



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
May 22, 2012 – 7PM**

Business Meeting – 7:00 PM

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda:**
- 4. Council Liaison Announcements**
- 5. Staff Announcements**
- 6. Community Comments**
- 7. Old Business**
- 8. New Business**

a. Public Hearing – Commercial, Industrial & Public Uses Code Update (PA 12-01)

The Planning Commission will consider proposed revisions to the Sherwood Zoning and Community Development Code. The proposed changes will update and consolidate Chapters 16.22 Office Commercial, 16.24 Office Retail, 16.26 Neighborhood Commercial, 16.28 Retail Commercial, 16.30 General Commercial, 16.31 Employment Industrial, 16.32 Light Industrial, 16.34 General Industrial, and 16.36 Institutional and Public. Specifically, the proposed changes will include consolidation of the chapters into their respective zone type (i.e. all commercial zones under one chapter), ensure that the vocabulary is consistent throughout the use tables, and will further clarify what uses are permitted outright, conditionally permitted, or prohibited in each zone, and eliminate Chapter 16.24 Office Retail. Changes will also include the addition of a use classification chapter to aid staff and the public in interpreting uses within the code. Where discovered, housekeeping edits to ensure that scribner's errors, and grammar are correct will also be included. The Planning Commission will make a recommendation to the City Council who will make the final decision on the language.

9. Adjourn

Next Meeting: June 12, 2012

File No: PA 12-01 Commercial, Industrial, Public, and Institutional Uses

Signed:


Brad Kilby, AICP Senior Planner

Proposal: A proposal to amend Chapters 16.22 (Office Commercial), 16.24 (Office Retail), 16.26 (Neighborhood Commercial), 16.28 (Retail Commercial), 16.30 (General Commercial), 16.31 (Employment Industrial), 16.32 (Light Industrial), 16.34 (General Industrial), and 16.36 (Institutional and Public). The overall objective of this proposal is to eliminate barriers to good quality development, and to clarify the language in a manner that is easier to understand. The proposal would accomplish five goals. The first goal is to consolidate the Commercial Chapters into Chapter 16.22, and the Industrial Chapters into Chapter 16.31. The second goal would be to ensure that the nomenclature of uses is consistent throughout the use tables. The third goal would be to eliminate Chapter 16.24 (Office Retail) since there is not any property within the City Limits with that zoning designation. The fourth goal of this proposal is to clarify how multi-family uses are permitted within commercial zones. The fifth and final goal would be to establish a use classification system within Chapter 16.88 Interpretation of Similar Uses.

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.
- 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 May 22, 2012. 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. 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 May 22, 2012 Planning Commission hearing on the proposed amendment was published in *The Times* on 5/10/12, and published in the May edition of the Gazette. Notice was also posted in five public locations around town and on the web site on 5/2/12. In addition, a separate notice was sent to all commercial, Industrial, and Public and Institutionally zoned properties in town consistent with the provisions of ORS 227.186.
- DLCD notice was mailed on April 18, 2012.
- 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 City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process. Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues, but over time, the changes have been inconsistent with other language in the Code, or have often times put different sections of the code at odds with other sections. Beginning in late 2009, City staff and the Planning Commission began to review and identify issues with the development code that needed to be amended, and/or clarified. The City Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. As a result, a number of Code "clean-up" items were identified and placed into a work program for review and consideration.

This particular update focuses primarily on meeting five goals including:

1. Consolidating three industrial chapters into one, and four commercial zoning chapters into one chapter, similar to what was accomplished with the Residential Zoning Chapter.
2. It would also include clarifying the "use" classifications within the use tables of each commercial, industrial, and public and institutional zone. Currently, the nomenclature for uses varies from one chapter to the next. Under this proposal, the uses would be uniformly labeled to the extent that it makes sense for each zone type.
3. This proposal would eliminate Chapter 16.24 (Office Retail) from the Sherwood Zoning and Community Development Code. Currently, there are no properties within the city that carry that designation. Furthermore, the zone itself is so similar to the retail commercial zone that it does not make sense to have both when one can perform the same function as the other.
4. The fourth goal would be to clarify how residential uses on commercially zoned properties are regulated as currently it is inconsistent among zones, and they are permitted as either a PUD or Conditional Use. Currently, multi-family developments located within the commercial zones are permitted through a planned development at densities of 16.8 to 24 dwelling units per acre. This is within the range of the prescribed density for the High Density Residential (HDR) zone.

Residential apartments are also possible in the commercial zones through the conditional use process; however, there is a stipulation that requires the units to be located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building. The language is essentially the same in all zones except in the Office Retail zone; which is proposed to be eliminated.

The Retail Commercial (RC) and General Commercial (GC) zones stipulate, "The residential portion of a mixed-use can be considered clearly secondary to commercial uses in mixed-use developments when traffic trips generated, dedicated parking spaces, signage and the road frontage of residential uses are all exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor."

The proposal would allow higher density residential uses as a permitted use within the commercial zones subject to the provision that already exists within the RC and GC zoning districts throughout all commercial districts. This would eliminate a barrier by simplifying the process while maintaining the requirements and presumably the community's desire to allow residential uses on commercially zoned land when it is ancillary to the commercial use.

5. The fifth and final goal would be to establish a use classification system. The use classification system would be located within chapter 16.88 Interpretation of Similar Uses. The use classification system attempts to describe the general characteristics of a use type, and provide examples of the uses that would generally fall within the category. This is a system that is used in quite a few other jurisdictions within the region, and generally serves two distinct purposes.

This change helps to give staff some clear direction on the types and characteristics of uses that are generally accepted by the community in making interpretations on uses that may be unlisted. The second benefit of a use classification system is that it allows the use tables to be much more abbreviated, and only requires that a specific use be listed when it is not intended to be included within a specific zoning district.

The current code language resides in Division II Land Use and Development, and Division III Planning Procedures. The Chapters within the Sherwood Zoning and Community Development Code (SZCDC) that would be affected by this proposal include Chapters 16.22 through 16.36 and Chapter 16.88, Interpretation of Similar Uses.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

DLCD notice was sent on April 18, 2012. The City has not received any comments to date on the proposed amendments.

Public:

There has been extensive public outreach and opportunities for the public to provide their personal opinions and comments on Commercial/Industrial/Public and Institutional zones over the past year.

The consolidation and use classifications were discussed with the Planning Commission at length in several work sessions and meetings over the past year, and discussed with the public at the November Code Clean-up Open House.

The proposed language was "tested" in September of this past year. In order to test the language that the Planning Commission and staff developed, 132 businesses throughout Sherwood in the commercial, industrial, and institutional and public zones were surveyed. Staff utilized company websites and city permits to determine the use of each business and tried to match it up to the uses that would be permitted under the revised language. One obvious objective was to ensure that we were not creating a lot of non-conforming uses by implementing the revised language. The other objective was to determine if the use classifications were appropriate for what was actually occurring within the underlying zones.

Of the 132 businesses surveyed, 12 of the existing business would not be permitted, or would be considered existing non-conforming uses for a variety of reasons. Eleven (11) of those 12 uses are found in the industrial districts, and are either in conflict with the metro language for industrial services in that they occupy too much of the building, or are unlisted, and would fall within a use category that is more readily associated and permitted within a commercial zone. The 12th non-conformity was a single family residence in the Retail Commercial zone. It was determined that the proposed changes did not increase nonconformities.

Approximately 418 ballot measure 56 Notices were mailed to all owners of Commercial, Industrial, or Institutional and Publicly zoned lands within the City on May 2nd. Staff has received several telephone calls and counter calls, but once the changes have been explained, the people have generally been supportive or not interested. No one from the public has voiced any objection to the proposal as of the date of this report.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

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

16.80.030.A - Text Amendment Review

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

While this specific proposal does not include changes to the text of the Comprehensive Plan, it is a proposal that would amend language of a document that implements the Comprehensive Plan and is reviewed in that light. 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 language continues to implement the Land Use goals and policies as they apply to Commercial, Industrial, and Public and Institutional zoning uses.

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

Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. The Functional Plan does place limits on the amount of commercial uses that would be allowed in Employment areas. The proposed use tables are consistent with Title 4 Industrial and Other Employment Areas in that they limit the amount of retail and personal service uses within the Industrial and employment lands as applicable.

Consistency with Statewide Planning Goals

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

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

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

A Ballot Measure 56 Notice was also provided to all property owners of Commercial, Public and Institutional, and Industrially Zoned property, and was published in the City Newsletter (the Archer).

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

16.80.030.3 – Transportation Planning Rule Consistency

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

FINDING: The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

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 12-01 to the City Council.

- V. EXHIBITS**
1. Proposed development code changes – Clean format
 2. Proposed development code changes – Track changes format

Formatting note:

The following chapter represents the consolidation and reformatting of 4 existing commercial use chapters into one chapter. Formatting changes are not reflected in the track changes.

Chapter 16.22

COMMERCIAL LAND USE DISTRICTS*

Sections:

16.22.010 Purpose

16.22.020 Allowed Uses

16.22.030 Development Standards

16.22.040 Special Criteria

16.22.050 Community Design

16.22.060 Floodplain

* Editor's Note: Some sections may not contain a history.

16.22.010 Purpose

- A. Office Commercial (OC) - The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets. (Ord. 90-921, § 1)

Note: The Office Commercial (OC) zone was originally established by Ord. 86-851; the zoning district designation was repealed in its entirety by Ord. 87-870. The zone was re-established by Ord. 90-921, and further amended.

- B. Neighborhood Commercial (NC) - The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. (Ord. 87-870, § 5; Ord. 86-851)

- C. Retail Commercial (RC) - The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII. (Ord. 87-870, § 5; Ord. 86-851)

Note: Ord. 87-870 established the Retail Commercial zone, which repealed and replaced the former Community Commercial (CC) zone.

- D. General Commercial (GC) - The GC zoning district provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Division VIII. (Ord. 86-851, § 3)

Note: it is proposed that the entire Office Retail (OR) chapter be deleted in its entirety.

16.22.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use

categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

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

D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC ¹	RC	GC
RESIDENTIAL				
<ul style="list-style-type: none"> Multi-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.^{2,3} 	P	P	P	P
<ul style="list-style-type: none"> Residential Care Facilities 	N	N	C	C
<ul style="list-style-type: none"> Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City. 	P	P	P	P
CIVIC				
<ul style="list-style-type: none"> Hospitals 	N	N	C	C
<ul style="list-style-type: none"> Correctional institutions 	N	N	N	C
<ul style="list-style-type: none"> Cemeteries and crematory mausoleums. 	N	N	C	C
<ul style="list-style-type: none"> Police and fire stations and other emergency services 	N	C	C	C
<ul style="list-style-type: none"> Vehicle testing stations 	N	N	N	C
<ul style="list-style-type: none"> Postal services - Public 	N	C	C	C
<ul style="list-style-type: none"> Postal substations when located entirely within and incidental to a use permitted outright. 	P	P	P	P
<ul style="list-style-type: none"> Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices 	C	C	C	C
<ul style="list-style-type: none"> Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards. 	N	N	C	C
<ul style="list-style-type: none"> Small-scale power generation facilities. 	P	P	P	P

¹ See special Criteria for the NC zone, 16.22.050

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor. (Ord. 2002-1136 § 3; Ord. 87-870, § 5)

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

• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses,	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial Trade Schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Public Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				

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

• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail – sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P
• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C ⁵	P
Personal Services				
• Health clubs less than 5,000 square feet in size.	P	P	P	P
• Health clubs greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, dance or music classes, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas⁶	N	N	C	C

⁵ All activities are required to be within an enclosed building

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

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

16.22.030 Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table

⁷ Limited to no more than 10% of the square footage of each development in the Adams Avenue Concept Plan area

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

	OC	NC	RC	GC
Lot area	10,000 sq. ft	1 acre (for single district)	5,000 sq. ft	10,000 sq. ft
Lot width at front property line	60 ft	85 ft	40 ft	70 ft
Lot width at building line	60 ft	100 ft	40 ft	70 ft
Front yard setback⁹	0	20 ft	0	0
When abutting residential zone	0	0	Same as abutting residential zone	Same as abutting residential zone
Side yard setback⁹	0	0	0	0
when abutting residential zone or public park	10 ft	Same as abutting residential zone	10 ft	20
Rear yard setback⁹	0	0	0	0
when abutting residential zone or public park	20	10 ft	10 ft	20 ft
Corner lot⁹	0	20 ft on any side facing street		
Height^{10,11}	2 stories or 30 ft	Least restrictive height of abutting residential zone	50 ft ^{13, 14}	50 ft ^{13, 14}

16.22.060 NC Special Criteria

All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone, and:

- A. Shall be conducted entirely within enclosed buildings, except for:
 1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.

⁹ Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030)

¹⁰ Maximum height is the lessor of feet or stories

¹¹ Solar and wind energy devices and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

¹³ Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area

¹⁴ Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.
- B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.
 - C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one-hundred (100) feet at the building line.
 - D. Permitted and conditional uses may operate only between the hours of 7:00 AM and 10:00 PM. (Ord. 87-870, § 5)

16.22.040 Community Design

- A. For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

16.22.050 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.
(Ord. 2000-1092, § 3; 88-979; 87-870)

Formatting note:

The following represents reformatting of 3 chapters to combine into one chapter. Formatting changes are not reflected in the track changes.

Chapter 16.31

INDUSTRIAL LAND USE DISTRICTS*

Sections:

16.31.010 Purpose

16.31.020 Uses

16.31.030 Development Standards

16.31.040 Employment Industrial (EI) Special Restrictions

16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

16.31.060 Community Design

16.31.070 Floodplain

*Editor's Note: Some sections may not contain a history.

16.31.010 Purpose

- A. **Employment Industrial (EI)** - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority. (Ord. 2010-014, § 3, 10-5-2010)

- B. **Light Industrial (LI)** - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared

from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission. (Ord. 93-964 § 3; Ord. 86-851)

C. **General Industrial (GI)** - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres. (Ord. 86-851, § 3)

16.31.020 Uses

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

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	P	P	P
• Small-scale power generation facilities.	P	P	P
• Large-scale power generation facilities.	C	P	C

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

Uses	LI	GI	EI ¹
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs.	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{3, 4}	C	C	C
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities ⁵	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices. ⁶	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	C
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use. ⁷	C	C	C
General Retail – sales oriented			
• Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10 % of the total floor area of the business. ⁷	C	C	P

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

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

⁵Limited to Cardlock or wholesale- no public retail fuel sales.

⁶Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.

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

Uses	LI	GI	EI ¹
• Tool and Equipment Rental and Sales, Including Truck Rental. ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries).	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs less than 5,000 square feet in size.	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, dance or music classes, pet grooming, and similar services. ⁷	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals.	C	C	C
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N
INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental).	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses.	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants.	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials.	P	P	N
• Pharmaceuticals in facilities up to 50,000 square feet building size.	P	P	P
• Pharmaceuticals in facilities larger than 50,000 square feet building size.	N	C	N
• Building components, furniture, fixtures, signs.	P	P	N
• Non-motorized recreational vehicles and equipment.	P	P	N

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

Uses	LI	GI	EI ¹
• Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and farm equipment and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone.	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products.	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals.	N	C	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills.	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	N	N	N
• Meat, fish, poultry and tannery processing.	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	N	C	N
• Solid waste transfer stations.	N	C	N
• General purpose solid waste landfills, incinerators, and other solid waste facilities.	N	N	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters.	C	C	C
• Wireless communication towers ⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

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

16.31.030 Development Standards

A. Generally - No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

Development Standards by Zone	EI	LI	GI
Lot area- Industrial Uses:	3 acres ¹⁰	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback¹¹	20 feet	20 feet	None
Side Yard Setback¹¹	None	None	None
Rear Yard Setback¹¹	None	None	None
Corner lot street side¹¹	20 feet	20 feet	None
Height¹²	50 feet		

¹⁰ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies. (Ord. 2010-014, § 3, 10-5-2010)

¹¹ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹² Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than 5 acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel. (Ord. 2010-014, § 3, 10-5-2010)

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than 3 acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
3. Lots or parcels 50 acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.

- C. Commercial development may not be located within 300 feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2010-014, § 3, 10-5-2010)

Chapter 16.36

INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT*

Sections:

16.36.010 Purpose

16.36.020 Permitted Uses

16.36.030 Conditional Uses

16.36.040 Prohibited Uses

16.36.050 Dimensional Standards

16.36.060 Community Design

16.36.070 Floodplain

* Editor's Note: Some sections may not contain a history.

16.36.010 Purpose

The IP zoning district provides for major institutional and governmental activities such as schools, public parks, churches, government offices, utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

(Ord. 86-851, § 3)

16.36.020 Permitted Uses

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

RESIDENTIAL	
<ul style="list-style-type: none"> Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City. (Ord. 97-1019 § 3; Ord. 86-851) 	C
CIVIC	
<ul style="list-style-type: none"> Cemeteries and crematory mausoleums. 	C
<ul style="list-style-type: none"> Police and fire stations and other emergency services 	C
<ul style="list-style-type: none"> Administrative Offices-Government 	C
<ul style="list-style-type: none"> Postal services - Public 	C
<ul style="list-style-type: none"> Public use buildings, including but not limited to libraries, museums, community centers, and senior centers. 	C
<ul style="list-style-type: none"> Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards. 	C
<ul style="list-style-type: none"> Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C
<ul style="list-style-type: none"> Religious Institutions 	C
<ul style="list-style-type: none"> Public and private schools providing education at the elementary school level or higher 	C
COMMERCIAL	
<ul style="list-style-type: none"> Commercial Trade Schools, commercial educational services and training facilities 	N
<ul style="list-style-type: none"> Public Golf courses 	C
WIRELESS COMMUNICATION FACILITIES	
<ul style="list-style-type: none"> Radio, television, and similar communication stations, including associated transmitters. 	C
<ul style="list-style-type: none"> Wireless communication towers and transmitters¹ 	C
<ul style="list-style-type: none"> Wireless communication facilities on City-owned property 	P

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

<ul style="list-style-type: none"> • Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure² 	P

16.36.050 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement existing on or after the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.

IP	
Lot Dimensions	Except as otherwise provided, no minimum lot areas or dimensions are required.
Front yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Side yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Rear yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Height	Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone. (Ord. 91-922, § 3)

16.36.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, site design, parks and open space, on-site storage, and signs, see Divisions V, VIII and IX.

(Ord. 91-922, § 3; Ord. 86-851)

² Provided the applicant can demonstrate to the satisfaction of the City that the location of the antennas on City-owned property would be unfeasible.

16.36.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092, § 3; 88-979; 87-867; Ord. 86-851)

Chapter 16.88

INTERPRETATION OF SIMILAR USES*

Sections:

16.88.010 Generally

16.88.020 Application Content

16.88.030 Approvals

16.88.040 Uses

* Editor's Note: Some sections may not contain a history.

16.88.010 Generally

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the City Manager or his/her designee.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.020 Application Content

The request shall be submitted with a fee pursuant to Section 16.74.020 and shall include information on the following characteristics of the proposed use:

- A. Description of the activity to be conducted on the site.
- B. Noise and odor characteristics.
- C. Description of material or product storage requirements.
- D. Amount and type of traffic to be generated.
- E. Description of the structures required.

(Ord. 86-851, § 3)

16.88.030 Approvals

The City Manager or his/her designee may authorize a use to be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone, and as described in section 16.88.040 below. The action of the City Manager or his/her designee may be appealed to the Commission in accordance with Chapter 16.76.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.040 Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use

categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. *Residential uses* are intended for habitation by one or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation.

Residential uses include, but are not limited to the following housing types:

- (1) Single-family detached - A structure consisting of a single dwelling unit which is for occupancy by one or more persons on a single parcel or lot.
- (2) Single-family attached - A structure consisting of one or more attached single dwelling unit which is for occupancy by one or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes and rowhouses.
- (3) Two-family- A structure consisting of two dwelling units on the same parcel or lot. Two family homes are commonly referred to as a duplex.
- (4) Multi-family - A structure consisting of (3) three or more dwelling units on the same parcel or lot. Multi-family homes include, but are not limited to garden apartments, apartments, condominiums, and in some cases attached townhomes or rowhouses on a single lot or parcel.
- (5) Institutional and Residential Care Facilities – A facility licensed by or under the authority of the Department of Health and Human Services under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Examples include residential care homes, group homes, halfway homes, etc.

B. Civic Use Types

1. *Civic uses* are basic governmental and private services intended to provide for the basic living, religious, educational, recreational, cultural, protective, and other similar needs of all citizens within the community. Examples include but are not limited to:

- (1) Churches, Mosques, Temples and other religious facilities
- (2) Hospitals
- (3) Schools

- (4) Major and minor utilities
- (5) Transportation facilities
- (6) Police and fire stations
- (7) Post offices
- (8) Senior centers
- (9) Community centers
- (10) Libraries
- (11) Museums
- (12) Fraternal lodges
- (13) Veterans organizations
- (14) Public parking garages
- (15) Cemeteries and crematory mausoleums
- (16) Public gardens, parks, trails, and playfields
- (17) Government offices
- (18) Treatment plants
- (19) Public works yards

2. *Wireless Communication uses* are uses that are associated with the provision of cellular, broadband, or other communication types that involve the placement of towers, relay stations, and similar infrastructure to provide service. Generally, wireless communication facilities include:

- (1) Towers
- (2) Transmitters
- (3) Antennae
- (4) Similar infrastructure intended to be protected by the Telecommunications Act of 1996.

C. Commercial Use Types

1. Commercial use types are uses that include the sale or rental of goods and services that are customarily associated with those businesses that are not considered to be

civic or industrial uses. Examples of commercial use types can be identified through several different subcategories as follows:

a. *Entertainment and Recreation uses* establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of commercial recreation and entertainment uses include:

- (1) Adult entertainment businesses
- (2) Theaters or Cinemas
- (3) Drive-in theaters
- (4) Country clubs
- (5) Recreational vehicle parks
- (6) Private sports and racquet clubs
- (7) Golf courses
- (8) Arcades or electronic game centers
- (9) Health and fitness clubs
- (10) Bowling alley
- (11) Ice/roller skating rinks

b. *Hospitality and lodging uses* are uses that provide temporary, short term lodging including:

- (1) Bed and breakfast means a dwelling unit that offers guest rooms or suites for a fee for a limited period of time not to exceed thirty (30) days, with incidental eating and drinking service provided from a single kitchen for guests only.
- (2) Hotel means an establishment that provides guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels.
- (3) Motel means an establishment that provides guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A

motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room.

- c. *Motor vehicle related uses* include the sales, servicing, rental, and storage of motorized vehicles including automobiles, trucks, motorcycles, boats, recreational vehicles, trailers, helicopters, airplanes, scooters, construction equipment, tractors, semi-trucks, and similar type uses. This category includes:
 - (1) Motorized vehicle and sport craft repairs and service
 - (2) Automotive, boat, trailer and recreational vehicle storage.
 - (3) Vehicle fueling stations
 - (4) Car wash facilities
 - (5) Junkyards
 - (6) Salvage yards
 - (7) Manufactured home sales and display areas.

- d. *Office and Professional Services uses* are uses where business services are provided to the general public, or in some cases, where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Office and Professional Services generally provide clerical, duplicating, photocopying, mailing services, fax and computer services, executive, management, or administrative services for private firms or organizations. Office and Professional Services uses do not include medical and dental offices. Examples of office and professional services include, but are not limited to:
 - (1) Law offices
 - (2) Architecture and engineering offices
 - (3) Accounting offices
 - (4) Call centers
 - (5) Financial, insurance, and real estate offices

- e. *Medical and Dental Office uses* are offices that provide personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, naturopaths, dentists, physician assistants, physical therapists, chiropractors, massage therapists, and similar uses. Medical laboratories are allowed under this classification as an accessory use. Examples include, but are not limited to:

- (1) Clinics
- (2) Veterinary offices
- (3) Animal hospitals
- (4) Dentist offices
- (5) Doctors' Offices
- (6) Urgent care facilities

f. *Childcare uses* are uses that provide nonmedical care for children on less than a twenty-four (24) hour basis that are regulated under the most current Oregon Revised Statute ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group. Childcare uses include the following uses:

- (1) In-home daycare means any use that provides day care to fewer than six (6) children within the care givers primary residence.
- (2) Daycare Facility means any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.

g. *General Retail uses* are uses that engage in the sale or rental of commonly used merchandise and goods that are consumed for everyday living. The City of Sherwood classifies general retail uses into large format and small format. Large format facilities are 10,000 square feet or greater and small format are retail facilities that are less than 10,000 square feet. General Retail uses may include but are not limited to:

- (1) Grocery Stores
- (2) Department Stores
- (3) Convenience Stores without fuel sales
- (4) Furniture Stores
- (5) Hardware Stores
- (6) Pharmacies

- (7) Book Stores
- (8) Electronics Stores
- (9) Auto Parts Stores
- (10) Sporting Goods Stores
- (11) Toy Stores
- (12) Jewelry Stores

h. Personal Services uses are uses that people come to rely on for their personal needs, but are not necessarily required on a daily basis. Examples of Personal Service uses include, but are not limited to:

- (1) Barbershops and beauty salons
- (2) Dry cleaning pick-up stores with limited equipment
- (3) Laundromats (self-service laundries)
- (4) Locksmiths
- (5) Shoe repair shops
- (6) Tailors and seamstresses
- (7) Health and fitness clubs
- (8) Dance or music studios
- (9) Pet grooming
- (10) Indoor pet daycare

i. Eating and Drinking Establishments are uses that sale prepared food and beverages for consumption on or off of the site on which the business sits. Examples include but are not limited to:

- (1) Restaurants (including drive-through, fast food, and sit-down)
- (2) Taverns and lounges
- (3) Coffee shops
- (4) Ice cream shops
- (5) Sandwich Shops

D. Industrial Use Types

1. *Distribution, warehousing, and storage uses* are uses that engage in warehousing, storing, or distributing goods primarily to retailers; to industrial, commercial, institutional, or professional businesses. Generally, these uses are not open to the public. Uses within this category, may include but are not limited to:
 - (1) Moving companies
 - (2) Mini-storage
 - (3) specific retail storage and distribution
 - (4) Freight delivery
 - (5) Beverage distribution.
2. *Laboratory uses* are facilities that primarily engage in the research, development, and controlled production of electronic, industrial, medical, dental, biotechnological, and scientific commodities.
3. *Metal Fabrication and Engineering uses* are uses that involve the design and processing of metals to create new products. Examples include but are not limited to:
 - (1) Machine shops
 - (2) Fabrication shops
 - (3) Welding Shops
4. *Small-scale Industrial Service uses* are uses that manufacture finished parts or products primarily from previously prepared materials; and provide industrial services within an enclosed building. These uses include the outdoor storage of products, materials, equipment, or bulk fuels. Examples include uses that assemble and process food products, appliances, textiles and fiber products, pottery, glass, small electronics, maintenance equipment, vending machines, cosmetics, and tools. This category may also include:
 - (1) Contractor's storage and equipment yards
 - (2) Laundry and dry cleaning plants
 - (3) Fabric dyeing facilities
 - (4) Auto dismantling within an enclosed building
 - (5) Manufacture of stone works and concrete products (excluding concrete ready-mix plants)
 - (6) Commercial bakeries

5. *Large-scale Industrial Service uses* are uses that use mechanical or chemical transformation of materials or substances to manufacture or process new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this classification. Also included, is the blending of materials such as lubricating oils, plastic resins, or metals. Examples of large-scale Industrial Service uses include, but are not limited to:
- (1) Sawmills
 - (2) Pharmaceutical manufacturers
 - (3) Pulp and paper mills
 - (4) Distillation of oil, coal, wood, or tar compounds and the creosote treatment of products
 - (5) Metal rolling and extraction mills
 - (6) Forge plants
 - (7) Smelters
 - (8) Blast furnaces
 - (9) Sand and gravel pits
 - (10) Rock crushing facilities
 - (11) Aggregate storage and distribution facilities
 - (12) Concrete or asphalt batch plants
 - (13) Solid waste transfer stations
6. *Hazardous Facilities* are uses that manufacture, process, or dispose of chemicals and compounds that are determined by a public health official to be detrimental to the health, safety, and welfare of the community and may include acids, paints, dyes, toxins, explosive materials, ammonia, chlorine, sodium compounds, fertilizers, herbicides, insecticides, and similar chemicals or compounds.

E. Agriculture Use Types

1. *Agricultural uses* are uses that facilitate farming and horticulture. Allowed uses include the sales and rental of farm equipment, farm activities as defined by ORS 215, which states, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm use” also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. “Farm use” includes the on-site construction and

maintenance of equipment and facilities used for the activities described in this subsection.”

Formatting note:

The following chapter represents the consolidation and reformatting of 4 existing commercial use chapters into one chapter. Formatting changes are not reflected in the track changes.

Chapter 16.22

OFFICE COMMERCIAL (OC) COMMERCIAL LAND USE DISTRICTS)*

Sections:

16.22.010 Purpose

16.22.020 ~~Permitted Uses~~ Allowed Uses

16.22.030 ~~Conditional Uses~~

16.22.040 ~~Prohibited Uses~~

16.22.0530 ~~Dimensional~~ Development Standards

16.22.0460 ~~Special Criteria~~

16.22.0570 ~~Community Design~~

16.22.0680 ~~Floodplain~~

* Editor's Note: Some sections may not contain a history.

16.22.010 Purpose

- A. **Office Commercial (OC)** - The OC zoning district provides areas for business and professional offices and related uses in locations where they can be closely associated with residential areas and adequate major streets. (Ord. 90-921, § 1)

Note: The Office Commercial (OC) zone was originally established by Ord. 86-851; the zoning district designation was repealed in its entirety by Ord. 87-870. The zone was re-established by Ord. 90-921, and further amended.

- B. **Neighborhood Commercial (NC)** - The NC zoning district provides for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. (Ord. 87-870, § 5; Ord. 86-851)

- C. **Retail Commercial (RC)** - The RC zoning district provides areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts as per Division VIII. (Ord. 87-870, § 5; Ord. 86-851)

Note: Ord. 87-870 established the Retail Commercial zone, which repealed and replaced the former Community Commercial (CC) zone.

- D. **General Commercial (GC)** - The GC zoning district provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts as per Division VIII. (Ord. 86-851, § 3)

Note: it is proposed that the entire Office Retail (OR) chapter be deleted in its entirety.

~~Office Retail (OR) The OR zoning district provides areas for business and professional offices and related uses in locations that are adjacent to housing and supported by an adequate road system.~~

(Ord. 98-1035, § 1)

16.22.020 Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the procedure provisions in of Chapter 16.88 Use Classifications and Interpretations.

D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC ¹	RC	GC
Residential use types RESIDENTIAL				
<ul style="list-style-type: none"> Residential apartments <u>Single- or mMulti-family housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030</u> when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.^{2,3} 	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>
<ul style="list-style-type: none"> Residential Care Facilities 	<u>N</u>	N	C	C
<ul style="list-style-type: none"> Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission^{ity}. 	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Civic Use types CIVIC				
<ul style="list-style-type: none"> Hospitals <u>and emergency care facilities</u> 	<u>N</u>	N	C	C
<ul style="list-style-type: none"> Correctional institutions 	<u>N</u>	N	<u>N</u>	C
<ul style="list-style-type: none"> Cemeteries and crematory mausoleums. 	<u>N</u>	N	C	C
<ul style="list-style-type: none"> Police and fire stations and other emergency services 	<u>N</u>	C	C	C
<ul style="list-style-type: none"> Vehicle testing stations 	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
<ul style="list-style-type: none"> Postal services - <u>Public</u> 	<u>N</u>	C	C	C
<ul style="list-style-type: none"> Postal substations when located entirely within and incidental to a use permitted outright. 	<u>P</u>	P	P	P
<ul style="list-style-type: none"> Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, <u>but excluding offices</u> 	<u>C</u>	C	C	C

¹ See special Criteria for the NC zone, 16.22.050

² The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor. (Ord. 2002-1136 § 3; Ord. 87-870, § 5)

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

• Public and private utility buildingsstructures , including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	<u>N</u>	N	C	C
• Small-scale power generation facilities. Power generation plants and associated facilities serving any use.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Large-scale power generation facilities. Power generation plants and associated facilities serving a permitted use.	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Churches under 5,000 square feet in size. Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses,	<u>C</u>	N	<u>GP</u>	<u>GP</u>
• Public and private schools providing education at the elementary school level or higher	<u>C</u>	C	C	C
Commercial use types <u>COMMERCIAL</u>				
• Commercial Trade Schools, <u>commercial educational services and training facilities</u>	<u>C</u>	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	<u>N</u>	N	P	P
• Drive-in motion picture theaters	<u>N</u>	<u>N</u>	N	N
• Private lodges, fraternal organizations, c Country clubs, sports and racquet clubs and other similar clubs.	<u>N</u>	N	C	C
• Public or Private Golf courses	<u>N</u>	N	N	N
• <u>Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities⁴</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>
Hotels and motels	C	N	<u>P</u>	<u>GP</u>
Motor Vehicle related				
• Motorized vehicle and sport craft Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment repairs and service	<u>N</u>	<u>NC</u>	<u>NC</u>	P
• All automotive and equipment <u>Motorized vehicle and sport craft</u> repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	<u>C</u>	<u>PC</u>	<u>GP</u>	<u>P</u>
• <u>Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
• Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, <u>Motorized vehicle, sport craft and farm equipment rental or sales and display area</u>	<u>N</u>	N	<u>NC</u>	P

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

<u>primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.</u>				
• Automotive, boat, trailer and recreational vehicle storage	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
• Vehicle fueling stations <u>or car wash facilities</u>	<u>N</u>	<u>N</u>	<u>C</u>	P
• junkyards and salvage yards	<u>N</u>	N	N	N
• Manufactures home sales <u>and display area</u>	<u>N</u>	N	<u>N</u>	<u>PN</u>
Office and Professional Support services				
• Business and professional offices, associated with another use in this zone that does not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Medical and dental offices <u>and urgent care facilities</u>	P	P	P	P
• <u>Business support services such as</u> duplicating, photocopying, mailing services, fax and computer facilities	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	<u>C</u>	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a <u>commercial use permitted use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Day cares, preschools, and kindergartens as a stand-alone use.	<u>N</u>	P	P	P
General Retail – sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• General retail trade <u>greater than 10,000 square feet of gross square footage, including bakeries where product distribution is limited to retailing on the premises only</u>	<u>N</u>	P	P	P
• <u>Tool and Equipment Rental and Sales, Including Truck Rental</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>P</u>
• Retail plant nurseries and garden supply stores <u>(excluding wholesale plant nurseries)</u>	<u>N</u>	N	P	P
• Wholesale building material sales <u>and service</u>	<u>N</u>	N	<u>N</u>	<u>P</u>
• <u>Retail</u> building material sales and lumberyards.	<u>N</u>	N	C ⁵	P
Personal Services				

⁵ All activities are required to be within an enclosed building

• Health clubs <u>less than 5,000 square feet in size.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Health clubs greater than 5,000 square feet in size</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>P</u>
• Personal services <u>catering to daily customers where patrons pay for or receive a service rather than goods or materials</u> , including but not limited to financial, <u>beauty, dance or music classes, pet grooming, medical and dental, social services,</u> and similar <u>support services.</u>	N	P	P	P
• <u>Public or commercial parking (non-accessory)</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>
Eating and Drinking establishments:				
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants, taverns, and lounges with drive-thru or take-out services	N	N	P	P
Industrial use types <u>INDUSTRIAL Taverns or lounges when clearly secondary to the primary use.</u>				
• Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handcraft manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	<u>N</u>	<u>C</u>	<u>C</u>	P
• Medical, dental, and similar or dental laboratories	<u>N</u>	N	C	P
Wireless communication facilities <u>WIRELESS COMMUNICATION FACILITIES</u>				
• Radio, television, and similar communication stations, including <u>associated</u> transmitters.	<u>N</u>	N	N	C
• Wireless communication towers and transmitters ⁸	<u>C</u>	<u>C</u>	<u>C</u>	C
• Wireless communication facilities on City-owned property	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.	<u>P</u>	<u>P</u>	<u>P</u>	P
Other <u>OTHER</u>				
Agricultural uses including but not limited to:				
• Farm equipment sales and rentals	<u>N</u>	N	P	P

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

⁷ Limited to no more than 10% of the square footage of each development in the Adams Avenue Concept Plan area

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

• Farming and horticulture				
• Truck and bus <u>terminalsyards</u>	<u>N</u>	<u>N</u>	<u>PN</u>	P

16.22.030 Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

Except as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table

	OC	NC	RC	GC
Lot area	10,000 sq. ft	1 acre (for single district)	5,000 sq. ft	10,000 sq. ft
Lot width at front property line	60 ft	85 ft	40 ft	70 ft
Lot width at building line	60 ft	100 ft	40 ft	70 ft
Front yard setback ⁹	0	20 ft	0 ft except when lot	0
When abutting residential zone	<u>0</u>	<u>0</u>	Same as abutting residential zone	Same as abutting residential zone
Side yard setback ⁹	0	0	0	0
when abutting residential zone or public park	10 ft	Same as underlying abutting residential zone	10 ft	20
Rear yard setback ⁹	0	0	0	0
when abutting residential zone or public park	20	10 ft	10 ft	20 ft
Corner lot ⁹	<u>0</u>	20 ft on any side facing street		
Height ^{10,11}	2 stories or 30 ft ¹²	Least restrictive height of abutting residential zone ¹³	50 ft ^{13, 14}	50 ft ^{13, 14 13, 14}

~~Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030)~~

⁹ ~~Existing residential uses shall maintain setbacks specified in the High Density Residential Zone (16.12.030)~~

¹⁰ Maximum height is the lessor of feet or stories

¹¹ ~~Solar and wind energy devices and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.~~

¹² ~~Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62~~

¹³ ~~Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62.~~

¹³ Structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area

¹⁴ Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

16.22.060 NC Special Criteria

All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone, and:

A. Shall be conducted entirely within enclosed buildings, except for:

1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.

2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.

B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.

C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one-hundred (100) feet at the building line.

D. Permitted and conditional uses may operate only between the hours of 7:00 AM and 10:00 PM. (Ord. 87-870, § 5)

16.22.040 Community Design

A. For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.

~~B. The residential portion of a mixed-use can be considered clearly secondary to commercial uses in mixed-use developments when traffic trips generated, dedicated parking spaces, signage and the road frontage of residential uses are all exceeded by that of the commercial component, and the commercial portion of a site is located primarily on the ground floor. (Ord. 2002-1136 § 3; Ord. 87-870, § 5)~~

16.22.0750 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.
(Ord. 2000-1092, § 3; 88-979; 87-870)

16.22.06026.050 NC Special Criteria

~~All permitted and conditional uses shall be found by the Commission to conform to the purpose of the NC zone, and:~~

- ~~A. Shall be conducted entirely within enclosed buildings, except for:~~
- ~~1. Exterior sales, display and storage for horticultural and food merchandise provided said exterior area does not exceed five percent (5%) of the gross floor area of each individual business establishment.~~
 - ~~2. Circumstances where the nature of the permitted or conditional use clearly makes total enclosure impracticable, such as in the case of automotive service stations, provided that the exterior area shall be the minimum necessary to effectively conduct the use, as determined by the Commission.~~
- ~~B. No more than four (4) permitted or conditional uses may be established within any single NC zoning district, and each use or establishment may occupy a maximum of four thousand (4,000) square feet of gross floor area, including any permitted exterior business areas.~~
- ~~C. No single NC zoning district shall be greater than one (1) acre in area, and each district shall have a minimum width of eighty-five (85) feet at the front property line, and one hundred (100) feet at the building line.~~
- ~~D. Permitted and conditional uses may operate only between the hours of 7:00 AM and 10:00 PM.
(Ord. 87-870, § 5)~~

Formatting note:

The following represents reformatting of 3 chapters to combine into one chapter. Formatting changes are not reflected in the track changes.

Chapter 16.31

EMPLOYMENT INDUSTRIAL (EI) INDUSTRIAL LAND USE DISTRICTS*

Sections:

16.31.010 Purpose

16.31.020 ~~Permitted Uses~~

16.31.030 ~~Development Standards Conditional Uses~~

16.31.040 ~~Prohibited Uses Employment Industrial (EI) Special Restrictions~~

16.31.050 ~~Commercial Nodes Use Restrictions Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions~~

16.31.055 ~~Tonquin Employment Area (TEA) Commercial Use Restrictions~~

16.31.060 ~~Dimensional Standards Community Design~~

16.31.070 ~~EI Lots Smaller than 3 Acres Floodplain~~

16.31.080 ~~Community Design~~

16.31.090 ~~Floodplain~~

16.31.100 ~~New Definitions~~

*Editor's Note: Some sections may not contain a history.

16.31.010 Purpose

- A. **Employment Industrial (EI)** - The EI zoning district provides employment areas that are suitable for, and attractive to, key industries and industry clusters that have been identified by the State of Oregon and the City's economic development strategy as important to the state and local economy. The following are preferred industry sectors for areas zoned EI: Clean Technology; Technology and Advanced Manufacturing; and Outdoor Gear and Active Wear.

Land zoned EI shall provide for large and medium-sized parcels for industrial campuses and other industrial sites that can accommodate a variety of industrial companies and related businesses. Areas zoned EI are also intended to provide the opportunity for flex building space within small- and medium-sized industrial campuses and business parks to accommodate research and development companies, incubator/emerging technology businesses, related materials and equipment suppliers, and or spin-off companies and other businesses that derive from, or are extensions of, larger campus users and developments. Retail and commercial uses are allowed only when directly supporting area employers and employees.

Industrial establishments and support services shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Hearing Authority.

(Ord. 2010-014, § 3, 10-5-2010)

B. Light Industrial (LI) - The LI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products which have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features and shall feature well-landscaped sites and attractive architectural design, as determined by the Commission.

C.B. (Ord. 93-964 § 3; Ord. 86-851)

D. General Industrial (GI) - The GI zoning district provides for the manufacturing, processing, assembling, packaging and treatment of products from previously prepared or raw materials, providing such activities can meet and maintain minimum environmental quality standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

E.C. (Ord. 86-851, § 3)

16.31.020 **Permitted Uses**

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.4088.

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

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

D. Additional limitations for specific uses are identified in the footnotes of this table. The following uses are permitted outright, provided such uses meet the applicable design standards contained in Division V and environmental performance standards contained in Division VIII.

	<u>Uses</u>	LI	GI	EI ¹
RESIDENTIAL USE TYPES				

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

Uses	LI	GI	EI ¹
Residential apartments Single or multi-family housing when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.²	<u>N</u>	<u>N</u>	<u>N</u>
Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 16.20.040 High Density Residential (HDR) Dimensional Standards	<u>N</u>	<u>N</u>	<u>N</u>
Residential Care Facilities	<u>N</u>	<u>N</u>	<u>N</u>
<ul style="list-style-type: none"> • Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission. 	P	P	P
CIVIC USE TYPES			
<ul style="list-style-type: none"> • Hospitals <u>and emergency care facilities</u> 	C	<u>N</u>	<u>N</u>
— Sanitarium			
— Correctional institutions	<u>N</u>	<u>N</u>	<u>N</u>
— Cemeteries and crematory mausoleums.	<u>N</u>	<u>N</u>	<u>N</u>
<ul style="list-style-type: none"> • Police and fire stations and other emergency services 	C	C	C
<ul style="list-style-type: none"> • Vehicle testing stations 	C	C	C
<ul style="list-style-type: none"> • Postal services - <u>Public</u> 	C	C	C
<ul style="list-style-type: none"> • Postal substations when located entirely <u>within, within</u> and incidental to a use permitted outright. 	C	C	C
— Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	<u>N</u>	<u>N</u>	<u>N</u>
<ul style="list-style-type: none"> • Public and private utility <u>buildings structures</u>, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards. 	P	P	P
<ul style="list-style-type: none"> • <u>Small-scale power generation facilities. Power generation plants and associated facilities serving any use.</u> 	<u>P</u>	<u>P</u>	<u>P</u>
<ul style="list-style-type: none"> • <u>Large-scale power generation facilities. Power generation plants and associated facilities serving a permitted use.</u> 	<u>C</u>	<u>P</u>	<u>C</u>
— Power generation plants and associated facilities serving a permitted use.	G	G	G
<ul style="list-style-type: none"> • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements 	C	<u>C</u>	C
Public or private outdoor recreational facilities including parks, playfields and sports and racquet courts.	<u>C</u>	<u>C</u>	<u>C</u>
Churches under 5,000 square feet in size. Religious Institutions, Private Fraternal Organizations, Lodges and secondary uses.	<u>N</u>	<u>N</u>	<u>N</u>
Churches over 5,000 square feet in size	<u>N</u>	<u>N</u>	<u>N</u>
Public and private schools providing education at the elementary school level or higher	<u>N</u>	<u>N</u>	<u>N</u>
COMMERCIAL USES TYPES			
<ul style="list-style-type: none"> • Commercial Trade Schools, <u>commercial educational services and training facilities</u> 	<u>P</u>	<u>P</u>	C

<u>Uses</u>	LI	GI	EI ¹
Training facilities whose primary purpose is to provide training to meet industrial needs.	<u>P</u>	<u>P</u>	
Entertainment/recreation			
Adult entertainment business, subject to Section 16.54.010	<u>N</u>	<u>N</u>	<u>N</u>
Motion picture and live theaters within enclosed building	<u>N</u>	<u>N</u>	<u>N</u>
Drive-in motion picture theaters	<u>N</u>	<u>N</u>	<u>N</u>
• Private lodges, fraternal organizations, cCountry clubs, sports and racquet clubs and other similar clubs.	<u>C</u>	<u>C</u>	<u>C</u>
— Public or Private Golf courses	<u>N</u>	<u>N</u>	<u>N</u>
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities^{3, 4}	<u>C</u>	<u>C</u>	<u>C</u>
Hotels and motels.	<u>N</u>	<u>N</u>	<u>N</u>
Motor Vehicle related			
• Motorized vehicle and sport craft Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment repairs and service	<u>C</u>	<u>C</u>	<u>N</u>
• All automotive and equipment Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	<u>P</u>	<u>P</u>	<u>P</u>
— Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	<u>N</u>	<u>N</u>	<u>N</u>
— Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	<u>N</u>	<u>N</u>	<u>N</u>
— Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, and equipment parts sales	<u>N</u>	<u>N</u>	<u>N</u>
• Automotive, boat, trailer and recreational vehicle storage	<u>C</u>	<u>C</u>	<u>N</u>
— Commercial farm equipment and vehicle sales	<u>N</u>	<u>N</u>	
• Vehicle fueling stations or car wash facilities⁵	<u>C</u>	<u>C</u>	<u>C</u>
• junkyards and salvage yards	<u>N</u>	<u>N</u>	<u>N</u>
• Manufactures home sales and display area	<u>N</u>	<u>N</u>	<u>N</u>
Glass installation and sales	<u>P</u>	<u>P</u>	<u>N</u>
Office and Professional Support services			
Business and professional offices, non-government.	<u>P</u>	<u>P</u>	<u>P</u>

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

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

⁵ Limited to Cardlock or wholesale- no public retail fuel sales.

Uses	LI	GI	EI ¹
• Business and professional offices associated with another use in this zone that does not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices)	P	P	<u>P</u>
— Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).	<u>P</u>	P	<u>P</u>
— Business and professional offices in buildings that received land use approval after January 1, 2010 that are designated "industrial" on Metro's 2008 Title 4 Map and that cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices) shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project.	<u>P</u>	P	
— Offices of educational, financial, governmental, non-profit, real estate, research, or other similar service organizations whose activities are such that few visitors, other than employees, have reason to come to the premises.	<u>P</u>	P	<u>P</u>
— Contractor's offices and other offices associated with a use permitted in the underlying zone	P	<u>P</u>	P
• <u>Business support services such as</u> duplicating, photocopying, mailing services, fax and computer facilities ⁶	<u>P</u>	<u>P</u>	<u>C</u>
— <u>employment agencies</u>		<u>C</u>	G
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	<u>C</u>	<u>C</u>	<u>C</u>
<u>Medical and dental offices and urgent care facilities</u>	<u>N</u>	<u>N</u>	<u>N</u>
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a <u>commercial use permitted use</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Day cares, preschools, and kindergartens as a <u>stand alone stand-alone</u> use. ⁷	C	C	C
General Retail – sales oriented			
<u>General retail trade, not exceeding 10,000 square feet of gross square footage.</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>General retail trade greater than 10,000 square feet of gross square footage, including bakeries where product distribution is limited to retailing on the premises only</u>	<u>N</u>	<u>N</u>	<u>N</u>
• Incidental retail sales or display/showroom directly associated with a permitted use <u>pursuant to § 16.31.020, and Sales or display space shall be limited to a maximum of 10 % of the total floor area of the business.</u> ⁷	<u>C</u>	<u>C</u>	P
• <u>Tool and Equipment Rental and Sales, Including Truck Rental.</u> ⁷	<u>GP</u>	<u>P</u>	P
— <u>Tool and Equipment Rental</u>	P	P	

⁶ Limited in size to 5,000 square feet in a single outlet and no more than 20,000 square feet in multiple outlets in the same development project.

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

<u>Uses</u>	LI	GI	EI ¹
• Retail plant nurseries and garden supply stores <u>(excluding wholesale plant nurseries).</u>	P	P	<u>N</u>
— Wholesale Plant Nurseries	<u>N</u>	<u>N</u>	<u>N</u>
• Wholesale building material <u>sales and services</u>	C	P	<u>N</u>
— Wholesale plumbing supplies and service	<u>C</u>	<u>P</u>	<u>N</u>
• Retail building material sales and lumberyards. ⁷	C	P	<u>N</u>
Personal Services			
• Health clubs <u>less than 5,000– square feet in size.</u>	<u>P</u>	<u>P</u>	<u>P</u>
— Health clubs greater than 5,000 square feet in size.	<u>N</u>	<u>N</u>	<u>N</u>
— Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, dance or music classes, pet grooming, medical and dental, social services, and similar support services.⁷	<u>C</u>	<u>C</u>	C
• <u>Public or commercial parking (non- accessory)</u>	<u>N</u>	<u>N</u>	<u>N</u>
• Veterinarian offices and animal hospitals.	C	<u>C</u>	<u>C</u>
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁸	<u>C</u>	<u>C</u>	<u>C</u>
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
— Restaurants, taverns and lounges without drive-thru that are not larger than 5,000 square feet in a single outlet or larger than 20,000 square feet in multiple outlets in the same development project.	<u>C</u>	<u>C</u>	<u>C</u>
• Restaurants, taverns, and lounges with drive-thru or take-out services	N	<u>N</u>	N
INDUSTRIAL			
Industrial use types Industrial and manufacturing uses, except as specifically permitted by Sections 16.30.020 and 16.30.030	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Medical, dental, and similar or dental laboratories</u>	P	P	P
• <u>Laboratories (not medical, dental or similar or dental).</u>	P	P	P
— Wholesale trade		<u>P</u>	
— Warehousing		<u>P</u>	
— commercial storage		<u>P</u>	
• <u>mini-warehousing or self storage</u>	<u>N</u>	P	<u>N</u>
• <u>Distribution, warehousing and storage associated with a permitted use.</u>	P	<u>P</u>	P

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

Uses	LI	GI	EI¹
— Research and development and associated manufacturing.	<u>P</u>	<u>P</u>	P
• Contractors Contractors' storage and equipment yards, building maintenance services, and similar uses.	C	P	<u>N</u>
• Laundry, dry cleaning, dyeing, or rug cleaning plants.	C	P	<u>N</u>
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, drugs, pharmaceuticals , chemicals and other small products and tools manufactured form from previously prepared or semi-finished materials.	P	P	<u>N</u>
• <u>Pharmaceuticals in facilities up to 50,000 square feet building size.</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Pharmaceuticals in facilities larger than 50,000 square feet building size.</u>	<u>N</u>	<u>C</u>	<u>N</u>
• Building components, furniture, fixtures, signs.	P	P	<u>N</u>
• Non-motorized recreational vehicles and equipment.	P	<u>P</u>	<u>N</u>
• Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and farm equipment and greenhouses	<u>N</u>	P	<u>N</u>
• <u>Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone.</u>	<u>P</u>	<u>P</u>	<u>N</u>
— Iron, steel, sheetmetal, other metal products, hand tools, including machining, welding, electroplating, and casting and molding of semi-finished and finished metals, except as prohibited by Section 16.34.040.	<u>P</u>	P	<u>N</u>
— Paper, wood, boxes, containers, lumber and similar products made from wood, paper, metal and other materials, except as prohibited by Section 16.34.040.	<u>P</u>	P	<u>N</u>
— Plastics and plastic products.	<u>P</u>	P	<u>N</u>
• <u>Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products.</u>	<u>P</u>	<u>P</u>	P
— <u>Sustainable environmental products</u>	<u>P</u>	<u>P</u>	P
— <u>Advanced manufacturing</u>	<u>P</u>	<u>P</u>	P
— <u>High technology</u>	<u>P</u>	<u>P</u>	P
— <u>Biotechnology and biopharmaceuticals</u>	<u>P</u>	<u>P</u>	P
— <u>Sports apparel and other recreational products</u>	<u>P</u>	<u>P</u>	P
— Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.	N	C	<u>N</u>
• <u>Acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, toxins, fertilizer, herbicides, insecticides, and similar chemicals.</u>	N	C	<u>N</u>
— Fertilizer, herbicides and insecticides.	N	C	<u>N</u>
— Celluloid or pyroxylin.	N	N	<u>N</u>
— Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.	N	N	<u>N</u>
— Explosives and radioactive materials.	N	N	<u>N</u>

<u>Uses</u>	LI	GI	EI ¹
Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.	N	N	N
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.	N	N	N
• Sawmills	C	NC	N
• Pulp and paper mills.	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	N	N	N
• Meat, fish, poultry and tannery processing.	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	N	C	N
• Solid waste transfer stations.	N	C	N
• General purpose solid waste landfills, incinerators, and other solid waste facilities.	N	N	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	N	C	N
WIRELESS COMMUNICATION FACILITIES			
Wireless communication facilities			
• Radio, television, and similar communication stations, including associated transmitters.	C	C	C
• Wireless communication towers⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.	P	P	P
OTHER			
Other			
Agricultural uses including but not limited to:			
Farm equipment sales and rentals			
N			
N			
N			
• Farm equipment sales and rentals	N	N	N
Farming and horticulture			
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
PUDs, subject to Chapter 16.40.	P	P	P

⁹ eExcept for towers located within 1,000 feet of the Old Town District which are prohibited.

Uses	LI	GI	EI ¹
— Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86 and not to exceed one year	P	P	P
• <u>Truck and bus yards</u>	N	P	N
— Truck and bus terminals	N	P	N
Any use not otherwise listed that can be shown to be consistent with the uses associated with allowed or conditional uses in 16.31.020(A) the underlying zone.			C
All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 16.34.020 and 16.34.030.	N	N	N
Other similar uses permitted in the underlying zone, subject to Chapter 16.XX.	P	P	

~~B. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones will be permitted outright or conditionally, utilizing the procedure in Chapter 16.88 (Interpretation of Similar Uses).~~

~~C. Any use that is not permitted outright or conditionally in the industrial zones that cannot be found to be consistent with the uses permitted outright or conditionally as identified in subsection B. above is prohibited in the industrial zone, utilizing the procedure in Chapter 16.88 (Interpretation of Similar Uses).~~

16.31.030 Development Standards

~~A. Generally - No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).~~

B. Development Standards

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

<u>Development Standards by Zone</u>	<u>EI</u>	<u>LI</u>	<u>GI</u>
<u>Lot area- Industrial Uses:</u>	<u>3 acres¹⁰</u>	<u>10,000 SF</u>	<u>20,000 SF</u>
<u>Lot area- Commercial Uses (subject to Section 16.31.050):</u>	<u>10,000 SF</u>	<u>10,000 SF</u>	<u>20,000 SF</u>
<u>Lot width at front property line:</u>	<u>100 feet</u>		
<u>Lot width at building line:</u>	<u>100 feet</u>		
<u>Front Yard Setback¹¹</u>	<u>20 feet</u>	<u>20 feet</u>	<u>None</u>
<u>Side Yard Setback¹¹</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Rear Yard Setback¹¹</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Corner lot street side¹¹</u>	<u>20 feet</u>	<u>20 feet</u>	<u>None</u>
<u>Height¹²</u>	<u>50 feet</u>		

16.31.0340 Employment Industrial (EI) Commercial Use Restrictions

A. Use Restrictions

- 1.** Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a.** New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet and no more than 20,000 square feet of sales or service area in multiple outlets in the same development project, and
 - b.** New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than 5 acres in size. A "development project" includes all improvements proposed through a site plan application.

¹⁰ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies. (Ord. 2010-014, § 3, 10-5-2010)

¹¹ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹² Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

2. Notwithstanding the provisions of Section 16.31.055-050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050-050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel. (Ord. 2010-014, § 3, 10-5-2010)

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than 3 acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
3. Lots or parcels 50 acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

~~(Ord. 2010-014, § 3, 10-5-2010)~~

16.31.0450 -Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.
- C. Commercial development may not be located within 300 feet of SW 124th -Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. 2010-014, § 3, 10-5-2010)

~~16.31.050 Dimensional Development Standards~~

- ~~A. Generally - No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84 (Variances and Adjustments).~~

B.—Development Standards

A.—Lot Dimensions

Except as otherwise provided, required minimum lot areas and dimensions and setbacks shall be:

	El	LI	GI
Lot area—Industrial Uses:	3 acres, except as exempted in Section 16.31.070 "El Lots Smaller than 3 Acres"—	10,000 square feet	20,000 square feet
Lot area—Commercial Uses (subject to Section 16.31.055):—	10,000 square feet—	10,000 square feet	20,000 square feet
Lot area— Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the El zone:	May be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than 3 acres shall be prohibited unless Section 16.31.040 applies.	10,000 square feet	20,000 square feet
Parcels larger than 50 acres:—	—Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a Planned	10,000 square feet	20,000 square feet

	Unit Development approved by the city so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.—		
Partitioning 50-acre parcel:—	Lots or parcels 50 acres or larger, including those created pursuant to paragraph (4) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.—	10,000 square feet	20,000 square feet
Lot width at front property line:	100 feet—	100 feet	100 feet
Lot width at building line:	100 feet—	100 feet	100 feet
Front Yard Setback	Twenty (20) feet, except	Twenty (20) feet, except when	None, except when abutting a

	when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	residential zone or public park, then there shall be a minimum of fifty (50) feet.
Side Yard Setback	None, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of fifty (50) feet.
Rear Yard Setback	None, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of fifty (50) feet.
Corner Lots	Twenty (20) feet on any side facing a street, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	Twenty (20) feet on any side facing a street, except when abutting a residential zone or public park, then there shall be a minimum of forty (40) feet.	None, except when abutting a residential zone or public park, then there shall be a minimum of fifty (50) feet.
Height	Fifty (50) feet, except that structures within 100 feet of a residential zone shall be limited to the height requirements of that residential zone.	Fifty (50) feet, except that structures within 100 feet of a residential zone shall be limited to the height requirements of that residential zone.	Fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

**16.3
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Desi
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For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, acce

ss and egress, signs, parks and open space, on-site storage, and site design, see the applicable provisions of Divisions V, VIII and IX will apply.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2010-014, § 3, 10-5-2010)

16.31.080 New Definitions

~~*Advanced Manufacturing.* The application of cutting-edge concepts in electronics, computers, software and automation to enhance manufacturing capabilities and improve production. Advanced manufacturing technology is used in all areas of manufacturing, including design, control, fabrication, and assembly. This family of technologies includes robotics, computer-aided design (CAD), computer-aided engineering (CAE), manufacturing resource planning, automated materials handling systems, electronic data interchange (EDI), computer-integrated manufacturing (CIM) systems, flexible manufacturing systems, and group technology.~~

~~*Biopharmaceuticals.* Medical drugs derived from biological sources and produced using biotechnology.~~

~~*Biotechnology.* Technology based on biology, especially when used in agriculture, food science, and medicine, and includes any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.~~

~~*Clean Technology.* A diverse range of products, services, and processes that harness renewable materials and energy sources, dramatically reduce the use of natural resources, and cut or eliminate emissions and wastes. Clean technology includes wind power, solar power, biomass, hydropower, biofuels, information technology, green transportation, electric motors, and innovations in lighting and other appliances related to energy efficiency.~~

~~*High Technology.* Scientific technology involving the production or use of highly advanced, sophisticated, or specialized systems or devices, especially those used in the fields of electronics and computers.~~

~~*Renewable Energy.* Energy derived from, or effectively using resources which may be naturally replenished, such as sunlight, wind, rain, tides and Renewable energy technologies include those associated with solar power, geothermal heat, wind power, hydroelectricity, and biofuels used for transportation.~~

~~*Sustainable environmental products.* Products that are designed to lessen negative impacts on the natural environment or to enhance the potential longevity of vital human ecological support~~

~~systems, such as such as the planet's climatic system and systems of agriculture, industry, forestry, fisheries, and the systems on which they depend.~~

~~(Ord. 2010-014, § 3, 10-5-2010)~~[HA1]

Chapter 16.36

INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT*

Sections:

16.36.010 Purpose

16.36.020 Permitted Uses

16.36.030 Conditional Uses

16.36.040 Prohibited Uses

16.36.050 Dimensional Standards

16.36.060 Community Design

16.36.070 Floodplain

* Editor's Note: Some sections may not contain a history.

16.36.010 Purpose

The IP zoning district provides for major institutional and governmental activities such as schools, public parks, churches, government offices, utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

(Ord. 86-851, § 3)

16.36.020 Permitted Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.

B. Uses listed in other sections of this code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement

of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.

D. Additional limitations for specific uses are identified in the footnotes of this table.

RESIDENTIAL

<ul style="list-style-type: none"> <u>Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City. (Ord. 97-1019 § 3; Ord. 86-851)</u> 	<u>C</u>
<u>CIVIC</u>	
<ul style="list-style-type: none"> <u>Cemeteries and crematory mausoleums.</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Police and fire stations and other emergency services</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Administrative Offices-Government</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Postal services - Public</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Religious Institutions</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Public and private schools providing education at the elementary school level or higher</u> 	<u>C</u>
<u>COMMERCIAL</u>	
<ul style="list-style-type: none"> <u>Commercial Trade Schools, commercial educational services and training facilities</u> 	<u>N</u>
<ul style="list-style-type: none"> <u>Public Golf courses</u> 	<u>C</u>
<u>WIRELESS COMMUNICATION FACILITIES</u>	
<ul style="list-style-type: none"> <u>Radio, television, and similar communication stations, including associated transmitters.</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Wireless communication towers and transmitters¹</u> 	<u>C</u>
<ul style="list-style-type: none"> <u>Wireless communication facilities on City-owned property</u> 	<u>P</u>

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

<ul style="list-style-type: none"> • <u>Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure²</u> 	<p style="text-align: center;"><u>P</u></p>

~~— A. — Wireless communication facilities on City-owned property.~~

~~— B. — Wireless communication antennas mounted on an existing building or structure not exceeding the height of the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antennas on City-owned property would be unfeasible.~~

~~(Ord. 97-1019, § 1)~~

~~16.36.030 Conditional Uses~~

~~The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Division VIII, and are approved in accordance with Chapter 16.82:~~

~~— A. — Government offices, including but not limited to postal stations, administrative offices, police and fire stations.~~

~~— B. — Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.~~

~~— C. — Churches and parsonages.~~

~~— D. — Cemeteries and crematory mausoleums.~~

² Provided the applicant can demonstrate to the satisfaction of the City that the location of the antennas on City-owned property would be unfeasible.

~~_____ E. _____ Public recreational facilities, including but not limited to parks, playfields, golf courses, and sport and racquet courts.~~

~~_____ F. _____ Public and private schools providing education at the preschool level or higher, excluding commercial trade schools.~~

~~_____ G. _____ Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells and public works yards.~~

~~_____ H. _____ Radio, television and similar communication stations, including transmitters and wireless communication towers.~~

~~(Ord. 97-1019 § 1; Ord. 86-851)~~

~~_____ I. _____ Dwelling unit, including a manufactured home for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the Commission.~~

~~(Ord. 97-1019 § 3; Ord. 86-851)~~

16.36.040 Prohibited Uses

The following uses are expressly prohibited:

~~_____ A. _____ Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.~~

~~_____ B. _____ Residential uses, except for as conditionally permitted in Section 16.36.030I.~~

(Ord. 97-1019 § 1; 87-870; Ord. 86-851)

16.36.050 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement existing on or after the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.

IP	
<u>Lot Dimensions</u>	<u>Except as otherwise provided, no minimum lot areas or dimensions are required.</u>
<u>Front yard setback</u>	<u>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.</u>
<u>Side yard setback</u>	<u>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.</u>
<u>Rear yard setback</u>	<u>None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.</u>
<u>Height</u>	<u>Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.</u> (Ord. 91-922, § 3)

~~A. Lot Dimensions~~

~~Except as otherwise provided, no minimum lot areas or dimensions are required.~~

~~B. Setbacks~~

~~Except as otherwise provided, the minimum required setbacks in the IP zone shall be:~~

~~1. Front yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.~~

~~2. Side yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.~~

~~3. Rear yard: None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.~~

~~C. Height~~

~~Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.~~

~~(Ord. 91-922, § 3)~~

16.36.060 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, site design, parks and open space, on-site storage, and signs, see Divisions V, VIII and IX.

(Ord. 91-922, § 3; Ord. 86-851)

16.36.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092, § 3; 88-979; 87-867; Ord. 86-851)

Chapter 16.88

INTERPRETATION OF SIMILAR USES*

Sections:

16.88.010 Generally

16.88.020 Application Content

16.88.030 Approvals

16.88.040 Uses

* Editor's Note: Some sections may not contain a history.

16.88.010 Generally

Where an interpretation is required as to the applicability of the provisions of this Code to a proposed land use which is not specifically listed or otherwise clearly indicated as allowed, conditionally allowed or prohibited, a written request for an interpretation may be submitted to the City Manager or his/her designee.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.020 Application Content

The request shall be submitted with a fee pursuant to Section 16.74.020 and shall include information on the following characteristics of the proposed use:

- A. Description of the activity to be conducted on the site.
- B. Noise and odor characteristics.
- C. Description of material or product storage requirements.
- D. Amount and type of traffic to be generated.
- E. Description of the structures required.

(Ord. 86-851, § 3)

16.88.030 Approvals

The City Manager or his/her designee may authorize a use to be included among the allowed uses, if the use 1) is similar to and of the same general type as the uses specifically allowed; 2) is consistent with the Comprehensive Plan; and 3) has similar intensity, density, off-site impacts and impacts on community facilities as uses permitted in the zone, and as described in section 16.88.040 below. The action of the City Manager or his/her designee may be appealed to the Commission in accordance with Chapter 16.76.

(Ord. 98-1053 § 1; Ord. 86-851)

16.88.040 Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use

categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. Residential uses are intended for habitation by one or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation. Residential uses include, but are not limited to the following housing types:

(1) ~~s~~Single-family attached/detached - A structure consisting of a single dwelling unit which is for occupancy by one or more persons on a single parcel or lot.

(2) ~~Si~~ single-family detached/attached - A structure consisting of one or more attached single dwelling unit which is for occupancy by one or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes and rowhouses.

(3) ~~t~~Two-family- A structure consisting of two dwelling units on the same parcel or lot. Two family homes are commonly referred to as a duplex.

(4) ~~m~~Multi-family - A structure consisting of (3) three or more dwelling units on the same parcel or lot. Multi-family homes include, but are not limited to garden apartments, apartments, condominiums, and in some cases attached townhomes or rowhouses on a single lot or parcel.

(5) ~~i~~Institutional and Residential Care living ~~f~~Facilities – A facility licensed by or under the authority of the Department of Health and Human Services under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Examples include residential care homes, group homes, halfway homes, etc.

group living, residential care facilities, and similar housing types that are intended for habitation by one or more individuals on a wholly or primarily non-transient basis. Examples include, single-family homes, townhomes, rowhouses, apartments, student housing, duplexes, manufactured homes, co-housing homes, and other similar uses.

B. Civic Use Types

1. *Civic uses* are basic governmental and private services intended to provide for the basic living, religious, educational, recreational, cultural, protective, and other similar needs of all citizens within the community. Examples include but are not limited to:

(1) cChurches, Mosques, Temples and other religious facilities

(2) hHospitals, clinics,

(3) sSchools,

(4) Mmajor and minor utilities,

(5) tTransportation facilities

~~(6) PPolice and fire stations,~~

(7) pPost offices

~~(8) SSenior centers,~~

(9) cCommunity centers,

(10) lLibraries,

~~cultural exhibits,~~(11) mMuseums,

(12) fFraternal lodges,

(13) vVeterans organizations

(14) ~~, correctional facilities, pPublic parking garages~~

(15) cCemeteries and, crematory mausoleums

(16) ~~, pPublic gardens, parks, trails, and playfields, sports and racquet courts,~~

(17) gGovernment offices

(18) ~~, tTreatment plants,~~

(19) pPublic works yards,

~~wireless telecommunications facilities, and other similar uses.~~

2. *Wireless Communication uses* are uses that are associated with the provision of cellular, broadband, or other communication types that involve the placement of towers, relay stations, and similar infrastructure to provide service. Generally, wireless communication facilities include:

(1) tTowers

~~(2) Transmitters;~~

~~(3) Antennae co-located antennae's, and~~

~~(4) s~~Similar infrastructure intended to be protected by the Telecommunications Act of 1996.

C. Commercial Use Types

1. Commercial use types are uses that include the sale or rental of goods and services that are customarily associated with those businesses that are not considered to be civic or industrial uses. Examples of commercial use types can be identified through several different subcategories as follows:

~~a. Entertainment and Recreation uses establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of commercial recreation and entertainment uses include:~~

~~(1) Adult entertainment businesses~~

~~(2) Theaters or Cinemas~~

~~(3) Drive-in theaters~~

~~(4) Country clubs~~

~~(5) Recreational vehicle parks~~

~~(6) Private sports and racquet clubs~~

~~(7) Golf courses~~

~~(8) Arcades or electronic game centers~~

~~(9) Health and fitness clubs~~

~~(10) Bowling alley~~

~~(11) Ice/roller skating rinks~~

~~a. including adult entertainment businesses, theaters, drive-in theaters, country clubs, recreational vehicle parks, private sports and racquet clubs, golf courses, arcades, health and fitness clubs, and similar uses.~~

~~b. Hospitality and lodging uses are uses that provide temporary, short term lodging including:~~

~~(1) Bed and breakfast means a dwelling unit that offers guest rooms or suites for a fee for a limited period of time not to exceed thirty (30) days, with incidental eating and drinking service provided from a single kitchen for guests only.~~

(2) Hotel means an establishment that provides guest rooms or suites for a fee to transient guests for sleeping purposes. Access to units is primarily from interior lobbies, courts, or halls. Related accessory uses may include conference and meeting rooms, restaurants, bars, and recreational facilities. Guest rooms may or may not contain kitchen facilities for food preparation (i.e., refrigerators, sinks, stoves, and ovens). Hotels with kitchen facilities are commonly known as extended stay hotels.

(3) Motel means an establishment that provides guest rooms for a fee to transient guests for sleeping purposes. Guest rooms do not contain kitchen facilities. A motel is distinguished from a hotel primarily by direct independent access to, and adjoining parking for, each guest room.

~~b. hotels, hostels, motels, bed and breakfasts, and similar facilities are uses that provide transient lodging.~~

c. Motor vehicle related uses include the sales, servicing, rental, and storage of motorized vehicles including automobiles, trucks, motorcycles, boats, recreational vehicles, trailers, helicopters, airplanes, scooters, construction equipment, tractors, semi-trucks, and similar type uses. This category also includes:

(1) Motorized vehicle and sport craft repairs and service

(2) Automotive, boat, trailer and recreational vehicle storage.

(3) Vehicle fueling stations

(4) Car wash facilities

(5) Junkyards;

(6) Salvage yards, and

(7) Manufactured home sales and display areas.

d. Office and Professional Services uses are uses where business services are provided to the general public, or in some cases, where professional services (e.g., accounting, architectural, engineering, legal, planning, psychological, psychiatric, etc.) are provided. Office and Professional Services generally include offices that provide clerical, duplicating, photocopying, mailing services, fax and computer services, executive, management, or administrative services for private firms or organizations. Office and Professional Services uses do not include medical and dental offices. Examples of office and professional services include, but are not limited to:

(1) Law offices;

(2) Architecture and engineering offices

~~(3) a Accounting offices;~~

~~(4) c Call centers~~

~~(5) f Financial, insurance, and real estate offices;~~

~~e. and similar facilities. Office and Professional Services uses do not include medical and dental offices.~~

e. Medical and Dental Office uses are offices that provide personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, naturopaths, dentists, physician assistants, physical therapists, chiropractors, massage therapists, and similar uses. Medical laboratories are allowed under this classification as an accessory use. Examples include, but are not limited to:

~~(1) c Clinics;~~

~~(2) v Veterinary offices;~~

~~(3) a Animal hospitals;~~

~~medical laboratories(4); d Dentist offices~~

(5) Doctors' Offices

~~(6) and u Urgent care facilities.~~

f. Childcare uses are uses that provide nonmedical care for children on less than a twenty-four (24) hour basis that are regulated under the most current Oregon Revised Statute ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group Childcare uses provide care to children, including the following uses:

(1) I-in-home daycare means any use that provides day care to fewer than six (6) children within the care givers primary residence.

(2) dDaycare centersFacility means any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children, child care centers, or similar facilities regulated under the most current Oregon Revised Statutes ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.

g. *General Retail uses* are uses that engage in the sale or rental of commonly used merchandise and goods that are consumed for everyday living. ~~Examples of general retail uses include stores that sell, groceries, lawn and garden supplies, hardware, tools, furniture, appliances, consumer electronics, auto-parts, sporting goods, books, pharmaceuticals, home furnishings, jewelry, and similar items.~~ The City of Sherwood classifies general retail uses into large format and small format. Large format facilities are 10,000 square feet or greater and small format are retail facilities that are less than 10,000 square feet. General Retail uses may include but are not limited to:

(1) Grocery Stores

(2) Department Stores

(3) Convenience Stores without fuel sales

(4) Furniture Stores

(5) Hardware Stores

(6) Pharmacies

(7) Book Stores

(8) Electronics Stores

(9) Auto Parts Stores

(10) Sporting Goods Stores

(11) Toy Stores

(12) Jewelry Stores

h. *Personal Services uses* are uses that people come to rely on for their personal needs, but are not necessarily required on a daily basis. Examples of Personal Service uses include, but are not limited to:

(1) Barbershops and beauty salons

(2) Dry cleaning pick-up stores with limited equipment

(3) Laundromats (self-service laundries)

(4) Locksmiths

(5) Shoe repair shops

(6) Tailors and seamstresses

~~(7) Health and fitness clubs~~

~~(8) beauty salons, dance or music studios, banks,~~

~~(9) Pet grooming, Laundromats, drycleaners, and similar type uses.~~

~~(10) Indoor pet daycare~~

i. Eating and Drinking Establishments are uses that sale prepared food and beverages for consumption on or off of the site on which the business sits. Examples include but are not limited to:

~~(1) Restaurants (including drive-through, fast food, and sit-down)~~

~~(2) Taverns, and -lounges,~~

~~(3) Coffee shops,~~

~~(4) Ice cream shops~~

~~(5) Sandwich Shops cafeteria, and similar uses.~~

D. Industrial Use Types

1. *Distribution, warehousing, and storage uses* are uses that engage in warehousing, storing, or distributing goods primarily to retailers; to industrial, commercial, institutional, or professional businesses. Generally, these uses are not open to the public. Uses within this category, may include but are not limited to:

~~(1) Moving companies~~

~~(2) Mini-storage~~

~~(3) specific retail storage and distribution~~

~~(4) Freight delivery~~

~~(5) and Beverage distribution. Generally, these uses are not open to the public.~~

2. *Laboratory uses* are facilities that primarily engage in the research, development, and controlled production of electronic, industrial, medical, dental, biotechnological, and scientific commodities.

3. *Metal Fabrication and Engineering uses* are uses that involve the design and processing of metals to create new products. Examples include but are not limited to:

~~(1) Machine shops,~~

~~(2) and Fabrication shops.~~

(3) Welding Shops

4. *Small-scale Industrial Service uses* are uses that manufacture finished parts or products primarily from previously prepared materials; and provide industrial services within an enclosed building. These uses include the outdoor storage of products, materials, equipment, or bulk fuels. Examples include uses that assemble and process food products, appliances, textiles and fiber products, pottery, glass, small electronics, maintenance equipment, vending machines, cosmetics, and tools. ~~Other uses~~ This category may also include:

~~(1) e~~ Contractor's storage and equipment yards

~~(2) l~~ Laundry and dry cleaning plants;

~~(3) f~~ Fabric dyeing facilities;

~~(4) a~~ Auto dismantling within an enclosed building;

~~(5) M~~ Manufacture of s stone works, and concrete products (excluding concrete ready-mix plants)

~~and~~ ~~(6) e~~ Commercial bakeries.

5. *Large-scale Industrial Service uses* are uses that use mechanical or chemical transformation of materials or substances to manufacture or process new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this classification. Also included, is the blending of materials such as lubricating oils, plastic resins, or metals. Examples of large-scale Industrial Service uses include, but are not limited to:

~~(1) s~~ Sawmills

~~(2) p~~ Pharmaceutical manufacturers;

~~(3) p~~ Pulp and paper mills;

~~(4) d~~ Distillation of oil, coal, wood, or tar compounds and the creosote treatment of products;

~~(5) M~~ Meta ~~eta~~ rolling and extraction mills

~~(6) f~~ Forge plants

~~(7) s~~ Smelters;

~~(8) b~~ Blast furnaces;

~~(9) s~~ Sand and gravel pits;

~~(10) r~~ Rock crushing facilities

~~(11) a~~ Aggregate storage and distribution facilities;

~~(12) e~~ Concrete or asphalt batch plants

~~(13) power plants, energy generation, s~~ Solid waste transfer stations, general purpose solid waste landfills, incinerators, and other solid waste facilities.

2-6. *Hazardous Facilities* are uses that manufacture, process, or dispose of chemicals and compounds that are determined by a public health official to be detrimental to the health, safety, and welfare of the community and may include acids, paints, dyes, toxins, explosive materials, ammonia, chlorine, sodium compounds, fertilizers, herbicides, insecticides, and similar chemicals or compounds.

E. **Agriculture Use Types**

1. *Agricultural uses* are uses that facilitate farming and horticulture. Allowed Uses include the sales and rental of farm equipment, farm activities as defined by ORS 215, which states, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

In any City forum or meeting:

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.
- Comment time is 4 minutes with a Commission-optional 1 minute Q & A follow-up.
- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in their judgment, the best interests of the City would be served.

(Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

Persons who violate these rules may be asked to stop their comments by any member of the body. Community Comments beyond the 4-minute limit may not be included in the record of the meeting. Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 5-21-12 Agenda Item: Continue Public Meeting

Please mark your position/interest on the agenda item
Applicant: Proponent: Opponent: Other

Name: Suzanne Russell

Address: 22852 SW Forest Creek Dr #101

City/State/Zip: Sherwood

Email Address: suzlrussell5200gm@gmail.com

I represent: Myself Other

If you want to speak to Commission about more than one subject, please submit a separate form for each agenda item.

Please give this form to the Recording Secretary prior to you addressing Planning Commission. Thank you.

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I have read and understood the Rules for Meetings in the City of Sherwood.

Date: MAY 22 Agenda Item: Code Indust

Please mark your position/interest on the agenda item
Applicant: Proponent: Opponent: Other

Name: Tim Vochies

Address: PO BOX 708

City/State/Zip: Sherwood OR 97140

Email Address: Tim@steeltekindustries.com

I represent: Myself Other

If you want to speak to Commission about more than one subject, please submit a separate form for each agenda item.

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*Topic talk is
form, it is
unconstitutional
and detrimental
for citizenship.*

I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 5/22/2012 Agenda Item: PA-12-01

Please mark your position/interest on the agenda item
Applicant: Proponent: Opponent: Other:

Name: Susan Claus

Address: 2221 SW Pacific Hwy

City/State/Zip: Sherwood OR 97140

Email Address: _____

I represent: Myself Other

If you want to speak to Commission about more than one subject, please submit a separate form for each agenda item.

Please give this form to the Recording Secretary prior to you addressing Planning Commission. Thank you.

In any City forum or meeting:

- Individuals may not impugn the character of anyone else, including but not limited to members of the community, the reviewing body, the staff, the applicant, or others who testify. Complaints about staff should be placed in writing and addressed to the City Manager. If requested by the complainant, they may be included as part of the public record. Complaints about the City Manager should be placed in writing and addressed to the Mayor. If requested by the complainant, they may be included as part of the public record.
- Comment time is 4 minutes with a Commission-optional 1 minute Q & A follow-up.
- The Chair of a meeting may have the ability to modify meeting procedures on a case-by-case basis when especially complicated issues arise, or when the body is involved in extraordinary dialogue, but only after receiving the advice and majority consent of the body. The Chair may also cut short debate if, in their judgment, the best interests of the City would be served.

(Note: Written comments are encouraged, and may be submitted prior to the meeting by mail, or at the meeting. There is no limit to the length of written comment that may be submitted)

Persons who violate these rules may be asked to stop their comments by any member of the body. Community Comments beyond the 4-minute limit may not be included in the record of the meeting. Persons who impugn the character of anyone will be required to stop immediately. Their comments will not be included in the record of the meeting, and they will forfeit their remaining time. Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

I have read and understood the Rules for Meetings in the City of Sherwood.

Date: 5/22/10 Agenda Item: Public Hearing

Please mark your position/interest on the agenda item

Applicant: Proponent: Opponent: Other

Name: Eugene Stewart

Address: PO Box 534

City/State/Zip: Sherwood, OR 97140

Email Address: EugeneS103@AOL.com

I represent: Myself Other

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APPROVED MINUTES

City of Sherwood, Oregon
DRAFT - Planning Commission Minutes
May 22, 2012

Commission Members Present:

Chair Allen
Vice Chair Albert
Commissioner Griffin
Commissioner Clifford
Commissioner Copfer
Commission Albert
Commissioner Walker
Commissioner Cary

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Brad Kilby, Senior Planner

Council Liaison: Not present

1. **Call to Order/Roll Call** – Vice Chair Albert called the meeting to order. Roll call taken.

Absentees:

Chair Allen – will be ½ hour late

2. **Agenda Review** – No changes were made to the agenda
3. **Consent Agenda** – n/a
4. **City Council Comments** – none given
5. **Staff Announcements** – Julia provided staff announcements including:
 - The Grand opening of the Cannery Plaza will be June 2nd
 - Open house of the Tonka Trail - Wednesday – 5:00 pm - 8:00 pm at Fire and Rescue Training Facility on Tonkin Road.
 - TSP Connectivity Refinement open house – May 31 at Police community room 5:00 pm - 6:30 pm regarding the Cedar Brook Way to Elway and Mienike and the Hwy. Property owners immediately affected have been notified but are open to the general public. Flyers are available.
 - Town Center Plan – Transportation Growth Management Grant received. The IGA has been sign and the project is ready to go and starting to form committees. Looking for a liaison from the Planning Commission for the stake holder advisory committee. Old town, six corners, 5 meetings in the course of the year, looking for a volunteer.
 - On May 2nd, council approved trees on private property clean up modification.
 - In 2008, the planning commission acting as land mark advisory board approved the demolition of red house off of 1st street. Sur-Pak is interested in moving forward with this. It has already gone through the landmark alteration review and the approval is still valid. The house may be demolished soon.

6. **Community Comments** –

- **Susan Claus**, 22211 SW Pacific Hwy, Sherwood OR – It was her understanding that the meeting this evening was canceled. Would like a continuance as there will be a number of people who are not here this evening that would be interested in participating. There are quite a few people who would be interested in attending.

7. **Old Business** – n/a

8. **New Business** – PA12-01 Commercial, Industrial, Public and Institutional Uses –

This is a Public Hearing on those items; the purpose of this hearing is to provide the public an opportunity to submit testimony concerning this Code Clean-Up portion.

Staff Report – Brad Kilby – In response to public testimony – it was brought to his attention by another citizen calling to say that the city calendar showed that the meeting for this evening was canceled. The City website showed on the 8th that 57 people visited the website, not exclusively the calendar. It was in error that the calendar was not updated correctly. The meeting was still on the planning commission website, packet material was still there.

Julia Hajduk – There is a calendar page on the website that gives all the dates to events; council meetings, park board meetings, public notices, etc. We also sent out notices to 418 property owners in addition to the website. It was in error that the calendar was not updated correctly. Staff misunderstood which meeting was to be canceled.

Brad continued with his staff report by giving a recap of how the Code Clean-Up process has progressed. Including 3 work sessions, an open house and sending out a measure 56 notice. Measure 56 notices are sent out basically anytime you touch the zoning in any way that may or may not affect property value. We sent a notice to every commercial, industrial, public and industrial zoned property. We mailed over 418 notices with only around 20 returned. This proposal does not change anyone’s zoning. The project goals are: 1) consolidate chapters, 2) ensure the nomenclature is the same across all similar districts, 3) proposing eliminating Chapter 16-24 - Office Retail Zone, 4) clarification how multi-family uses are permitted within commercially zone properties and 5) establish a use classification system. Brad gave detailed explanation on each goal.

1. Consolidate the chapters for simplicity – we have 3 chapters in the industrial zone, 5 in the commercial zone and 1 in public/institutional zone. Each zone has “allowed”, “conditional” and “prohibited” uses. They also have dimensional standards and possibly have additional guidelines or standards that apply specifically to that zone. What staff has done is consolidated the 4 commercial chapters and are proposing to eliminate the office/retail into a single commercial chapter and put all of the uses into a table with the same with the dimensional standards of the codes. The use table format is where you will see the most changes. Dimensions would be consolidated down to a single table to “allow”, “conditional” and “prohibited” per each zone.
2. As you go through the code, it’s listed in alphabetically listed in allowed uses, conditional uses then prohibited uses. In some zones you see hospital and other areas you see hospital with emergency care facility. This should be consolidated to a general term of Hospital.
3. Proposing to eliminate Chapter 16.24 - office/retail - There are currently no properties deemed office/retail in Sherwood.

4. Proposing multi-family in a commercially zoned area. There are currently two ways to build multi-family structures on commercial properties 1) conditional use permit and 2) planned use development permit. There are design guidelines in some chapters and not in others. We are proposing to allow multi-family housing out-right, not through a conditional use or planned unit development, but require it to be secondary to the commercial uses on site and subject to high density residential standards for density. This would just go across the board. It eliminates processes, could lead to more development that is much more attractive and provide housing for those people working in the community.
5. Proposing creating a classification system. A guidepost for staff with definitions broken down by zone; residential, industrial, commercial, etc. This will not to be used to make decisions but rather help make an interpretation, as an addition to code 16.88.

Brad summarized by saying the overall objective was not to create any non-conforming uses. In a study Brad looked at 127 businesses in different parts of the city and only found 8 non-conforming uses. Proposal would apply to Commercial, Industrial, Public and Institutional Use zones and amend to 16.88 the interpretation of similar uses. In some cases the uses were expanded, for example, the industrial zones we have included some limited commercial and personal service uses that were not previously allowed consistent with what metro allows now.

Discussion ensued between Commissioners and Staff clarifying possible changes and definitions on items like: large scale and small scale power generation, household pets vs. agriculture and recreational vehicle parks and trailer parks with overnight stays.

Vice Chair Albert mentioned that he had not asked in the beginning of the meeting if there were any potential conflicts of interest. Julia expanded on the definition of a conflict of interest vs. a potential conflict of interest.

Commissioner Cary stated that he could have a potential conflict of interest as he owns a business in Sherwood but does not own any land in the commercial or industrial zones.

With that, Vice Chair Albert moved to the public testimony portion of the meeting.

Tim Voorhees, PO Box 908, Sherwood OR – Owner of Steel Tek Industries. One of his concerns was how many other commercial/ industrial property owners did not attend this meeting and voice their opinions because they looked at the calendar and thought the meeting was cancelled. He deals with cities and their codes all the time. He has difficult time with interpretation of zoning laws with the City of Sherwood. His example was from the Industrial/Commercial: he read “General retail use may include but are not limited to..” Why not be direct and say what we can do or not do on our properties. See Industrial page 4 of 8. Under Industrial: “Mini warehouse, housing and self-storage, light industrial – not permitted”. He believes if you refer back to the interpretations under industrials and it says “maybe”. He would prefer wording such as will or will not, rather than “may”. He also had concerns over the inconsistency of non-numbered pages.

Eugene Stewart, 22595 SW Pine Street, Sherwood, OR – His main concern is the process that is followed during the hearing. He feel that the City does not allow the involvement of

the citizens enough and that they would like to have some input and an opportunity to voice their opinions. He received a measure 56 notice with the wording “may affect you property value”, and was frustrated about not having details whether his value would be effected or not. He stated that the in the old process he was involved in there was more public involvement and he felt it worked better.

Commissioner Walker responded to Mr. Stewart’s testimony by listing the many ways notice is posted and mailed to let people know that there will be meetings held on different issues and that they would love more citizen involvement. She invited him to write some suggestions he may have on how to reach more citizens.

Tim Voorhees, PO Box 908, Sherwood OR – Owner of Steel Tek added additional testimony: Something he would like the City to take a look at is if someone comes in for a conditional use permit or asks for permission to do something on their land and they have to go back through and read all the material. He believes the staff gets paid to do the work to go make decisions against the applicant. All the research he has to do takes away from the profit of his business. He sees that if a property owner comes in and brings up a point; the city has attorneys and staff pitted against the property owner.

Susan Claus, 22211 SW Pacific Hwy, Sherwood OR – she asked if before the clock be started if she could ask a couple of questions: 1) the staff made mention of a survey they did of existing commercial property and found that these changes did not increase the non-conformity. She asked if that is part of the record. 2) She stated that the proposal would apply to all commercial, industrial and institutional of public use zones but that it is not mentioned the Langer PUD. She continued by saying that none of this applies to the Langer PUD. They have “grandfathered” zoning that goes back to 1995. They have 57 acres of industrial land that they use as commercial uses. She feels that when the codes are put together people act like they are just amorphous changes, but that they do have very serious impacts. At this point Susan asked for a continuance since she thought the meeting was cancelled she does not have all of her material together and believes two of their properties will be highly impacted by changes suggested in this code. She would like for this to be heard by the Planning Commission. Directing a comment to Commissioner Walker about comments she made earlier about public involvement Mrs. Claus voiced her concern about lack of time for the public to respond, since the staff report does not come out until 7 days before the formal hearing. When written materials are submitted by the public there is no verification that any Commissioners or City Council members have read the material. Citizens only receive 5 minutes to speak but are not given a chance to make a counter point after other testimony has been given. There are only 2 pieces of property on the highway that are impacted. Most of the general commercial that is left to be built is on the highway. She does not feel this is addressing the whole town but just the properties on the highway. there is now another Transportation System Plan amendment that will drive a road through those remaining properties on the highway. She would like to have an opportunity to speak in front of the citizens. She believes people do not show up because they are afraid or disgusted or they don’t want to speak up. She feels that even if you try to sell your property, you have no idea what the staff is telling a potential buyer. Since the Planning Commission decision is only a recommendation she does not know if a language change will do any good.

Discussed was held regarding the request for a continuance. Julia updated Chair Allen on the calendar issue that showed this meeting had been cancelled. The meeting is legislative and a

recommendation to the City Council. There were 418 notices to property owners as well as posting the notices around town. The Commissions considered the ramifications of continuing the hearing.

An additional blue card was submitted for public testimony and was allowed.

Susan Russell, 22852 SW Forest Creek Drive #101, Sherwood OR – she has been in communication with Brad as she was one of the 418 notices sent out that did not get delivered due to a bad address. She currently lives in the Woodhaven Crossing community which includes commercial and residential property. People there consider her the manager and seek her out if they don't understand issues within the community as she is in contact with the HOA frequently. She tried to understand if the changes would affect the property values of any of the homeowner in that community. She would like to request a continuance and allow one more public hearing that is put on the calendar and allow the homeowner's time to read the documents available.

The commission discussed the requests for continuation. Julie reiterated her staff recommendation which is that it would not hurt to continue the hearing.

Commissioner Cary asked what the pros and cons would be for taking out the conditional uses and only having permitted and non-permitted uses.

Brad's response was that generally conditional uses are uses that would not be permitted outright in a zone because they may or may not be compatible. Until something is submitted there is no way to know what would be proposed and how the property would be used and how it could affect neighboring properties.

Brad continued by saying he feels his job is not to put obstacles in front of people that want to develop, but rather to help facilitate development and if it is a permitted use he will try to help set it up so it can move through the process simply, if it is a conditional use he will try to help understand what the citizen's concerns are going to be, so they can be adequately addressed. If it is not a permitted use he will convey that at the counter so that time and money are not wasted pursuing something that is not allowed.

Chair Allen: Move to continue PA12-01 Commercial and Industrial and Public uses code update to the meeting of June 12 and return to the order of public testimony.

Commissioner Cary seconded the motion. A vote was taken and all present were in favor. The motion passed.

Chair Allen commented that he feels that the Planning Commission has made some great steps to try to broaden public input. As Commissioner Walked mention the Commission has expanded the public notice to 1000' which is one of the largest notice ranges in the entire state. That was changed after receiving public input. The public notice signs have been changed to make it easier to see that something is going on and figure out how to engage in the process. He does agree that the Commission needs to do more, but that it is a body and a process that is geared to encourage public testimony and takes it into consideration.

Vice Chair Albert closed the meeting