel, except that the shortest side of a corner lot facing a street, shall not be deemed the lot frontage.

Garage: A building or a portion thereof which is designed to house, store, repair or keep motor vehicles.

Government Structure: Any structure used by a federal, state, local government, or special district agency.

Ground Floor Area: The total area of a building measured by taking the largest outside dimensions of the building, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

Hard Surface: Any man-made surface that prevents or retards the saturation of water into land, or that causes water to run-off in greater quantities or increased rates, than existed under natural conditions prior to development. Common hard surfaces include but are not limited to: roofs, streets, driveways, sidewalks and walkways, patios, parking and loading areas, and other graveled, oiled, macadam or concrete surfaces. Also referred to as impermeable surface.

Hazardous Waste: Has the meaning given that term in ORS 466.005.

Hearing Authority: The City of Sherwood Planning Commission, City Council, Landmarks Advisory Board or Hearings Officer.

Hearings Officer: An individual appointed by the City Council to perform the duties as specified in this Code.

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.

Historic Integrity: The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

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.
- B. **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.
- C. **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.
- D. **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.

Historic Resources of Statewide Significance: Buildings, structures, objects, sites, and districts which are listed on the Federal National Register of Historic Places.

Hogged Fuel: Fuel generated from wood or other waste that has been fed through a machine that reduces it to a practically uniform size of chips, shreds, or pellets.

Home Occupation: An occupation or a profession customarily carried on in a residential dwelling unit by a member or members of a family residing in the dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hotel: A building or buildings in which there are more than five (5) sleeping rooms occupied as temporary dwelling places, which rooms customarily do not contain full kitchen facilities, but may include kitchenettes.

Homeowners Association: A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscaping, or parking maintenance, or other activities provided for by covenant or legal agreement.

Household: All persons occupying a group of rooms or a single room which constitutes a dwelling unit.

Inert Material: Solid waste material that remains materially unchanged by variations in chemical, environmental, storage, and use conditions reasonably anticipated at the facility.

Inventory of Historic Resources: The record of information about resources potentially significant in the history of the City of Sherwood as listed in the Cultural Resource Inventory (1989), and hereafter amended.

Junk: Materials stored or deposited in yards and open areas for extended periods, including inoperable or abandoned motor vehicles, inoperable or abandoned machinery, motor vehicle and machinery parts, broken or discarded furniture and household equipment, yard debris and household waste, scrap metal, used lumber, and other similar materials.

Junk-Yard: Any lot or site exceeding two hundred (200) square feet in area used for the storage, keeping, or abandonment of junk as defined by this Code.

Kennel: Any lot or premise on which four (4) or more dogs or cats more than four (4) months of age are kept.

Laboratory, Medical or Dental: A laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists, and where no fabrication is conducted on the premises except the custom fabrication of dentures.

Landmarks Board: The City of Sherwood Landmarks Advisory Board.

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

Leachate: Liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.

Level of Service (LOS): A measure of the overall comfort afforded to motorists as they pass through a roadway segment or intersection, based on such things as impediments caused by other vehicles, number and duration of stops, travel time, and the reserve capacity of a road or an intersection (i.e., that portion of the available time that is not used). LOS generally is referred to by the letters "A" though "F", with LOS "E" or "F" being generally unacceptable. LOS generally is calculated using the methodology in the Highway Capacity Manual, Special Report 209, by the Transportation Research Board (1985).

Limited Land Use Decision: A final decision or determination in accordance with ORS 197.195 made by a local government pertaining to a site within an urban growth boundary which concerns: 1) the approval or denial of a subdivision or partition, or 2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright but not limited to site review and design review.

Loading or Unloading Space: An off-street space or berth for the temporary parking of vehicles while loading or unloading merchandise or materials.

Lower Explosive Limit: The minimum concentration of gas or vapor in air that will propagate a flame at twenty-five degrees (25°C) Celsius in the presence of an ignition source.

Lot: A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City. A lot may be:

- A. A single lot of record; or a combination of complete lots of record, or complete lots of record and portions of other lots of record.
- B. A parcel of land described by metes and bounds; provided that for a subdivision or partition, the parcel shall be approved in accordance with this Code.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of streets and access easements to other property.

Lot, Corner: A lot situated at the intersection of two (2) or more streets, other than an alley.

Lot Coverage: The proportional amount of land on a lot covered by buildings.

Lot Depth: The average horizontal distance between the front and rear lot lines measured in the direction of the side lot lines.

Lot Frontage: The distance parallel to the front lot line, measured between side lot lines at the street line.

Lot, Interior: A lot other than a corner lot.

Lot of Record: Any unit of land created as follows:

- A. A parcel in an existing, duly recorded subdivision or partition.

- B. An existing parcel for which a survey has been duly filed which conformed to all applicable regulations at the time of filing.
- C. A parcel created by deed description or metes and bounds provided, however, contiguous parcels created by deed description or metes and bounds under the same ownership and not conforming to the minimum requirements of this Code shall be considered one (1) lot of record.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.

Lot Lines: The property lines bounding a lot.

Lot Line, Front: The line separating a lot from any street, provided that for corner lots, there shall be as many front lines as there are street frontages.

Lot Line, Rear: A lot line which is opposite and most distant from the front lot line, provided that for irregular and triangular lots, the rear lot line shall be deemed a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street is considered a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot Width: The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.

Manufactured Home: A structure transportable in one or more sections, intended for permanent occupancy as a dwelling. All manufactured homes located in the City after the effective date of this Code shall meet or exceed the standards of the U.S. Department of Housing and Urban Development and shall have been constructed after June 15, 1976.

Manufactured Home Park: A lot, tract, or parcel with four (4) or more spaces within five-hundred (500) feet of one another available for rent or lease for the siting of manufactured homes.

Manufactured Home Space: A plot of land within a manufactured home park designed to accommodate one (1) manufactured home, on a rental or lease basis.

Marijuana Processing: A building or structure used in whole or in part for processing recreational marijuana as defined in Chapter 614, Oregon Laws 2015 as the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts, and which is licensed by the Oregon Liquor Control Commission. Processing does not include packaging or labeling.

Marijuana Production: A building or structure used in whole or in part for producing recreational marijuana as defined in Chapter 614, Oregon Laws 2015, as the manufacture, planting, cultivation, growing or harvesting of marijuana, and which is licensed by the Oregon Liquor Control Commission. Producing does not include drying or cultivation of immature plants received from a producer, or the cultivation and growing of an immature marijuana plant by a processor, wholesaler, or retailer if that party purchased or otherwise received the plant from a licensed producer.

Marijuana Retail Sales: A building or structure used in whole or in part for retail sales to a consumer of marijuana, cannabinoid products, and miscellaneous items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Testing Laboratories: A building or structure used in whole or in part for testing of marijuana items, and which is licensed by the Oregon Liquor Control Commission.

Marijuana Wholesale Operations: A building or structure used in whole or in part for wholesale distribution of marijuana, cannabinoid products, and miscellaneous items to a person other than a consumer, and which is licensed by the Oregon Liquor Control Commission.

Medical Marijuana Dispensary: A retail facility registered by the Oregon Health Authority that is allowed to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable product to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's

caregiver). A dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

Mixed Solid Waste: Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for future use.

Mobile Vendor: A service establishment operated from a licensed and moveable vehicle that vends or sells food and/or drink or other retail items.

Motel: See Hotel.

Municipal Solid Waste: Solid waste primarily from residential, business, and institutional uses.

Net Buildable Acre: Means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses. When environmentally sensitive areas also exist on a property and said property is within the Metro urban growth boundary on or before January 1, 2002, these areas may also be removed from the net buildable area provided the sensitive areas are clearly delineated in accordance with this Code and the environmentally sensitive areas are protected via tract or restricted easement.

Net Developable Site: Remaining area of a parent parcel after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses but not including preserved areas for tree stands which are not associated with wetlands, streams or vegetated corridors.

Non-Attainment Area: A geographical area of the State which exceeds any state or federal primary or secondary ambient air quality standard as designated by the Oregon Environmental Quality Commission and approved by the U.S. Environmental Protection Agency.

Non-Conforming Structure or Use: A lawful structure or use, existing as of the effective date of this Code, or any applicable amendments, which does not conform to the minimum requirements of the zoning district in which it is located.

Nursing Home: An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care, or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Occupancy Permit: The permit provided in the Uniform Building Code which must be issued prior to occupying a building or structure or portion thereof. For the purposes of this Code, "occupancy permit" includes the final inspection approval for those buildings or structures not required to obtain an occupancy permit by the Uniform Building Code.

Occupy: To take or enter upon possession of.

Office: A room or building for the transaction of business, a profession or similar activities, including but not limited to administration, bookkeeping, record keeping, business meetings, and correspondence. Products may not be stored or manufactured in an office, except to accommodate incidental sales, display and demonstration.

Off-Street Parking: Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way.

Open Space: Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.

Parks Board: The City of Sherwood Parks Advisory Board.

Partition: The dividing of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area exists as a unit or contiguous units of land under single ownership at the beginning of each year. Partitions do not include: divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; divisions of land made pursuant to a court order, lot line adjustments where an additional parcel is not created and where the existing parcels are not reduced below the minimum requirements of this Code.

Partition Land: A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the Comprehensive Plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Partition Plat: Partition plat includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land partition.

Pedestrian Facilities: Improvements and provisions made to accommodate or encourage walking, including but not limited to sidewalks, accessways, signalization, crosswalks, ramps, refuges, paths, and trails.

Pedestrian Way: A right-of-way for pedestrian traffic.

Person: A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Plat: The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.

Plat, Preliminary: A map and plan of a proposed subdivision, as specified by this Code.

Principal Building/Use: The main or primary purpose for which a structure, land, or use is designed, arranged, or intended, or for which the building or use may lawfully be occupied or maintained under the terms of this Code.

Professional Engineer: A professional engineer currently licensed to practice in the State of Oregon. The type of professional engineer may be specified in the ordinance (i.e., civil, structural, acoustic, traffic, etc.).

Professions: Members of professions, such as doctors, dentists, accountants, architects, artists, attorneys, authors, engineers, and others who are generally recognized professionals by virtue of experience or education.

Public Hearing: Hearings held by the Commission or the Council for which a form of prescribed public notice is given.

Public Park: A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.

Public Place: Any premise whether, privately or publicly owned, which by physical nature, function, custom, or usage, is open to the public at times without permission being required to enter or remain.

Public Plaza: A square in a city or town; an open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit, and sometimes shops which is under the control, operation or management of the City or other government agency.

Public Use Building: Any building or structure owned and operated by a government agency for the convenience and use of the general public.

Public Utility Facilities: Structures or uses necessary to provide the public with water, sewer, gas, telephone or other similar services.

Recycled Materials: Solid waste that is transformed into new products in such a manner that the original products may lose their identity.

Recycling: The use of secondary materials in the production of new items. As used here, recycling includes materials reuse.

Relocation: The removal of a resource from its historic context.

Regionally Significant Fish and Wildlife Habitat: Those areas identified on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map, adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2, as significant natural resource sites.

Residential Care Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Care Home: A residence for five (5) or fewer unrelated physically or mentally handicapped persons and for the staff persons who need not be related to each other or any other home resident.

Residential Structure: Any building or part of a building, used or constructed as a sleeping or other housekeeping accommodation, for a person or group of persons.

Restrictive Covenant: A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.

Retail Trade: The sale of goods and products to the consumer generally for direct consumption and not for resale.

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

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.

Road: The portion or portions of street rights-of-way developed for vehicular traffic.

Rural Zone: A land use zone adopted by a unit of local government that applies to land outside a regional urban growth boundary.

Sanitariums: An institution for the treatment of chronic diseases or for medically supervised recuperation.

School: See Educational Institution.

Sealed Container: A receptacle appropriate for preventing release of its contents, protecting its contents from the entry of water and vectors, and that will prevent the release of noxious odors if the contents are capable of emitting such odors.

Setback: The minimum horizontal distance between a public street right-of-way line, or side and rear property lines, to the front, side and rear lines of a building or structure located on a lot.

Shared-use path: A facility for non-motorized access conforming to City standards and separated from the roadway, either in the roadway right-of-way, independent public right-of-way, or a public access easement. It is designed and constructed to allow for safe walking, biking, and other human-powered travel modes.

Sidewalk: A pedestrian walkway with hard surfacing.

Sight Distance: The distance along which a person can see approaching objects, such as automobiles or pedestrians, from a street intersection or a driveway along a street.

Sign: An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure, or land, which directs attention to a product, place, activity, person, institution, or business.

Significant Vegetation: A tree exceeding six (6) inches in diameter measured four (4) feet above grade at the base of the tree or other vegetation more than four (4) feet above grade, but not including blackberry or other vines or weeds.

Skirting: A covering that totally obscures the undercarriage of a manufactured home, and extending from the top of the undercarriage to the ground.

Soil Amendment: A material, such as yard waste compost, added to the soil to improve soil chemistry or structure.

Solid Waste: Has the meaning given that term in ORS 159.005.

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, processes, 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.

Solid Waste Processing: An activity or technology intended to change the physical form or chemical content of solid waste or recycled material including, but not limited to, sorting, baling, composting, classifying, hydropulping, incinerating or shredding.

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.

Special Care Facility: A facility licensed by the State of Oregon, defined in OAR and not otherwise defined in this Code. Uses wholly contained within the facility and not independently accessible to the non-resident public which are either essential or incidental to the primary use shall be permitted. Where such facility contains uses which are otherwise listed as conditional uses in the base zone then those uses must be subjected to the conditional use process if they are independently accessible to the non-resident public from the outside of the facility building(s).

Specialized Living Facility: Identifiable services designed to meet the needs of persons in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such usable or unused under-floor space shall be considered as a story.

Story, First: The lowest story in a building, provided such floor level is not more than four (4) feet below grade, for more than 50 percent (50%) of the total perimeter, or not more than eight (8) feet below grade, at any point.

Story, Half: A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than three (3) feet above the floor of such story.

Street: A public or private road, easement or right-of-way that is created to provide access to one or more lots, parcels, areas or tracts of land. Categories of streets include:

- A. **Alley:** A narrow street, typically abutting to the rear lot or property line. [Figure 8-3a of the Transportation System Plan illustrates the alley cross-section]
- B. **Arterial:** Arterial streets provide connectivity at a regional level, but are not State routes. [Figure 8-2 of the Transportation System Plan illustrates arterial cross-sections.]
- C. **Bikeway:** Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:
 - (1) **Multi-use Path.** A paved way (typically 8 to 12-feet wide) separate from vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
 - (2) **Bike Lane.** A portion of the street (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
 - (3) **Shoulder Bikeway.** The paved shoulder of a street that does not have curbs or sidewalks that is 4 feet or wider and is typically shared with pedestrians.

- (4) **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles. Also called Bike Route.
- (5) **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (NOTE: Figure 8-6 of the Transportation System Plan illustrates the multi-use path and trail cross-sections).
- D. **Collector:** Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]
- E. **Cul-de-Sac:** A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- F. **Half Street:** A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.
- G. **Local Street:** Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a & 8-5b of the Transportation System Plan illustrate local street cross-sections.]
- H. **Marginal Access Street (frontage or backage road):** A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]
- I. **Neighborhood Route:** Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. [Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]
- J. **Principal Arterial:** Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].

Street Line: A dividing line between a lot and a street right-of-way.

Street Plug: A narrow strip of land located between a subdivision and other property, that is conveyed to the City for the purpose of giving the City control over development on the adjacent property.

Structure: A structure must be more than one foot from grade to be considered a structure.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Stucco board: A fiber cement board core product that mimics the appearance of stucco.

Subdivision: The division of an area or tract of land into four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision Improvements: Construction of facilities such as streets; water, sewer, gas and telephone lines; storm drainage; and landscaping.

Surrounding: To be encircled on all or nearly all sides; as interpreted for property lines and land uses, a use is surrounded by another use when the other use is abutting on greater than 75% of its perimeter.

Temporary Use: A use of land, buildings or structures not intended to exceed twelve (12) months, unless otherwise permitted by this Code.

Townhomes: (See "Dwelling- Townhome or Row House")

Transportation Facilities: 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:

- A. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.
- B. 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.
- C. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval.
- D. Landscaping as part of a transportation facility.
- E. Emergency measures necessary for the safety and protection of property.
- F. Street or road construction as part of an approved land use application.

Unified Sewerage Agency: The former name of Clean Water Services; an agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.

Urban Growth Boundary: The Metropolitan Portland Urban Growth Boundary (UGB) as acknowledged by the State Land Conservation and Development Commission.

Urban Zone: A land use zone adopted by a unit of local government that applies to land inside a regional urban growth boundary.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use by Right: A use which is a "use permitted outright" in any given zoning district established by this Code.

Wall: A solid structural barrier that is not intended to alter the grade and is not considered a retaining wall or sound wall.

Warehouse: A structure or part of a structure used for storing and securing goods, wares or merchandise.

Wetlands: Those land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are generally identified in the City's 1992 Local Wetland inventory, and the Metro 2004 Natural Resources Inventory, or in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).

Wholesale Trade: The sale of goods and products to an intermediary generally for resale.

Wireless Communication Facility: An unmanned facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

Yard: The existing or required space on a parcel which shall remain open, unoccupied, and unobstructed from the ground surface to the sky, except as otherwise provided by this Code. Categories of yards include:

- A. **Front Yard:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
- B. **Rear Yard:** A yard, unoccupied except by a building or structure of an accessory type as provided by this Code, extending the full width of the lot between the rear lot line and the extreme rear line of a building.

C. **Side Yard:** The yard along the side line of a lot and extending from the setback line to the rear yard.

Zero-Lot-Line: Attached or detached dwelling units which are constructed with only one side yard or no rear yard setbacks.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-009 §§ 1, 2)

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

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

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

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

USES	VLDR	LDR	MDRL	MDRH	HDR
• Government-Assisted housing ^[2]	P	P	P	P	P

ACCESSORY USES					
• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
Recreational Marijuana Processing -not for personal use or consumption	N	N	N	N	N
COMMERCIAL					
• Agricultural Uses ^[3]	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
• Plant Nurseries ^[4]	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C
CIVIC					
• Public Recreational Facilities ^[5]	P	P	P	P	P

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

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

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

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

Footnotes:

--- **(2)** ---

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

--- **(3)** ---

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

--- **(4)** ---

Includes other agricultural uses and associated commercial buildings and structures. Recreational marijuana producing as defined in Chapter 16.10.020 is expressly prohibited in all residential zones.

--- **(5)** ---

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

16.22.020 - Uses

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

	OC	NC ¹	RC	GC
RESIDENTIAL				
• Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings. ^{2, 3}	P	P	P	P
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
CIVIC				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P

• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P

Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
Childcare				

• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P
• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C ⁵	P
• Recreational Marijuana Wholesale Operator ⁹	N	N	N	P
• Recreational Marijuana Retail Sales Operator ⁹	N	N	N	P
Personal Services				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	N	N	C	C

Eating and Drinking establishments				
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Recreational Marijuana Producer or Processor ⁹	N	N	N	N
• Medical or dental laboratories	N	N	C	P
• Recreational Marijuana Laboratory or Testing Facility ⁹	N	P ¹	P ²	P
WIRELESS COMMUNICATION FACILITIES				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters ⁸	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:				
• Farm equipment sales and rentals	N	N	P	P
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

¹ See special Criteria for the NC zone, 16.22.050.

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

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

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

⁵ All activities are required to be within an enclosed building.

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

⁷ Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

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

⁹ Subject to Special Uses, Recreational Marijuana Facilities 16.38.030

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 – Industrial Uses

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

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

COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C
• Recreational Marijuana Retail Sales Operator ¹¹	P	P	P
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	C
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C
Childcare			

• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use ⁶	C	C	C
General Retail - sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business ⁷	P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	P ¹⁰	P ¹⁰	N
• Tool and equipment rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N

INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental)	P	P	P
• Recreational Marijuana Laboratory or Testing Facility ¹¹	P	P	P
• Recreational Marijuana Producer ¹¹	P	P	N
• Recreational Marijuana Processor ¹¹	P	P	P
• Recreational Marijuana Wholesale Operator ¹¹	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials	P	P	N
• Pharmaceuticals in facilities up to 50,000 square feet building size	P	P	P

• Pharmaceuticals in facilities larger than 50,000 square feet building size	N	C	N
• Building components, furniture, fixtures, signs	P	P	N
• Non-motorized recreational vehicles and equipment	P	P	N
• Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N
• General purpose solid waste landfills,-incinerators, and other solid waste facilities	N	N	N

• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

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

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

³ 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.

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

⁵ 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.

⁶ 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.

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

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

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

¹⁰ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

¹¹ Subject to Special Uses, Recreational Marijuana Facilities 16.38.030

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

Chapter 16.38 - Special Uses

Sections:

16.38.010 - General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

16.38.020 - Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475.314. Failure to comply with Oregon Health Authority regulations is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process.

C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.
2. Security Measures Required
 - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.
 - b. Exterior lighting must be provided and continuously maintained.
 - c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.
3. Co-location Prohibited
 - a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.
 - b. A medical marijuana dispensary may not be located at the same address with any facility or business at which medical marijuana is inhaled or consumed by cardholders.
4. Mobile and Delivery Businesses Prohibited
 - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
 - b. A dispensary may not operate to deliver medical marijuana.
5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.
6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

- a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.
- b. Another medical marijuana dispensary.
- c. A public park or plaza.

(Ord. No. 2015-005, § 2, 5-5-2015)

16.38.030 Recreational Marijuana Facilities.

A. Characteristics:

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.
2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, a Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

C. General Standards for Recreational Marijuana Facilities

1. All new construction of marijuana facilities shall comply with Chapter 16.90, Site Planning.
2. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.
3. Security Measures Required
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained per Chapter 16.154, Heat and Glare.
 - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.
 - d. No outdoor storage of marijuana, processed marijuana or marijuana waste is allowed at any recreational marijuana facilities.
4. Proximity Restrictions. A recreational marijuana production, processing, testing laboratory or wholesale sales facility shall not be located within 100 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.

5. No recreational marijuana facility may be located within the Old Town Overlay District.

D. Standards for Marijuana Production and Processing Facilities

1. In production facilities, views from the exterior of the building into the area where marijuana is being grown are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.
2. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.
3. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems sufficiently designed to prevent detection of marijuana odor from adjacent properties and the public right-of-way. Such systems shall include the following features:
 - a. Installation of activated carbon filters on all exhaust outlets to the building exterior;
 - b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and
 - c. Maintenance of negative air pressure within the facility; or
 - d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the system described in subsections a-c above.

E. Standards for Recreational Marijuana Retail Sales Facilities

1. All new construction of retail marijuana facilities shall comply with 16.90 Site Planning.
2. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.
3. Hours of Operation. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. all days of the week. An individual facility may set hours within those specified, but may not be open outside those parameters.
4. Security Measures Required.
 - a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.
 - b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.
 - c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.
6. Drive-in or Drive-Through Facilities Prohibited. A retail sales facility shall not have a drive-in or drive-through facility, as defined in Section 16.10.020.
7. Proximity Restrictions. A retail facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.
 - a. Schools. Within 1,000 feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.
 - b. Other Retail Facilities. Within 1,000 feet of another retail recreational marijuana facility or any medical marijuana dispensary.
 - c. Public Plazas and Active Use Parks. Within 1,000 feet of a public plaza or active use park. As used in this paragraph, an active use park includes a park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features that is generally open to the public for park use.
8. No recreational marijuana retail facility may be over 3,000 square feet in area used for the display of retail marijuana products.



Home of the Tualatin River National Wildlife Refuge

Exhibit C
Memorandum

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Krisanna Clark

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Joseph Gall, ICMA-CM

Assistant City Manager
Tom Pessemier, P.E.

To: Sherwood Planning Commission and Police Advisory Board

From: Michelle Miller, AICP Senior Planner

RE: Recreational Marijuana Facilities Code Update

Date: April 12, 2016

This memo provides the Commission with an update on regulations for recreational marijuana facilities. Public engagement to date has included an online survey on the issue and a more in-depth public work session with community small group discussions on the issue. We have scheduled another Public Work Session to discuss the options for regulating recreational marijuana facilities. The meeting will be April 26, 2016 in the Community Room of City Hall. The community event will be similar to the last public work session on the issue with Commissioners and Police Advisory Board members leading the discussion facilitated by staff.

Public Work Session

The Planning Commission and the Police Advisory Board (Board) hosted a Public Work Session on March 10, 2016 concerning regulation of recreational marijuana facilities in Sherwood. Approximately twenty people attended the event and discussed the options for marijuana facilities regulations. Any proposed regulations would be implemented only if Sherwood voters decided not impose a ban on recreational marijuana facilities locating in Sherwood. This issue of a ban along with a local recreational marijuana tax will be decided in November 2016.

Staff described the five different license types of recreational marijuana facilities. These are producers, processors, retailers, wholesalers and laboratories. Staff discussed the state rules concerning land use related regulations for recreational marijuana facilities and introduced where the license types would be located if there were no additional regulations implemented by the City. Staff then introduced the City aerial maps with a covered overlay of the commercial and industrial properties.

The two primary discussion questions at the small group tables were:

1. Which zones do you think each of the different facility license types should be located in Sherwood either a commercial or industrial zone?
2. What if any additional restrictions would you like to be placed on a recreational marijuana facility?

At the end of the small group discussion, each table leader gave a synopsis of the discussion.

Three options for regulating recreational marijuana facilities in Sherwood came to light:

Option One: regulate all recreational marijuana facilities similar to Medical Marijuana Dispensaries located in Sherwood

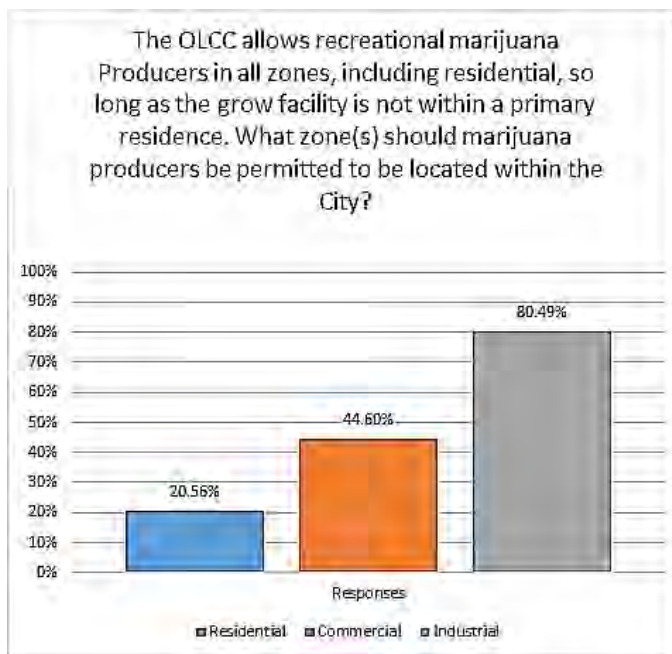
Option Two: limit recreational marijuana licensed facilities to the industrial zone with the possibility of allowing retail facilities in at least one of the commercial zones (Implement State and local law)

Option Three: require some or all recreational marijuana facilities to submit a conditional use permit. This option will require a Type III land use process with a hearing before the hearings officer for recreational marijuana facilities.

Any new regulations would be put in place ONLY if the voters do not ban recreational marijuana facilities locally. Implicit with that outcome is the view that recreational marijuana businesses are acceptable businesses to the majority of Sherwood voters should appropriate rules be put in place.

Online Recreational Marijuana Facilities Survey

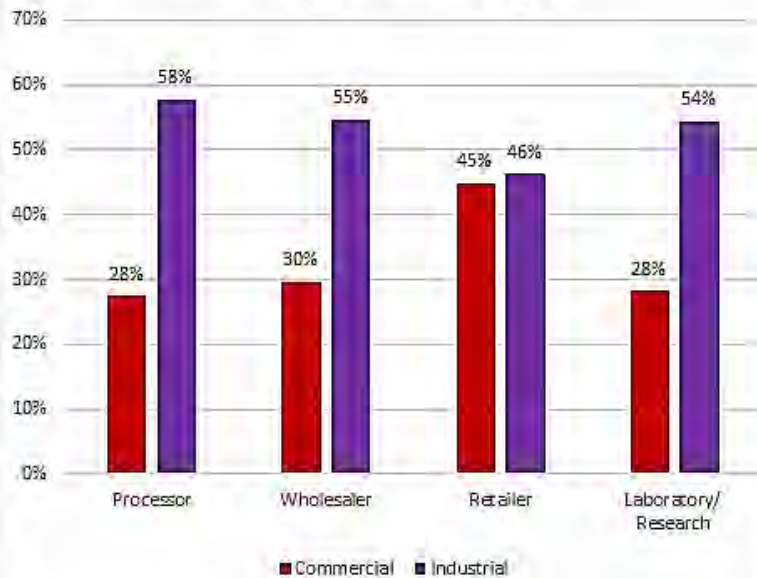
The online survey ran from March 1-31 and the City received 289 responses. Individual internet provider (IP) addresses were recorded and we received five duplicate addresses with two responses and one IP address providing three responses. Otherwise, all of the responses were unique. We asked the following four questions and had a general comment space. The comments are attached to this memo in their entirety.



Question 1 asked which zone a producer should be allowed to locate. A recreational marijuana producer grows and cultivates marijuana.

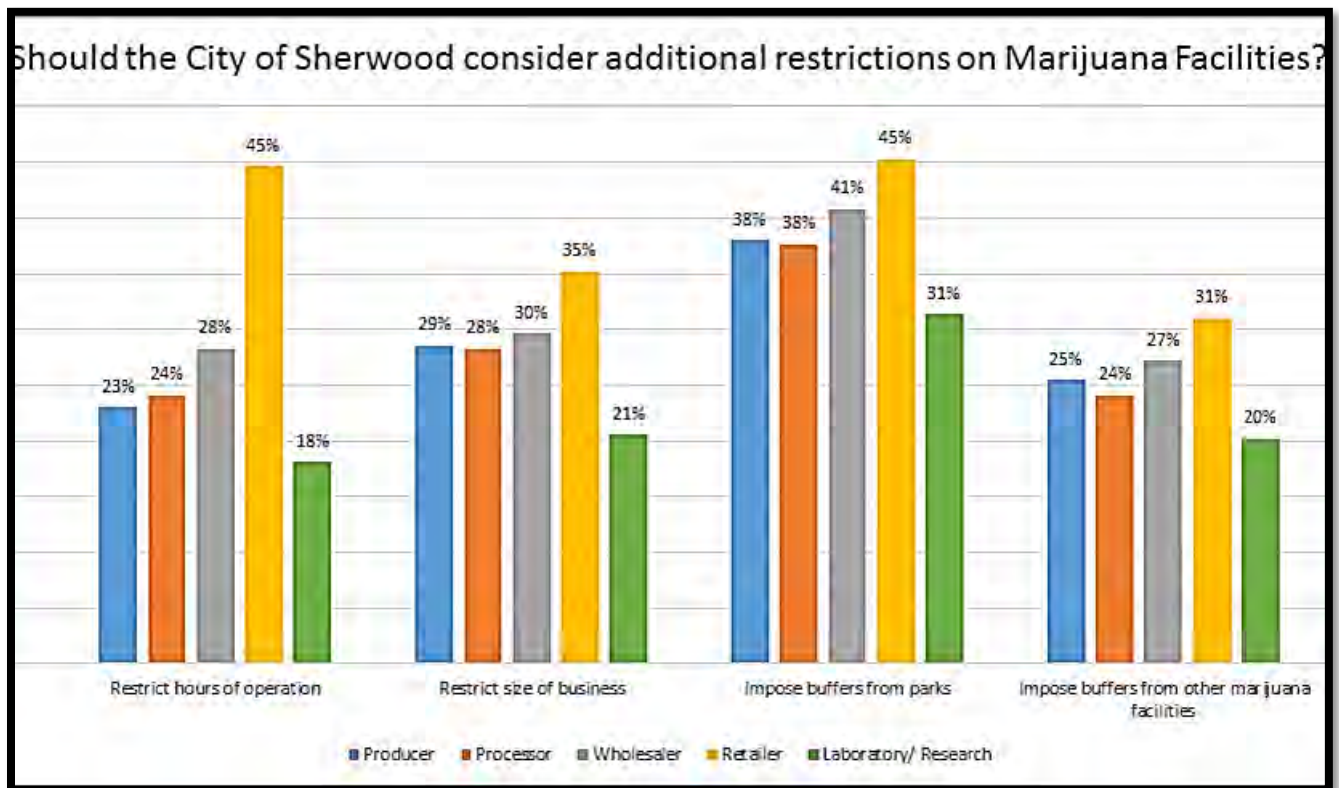
Currently, the Oregon Liquor Control Commission allows producers to be in the residential, commercial or industrial zones. A response could generate more than one answer.

The OLCC allows all other recreational marijuana facilities to be located in the commercial or industrial zone. Marijuana Retailers are not allowed to be within 1000 ft. of a public or private elementary or secondary school. In looking at the following four other marijuana facility types listed below, what zone(s) should each facilities be permitted to be located within the City? (Check all that apply)



Question 2 asked respondents about the zoning for the four other license types. The OLCC does not allow any of these license types to be located in the residential zone.

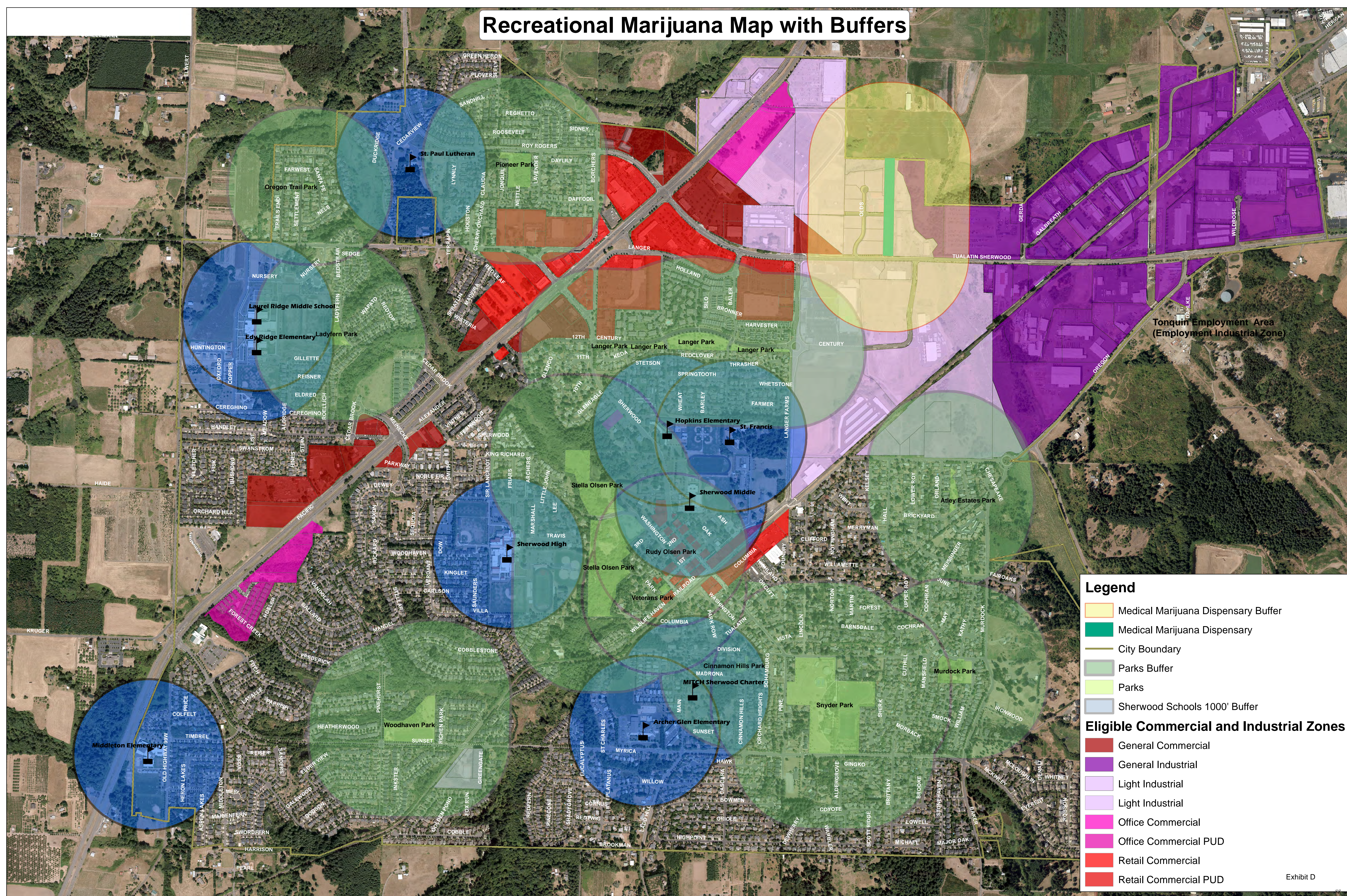
Retail marijuana businesses must be at least 1000 feet from a school. There was a general preference to allow processors, wholesalers or laboratories to be located primarily on industrially zoned properties. Survey responses did not indicate strongly one way or the other where retailers should be located.



The next question asked whether additional restrictions should be placed on the various recreational marijuana license types. These are similar to the time, place and manner restrictions developed for medical marijuana dispensaries. No restriction received overwhelming support but restrictions on retail marijuana businesses received the most support and labs received the least support for additional regulations.

Finally we asked two demographic questions, whether the respondent owned commercial or industrial property in the City and whether they were a resident of Sherwood. Of the 289 responses, 72 answered NO or left the question blank. Four respondents said they both lived and owned commercial or industrial property. One respondent was not a resident, but owned commercial or industrial property.

Recreational Marijuana Map with Buffers



Legend

- Medical Marijuana Dispensary Buffer
- Medical Marijuana Dispensary
- City Boundary
- Parks Buffer
- Parks
- Sherwood Schools 1000' Buffer

Eligible Commercial and Industrial Zones

- General Commercial
- General Industrial
- Light Industrial
- Light Industrial
- Office Commercial
- Office Commercial PUD
- Retail Commercial
- Retail Commercial PUD