



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

October 9, 2018

at 7 PM

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



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall Community Room
22560 SW Pine Street,
Sherwood, OR 97140
October 9, 2018**

Regular Meeting – 7:00 PM

- 1. Call to Order**
- 2. Council Liaison Announcements (Sean Garland)**
- 3. Consent Agenda**
 - a. Planning Commission Meeting Minutes, August 28, 2018
 - b. Planning Commission Meeting Minutes, September 11, 2018
 - c. Planning Commission Work Session Minutes, September 11, 2018
- 4. Staff Announcements (Erika Palmer)**
- 5. Community Comments**
- 6. Public Hearings**
 - a) Public Hearing PA 18-08 FEMA Floodplain Update**

Proposal: The city is required to amend the text of Chapters 16.10, Definitions and 16.134, Floodplain Overlay in order to remain compliant with the National Floodplain Insurance Program (NFIP). The text amendments can be categorized into the following: updated definitions; updated duties and responsibilities; updated general standard; and updated specific standards

- 7. Planning Commissioner Announcements**
- 8. Adjourn**

Meeting documents are found on the City of Sherwood website at www.sherwoodoregon.gov/meetings or by contacting the Planning Staff at 503-925-2308. Information about the land use applications can be found at www.sherwoodoregon.gov/projects.

City of Sherwood, Oregon
Planning Commission
August 28, 2018

Planning Commissioners Present:

Chair Jean Simson
Commissioner Doug Scott
Commissioner Mark Cottle
Commissioner Laurie Holm

Staff Present:

Julia Hajduk, Community Development Director
Erika Palmer, Planning Manager
Colleen Resch, Records Technician

Planning Commission Members Absent:

Vice Chair Christopher Flores
Commissioner Justin Kai
Commissioner Daniel Matzinger

Council Members Present:

Council President Sean Garland

1. Call to Order/Roll Call

Chair Jean Simson convened the meeting at 7:03 pm.

2. Consent Agenda

- a. August 14, 2018 Planning Commission Meeting Minutes approval
- b. August 14, 2018 Planning Commission Work Session Minutes approval

Motion: From Commissioner Mark Cottle to approve the consent agenda, seconded by Commissioner Doug Scott. Motion passed 4:0. All present Planning Commissioners voted in favor. (Commissioners Flores, Kai, and Matzinger were absent).

3. Council Liaison Announcements

Council President Sean Garland said the City Council will meet on September 4. He reminded residents that school starts next week and to drive safe in school zones.

4. Staff Announcements

Planning Manager Erika Palmer said the Comprehensive Plan Community Advisory Committee (CAC) will meet tomorrow at 6:30 pm to consider the Economic Opportunity Analysis (EOA). The next Planning Commission meeting is September 11 and there is one public hearing scheduled for a landmark alteration at Sherwood Dental. She said the meeting will also include a work session regarding the EOA. A joint Planning Commission/CAC meeting has been scheduled for Wednesday, September 26 at 6:30 pm to review the Housing Needs Analysis (HNA). She said the Planning Commission is not scheduled to meet on Tuesday, September 25.

Chair Simson announced the Planning Commission emails have been created. She asked the Commissioners if they received the CAC meeting announcement and attachments of the EOA from Senior Planner Carrie Brennecke. The Commissioners said they received the information.

5. Citizen Comments

None were received.

6. New Business

Chair Simson read the public hearing statement for all three public hearings and said the Planning Commission would make recommendations to the City Council, the final hearing authority in the city.

a. Public Hearing PA 18-05 Sherwood Floodplain Overlay Update

Chair Simson opened the public hearing. Planning Manager Erika Palmer provided a presentation and said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council (see record, Exhibit A). A City Council public hearing has tentatively been scheduled for September 18 to consider the proposed amendment. She said the City is served by the National Floodplain Insurance Program (NFIP) that allows affected property owners in jurisdictions that have adopted land use regulations for development in floodplains to obtain federally-backed flood insurance. The Federal Emergency Management Agency (FEMA) administers the program and provides communities with the technical information that is relied upon to regulate development in the floodplain. She said the last Flood Insurance Rate Maps (FIRMs) were adopted in 2016 and since that time there have been no significant changes identified within the flood zone boundaries.

Ms. Palmer said the proposed amendment replaces the date for the insurance study and flood insurance maps with the new date of October 19, 2018, which is when the maps and study go into effect. FEMA requires that jurisdictions adopt the study and map by date. She stated that is the only change.

Chair Simson asked what the process for citizens to protest the maps is. Ms. Palmer said that it is a FEMA process referred to as a Letter of Map Amendment (LOMA). Ms. Hajduk noted that City Engineer Bob Galati is the floodplain administrator and if citizens have questions or problems they should contact him in order to identify what path they should follow. Chair Simson said the Planning Commission's purpose at this point is to make a recommendation to City Council to adopt the new date maps and maps itself by reference.

Ms. Palmer said there are two review criteria in the code for a text amendment and stated the amendment needs to be consistent with the Comprehensive Plan and Development Code, and any other State or regional regulations. It also needs to be consistent with the Transportation Planning Rule, if applicable. Ms. Palmer referred to the proposed findings and said the proposed amendment is necessary for FEMA compliance, is consistent with the Comprehensive Goals and Policies, and does not conflict with Metro, Statewide Planning Goals or the Transportation Rule.

Ms. Palmer commented on public notice and stated notice was given to DLCD, Metro, and agency partners. The public hearing was noticed in the Tigard Times and individual notices were sent to the effected property owners. No formal comments were received and noted one property owner inquired, but after additional explanation did not feel as though they needed to submit comments on this

proposal. Ms. Palmer said staff recommends that the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council.

With no questions from the Commission, Chair Simson asked for a public testimony. None were received.

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

Motion: From Commission Doug Scott to forward a recommendation of approval to the City Council for PA 18-05 Sherwood Floodplain Overlay Update based on the applicant testimony, public testimony received, and the analysis findings and conditions of the staff report. Seconded by Commissioner Mark Cottle. Motion passed 4:0. All present Planning Commissioners voted in favor. (Commissioners Flores, Kai, and Matzinger were absent).

b. Public Hearing PA 18-06 Sherwood Medical Marijuana Dispensary Amendments

Chair Simson opened the public hearing. Planning Manager Erika Palmer provided a presentation and said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council (see record, Exhibit B). A City Council public hearing has tentatively been scheduled for September 18 to consider the proposed amendment. She said the proposal is to amend Chapters 16.10 Definitions and 16.38 Special Uses of the Sherwood Zoning and Community Development Code (SZCDC). The amendments are being proposed because of new state licensing regulations of Medical Marijuana Dispensaries. She said state law previously provided that recreational marijuana facilities were regulated by OLCC and medical marijuana facilities were regulated by OHA. The City's code was drafted accordingly and differentiated between recreational and medical marijuana facilities based on which agency regulated them. She noted state law has since changed to allow OLCC to regulate medical marijuana facilities. This code amendment would therefore serve to continue to permit medical marijuana facilities and prohibit recreational marijuana facilities, but would no longer distinguish between them based on the licensing agency.

Ms. Palmer referred to the proposed changes and said the definition of medical marijuana dispensary is more clearly defined with the change of the state law. In section 16.38, the code language has been updated to provide clarity on new state regulatory licensing agency for medical marijuana.

Ms. Palmer said there are two review criteria in the code for a text amendment and stated the amendment needs to be consistent with the Comprehensive Plan and Development Code, and any other State or regional regulations. It also needs to be consistent with the Transportation Planning Rule, if applicable. She referred to the proposed findings and said the proposed text amendment is consistent with current state law, the Comprehensive Plan, Metro, and state land use goals. She stated this does not have any impact on the existing City transportation system. She emphasized that the City does not allow recreational marijuana and that will remain the same.

Ms. Palmer said there was a work session July 24 and a City Council work session August 21. She staff provided public notice regarding this hearing and no public comments have been received as of this date. Ms. Palmer said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council.

Chair Simson asked for public testimony.

Anthony Stewart, Attorney representing Western Oregon Dispensary, informed the Commission of the benefits of the new state law and the proposed text amendment. He said OLCC is a well resourced regulatory body inclusive of enforcement and updates. He commented on the OLCCs cannabis tracking system and said it is seed to sale.

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

Motion: From Commissioner Doug Scott to forward a recommendation of approval to the City Council for PA 18-06 Sherwood Medical Marijuana Dispensary Amendments based on the applicant testimony, public testimony received, and the analysis findings and conditions in the staff report. Seconded by Commissioner Mark Cottle. Motion passed 4:0. All present Planning Commissioners voted in favor. (Commissioners Flores, Kai, and Matzinger were absent).

c. Public Hearing PA 18-07 General Housekeeping Amendments to the Sherwood Zoning and Community Development Code

Chair Simson opened the public hearing. Planning Manager Erika Palmer provided a presentation and said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council (see record, Exhibit C). She said there are ten proposed code amendments and she provided an updated Exhibit A: Proposed Amendments Table (see record, Exhibit D). She referred to item 4 and said the numbers were reversed and the updated table states *Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial and industrial areas shall have a minimum of eight (8) foot wide sidewalk*. She referred to item 6 and said it should state *see page 5 and 6*. She referred to item 7 and said it should state *see page 7 and 8*.

Ms. Palmer referred to the ten proposed amendments and said the majority of the amendments are correcting scrivener's errors, clarifying the language and intent between sections of the code, and making the code consistent with updated state laws. Chair Simson stated that the Planning Commission had two complete work sessions and reviewed all the proposed amendments in detail.

Ms. Palmer said there are two review criteria in the code for a text amendment and stated the amendment needs to be consistent with the Comprehensive Plan and Development Code, and any other State or regional regulations. It also needs to be consistent with the Transportation Planning Rule, if applicable. She referred to the proposed findings and said the proposed text amendments are consistent with current state law, the Comprehensive Plan, Metro, and state land use goals. She stated

this does not have any impact on the existing City transportation system. All of the proposed text amendments are consistent with the review criteria and they are housekeeping amendments minor in nature.

Chair Simson referred to item 6 that states, *provide for an Irregular Lot footnote in the table for reference*, and suggested adding that the irregular lot footnote references is a definition already existing in the code. She said this would provide further clarification.

Ms. Palmer said the Planning Commission had a work session on July 24 and the City Council had a work session on August 14 to review the proposed amendment. She said public notice was given to DLCD, Metro, and agency partners. The public hearing was noticed in the Tigard Times and no public comments have been received. Ms. Palmer said staff recommends the Planning Commission forward a recommendation of approval of the proposed amendments to the City Council.

Chair Simson asked for a public testimony. None were received.

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

Motion: From Commissioner Doug Scott to forward a recommendation of approval to the City Council for PA 18-07 General Housekeeping Amendments to the Sherwood Zoning and Community Development Code based on the public testimony received, and the analysis findings and conditions in the staff report as amended. Seconded by Commissioner Mark Cottle. Motion passed 4:0. All present Planning Commissioners voted in favor. (Commissioners Flores, Kai, and Matzinger were absent).

7. Planning Commissioner Announcements

Chair Simson reminded the Commissioners that they are appointed officials and need to be aware of their role during the political season.

8. Adjourn

Chair Simson adjourned the meeting at 7:37 pm.

Submitted by:

Colleen Resch, Records Technician

Approval Date: _____

City of Sherwood, Oregon
Planning Commission
September 11, 2018

Planning Commissioners Present:

Chair Jean Simson
Commissioner Doug Scott
Commissioner Mark Cottle
Commissioner Laurie Holm
Commissioner Justin Kai

Staff Present:

Julia Hajduk, Community Development Director
Erika Palmer, Planning Manager
Colleen Resch, Records Technician
Joy Chang, Associate Planner
Carrie Brennecke, Senior Planner

Planning Commission Members Absent:

Vice Chair Christopher Flores
Commissioner Daniel Matzinger

Council Members Present:

Council President Sean Garland

1. Call to Order/Roll Call

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

2. Consent Agenda

a. August 28, 2018 Planning Commission Meeting Minutes approval

Chair Simson said she did not find the minutes in her packet and moved to table the item to the next meeting. The Commissioners agreed.

3. Council Liaison Announcements

Council President Sean Garland said the Police Department 9-11 Blood Drive was a success. He announced that Thursday is the Front Porch Celebration in honor of Sherwood's 125 anniversary. He stated the event has been moved inside the Center for the Arts due to weather. The City Council will meet on Tuesday, September 18, with a work session regarding the future police staffing based on the staffing study. He said the Council will have three public hearings regarding code amendments.

4. Staff Announcements

Planning Manager Erika Palmer said the Planning Commission will have a joint work session with the Comprehensive Plan Update Citizens Advisory Committee (CAC) on September 26, at 6 pm in the Community Room to review the Housing Needs Analysis (HNA). The Planning Commission will have a joint work session with the City Council on Tuesday, October 2, at 5:30 pm to discuss the Economic Opportunities Analysis (EOA).

Ms. Palmer introduced Colleen Resch as the new Administrative Assistant in the Community Development Department. Community Development Director Julia Hajduk said due to budget changes the department experienced some reorganization and Ms. Resch will work in Community Development assisting the Building, Planning, and Engineering and as the Planning Commission Recording Secretary.

5. Community Comments

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September 11, 2018
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Eugene Stewart, 22595 SW Pine Street, came forward, commented on the traffic issues on Hwy 99W, and said the State, County and City have done a poor job of planning for the additional people. He said the first week of school caused additional problems. He stated there is not a good plan to gather statistics to show what is happening what the solutions are. He said part of the problem is the City does not have a plan for citizen involvement. He suggested neighborhood groups with committees. He commented on the practice of limiting testimony in public meetings to 4 minutes and said that is not enough time to get a point across. He said if there were citizen committees that met, they could form an opinion and forward that information to the Planning Commission along with their packet. He said goal 1 requires a citizen involvement plan and Sherwood does not have a plan.

Chair Simson said the Citizens Advisory Committee (CAC) is meeting regularly and encouraged Mr. Stewart and others to attend those meetings and bring his transportation concerns to the City Council.

There were no other community comments

6. New Business

1. Discuss and appoint a Planning Commissioner to the City's Charter Review Committee

Chair Simson said it is anticipated that Commissioner Scott will be elected to the City Council in November and unable to serve on the Charter Review Committee. Commissioner Scott recommended Commissioner Holm and she said she would be interested in serving on the Charter Review Committee.

Motion: From Commissioner Doug Scott to Appoint Commissioner Laurie Holm to the City's Charter Review Committee, seconded by Commissioner Mark Cottle. Motion passed 5:0. All present Planning Commissioners voted in favor. (Commissioner Flores and Matzinger were absent).

2. Landmark Advisory Board

a) Public Hearing LA 18-01 Sherwood Old Town Dental

Chair Simson read the public hearing statement and asked the Commission for any ex parte contact, bias or conflicts of interest. Receiving none, she asked for the staff report.

Associate Planner Joy Chang gave a staff report with a presentation (see record, Exhibit A). She said that under Section 16.164.010 Landmark Review the Planning Commission shall act as the Landmark Advisory Board and the designated review and approval authority for historic and cultural landmarks unless otherwise stated in that section. She stated due to a newspaper publication error and notification requirements, the Planning Commission opened this public hearing on August 14 and continued the hearing to September 11.

She stated the applicant proposes to change an existing dental office building by modifying its exterior with new siding, paint, windows and roof. The property address is 16043 SW Railroad Street in Sherwood's Old

Town and is located between SW Pine and SW Washington Street. The building fronts on SW Railroad Street and a secondary access can be obtained from the alleyway located northwest of the site. She said right-of-way improvements such as sidewalks and roadways exist along the frontage of the site. The total site area is approximately 5,000 square feet and is fully developed with an existing commercial building utilized as a Dental Office. The property is zoned Retail Commercial (RC) and is located in the Smockville area of the Sherwood Old Town Overlay. She stated a dental office is an allowed use with the RC zone and allowed within the Old Town (OT) Overlay.

Ms. Chang referred to the required approval criteria for the review, which includes Section 16.22 Commercial Land Use Districts, Section 16.162 Old Town Overlay, and Section 16.168 Landmark Alteration. She stated OT Overlay design standards have two parts: community design standards and Smockville or Old Cannery design standards. She referred to the OT Overlay map and said the southern area is the Old Cannery area and the northern is the Smockville design area. This site is within the Smockville design area and stated the general community design standard is that all exterior materials shall be earth tones per Section 16.162.070.H. The proposal is utilizing the colors of pure white, functional gray and urban bronze, which meets these standards.

Ms. Chang commented on the structures original elements and said per the applicant only a few of the original design elements of the structure are remaining after several remodels over the past 50 years. The proposed renovation will retain the hipped roof form, the street/pedestrian scale and the massing of the original construction. The original windows were removed and replaced in the late 1970s and new double-hung windows will be installed in all areas visible from the public right-of-way. The original chimney was removed and the chimney that is currently on the structure will be removed as part of this roof replacement. Skylights were added to the street-facing side of the roof in 1979 and will remain as part of this proposal. The original gutters were replaced at some point and the existing gutters will be replaced as needed. She said there are no original architectural details that have remained through past remodels. The renovated facades will incorporate typical vernacular trim details at windows and doors, porch posts, and water table. No original siding is visible and the current street-facing siding is diagonal cedar boards and stucco. The siding will be removed and replaced with a traditional lap and board and batten siding.

Ms. Chang commented on the front-facing presentation and said the existing skylights and plumbing vents will be kept in the current locations. The proposed alterations to the structure will not impact or relocate these two elements.

Ms. Change referred to the OT Smockville Commercial Structures design standards that have 12 components and seven of the 12 are applicable to this proposal. She said since the proposal consist of alterations to an existing building and no new commercial construction or additions are proposed, five of the standards are not applicable. The applicable components include: volume and mass, openings, vertical façade rhythm, sense of entry, roof forms, exterior surface materials, and front-facing presentation. She provided detail on how the applicable standards are satisfied.

Ms. Chang commented on volume and mass and said the proposed development will not modify the

existing building orientation, setback or width and modification to the existing entrance is not proposed. In terms of openings, the existing windows size and location remains unchanged. No additional windows are proposed and existing 35% glazing will remain unchanged. Prohibited opening types are not proposed. She referred to the vertical façade rhythm and said the existing windows create vertical bays and the window location and size will not change, meeting the multiple bay standard. The proposed alteration will create a horizontal bay with the addition of a bellyband and horizontal siding. The proposed corner boards will provide an edge definition. In regards to sense of entry, she noted the existing front entrance of the building, which is located on the side of the building, is clearly defined with a door that is at least 50% transparent. The entryway is architecturally integrated into the vertical and horizontal rhythms of the facade. She commented on roof forms and said staff has verified that the existing structure was originally a single-family dwelling constructed with a hipped roof. The proposed development will not alter the roof form, but will replace the roof with new shingles. The cost of changing the roof form, to meet traditional commercial roof form standard is not proportional to the proposed design alterations. In regards to exterior surface materials, she stated the residing project will consist of painted horizontal wood siding and painted board and batten. She referred to front-facing presentation and noted the proposed alterations does not alter existing skylights, roof or plumbing vents. The proposed changes are to the exterior of the building consisting of new siding, paint, windows and roof.

Ms. Chang said required public notices were completed and as of the start of this meeting, no public comments were received. Staff recommends approval of the proposed landmark alterations within the OT Overlay with conditions as identified in the staff report.

Commissioner Holm provided an edit to the staff report and said on page 3, Item 3 Agency Comments, the report states the Clean Water Services did not repond and she noted they did repond. Ms. Chang noted the change.

Chair Simson asked for testimony from the applicant.

Scott Grant, 16043 SW Railroad Street, came forward and she his wife is the Dentist in the building. He said they are requesting to update the siding on the building.

With no questions for the applicant, Chair Simson opened the public hearing.

Eugene Stewart, 22595 SW Pine Street, came forward and stated the original historical significance to the site is it was a blacksmith shop. He questioned why this is listed with the Oregon Historical Society since it has had such significant renovations. He said the list should be reviewed and said some sites are listed twice. He stated when he reroofed and resided his building, the Planning Director simply approved his request. He said it does not make sense that the applicant had to go through this process. He suggested the Planning Commission recommend to the City Manager that they refund the applicants fees as they are simply upgrading the building. He said the definition of Historical Board needs to be reviewed and it says the board includes members of the Planning Commission and he asked how many other members does the Historical Board have. He suggested the Planning Commission revise the code and make this process

simpler.

Chair Simson referred to Mr. Stewart's comments and said the Commission cannot address the process that is in the code at this hearing and said they are obligated by law to follow the code. She said Ms. Chang addressed Section 16.164.010 that designates the Planning Commission as the Landmark Advisory Committee.

Ms. Hajduk referred to the most recent OT Overlay Standards that states that any structure in Old Town is considered a historic landmark. She stated Mr. Stewart's residing was done prior to the most recent update, which is why he did not have to go through this process. She said the intent is to ensure that things of historical significance are maintained and new things are built in the character of Old Town.

Chair Simson asked for applicant rebuttal. The applicant declined an opportunity for rebuttal or additional testimony with his remaining time and agreed with the conditions of approval as outlined in the staff report.

Chair Simson closed the public hearing.

Commissioner Scott thanked the applicant and staff for their efforts and said he understands the intent of the code, but also understands there is opportunity to clean up the code.

With no other questions or comments, the following motion was received.

Motion: From Commissioner Holm to approve the application for Sherwood Old Town Dental LA 18-01 based on the applicant testimony, public testimony received, and the analysis, finding, and conditions in the staff report with the following modification: whereas under section 3 of agency comments, Clean Water Services is removed from the last paragraph, seconded by Commissioner Mark Cottle. Motion passed 5:0. All present Planning Commissioners voted in favor. (Commissioner Flores and Matzinger were absent).

7. Planning Commissioner Announcements

Commissioner Cottle commented on the public hearing and said the City should be encouraging landowners in Old Town to make these types of improvements and make the process less onerous. He asked staff if the Planning Commission needs the City Council's direction to review the process. He said this approval process should be done at a staff level. Ms. Hajduk said updating the Old Town Overlay Standard has been on the list of staff projects for years. She said through the Comprehensive Plan process staff envisions some implementation and yes, if staff is directed, they will make it a priority.

Chair Simson asked if Mr. Stewart should approach the City Manager regarding the fee refund. Ms. Hajduk said the City Council has the authority to waive fees.

8. Adjourn

Chair Simson adjourned the meeting at 7:39 pm.

Submitted by:

Colleen Resch, Records Technician

Approval Date: _____

City of Sherwood, Oregon
Planning Commission Work Session
September 11, 2018

Planning Commissioners Present:

Chair Jean Simson
Commissioner Doug Scott
Commissioner Mark Cottle
Commissioner Laurie Holm
Commissioner Justin Kai

Staff Present:

Julia Hajduk, Community Development Director
Erika Palmer, Planning Manager
Colleen Resch, Records Technician
Carrie Brennecke, Senior Planner

Planning Commission Members Absent:

Vice Chair Christopher Flores
Commissioner Daniel Matzinger

Council Members Present:

Council President Sean Garland

WORK SESSION

Chair Simson called the meeting to order at 7:40 pm.

1. Introduction to Economic Opportunities Analysis

Senior Planner Carrie Brennecke provided the Commissioner with a memorandum from EcoNorthwest addressed to the Technical Advisory Committee (TAC) and Citizens Advisory Committee (CAC) regarding Sherwood's Economic Development Strategy and two enlarged maps that were in the packet (see record, Exhibit A). Chair Simson said this memorandum replaces the document in the packet starting on page 116. She presented a PowerPoint presentation on the Economic Analysis (EOA) and Economic Policies (see record, Exhibit B).

Ms. Brennecke said the City applied for and received a grant from the Department of Land Conservation and Development (DLCD) in December 2017 to complete the background documents for the Comprehensive Plan Update and draft associated comprehensive plan policies. The funds assist the City in complying with Oregon Statewide Planning Goals 9 and 10. She said the background documents include an EOA, Comprehensive Plan Economic Policies, and Comprehensive Plan Housing Policies. She stated the City drafted an update to the Housing Needs Analysis in November 2017, which will be reviewed as part of this process. She said the background documents will be adopted by reference into the Comprehensive Plan and is required by the State.

Ms. Brennecke referred to the EOA and said the City is legally required under Statewide Planning Goal 9 to do an EOA, have industrial and commercial development policies, identify land deficits, and designate lands for employment. She said the City is also required to understand existing conditions and forecast for the future conditions. She commented on the EOA work program and said an inventory of buildable commercial and industrial land and a forecast of employment growth has been completed. She said the next step is to update economic development strategies and policies.

Ms. Brennecke referred to page 8 Covered Employment and Average Pay by Industry in Sherwood and noted covered employment only covers about 70% of the employment. She said the average wage in

Sherwood is approximately \$38,000 a year as opposed to the average wage in Washington County, which is approximately \$82,000 a year. She said the primary reason for lower wages in Sherwood is the mix of jobs with retail and food service having the largest share of employees. She said the average pay in Sherwood is equivalent to Forest Grove, but lower than the Portland region, Tigard, and Tualatin. She stated the median household income in Sherwood is approximately \$82,000, which is higher than the Portland region, Forest Grove, Tigard, Tualatin and Wilsonville.

Ms. Brennecke commented on the commuting flows in Sherwood and said approximately 5,000 come into Sherwood for work and 8,300 leave to work and less than 1,000 stay in Sherwood for work, which equates to 8%. She referred to commuting patterns and said Sherwood has less residents living and employed in the City than the neighboring communities. She commented on high concentrations of industries and employment in Sherwood and said they include waste management, specialty trade contractors, heavy and civil engineering construction, machinery manufacturing, and merchant wholesalers and durable goods. She said low concentration industries and employment in Sherwood include professional, scientific, and technical services, ambulatory health care services, and utilities. Ms. Brennecke said according to the information gathered and combined with information from Greater Portland Inc., the potential growth industries in Sherwood include manufacturing, wholesale, professional and business services, and services for visitors and residents.

Commissioner Cottle referred to attracting new businesses and asked if the problem is poor transportation. Ms. Brennecke said one of Sherwood's largest disadvantages is the distance from I-5 and other interstates.

Chair Simson commented on page 13 Concentration of Industries and asked why government and schools are not included in the analysis.

Ms. Brennecke referred to employment growth and land need from 2018-2038 and said staff used a safe harbor forecast rate of 1.2% annually. Chair Simson asked if there will be an opportunity to change the forecasted rate. Ms. Hajduk said these conversations will continue throughout this process. Ms. Brennecke said in 2018 Sherwood's industrial employment sector is 27%, retail commercial is 16%, office and commercial services is 49%, and government is 9%. She said the prediction for 2038 is the industrial employment sector is 30%, retail commercial is 14%, office and commercial services is 48%, and government is 8%. She said this predicted growth equates to 2,185 new jobs in Sherwood over the next 20 years based on the safe harbor forecast rate.

Ms. Palmer discussed the buildable land inventory and staff used the draft Buildable Land Inventory (BLI) 2018 map from Metro and classified land as vacant, partially vacant, and potentially redevelopable. Commission Cottle asked why staff did not consider Sherwood West. Ms. Palmer said Sherwood West is not within the Urban Growth Boundary (UGB) and by law cannot be included in the analysis.

Ms. Palmer referred to the commercial and industrial land by plan designation map and said there are approximately 141 suitable buildable acres and potentially 101 redevelopable acres. Chair Simson asked if the map will be revised before it is adopted to include the changes in the Tonquin Employment Area. Ms. Brennecke said no because the area is not annexed into the City yet and there are no land use applications.

Ms. Palmer referred to the suitable buildable land by plan designation and site size and said most of the tax lots are 10 acres and smaller and there are only three tax lots that are above 10 acres in size. Ms. Hajduk questioned the information and asked staff to research this further. Ms. Brennecke said in discussions with Greater Portland Inc. a number Sherwood's target industries need 5 acre lots. Ms. Palmer commented on land supply and demand of land use types for 2018-2038, said industrial land has a 32 acre surplus, and commercial land has a 27 acre deficit.

Ms. Brennecke said the conclusions are that Sherwood has enough employment land to accommodate industrial growth and has a 27 acre deficit of land for commercial and retail uses. She noted Sherwood's wages are below average for the Portland Region and for the nearby cities of Tigard and Tualatin. She said most new businesses will be relatively small and will require small and mid-size sites. Sherwood will need to address key infrastructure needs in the City and in the development of the TEA. Sherwood will need flexibility in its development code to provide opportunities for growing and developing businesses that both provide services and are related to manufacturing businesses. Discussion followed.

Ms. Brennecke said the recommendations include align the City's goals for economic development with planning for infrastructure development, identify opportunities to support existing businesses in Sherwood, work with partners to develop a broad economic development strategy, develop needed infrastructure in the TEA, and support infill and development of existing land, especially commercial land.

Ms. Brennecke referred to the Sherwood Economic Development Strategy on page 116 of the packet and provided the Commission with an edited version at the beginning of the work session (see record, Exhibit A). She said the edits are changes by EcoNorthwest based on recommendations from the TAC and CAC during their meeting on August 29. She commented on the Economic Development Vision and said this vision will be refined through continued public discussions. Commissioner Scott asked why the vision specifically refers to the gateway to wine country and the rest of the vision is general. Ms. Brennecke said this is changing and she referred to policy 3 and said they are focusing on destinations and experiences for residents and visitors.

She referred to the Economic Development Policies and Actions and said these have been narrowed down to three policies. She asked the Commission to review the policies and provide staff with feedback. She said the Planning Commission comments will be added to Sherwood Economic Development Strategy and an edited version will be provided at the October 2 joint work session with the City Council. She asked the Commissioners to provide the information by September 18. She read an updated draft of the vision statement which reads, "In 2040, the Sherwood economy has grown to include a variety of businesses big and small that offer stable employment opportunities, higher wage jobs, and expanded the tax base to protect and maintain Sherwood's quality of life. Sherwood is a gateway to wine country and provides great destinations and experiences for both residents and visitors". She said the gateway to wine country is still included because of all the community input they have received. She stated this will be readdressed with the CAC. Discussion followed.

Ms. Brennecke said the first policy is *Land Availability and Management*, which states "The City will plan for a 20-year supply of suitable commercial and industrial land on sites with a variety of characteristics and manage the supply of employment land to make most efficient use of commercial and industrial land". She said the CAC added the objective to monitor and replenish the supply of commercial and industrial

land on a regular, periodic basis. The second policy is *Infrastructure Support*, which states “Provide adequate infrastructure to support employment growth, with a focus on the Tonquin Employment Area”. The third policy is *Existing Business Retention, New Business Development, and Attraction of New Businesses*, which states “The types of businesses the City wants to attract most are non-polluting businesses with wages at or above the Washington County average, such as industries identified in the Economic Opportunities Analysis”. She commented on the objectives and asked the Commissioners to review and provide feedback. Discussion followed. Commissioner Holm asked staff for a soft copy of Exhibit A. Chair Simson suggested adding language regarding a balanced tax base.

Ms. Brennecke commented on sherwood2040.org and said the survey is evolving and encouraged residents to get involved. She said tradeoffs will be discussed at the Vision Summit II on October 29 at the Center for the Arts. Commissioner Kai suggested presenting the tradeoff of affordability versus desirability and said community input on this issue would be helpful.

Discussion followed about merits of joint work sessions with the City Council throughout this Comprehensive Plan Update process. Ms. Hajduk said staff is responsible for coordinating joint work sessions at the appropriate time in the process to be the most efficient and effective.

With no further discussion, Chair Simson adjourned the work session.

The work session ended at 9:21 pm.

Submitted by:

Colleen Resch, Records Technician

Approval Date: _____

CITY OF SHERWOOD
Staff Report Date: October 2, 2018
Public Hearing Date: October 9, 2018

Floodplain Code Update
File No: PA 18-08

TO: Planning Commission

FROM:



Erika Palmer, Planning Manager

Proposal: The purpose of the amendment is to update flood regulations to remain consistent with the requirements of the National Flood Insurance Program (NFIP). Specifically, the update involves additional definitions to Sherwood Zoning and Community Development Code (SZCDC) chapter 16.10, (Definitions) and text language to Chapter 16.134 (Floodplain Overlay) to be in compliance with FEMA's National Flood Insurance Program.

I. BACKGROUND

- A. Applicant:** This is a City initiated text amendment
- B. Location:** The proposed amendment is to the text of the development code and applies citywide, particularly to properties in the Floodplain Overlay (FP) zone.
- 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 October 9, 2018. At the close of their hearing, they will forward a recommendation to the City Council who will consider the proposal and make the final decision whether to approve, modify, or deny the proposed language on October 16, 2018. City Council will review this matter as an emergency ordinance because FEMA is requiring jurisdictions to take action on amendments in order to remain compliant with the National Floodplain Insurance Program by October 19, 2018. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing:** Notice of the October 9, 2018 Planning Commission and October 16, 2018 City Council hearings on the proposed amendment was published in The Times on September 20th and October 4th, 2018. Notice was also posted in five public locations around town and on the web site on September 25, 2018.

Public notice was mailed to affected property owners on September 18, 2018. Affected property owners include those property owners whose land has been identified as having any portion thereof located in a floodplain or floodplain management area.

Oregon Department of Land Conservation and Development (DLCD) notice was submitted on September 13, 2018.

E. Review Criteria: The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

F. Background:

The National Flood Insurance Program (NFIP) is a federal program created in 1968 through the passage of the National Flood Insurance Act and administered by the Federal Emergency Management Agency (FEMA). The program allows affected property owners in jurisdictions that have adopted land use regulations for development in the floodplain to obtain federally-backed flood insurance.

Section 16.134, Floodplain (FP) Overlay, of the SZCDC regulates development within special resource zones, including the flood hazard areas defined by FEMA based on the Flood Insurance Rate Maps. The last major code amendment update to Section 16.134, Floodplain Overlay and Section 16.10, Definitions, occurred in 2016. On September 13, 2018 Sherwood Engineering and Planning staff received correspondence from FEMA that required changes were necessary to definitions and code language to remain compliant NFIP. FEMA staff stated the City is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of the proposed text amendments by October 19, 2018.

Planning staff worked with the State Floodplain Coordinator to incorporate the proposed requirements FEMA requested into the Sherwood Zoning and Community Development code. Proposed text amendments can be categorized into the following:

1. *Definitions relating to development in the Floodplain*
2. *Duties and Responsibilities*
 - Review Development Permits to determine if property is in a floodway
 - Maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements
 - Notifying neighboring of watercourse alterations or relocations
 - Interpret FIRM boundaries where needed and provide reasonable opportunity to appeal.
3. *General Standards*
 - Adding methods/practices that minimize flood damage
 - Require on site waste disposal systems to be located to avoid contamination
4. *Specific Standards*
 - Manufactured dwellings to be placed on solid foundations, and walls shall have flood openings to comply with residential construction standards
 - Recreational Vehicles in the floodplain need to be elevated and anchored or shall not be in the floodplain for more than 180 days

Communities that fail to enact the necessary floodplain management regulations and adoption of the updated FIRMs will be suspended from participation in the NFIP and the following sanctions could apply:

- Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.

- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as HUD, EPA and SBA.
- Federal disaster assistance will not be provided to repair insurable buildings located in identified flood hazard areas from damage caused by a flood.
- Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by FHA and DVA.
- Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to make conventional loans for insurable buildings in flood-hazard areas of non-participating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may not voluntarily choose to make these loans.

II. PUBLIC COMMENTS

Public notice was published in The Times on September 27th and October 4th, 2018. Notice was posted in five locations around town and mailed to affected property owners on September 18th, 2018. To date, staff has not fielded any inquiries property owners about the proposal.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on September 18th, 2018. To date, staff has not received any agency comments.

IV. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

Chapter 16.80 – Plan Amendments

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

16.80.030.A - Text Amendment Review

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

The proposal seeks to amend Chapter 16.130, Floodplain Overlay, of the Sherwood Zoning and Community Development Code. While this specific proposal does not include changes to the goals and policies of the Comprehensive Plan, it would amend language of the Zoning and Community Development Code specifically to Chapter 16.10 Definitions and 16.130, Floodplain Overlay. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations.

The proposed code amendments are necessary for compliance with FEMA floodplain management requirements and ensure continued participation in the National Flood Insurance Program (NFIP). FEMA has requested additional definitions that relate to development and activities associated with development in the floodplain. FEMA has also requested proposed

language that will meet Federal and the state model ordinance for community floodplain prevention.

There do not appear to be any Comprehensive Plan requirements that would conflict with the proposed code language. Adoption of the proposed amendments is consistent with the following Comprehensive Plan policy goals:

Environmental Resources, Natural Resources and Hazards Goal 4: Limit land development in areas with known natural hazards, specific topographic soil, or drainage characteristics according to the kind and degree of hazard or characteristic present.

Environmental Resources, Recreational Resources Goal 11: Open Space and recreational facility planning will be coordinated with adjacent communities for maximum benefit. Examples of coordinated planning may include the preservation and acquisition of the Rock Creek floodplain (also known as the Onion Flats) which separates Sherwood from Tualatin, and the preservation of floodplains and natural areas north to the Tualatin River. Also the preservation of the Tonquin Natural Area will be coordinated with the City of Tualatin and Washington County.

Natural Resources and Hazards Policy 1: Floodplains shall be prohibited from development in order to reduce the risk of flooding, prevent or reduce risk of human life and property, and maintain function and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

Environmental Quality Policy 1, Strategy: Floodplain and wetlands will be protected and preserved by greenway, floodplain and wetlands ordinances.

Recreational Resources Policy 1, Strategy: Floodplain and wetlands ordinances and dedication and acquisition programs will focus on protection of Rock and Cedar Creek greenways.

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed amendments. The amendments are consistent with Title 3, "Water Quality and Flood Management" of the Urban Growth Management Functional Plan which seeks to "protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding."

Consistency with Statewide Planning Goals

Statewide Planning Goal 7 Areas Subject to Natural Hazards is “To protect people and property from natural hazards.” Local governments are deemed to have complied with Goal 7 for riverine flood hazards by adopting and implementing local floodplain management regulations that meet the minimum NFIP requirements. With the adoption of the proposed ordinance, Sherwood would be in compliance with NFIP requirements and thus Statewide Planning Goal 7. 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 the proposed amendments.

FINDING: As discussed above in the analysis, there is a need for the proposed amendments. The proposed amendments are consistent with the Comprehensive Plan and applicable City, regional, State and Federal regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

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

FINDING: The proposed amendment is not tied to any one development application and will not affect the functional classification of any street. The proposed amendment will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this criterion is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 18-08 to the City Council.

V. EXHIBITS

- A. Proposed Code Amendments to SZCDC Section 16.10 Definitions
- B. Proposed Code Amendments to SZCDC Section 16.134 Floodplain Overlay

BOLD UNDERLINED = PROPOSED TEXT

~~BOLD STRIKETHROUGH~~ = DELETED TEXT

Chapter 16.10 - DEFINITIONS*

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.

(Ord. No. 2016-013, § 1, 10-18-2016)

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 streets, between two 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.

Area of Special Flood Hazard: Is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHB. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map. Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Assisted Living Facilities: A program approach, within a physical structure, which provides or coordinates a range of services, available on a twenty-four-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 "one hundred-year flood" or "one hundred-year flood plain."

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

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 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-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above lowest grade.
- B. An elevation ten feet higher than the lowest grade, when the sidewalk or ground surface described in this section is more than ten 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 Letter of Map Revision (CLOMR): Means a letter from FEMA commenting on whether a proposed project, if built as proposed, would meet the minimum NFIP standards or proposed hydrology changes.

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.

Crawlspace: An under-floor space that has its interior floor area (finished or not) no more than five feet below the top of the next-higher floor. Crawlspace generally have solid foundation walls. See "subgrade crawlspace" also.

Critical Facility: Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

Day-Care Facility: Any facility that provides day care to six 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, filling, 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 family as defined by this Code, and containing sleeping, kitchen and bathroom facilities.

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

Dwelling, Single-Family Attached: A single structure on two lots, containing two 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 lot containing two 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 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.

Elevated Building: Means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.'

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, one hundred-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 sixty-three (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 person living alone or two or more persons related by blood, marriage, or adoption; or a group not exceeding five 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 Fringe: The area of the flood plain lying outside of the floodway.

Flood or Flooding: Means

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of morally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse of subsidence or land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event, which results in flooding are defined in paragraph (a)(1) of this definition.

Flood Insurance Rate Map (FIRM): Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.— **Means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).**

Flood Insurance Study: Means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood— **Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.**

Flood Plain Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.'

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: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Footcandle: A unit of illumination. One footcandle is the intensity of illumination when a source of one 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.

Highest Adjacent Grade: Means the highest natural elevation of the finished ground surface post construction, adjacent to the proposed walls of a structure.

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, and 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 or more dogs or cats more than four 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.

Letter of Map Change (LOMC): An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and/or Flood Insurance Studies. LOMCs are issued in the following categories:

1. **Letter of Map Amendment (LOMA):** An amendment to the Flood Insurance Rate Maps based on technical data showing that an existing structure or parcel of land that has not been elevated by fill (natural grade) was inadvertently included in the special flood hazard area because of an area of naturally high ground above the base flood.

2. Letter of Map Revision (LOMR):

- a. LOMR-F (Letter of Map Revision based on Fill) is a letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

A LOMR revises the current Flood Insurance Rate Map and/or Flood Insurance Study to show changes to the floodplains, floodways, or flood elevations. LOMRs are generally based on manmade alterations that affected the hydrologic or hydraulic characteristics of a flooding source and thus result in modification to the existing regulatory floodway, the effective Base Flood Elevation, or the Special Flood Hazard Area.

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" through "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.

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 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 lot of record.

Lot, Through: A lot having frontage on two 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 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.

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.

Lowest Floor: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 16.134.090.

Manufactured Dwelling [or Manufactured Home]: Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." 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 two or more spaces for rent or sale for the siting of manufactured homes.

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

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.

New Construction Within the Flood Plain Overlay: ~~For the purposes of regulating development within the floodplain overlay, new construction means, structures for which the "start of construction" commenced on or after the effective date of this ordinance.~~ **Means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.**

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 or three 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.

Recreational Vehicle: A vehicle which is:

1. ~~Built on a single chassis;~~
2. ~~Four hundred (400) square feet or less when measured at the largest horizontal projection;~~
3. ~~Designed to be self propelled or permanently towable by another vehicle;~~
4. ~~Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

(a) Built on a single chassis;

(b) 400 square feet or less than measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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 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 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 inches in diameter measured four feet above grade at the base of the tree or other vegetation more than four 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 nonresident 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.

Start of Construction Within the Flood Plain Overlay: ~~For the purposes of regulating development within the floodplain overlay, start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~ **Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include, excavation for a basement, footings, piers, or foundations or the erection of temporary forms; not does it include the installation on the property of accessory buildings, such as garages or sheds not, occupied as dwelling units nor part of the main structure. For a substantial improvement, the actual start of**

construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects

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 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 feet below grade, for more than fifty percent (50%) of the total perimeter, or not more than eight 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 exterior walls, are not more than three 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 eight (8) to twelve (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 four (4) to six (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 four 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 multiuse 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 and 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. ~~Within the floodplain overlay, a structure includes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.~~ **Structure means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground as well as a manufactured home.**

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 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.

Subgrade Crawlspace: A crawlspace foundation where the subgrade under-floor area is no more than five feet below the top of the next-higher floor and no more than two feet below the lowest adjacent grade on all sides. See Crawlspace also.

Substantial Damage: Within the floodplain overlay, substantial damage means a damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before damage occurred.

~~**Substantially Improved Building:** Within Chapter 16.134 Floodplain (FP) Overlay, A building that has undergone reconstruction, rehabilitation, repair, addition, or other improvement, the cost of which equals or exceeds fifty percent (50%) of the market value of the building before the "start of construction" of the improvement. This term does not include a building that has undergone reconstruction, rehabilitation, addition, or other improvement related to:~~

~~Any project or improvement of a building to correct existing violations of a state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~

~~Any alteration of a "historic building", provided that the alteration will not preclude the structure's continued designation as a "historic building."~~

Substantial Improvement Within the Floodplain Overlay: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term

includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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 seventy-five percent (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.

Variance Within The Floodplain Overlay: Means a grant of relief by a community from the terms of a floodplain management regulation.

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.

Water Dependent: Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

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. 2016-013, § 1, 10-18-2016; Ord. No. 2016-008, § 2, 6-21-2016; 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)

Chapter 16.134 - FLOODPLAIN (FP) OVERLAY*

PROPOSED AMENDMENTS

~~STRIKEOUT~~ – Deleted Text

BOLD-UNDERLINED – Proposed New Text

Sections:

16.134.010 - Generally

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," (flood insurance study) dated ~~November 4, 2016~~ **October 19, 2018**, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file with the Sherwood City Engineer at Sherwood City Hall.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. 91-922, § 3)

16.134.020 - Purpose

The purpose of this ordinance is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by complying with the provisions of this chapter.

A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

B. FP zoning districts are areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file at the City.

C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code.

D. In areas where a regulatory floodway has not been designated, and where the Flood Insurance Study indicates that it is possible to calculate a floodway, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 88-870)

16.134.030 - Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek floodplains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two floodplains shall be governed by the policies in Division V, Chapter 16.142 of this Code, in addition to the requirements of this Section and the Clean Water Services Design and Construction Standards R&O 07-20, or its replacement.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 88-879)

16.134.040 - Development Review **and Floodplain Administrator Duties**

A. The City Engineer is the designated local Floodplain Administrator and is responsible for maintaining local floodplain management records for the City.

B. Provided land is not required to be dedicated as per Section 16.134.030, a conditional use permit (CUP) is required before any use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 16.134.050.

C. Application for a CUP for development in a floodplain shall conform to the requirements of Chapter 16.82 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.

D. The following specific information is required in a floodplain CUP application and shall be certified and verified by a registered civil engineer or architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built elevations of lowest building floors.

1. Elevations in relation to the current FIRM and FIS of the lowest floor (including basement) of all structures;
2. Elevations in relation to the current FIRM and FIS to which any structure has been flood proofed.
3. That the flood proofing methods for any structure meet the requirements of this section, Floodplain Structures.

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
5. A base flood survey and impact study made by a registered civil engineer.
6. Proof all necessary notifications have been sent to, and permits have been obtained from, those federal, state, or other local government agencies for which prior approval of the proposed development is required.
7. Any other information required by this section, by any applicable federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.

E. The floodplain administrator shall review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 16.134.070(F) are met.

F. Where base flood elevation data is provided through the Flood Insurance Study, FIRM or required under Section 16.134.020(C) the local Floodplain Administrator shall:

- 1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and**
- 2. If the structure has been floodproofed in accordance with Sections 16.134.090(A)(3) and (D)(1)(a), then obtain the elevation (in relation to mean sea level) to which the structure was floodproofed, and**
- 3. Maintain all elevation and floodproofing certificates required under Section 16.134.040(D), and**
- 4. Maintain for public inspection all records pertaining to the provisions of this ordinance.**

G.E. Where elevation data is not available as per subsection B of this section, or from other sources as per Section 16.134.020.C, a floodplain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

H. The floodplain administrator shall:

- 1. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration as required in Section 16.134.100(C).**
- 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.**
- I. The floodplain administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the**

boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

J.F. Variances to any standard within the floodplain overlay shall comply with the provisions of the Code of Federal Regulations (CFR) **section 44 CFR 60.6(a)(1)–(7)**.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; 88-879)

16.134.050 - Permitted Uses

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

- A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.
- B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district that do not impede the movement of floodwaters and flood-carried materials.
- C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 16.134.080 and 16.134.090.
- D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the floodplain.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 91-922)

16.134.060 - Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of this Section and Chapter 16.82, when greenway dedication is not required as per this Section.

Greenways:

- A. Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; 88-879)

16.134.070 - Prohibited Uses

In the FP zone the following uses are expressly prohibited:

- A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.

- B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.
- C. Any use or activity not permitted in the underlying zoning district.
- D. Any use or activity that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the floodplain.
- E. Any use or activity that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the floodplain.
- F. Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by Section 16.134.050 and unless certification by a registered **professional** engineer or architect is provided demonstrating **through hydrologic and hydraulic analyses performed in accordance with standard engineering practice** that the use, activity, or encroachment will not result in any increase to flood levels during the occurrence of the base flood discharge.
 - a. **If paragraph (F) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard provisions of Sections 16.134.080 and .090, or ASCE 24, whichever is more stringent.**

G. The storage of recreational vehicles.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

16.134.080 - Floodplain Development

A. Floodplain Alterations

1. Floodplain Survey

The floodplain, including the floodway and flood fringe areas, shall be surveyed by a registered land surveyor or civil engineer, and approved by the City, based on the findings of the flood insurance study and other available data. Such delineation shall be based on the current FIRM and FIS data and be field-located from recognized valid benchmarks.

2. Grading Plan

Alteration of the existing topography of floodplain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or drainage way, two feet for ground slopes between five and ten percent (5% to 10%), and five feet for greater slopes.

3. Fill and Diked Lands

- a. Proposed floodplain fill or diked lands may be developed if a site plan for the area to be altered within the floodplain is prepared and certified by a registered civil engineer and approved by the Commission pursuant to the applicable provisions of this Code.
- b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.

4. Alteration Site Plan

- a. The certified site plan prepared by a registered civil engineer or architect for an altered floodplain area shall show that:

- (1) Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.
- (2) No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the floodplain or increase in flood heights.
- (3) Proposed floodplain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.
- (4) No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.
- (5) On-going maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

- b. Applicants must obtain a conditional letter of map revision (CLOMR) from FEMA before any encroachment, including fill, new construction, substantial improvement, or other development, in the regulatory floodway is permitted. Applicants are responsible for preparing technical data to support the CLOMR application and paying any processing or application fees to FEMA.

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone must establish the boundaries of the base flood by survey and dedicate said land as per Section 16.134.0530. The balance of the land and development must:

- a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.
- b. Provide for each parcel or lot intended for structures, a building site which is at or above the base flood elevation, and meets all setback standards of the underlying zoning district.
- c. Where base flood elevation data is not provided, or is not available from an authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres, whichever is less.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

16.134.090 - Floodplain Structures

Structures in the FP zone permitted in accordance with this section, shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing dwellings, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.
2. The lowest floor elevation of a structure designed for human occupancy must be at least one and one-half feet above the base flood elevation and the building site must comply with the provisions of Section 16.134.080.A.
3. The lower portions of all structures shall be flood proofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half feet above the base flood elevation.
4. The finished ground elevation of any under floor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

5. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.
3. Water supply and sanitary sewer systems **(not prohibited under section 16.134.070(B))** shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.

a. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with Washington County Health Authority and Oregon Department of Environmental Quality.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half feet above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are not permitted unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered engineer or architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.
3. Shall be constructed with materials resistant to flood damage.

D. Non-Residential Construction

1. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of this Section. A record of such certificates shall be maintained by the Floodplain Administrator in accordance with Section 16.134.040.A.
 - d. Nonresidential structures that are elevated and not flood proofed must meet the same standards for space below the lowest floor as per Section 16.134.090.C.2.

E. Manufactured Dwellings

- 1. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with paragraph (C)(2) of this section;**
- 2. The bottom of the longitudinal chassis frame beam in A zones (excluding coastal A zones), shall be at or above BFE;**
- 3. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-**

the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;

4. Electrical crossover connections shall be a minimum of 12 inches above BFE. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

F. Recreational Vehicles

Except where prohibited under Section 16.134.070(G) Recreational vehicles placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days, and

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the requirements of paragraph (E) of this section and the elevation and anchoring requirements for manufactured dwellings.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

16.134.100 - Additional Requirements

A. Dimensional standards or developments in the FP zone are the same as in the underlying zoning district, except as provided in Section 16.134.100.

B. Approval of a site plan pursuant to Chapter 16.90 that includes portions of the FP overlay may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:

1. Increasing the required lot sizes, yard dimensions, modifying street widths, or off-street parking spaces.
2. Limiting the height, size, or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Limiting the number, size, location, or lighting of signs.
5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.
6. Designating sites for open space or water retention purposes.
7. Construction, implementation, and maintenance of special drainage facilities and activities.

C. FEMA Notification.

1. Notify FEMA within six months of project completion when a conditional letter of map revision (CLOMR) has been obtained from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified base flood elevations. This notification shall be provided as a letter of map revision (LOMR).
2. The applicant is responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.
3. The floodplain administrator is under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Code and all applicable state and federal laws.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

FLOODPLAIN OVERLAY
PLAN AMENDMENT PA 18-08
OCTOBER 9, 2018



Hearing Authority:
Public Hearings:

Planning Commission & City Council
City Council Emergency Ordinance
October 16, 2018

10.09.18
Date

PC
Gov. Body

6a
Agenda Item

A
Exhibit #

Sherwood Floodplain Update

On October 2nd the Sherwood City Council adopted by reference the updated FEMA Flood Insurance Rate Maps and Washington County Flood Insurance Study

On September 10, 2018 FEMA staff contacted City of Sherwood Engineering and Planning staff stating that additional amendments to the Sherwood Zoning and Community Development Code were necessary in order to remain compliance with the National Flood Plain Insurance Program.

FLOOD INSURANCE STUDY

Volume 1 of 3



WASHINGTON COUNTY, OREGON
AND INCORPORATED AREAS

COMMUNITY NAME	COMMUNITY NUMBER
AMITY CITY	11704
BEAVER CREEK	11705
BEAVER CREEK	11706
BEAVER CREEK	11707
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REvised OCTOBER 19, 2018
Federal Emergency Management Agency
Flood Insurance Study Number
4800010001

480010001
FLOOD INSURANCE STUDY
WASHINGTON COUNTY, OREGON
AND INCORPORATED AREAS
VOLUME 1 OF 3
REVISED OCTOBER 19, 2018
FEDERAL EMERGENCY MANAGEMENT AGENCY
FLOOD INSURANCE STUDY NUMBER
480010001

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WASHINGTON COUNTY, OREGON
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VOLUME 1 OF 3
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Sherwood Floodplain Overlay Update

AMENDMENTS TO CHAPTER 16.134, FLOODPLAIN OVERLY – TRACK CHANGE

SZCDC Sections: 16.10 Definitions; 16.134 Floodplain Overlay

The amendments can be categorized into the following:

- **Updated definitions** – Section 16.10
- **Updated duties and responsibilities of the Floodplain Administrator** – Section 16.134.040
- **Updated general standards** – Section 16.134.090.E
- **Updated specific standards** – Section 16.134.090.F

Revised Exhibit B – Section 16.134.040.E states that a “floodplain CUP is reviewed to assure that the proposed construction will be reasonably safe from flooding”

This language is from FEMA’s model code language and was required.

Sherwood Floodplain Overlay Update

Review Criteria

16.80.030.A - Text Amendment Review

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

16.80.030.3. – Transportation Planning Rule Consistency

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.

Sherwood Floodplain Overlay Update

Proposed Findings

- Necessary for FEMA compliance
- Consistent with Comprehensive Goals and Policies
 - ✓ Environmental Resources, Natural Resources and Hazards Goal 4
 - ✓ Environmental Resources, Recreational Resources Goal 11
 - ✓ Natural Resources and Hazards Policy 1
 - ✓ Environmental Quality Policy 1
 - ✓ Recreational Resources Policy 1
- Does not conflict with Metro and Statewide Planning Goals
- Does not conflict with the Transportation Planning Rule

Sherwood Floodplain Overlay Update

Public Notice

- DLCD, Metro, Agency Partners
- Advertised in the Tigard Times
- Sent individual notice to affected properties

QUESTIONS?



REVISED EXHIBIT B October 9, 2018
Chapter 16.134 - FLOODPLAIN (FP) OVERLAY*

PROPOSED AMENDMENTS

~~STRIKEOUT~~ – Deleted Text

BOLD-UNDERLINED – Proposed New Text

Sections:

16.134.010 - Generally

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," (flood insurance study) dated ~~November 4, 2016~~ **October 19, 2018**, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file with the Sherwood City Engineer at Sherwood City Hall.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. 91-922, § 3)

16.134.020 - Purpose

The purpose of this ordinance is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by complying with the provisions of this chapter.

A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

B. FP zoning districts are areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file at the City.

10.09.18
Date

PC
Gov. Body

6a
Agenda Item

B
Exhibit #

- a. Proposed floodplain fill or diked lands may be developed if a site plan for the area to be altered within the floodplain is prepared and certified by a registered civil engineer and approved by the Commission pursuant to the applicable provisions of this Code.
- b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.

4. Alteration Site Plan

a. The certified site plan prepared by a registered civil engineer or architect for an altered floodplain area shall show that:

- (1) Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.
- (2) No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the floodplain or increase in flood heights.
- (3) Proposed floodplain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.
- (4) No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.
- (5) On-going maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

b. Applicants must obtain a conditional letter of map revision (CLOMR) from FEMA before any encroachment, including fill, new construction, substantial improvement, or other development, in the regulatory floodway is permitted. Applicants are responsible for preparing technical data to support the CLOMR application and paying any processing or application fees to FEMA.

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone must establish the boundaries of the base flood by survey and dedicate said land as per Section 16.134.0530. The balance of the land and development must:

- a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.
- b. Provide for each parcel or lot intended for structures, a building site which is at or above the base flood elevation, and meets all setback standards of the underlying zoning district.
- c. Where base flood elevation data is not provided, or is not available from an authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres, whichever is less.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

16.134.090 - Floodplain Structures

Structures in the FP zone permitted in accordance with this section, shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing **dwelling**s, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.
2. The lowest floor elevation of a structure designed for human occupancy must be at least one and one-half feet above the base flood elevation and the building site must comply with the provisions of Section 16.134.080.A.
3. The lower portions of all structures shall be flood proofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half feet above the base flood elevation.
4. The finished ground elevation of any under floor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.
- 5. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.**

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.
3. Water supply and sanitary sewer systems **(not prohibited under section 16.134.070(B))** shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.
 - a. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with Washington County Health Authority and Oregon Department of Environmental Quality.**

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half feet above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are not permitted unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered engineer or architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.
3. Shall be constructed with materials resistant to flood damage.

D. Non-Residential Construction

1. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of this Section. A record of such certificates shall be maintained by the Floodplain Administrator in accordance with Section 16.134.040.A.
 - d. Nonresidential structures that are elevated and not flood proofed must meet the same standards for space below the lowest floor as per Section 16.134.090.C.2.

E. Manufactured Dwellings

- 1. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with paragraph (C)(2) of this section;**
- 2. The bottom of the longitudinal chassis frame beam in A zones (excluding coastal A zones), shall be at or above BFE;**
- 3. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-**

the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

4. Electrical crossover connections shall be a minimum of 12 inches above BFE. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

F. Recreational Vehicles

Except where prohibited under Section 16.134.070(G) Recreational vehicles placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days, and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements of paragraph (E) of this section and the elevation and anchoring requirements for manufactured dwellings.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

16.134.100 - Additional Requirements

- A. Dimensional standards or developments in the FP zone are the same as in the underlying zoning district, except as provided in Section 16.134.100.
- B. Approval of a site plan pursuant to Chapter 16.90 that includes portions of the FP overlay may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:
 1. Increasing the required lot sizes, yard dimensions, modifying street widths, or off-street parking spaces.
 2. Limiting the height, size, or location of buildings.
 3. Controlling the location and number of vehicle access points.
 4. Limiting the number, size, location, or lighting of signs.
 5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.
 6. Designating sites for open space or water retention purposes.
 7. Construction, implementation, and maintenance of special drainage facilities and activities.

C. FEMA Notification.

1. Notify FEMA within six months of project completion when a conditional letter of map revision (CLOMR) has been obtained from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified base flood elevations. This notification shall be provided as a letter of map revision (LOMR).
2. The applicant is responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.
3. The floodplain administrator is under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Code and all applicable state and federal laws.

(Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission
October 9, 2018

Planning Commissioners Present:

Chair Jean Simson
Vice Chair Christopher Flores
Commissioner Mark Cottle
Commissioner Laurie Holm
Commissioner Justin Kai

Staff Present:

Erika Palmer, Planning Manager
Colleen Resch, Administrative Assistant II

Planning Commission Members Absent:

Commissioner Doug Scott
Commissioner Daniel Matzinger

Council Members Present:

Council President Sean Garland

1. Call to Order/Roll Call

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

2. Council Liaison Announcements

Council President Sean Garland was absent.

3. Consent Agenda

- a. Planning Commission Meeting Minutes, August 28, 2018
- b. Planning Commission Meeting Minutes, September 11, 2018
- c. Planning Commission Work Session Minutes, September 11, 2018

Chair Jean Simson referred to the August 28 Planning Commission Meeting minutes and said under the PA18-07 public hearing motion to approve Commissioner Laurie Holm seconded the motion rather than Commissioner Mark Cottle. Chair Simson and Commissioner Holm submitted scrivener errors to Planning Manager Erika Palmer.

Motion: From Commissioner Mark Cottle to approve the consent agenda as amended with scrivener errors, seconded by Vice Chair Flores. Motion passed 5:0. All present Planning Commissioners voted in favor. (Commissioners Scott and Matzinger were absent).

4. Staff Announcements

Planning Manager Erika Palmer said there will not be a Planning Commission meeting on October 23. The Vision Summit II is scheduled for 6 pm on October 29, at the Center for the Arts. She announced that Daniel Miller is the new Code Compliance Officer in the Community Development Department. The Planning Commission will have a joint work session with the City Council on Tuesday, November 6 to discuss the final draft of the Economic Opportunities Analysis (EOA) and text amendments to the Code regarding Accessory Dwelling Units (ADUs).

5. Community Comments

None were received.

6. Public Hearings

a) Public Hearing PA 18-08 FEMA Floodplain Update

Chair Simson read the public hearing statement and said the Planning Commission's role is to make recommendations to the City Council, as they are the final hearing authority.

Planning Manager Erika Palmer recapped the staff report and provided a presentation (see record, Exhibit A) and a revised Exhibit B (see record, Exhibit B). She stated PA18-08 proposes text amendments to the Floodplain overlay and definitions within the Sherwood Zoning and Community Development Code (SZCDC). She said the City Council will consider this matter on October 16 and reminded the Commission that these changes need to be adopted by October 19. She stated that a majority of the proposed amendments are required by FEMA and come from their model code. She said on October 2, the City Council adopted by reference the new updated FEMA insurance rate maps and the Washington County Flood Insurance Study. On September 10, FEMA staff contacted City Engineering and Planning staff stating that additional amendments to the SZCDC are necessary in order to remain in compliance with the National Flood Insurance Program (NFIP) and that these changes were necessary by the October 19. Engineering and Planning staff were not expecting changes on such short notice and 40 other communities throughout the state received the same news. She noted in Sherwood there are approximately 60 properties that abut the floodplain and only two properties participate in the NFIP.

She said staff has added definitions and refined definitions relating to the Floodplain per FEMA's model ordinance. The amendments have been categorized into the following themes: updated definitions, updated duties and responsibilities of the Floodplain Administrator Bob Galati, updated general standards to include language that calls for new construction and substantial improvements to be constructed using methods and practices that minimize flood damage, and updated specific standards to include standards for manufactured dwellings placed within the floodplain and recreational vehicles. She stated the City references FEMA's Manufactured Home Installation in Flood Hazard Areas guidebook as additional techniques to be used. The code update also sets requirements for recreational vehicles within the floodplain based on FEMA's required language. Recreational vehicles can be within the floodplain for less than 180 consecutive days and it has to be fully license ready for highway use.

She referred to the revised Exhibit B (see record, Exhibit B) and under Section 16.134.040.E staff added language that states "floodplain CUP is reviewed to assure that the proposed construction will be reasonably safe from flooding" and noted this is from FEMA's model ordinance and is required.

She referred to the review criteria, said an amendment to the text of the Comprehensive Plan shall be based upon the need, and has to be consistent with the Comprehensive Plan and Code, and any other State and regional regulations. She said the proposed amendments are in line with the Comprehensive Plan and

federal regulations. She said the amendments also needs to be consistent with the Transportation Planning Rule (TPR), and noted the TPR does not apply to this application.

She referred to the proposed findings and stated the proposed amendments are necessary for FEMA compliance and are consistent and do not conflict with Comprehensive Goals and Policies. She said the amendment does not conflict with Metro, Statewide Planning Goals or the Transportation Rule.

She commented on public notice and said notice was given to DLCD, Metro, and agency partners. The notice was advertised in the Times and individual notice was sent to affected properties. She noted no formal comments received. She said staff recommends that the Planning Commission forward a recommendation of approval of the proposed amendment to the City Council.

Chair Simson commented on page 22 of the packet and moved to strike the word *is* from the beginning of the definition of “Area of Special Flood Hazard”. She stated for purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard” and she suggested adding a note at the end of the definition that states *See also, “Special flood hazard area.”*

Chair Simson referred to page 26 of the packet and the proposed amendment strikes language defining a Flood Insurance Study as the official report provided by the Federal Insurance Administration and asked if the proposed new language means the examination, evaluation and determination does not have to be done by the Federal Insurance Administration. Ms. Palmer said that is correct and the code states professional and/or reviewed by the Floodplain Administrator.

Chair Simson referred to the definitions on page 26 of the packet and stated *Flood Plain Development* should alphabetically follow *Flood Plain*.

Chair Simson referred to page 31 of the packet and the definition of *New Construction Within the Flood Plain Overlay* and clarified that these definitions are only applicable to new construction within the floodplain overlay. Ms. Palmer said that is correct.

Chair Simson referred to page 35 of the packet and the definition of *Start of Construction Within the Flood Plain Overlay* and said the second to the last sentence states *not does it include the installation on the property of accessory buildings, such as garages or sheds not, occupied as dwelling units nor part of the main structure* and suggested removing the comma after *not*. Staff agreed. Chair Simson stated the last sentence in that paragraph is incomplete. Commissioner Cottle suggested recommending approval subject to staff finding and adding the missing language. Ms. Palmer said the language is available and she will add it to the Planning Commission recommendation to the City Council.

Chair Simson referred to Section 16.134.040.G on page 42 of the packet and read *Where elevation data is not available as per subsection B of this section* and stated subsection B is land required to be dedicated. Ms. Palmer stated it should reference subsection D.

Chair Simson referred to page 46 of the packet and said under Section 16.134.090.A.1 the word *housing* needs a strike. Staff agreed.

Chair Simson referred to page 48 of the packet and said in Section 16.134.090.E.4 the last sentence is incomplete. Ms. Palmer said the language is available and she will add it to the Planning Commission recommendation to the City Council.

Chair Simson referred to Section 16.134.090.F regarding recreational vehicles and stated under Section 16.134.070 recreational vehicles are prohibited and in the other section they are allowed. She said this is a conflict. Commissioner Cottle suggested adding the following language to Section 16.134.070.G: *This is the most restrictive provision wherein*. Staff agreed.

Chair Simson referred to the two incomplete sentences and asked staff if the language is available at this meeting. Commissioner Cottle suggested approving subject to inputting the language from FEMA. He suggested a motion to approve subject to adding the language from the FEMA model code in the two provisions stated by the Chair, amending page 42 by changing subsection B to D, amending page 46 for a scrivener's error, amending page 48 to resolve the conflict within and add language to Section 16.134.070.G to include *This is the most restrictive provision wherein*, and amending page 22 for scrivener's error. He said if there are no other modifications, this is his motion.

Motion: from Commissioner Mark Cottle to forward a recommendation of approval to the City Council for PA 18-08 FEMA Floodplain Update as moved, seconded by Commissioner Laurie Holm. Motion passed 5:0. All present Planning Commissioners voted in favor. (Commissioners Scott and Matzinger were absent).

7. Planning Commissioner Announcements

Commissioner Cottle said staff does not need to mail his packet.

Vice Chair Flores said *The Little Shop of Horrors* cast has been selected and will be performed the last two weekends in January at the Center for the Arts.

Commissioner Holm said she attended the League of Oregon Cities (LOC) Planning Sessions last week and provided feedback. She said the first Charter Review Committee meeting is October 30. Chair Simson asked if Commissioner Holm received any training information at the LOC that can be shared. She said the session with John Morgan emphasized the importance of making good defensible and credible decisions. Ms. Parker said she would get the presentation from Mr. Morgan.

8. Adjourn

Chair Simson adjourned the meeting at 7:39 pm.

Submitted by:

Colleen Resch

Colleen Resch, Administrative Assistant II

Approval Date: 01-22-19