



Home of the Tualatin River National Wildlife Refuge

**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
June 14, 2011- 7PM**

Business Meeting – 7:00

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda:** Minutes – April 12 and April 26, 2011
- 4. Council Liaison Announcements**
- 5. Staff Announcements**
- 6. Community Comments**
- 7. Old Business: None**
- 8. New Business**

a. Public Hearing PA 11-02 Parks and Open Space Code Clean-up

Proposed code changes include: clarifying the definitions of density, dwelling and townhome; removing the minimum parcel size for open space requirements in townhome developments; referencing the open space or park requirement standards in the subdivisions section; and adding requirements for open space or park reservation in new subdivisions. The Planning Commission will make a recommendation to the City Council who will make the ultimate decision.

9. Adjourn

Work Session – Following the Business Meeting

- 1. Review draft proposed amendments**
 - a. Public improvements,**
 - b. Modifications to site plans**
- 2. Tree removal – review alternative options**
- 3. Review final draft use changes**
 - a. Commercial uses**
 - b. Industrial uses**

Next Meeting:

June 28, 2011 – Work Session – Continued Code Clean-Up

CONSENT AGENDA

City of Sherwood, Oregon
Draft Planning Commission Minutes
April 12, 2011

Commission Members Present:

Commissioner Clifford
Commissioner Albert
Commissioner Griffin
Commissioner Walker
Commissioner Copfer

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner
Karen Brown, Recording Secretary

Commission Members Absent:

Commissioner Cary
Chair Allen

Council Liaison – Councilman Luman

1. **Call to Order/Roll Call – Commissioner Walker** called the meeting to order.
2. **Agenda Review** – consists of Consent Agenda from February 22, 2011, Council Liaison announcements, Staff announcements, Community Comments. The business meeting will be followed by a Work Session.
3. **Consent Agenda** – includes minutes from February 22, 2011. The Commission chose to wait for the next meeting when more Commissioners that had attended the February meeting would be present.
4. **City Council Comments** – Councilor Luman gave an update from the City Council which included reporting that due to budget constraints they have tabled the moving forward of a Skate Park in Sherwood at this time. He also conveyed that the Council recently recognized a group of Eagle Scouts for the excellent work they have done in the community and noted the appointments of the two new Planning Commissioners Copfer and Clifford
5. **Staff Announcements** – Julia’s announcements included:
 - noting that Commissioner Copfer and Commissioner Clifford were appointed at the recent City Council meeting and that an upcoming Planning Commission work session will include some training and veteran Commissions’ sharing their insight and experience. The new Commissioners have received their Code books and Julia informed the other Commissioners that Supplement 11 is ready for their books. Julia also provided a new manual for all Commissioners providing an overview of the Planning process and Commission roles.
 - The Arbor Day celebration was planned for April 22, 2011 in an area behind Inkster Drive and everyone was invited to come and help plant trees.

- Volunteer recognition was scheduled for April 13 to thank all of the City Volunteers including Planning Commission members for their efforts.
- The Council had adopted most of the Phase II Code Clean-Up changes that the Commission had recommended; however they did suggest splitting the issues of Chickens and Amateur Radios out from the rest of the proposed changes as they would like more information on those two topics, but did not want to hold up the rest of the proposed changes.

6. Community Comments – Jeff Dorothy 21913 SW Sherwood Blvd, Sherwood OR introduced himself by saying that he and his wife have lived in Sherwood since 1988, have raised their children here and love the city. Mr. Dorothy is the Pastor of New Life Assembly of God here in Sherwood. His reason for testifying before the Commission is that their Church has been trying to find a large enough venue for them to meet on a regular basis for quite some time. The recent Adams Avenue project has taken a large portion of their property which would preclude them from any plans for building on their own site. They have been meeting at different schools in Sherwood since 2001 for their Sunday services to accommodate the number of people attending. They have been looking into the possibility of holding services in areas zoned Light Industrial. They have met with Heather and Julia to discuss the rules for that type of zoning, but feel the rules are still very confusing. They have located a building they feel would serve them quite well on Tualatin-Sherwood road, near DEQ. The owner of the building is agreeable to renting/leasing the space to the Church. It is his understanding though, that churches are not allowed in Light Industrial zoning. He is here to ask the Commission to consider the possibility of allowing their use in that location. He believes their organization provides benefits to the city including: their members cleaning up local parks, they have cleaned the Middle School parking lot and donated time to the school as well being a partner in “Hope Diner” a group of local churches that offers a meal to anyone that needs it Sunday evenings here in town as well as helping members in need during hard times.

He mentioned a couple other areas in town that are zoned Light Industrial that include businesses like bike shops, real estate agents, investment counselors and dog washes and wonders how those uses conform to Light Industrial and that a church would not. Another factor they have thought about is that a day care facility might be allowed in that zone and that churches make great day care facilities.

Julia further explained that she and Heather had met with Jeff Dorothy to discuss the zoning and that they are in the midst of the Code Clean-Up process and that they were encouraged to come and speak to the Commission. Heather has placed a call to Metro to see if there is even a chance that a church could be allowed in an industrial zone given Metro requirements limiting certain uses in industrial zones. She had not received a response at the time of the meeting.

7. Old Business – None

8. New Business – None

Commissioner Walker closed the business meeting and opened the work session.

End of minutes.

City of Sherwood, Oregon
Draft Planning Commission Minutes
April 26, 2011

Commission Members Present:

Chair Allen
Commissioner Clifford
Commissioner Albert
Commissioner Cary
Commissioner Copfer

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner
Karen Brown, Recording Secretary

Commission Members Absent:

Commissioner Griffin
Commissioner Walker

Council Liaison – Councilman Luman

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order.
2. **Agenda Review** – the agenda consisted of the consent agenda and announcements
3. **Consent Agenda** – Minutes for the February 22, 2011 were reviewed. Chair Allen reminded everyone that is not necessary for Commission members to have been at a meeting to be included in a vote as long as they have reviewed the minutes. He then asked for any changes or comments to the minutes. Seeing none, he asked for a motion to approve the consent agenda. Commissioner Cary made a motion, Commissioner Copfer seconded the motion. A vote was taken and all members present were in favor and the motion passed.
4. **City Council Comments** – Councilor Luman was not present
5. **Staff Announcements** – Julia made several announcements including:
 - reporting that the Arbor Day celebration had been held recently and was very successful. The City received its 6th Growth Award.
 - As part of the Code Clean-Up project the Planning Department is holding a Dessert and Discussion meeting May 6th from 6:00 to 7:30. We are inviting local HOA members and other interested parties to come and mingle and discuss issues as well as talk to the Planning Department Staff about trees while they are here. She invited Commissioners to come as well.
 - On April 25th, the Hearings Officer approved the Costal Farm and Ranch Store site plan and conditional use. She is expecting a formal decision to be issued later

in the week which may mean the city will see something new for that site in the near future.

- Heather had asked Julia to report that the group that has been working on the Business Plan for the Community Center has wrapped up and will be presenting their plan to the City Council on May 3rd. Chair Allen asked if there was a summary document that they could review. Julia will check and let him know.

6. **Community Comments** – none given

7. **Old Business** – None

8. **New Business** – Included selecting a Vice Chair. A discussion was held regarding interest in being the Vice Chair among the Commissioners. Commissioner Albert expressed an interest. Although not present Commissioner Walker had indicated she would nominate Commissioner Griffin if he was interested or that she would be a potential option if he was not interested. (Commissioner Griffin was not in attendance either.) Commissioner Copfer nominated Commissioner Albert. Chair Allen closed the nominations and asked for a vote. All members present were in favor of appointing Commissioner Albert as Vice Chair.

Chair Allen adjourned the meeting and moved onto the Work Session.

End of minutes.

NEW BUSINESS

a.

File No: PA 11-02 Parks and Open Spaces in New Subdivisions

Signed: Heather M Austin
Heather Austin, AICP, Senior Planner

Proposal: The City is in the process of a multi-phase code clean-up project with the goal of providing a more clear and usable code for both citizens and developers. The proposed amendments to add language to the code regarding parks and open spaces in new subdivisions are attached to this report as Exhibits A.1 through A.4 and include:

- 1) Updates to the definitions section;
- 2) Updates to the townhomes standards to clarify open space and park standards;
- 3) Updates to the subdivision (preliminary plat) standards to clarify open space and park standards; and
- 4) A new section (16.142.030) requiring parks or open space in new residential subdivisions.

I. **BACKGROUND**

- A. Applicant: This is a City-initiated text amendment; therefore the applicant is the City of Sherwood.
- B. Location: The proposed amendment is to the text of the development code and, therefore 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 will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the June 14, 2011 Planning Commission hearing on the proposed amendment was published in *The Gazette* on 6/1/11 and *The Times* on 6/2/11. Notice was posted in 5 public locations around town and on the web site on 5/25/11.

While this does apply citywide, it does not affect the permissible uses of any property; therefore Measure 56 notice was not required or provided. DLCDC notice was provided 4/28/11.

- 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 began the code clean-up project in 2010 as a way to update all sections of the code to provide clarity to citizens and developers and to address any local, county, regional or state standards that have gone into effect and that require changes to the code. When the Brookman Area Concept Plan was adopted in 2009, one identified issue of concern was open space and park requirements of new subdivisions. The attached code changes are proposed in order to clarify park and open space standards and to meet conditions of the Brookman Area Concept Plan. These changes require park or open space area be reserved with new residential subdivision

applications. Currently, a developer proposing a single-family residential subdivision is not required to dedicate or reserve park/open space area, but the developer is charged a parks system development charge (SDC) that covers 100% of the need created by the development (i.e. the residents of the new homes will utilize parks and, therefore, the developer is responsible for providing these parks or an equivalent cash amount). Any land conveyed as required by these new standards would be eligible to receive a credit toward the parks SDC. In addition, the city plans to update the SDC methodology to identify these new requirements, and adjust the SDC rate accordingly.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent request for comments to the standard agency notification list. The City has received no responses to date.

Public:

No formal public comments have been received to date on the proposed amendments; however the City and Commission have received input from the public during informal listening sessions and via public surveys. In addition, staff has met twice with the Parks Board to review language and receive input. All of these comments helped guide the proposed amendments under review.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3.

16.80.030.1 - 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.

Need Identified

The City has long identified that the code is not always clear. One example of this is in the definitions section, where determining whether a project is subject to townhome or multi-family standards is not clear. This, in turn, causes confusion as to which standards a project must meet, including open space requirements. In addition, the Brookman Area Concept Plan identified the need for standards regarding open space and park preservation in subdivision developments when a PUD is not proposed. When the Brookman Area Concept Plan was adopted, it included provisions to ensure that the issue of open space was addressed prior to annexation and development. In order for the Brookman area to be annexed to the City of Sherwood, code language must be adopted that addresses the deficiency of open space and park area in residential subdivisions, the primary development type planned for the Brookman area. These standards will apply generally throughout the city and to future areas annexed into the city, requiring open space dedication of all new residential subdivisions.

Comprehensive Plan and Code

Goal 3 of the "Planning Goals- Recreational Resources" in Chapter 5 of the Comprehensive plan states, "Acquire park and open space land as far in advance as possible to avoid high land costs and the possibility of having to purchase developments later on. The City intends to take full advantage of matching funds from state and federal agencies in the development of its park system". The proposed code language furthers this goal by providing an additional opportunity for the early acquisition of park and open space land, at time of subdivision. The updates proposed to the definitions, townhomes, and preliminary plat sections are to ensure that the proposed open space and park requirement is consistent will all other parts of the development code.

Applicable Regional (Metro) standards

There are no known Metro standards that this proposed amendment would conflict with.

Consistency with Statewide Planning Goals

Goal 1- "Citizen Involvement"

The purpose statement of Goal 1 is "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process".

The proposed code changes do not include changes to the City's citizen involvement program, which is in compliance with Goal 1.

Goal 2- "Land Use Planning"

The purpose statement of Goal 2 is "to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions".

The proposed code changes affect all new subdivisions but do not change the way a subdivision application is processed. The City's land use planning process and policy framework, which are in compliance with Goal 2, will not change.

Goal 5- "Natural Resources, Scenic and Historic Areas and Open Spaces"

The purpose statement of Goal 5 is "to protect natural resources and conserve scenic and historic areas and open spaces". In addition, the first two guidelines of Goal 5 are:

- 1) The need for open space in the planning area should be determined, and standards developed for the amount, distribution, and type of open space.
- 2) Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space lands to inconsistent uses. The maintenance and development of open space in urban areas shall be encouraged.

The proposed development code language furthers the purpose of Goal 5 by requiring open space or park area in new subdivisions. Currently, open space is required when developing a Planned Unit Development (PUD), townhome or multi-family project, but not for a single-family or duplex subdivision. The proposed standards will allow the city to obtain more of the open space identified as needed in the Parks Master Plan. The proposed language also provides clear criteria for the uses of the open space lands and encourages development of open space in the Sherwood urban area.

Goal 10- "Housing"

The purpose statement of Goal 10 is "to provide for the housing needs of the citizens of the state".

While the proposed changes do add a requirement to new residential (housing) subdivision applications, the proposed requirement will be SDC creditable and, therefore, no change is anticipated to the development of housing in the city. The language includes a density section (proposed Section 16.142.030.D) that does not require a density reduction based on the park requirement and, therefore, no loss of housing is anticipated. The requirements will reduce the SDC burden on the developer while providing an amenity within a development.

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

16.80.030.2 – 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 requirement of open space in new subdivisions will not result in a change of uses otherwise permitted and will have no impact on the amount of traffic on the 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 11-02 to the City Council.

V. EXHIBITS

- A. Proposed development code changes:
 - 1. Chapter 16.10 Definitions
 - 2. Chapter 16.44 Townhomes
 - 3. Chapter 16.122 Preliminary Plats
 - 4. Chapter 16.142 Parks and Open Spaces

Chapter 16.10 DEFINITIONS

16.10.020 SPECIFICALLY

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

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

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

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

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

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

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

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

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

Chapter 16.44 TOWNHOMES

16.44.010 Townhome Standards

A. Generally

A townhome may be located on property zoned MDRH or HDR, or in other zones as specified in an approved Planned Unit Development, provided that the townhome meets the standards contained below, and other applicable standards of Division V - Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.

(Ord. 2002-1126, § 2)

B. Standards

1. Each townhome shall have a minimum dwelling area of twelve-hundred (1,200) square feet in the MDRH zone, and one-thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.
2. Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill," and meets the criteria of Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.
3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.
4. All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2- 1/2) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.
5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Subsection E, Design Standards.
6. All townhomes in the MDRH zone shall have an attached or detached garage.
7. All other community design standards contained in Divisions V, VIII and IX 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 that are not specifically varied by this Chapter, shall apply to townhome blocks.

8. All townhome ~~developments over two (2) acres~~ shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.

9. Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:

TABLE INSET:

a.	100 feet to 150 feet	6 feet minimum
b.	Less than 100 feet	5 feet minimum

* In the case of condominium projects where no property line may exist at the end of each townhome block, the setback shall be applied as a minimum area of separation, as applied to each townhome block.

(Ord. 2002-1126, § 2)

Chapter 16.122 PRELIMINARY PLATS

16.122.010 Generally

A. Approval Required

All subdivisions and partitions are subject to preliminary plat approval through the Type II, Type III or Type IV review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

B. Action

The City shall review preliminary plat applications submitted in accordance with Section 16.70 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.

C. Required Findings

No preliminary plat shall be approved unless:

1. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.
2. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.
3. The plat complies with Comprehensive Plan and applicable zoning district regulations.
4. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
5. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
6. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
7. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

8. A minimum of five percent (5%) open space has been provided per Sections 16.44.B.8 (Townhomes- Standards) or 16.142.020 (Parks, Open Spaces and Trees- Single-Family Residential Subdivisions), if applicable.

Chapter 16.142 PARKS ~~AND~~, OPEN SPACES ~~AND TREES~~

16.142.010 Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in Chapter 16.40 – Planned Unit Development (PUD).

(Ord. 2006-021; 91-922, § 3)

16.142.020 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards (townhome development requirements for open space dedication can be found in Chapter 16.44.B.8- Townhome Standards):

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land

and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

16.142.030 Single-Family or Duplex Residential Subdivisions

- A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, tot lots, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:
 - 1. Required yards or setbacks.
 - 2. Required visual corridors.
 - 3. Required sensitive areas and buffers.
 - 4. Any area required to meet a standard found elsewhere in this code.

- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.
 - 1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.

- C. The open space shall be conveyed in accordance with one of the following methods:
 - 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
 - 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

- D. The density of a single-family residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.
 - 1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.

- E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.

F. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.

G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current *Parks and Recreation System Development Charges Methodology Report*. At no point shall the SDC and open space conveyance requirement exceed one hundred percent (100%) of the need created by the development.

16.142.~~030~~040 Visual Corridors

16.142.~~040~~050 Park Reservation

16.142.~~050~~060 Street Trees

16.142.~~060~~070 Trees on Property Subject to Certain Land Use Applications

16.142.~~070~~080 Trees on Private Property- not subject to a land use action

16.142.~~080~~090 Recommended Street Trees

WORK SESSION

1.a.



Home of the Tualatin River National Wildlife Refuge

Community Development Department

22560 SW Pine St
Sherwood, OR 97140
503-625-4202

Memorandum

DATE: June 7, 2011
TO: Planning Commission
FROM: Michelle Miller, AICP, Associate Planner
SUBJECT: Public Improvements, Division VI. of the Sherwood Development Code

Division VI of the Sherwood Zoning and Community Development Code (SZCDC) describes the public improvements required of development projects from the beginning of the preliminary land use approval process to the final inspection by the engineering department and the submittal of the maintenance bond. Any proposed public improvements on or off site are reviewed by the Engineering Department and follow the requirements set forth in the Transportation System Plan (TSP, 2005). The plans must also be in compliance with the City's Engineering Design and Standards Detail Manual (Engineering Design Manual) (2009). The Engineering Design Manual provides the technical details required for public improvements; however there are certain elements that are not currently consistent with the Development Code and require attention.

The Planning Commission held a work session on January 25 to discuss the issue paper about Public Improvements and some possible recommendations for this section of the code. Staff led brown bag luncheon with developers on this topic in March to get feedback on issues, concerns and recommendations for this chapter. A second work session was held on April 24, 2011 where the Planning Commission provided a general direction which allowed staff to proceed with draft changes. Since the April work session, staff met with engineering staff, conducted further research and refined the proposed language of Division VI, Public Improvements.

The following issues are addressed in the draft language for your review:

- Street Renaming will move to the Municipal Code with the same procedures in place
- Street Design Modifications-removal of letter of concurrency and insert clearer process that is initiated at the time of land use submittal
- Removal of technical street design standards
- Insert reference to the Transportation System Plan and Engineering Design Manual
- Insert language regarding a rough proportionality finding by staff
- Change the minimum requirements for submission of a Transportation Study
- Reorder the public improvement section to follow a more chronological order

Attached are the proposed changes which are reflected in track changes with new text identified in blue underline and deleted text with ~~red~~ strikethrough. Several sections have been moved to other places in the Code and are identified with green double underline and where they moved *from* in ~~green~~ double strikethrough.

At the June 14th Planning Commission meeting, we will be asking the Commission to review the draft of the Code language and provide feedback. After receiving this feedback, staff will follow-up as needed and revise the language for a future work session.

ATTACHMENT 1: Proposed Code amendment language Division VI.-Public Improvements

Division VI.

PUBLIC IMPROVEMENTSINFRASTRUCTURE

Chapter 16.104

GENERAL PROVISIONS*

Sections:

16.104.010 ~~Standards~~ Purpose

16.104.020 Future Improvements

16.104.030 Improvement Procedures

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

16.104.010 ~~Standards~~ Purpose

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require any proposed construction of buildings and or development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. ~~The Council may establish specifications to supplement the standards of this Code and other applicable ordinances.~~ Except as otherwise provided or authorized, private improvements serving substantially the same function as equivalent public facilities, shall generally be provided and improved at the standards established by this Code and other City regulations.

Green Street elements such as bioswales and porous pavement are encouraged where appropriate and feasible. Where a specific design standard supporting a green street concept is not included in the ~~Construction Standard Drawings~~ Engineering Design and Standard Details Manual (Engineering Design Manual), the design will be considered by the Engineering Department, provided additional documentation is provided to the Engineering Department that documents the design is appropriate, has a design life equal to a traditional paved street, and the maintenance costs to the City are comparable to traditional streets. ~~can be maintained easily in that location.~~

(Ord. 2006-021; 2005-006 § 5; Ord. 86-851)

16.104.020 Future Improvements

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, are identified within the Transportation System Plan (TSP) and as depicted in Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only. The precise alignments and locations of public improvements shall be established during the ~~actual development~~ land use process and shall be

depicted on public improvement plans submitted and approved pursuant to Chapter 16.106 and 108 and other applicable sections of this Code.

(Ord. 2005-006 § 5; Ord. 86-851)

16.104.030 Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and shall be installed in accordance with Chapter 16.106.8. The Council may establish specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, No public improvements shall be undertaken until land use approval has been granted, an a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

(Ord. 2005-006 § 5; Ord. 86-851)

~~Chapter 16.106~~

~~IMPROVEMENT PLAN REVIEW*~~

~~Sections:~~

~~16.106.010 Preparation and Submission~~

~~16.106.020 Construction Permit~~

~~16.106.030 Construction~~

~~16.106.040 Acceptance of Improvements~~

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

~~16.106.010 Preparation and Submission~~

~~Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.~~

~~A. Review Fee~~

~~Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.~~

~~B. Engineering Agreement~~

~~A copy of an agreement or contract between the applicant and Registered Civil Engineer for:~~

- ~~1. Surveying sufficient to prepare construction plans.~~
- ~~2. Preparation of construction plans and specifications.~~
- ~~3. Construction staking, and adequate inspection.~~
- ~~4. Construction notes sufficient to develop accurate as-built plans.~~
- ~~5. Drawing of accurate as-built plans and submission of reproducible mylars to the City.~~
- ~~6. Certificate stating that construction was completed in accordance with required plans and specifications.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)~~

~~16.106.020 Construction Permit~~

~~A. Approval~~

~~The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.~~

~~B. Permit and Fee~~

~~Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.~~

~~C. Easement Documents~~

~~Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.~~

~~D. Improvement Guarantees~~

~~Prior to issuance of a construction permit the applicant shall file the following documents with the City:~~

~~1. Liability Insurance~~

~~Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.~~

~~2. Performance Bond~~

~~To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)~~

~~16.106.030 Construction~~

~~A. Initiation of Construction~~

~~Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.~~

~~B. Inspection~~

~~All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.~~

~~C. As-Built Plans~~

~~A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.~~

~~D. Suspension of Improvements Activity~~

~~The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

~~16.106.040 Acceptance of Improvements~~

~~———— A. ————~~ Final Inspection

~~At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.~~

~~———— B. ————~~ Notification of Acceptance

~~The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.~~

~~———— C. ————~~ Maintenance Bond

~~At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.~~

~~(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)~~

~~Chapter 16.108~~

STREETS* 16.106 TRANSPORTATION FACILITIES

Sections:

- 16.~~108~~106.010 Generally
- 16.~~108~~106.~~0230~~ Required Improvements
- 16.~~108~~106.~~040-030~~ Location and Design
- 16.~~108~~106.~~050-040~~ Street Design
- 16.~~108~~106.~~060-050~~ Sidewalks
- 16.~~108~~106.~~070-060~~ Hwy. 99W Capacity Allocation Program (CAP)
- 16.~~108~~106.~~080-070~~ Bike Paths

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

16.~~108~~106.010 Generally

A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional classification of said streets, as shown on the Transportation Plan Map, shown in Figure 1, in Chapter 6 of the Community Development Plan, and in other applicable City standards. The following table depicts the guidelines for the street characteristics. (Insert Table)

B. Street Naming

1. All streets created by the subdivision or partition process will be named prior to submission of the final plat.
2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.
3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.
4. All streets named shall conform to the general requirements as outlined in this Section.
5. Private streets, at the request of the owner(s), may be named and addresses issued with the approval of the City. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

~~C. Street Renaming~~ *Note: Move to Municipal Code Title 12 on Streets, Sidewalks and Public Places

- ~~1. An action to rename a street in the City may be initiated by the Council:~~
 - ~~a. On its own action; or~~
 - ~~b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.~~
- ~~2. A petition for naming or renaming a street shall include the following:~~
 - ~~a. A statement of the reasons for the proposed name change.~~
 - ~~b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.~~
 - ~~c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.~~
- ~~3. Notice and Hearing~~
 - ~~a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.~~

~~b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:~~

~~(1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and~~

~~(2) Notice by publication in a newspaper of general circulation in the area of the subject road.~~

~~c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.~~

~~d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.~~

~~e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.~~

~~f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.~~

DC. Street Name Standards

1. All streets named or renamed shall comply with the following criteria:
 - a. Major streets and highways shall maintain a common name or number for the entire alignment.
 - b. Whenever practicable, names as specified in this Section shall be utilized or retained.
 - c. Hyphenated or exceptionally long names shall be avoided.
 - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.
 - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.
2. The following classifications (suffixes) shall be utilized in the assignment of all street names:

- a. Boulevards: North/south arterials providing through traffic movement across the community.
 - b. Roads: East/west arterials providing through traffic movement across the community.
 - c. Avenues: Continuous, north/south collectors or extensions thereof.
 - d. Streets: Continuous, east-west collectors or extensions thereof.
 - e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.
 - f. Lanes: Short east/west local streets under 1,000 feet in length.
 - g. Terraces: short north/south local streets under 1,000 feet in length.
 - h. Court: All east/west cul-de-sacs.
 - i. Place: All north/south cul-de-sacs.
 - j. Ways: All looped local streets (exceeding 180 degrees).
 - k. Parkway: A broad landscaped collector or arterial.
3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.
 4. All proposed street names shall be approved, prior to use, by the City.

ED. Preferred Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

1. Original holders of Donation Land Claims in Sherwood.
2. Early homesteaders or settlers of Sherwood.
3. Heirs of original settlers or long-time (50 or more years) residents of Sherwood.
4. Explorers of or having to do with Sherwood.
5. Indian tribes of Washington County.
6. Early leaders and pioneers of eminence.

7. Names related to Sherwood's flora and fauna.
8. Names associated with the Robin Hood legend.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-006, § 5; Ord. 92-947, § 1; Ord. 91-922)

Note: Section 16.108.020, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) and permanently relocated in the Municipal Code).

16.108.106.030-020 Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.

B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the City of Sherwood Construction Standards, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.

2. If the City could and would otherwise require the applicant to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

~~Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.~~

E. Street Transportation Facilities Modifications

1. Modifications to standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP) may be granted in accordance with the procedures and criteria set out in this section.
2. ~~Types of Modifications. Requests fall within the following two categories:~~
 - a. ~~Administrative Modifications. Administrative modification~~ Modification requests concern the ~~— construction of facilities, rather than their~~ general design of ,facilities, and are ~~limited to the following when — a deviating deviation~~ from standards in this Chapter, Section 16.58.010, City of Sherwood Engineering Design and Construction Standard Details Manual or Chapter 8 contained in the adopted Transportation System Plan: The following standards that may be modified through the following process include but are not limited to:
 - (1) ~~— Surfacing materials for roads or pedestrian facilities.~~

- ~~(2) Asphalt and/or base rock thickness less than required.~~
- ~~(3) Pavement marking layout.~~
- ~~(4) Exceeding the maximum street grade.~~
- ~~(5) Type and/or location of signage.~~
- ~~(6) Channelization.~~
- ~~(7) Intersection interior angles and curb radii less than required.~~
- ~~(8) Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested.~~
- ~~(9) Access-related modifications onto collectors, arterials, and state routes provided other substantive criteria such as sight distance and limited access points are met; and provided further that access to a lesser classification of road is not available.~~
- ~~(10) Needed changes as a result of a field investigation during construction.~~
- ~~(11) Similar revisions to the standards.~~

~~b. Design Modifications. Design modifications deal with the vertical and horizontal geometries and safety related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8 cross-sections in the adopted Transportation System Plan:~~

- ~~(1)a~~ Reduced sight distances.
- ~~(2)b~~ Vertical alignment.
- ~~(3)c~~ Horizontal alignment.
- ~~(4)d~~ Geometric design (length, width, bulb radius, etc.).
- ~~(5)e~~ Design speed.
- ~~(6)f~~ Crossroads.
- ~~(7)g~~ Access policy.
- ~~(8)h~~ A proposed alternative design which provides a plan superior to these standards.
- ~~(9)i~~ ~~All other standards.~~ Low impact development.
- (i) Access Management Plans

- 3. ~~Procedure. A modification request shall be classified as an administrative decision by the City Engineer. When a modification is requested to provide a green street element that is not included in the Construction Standards, the below process shall be followed, however no fee shall be required.~~
 - ~~a. Administrative Modification. Administrative modifications may be requested at any time and are processed as Type II applications, unless defined under (C)(2) below. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.~~
 - ~~b. Design Modification Procedure~~
 - a. Design Modifications shall be proposed with the submittal for land use approval.~~land use approval.~~
 - ~~in conjunction with the application for the underlying development proposal and~~
 - b. The modification is processed as a Type III application. Design modification requests shall be processed in conjunction with the underlying development proposal, ~~unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:~~
 - c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.
- ~~(1) Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable.~~
 - ~~(2) Include a letter of Concurrency from the City Engineer.~~
 - ~~(3) Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments.~~
 - ~~(4) In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard.~~
 - ~~(5) For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.~~

4. Criteria for Modification: ~~Street modifications~~ Modifications may be granted when criterion 4a and any one of criteria 4b through ~~4f~~ 4e are met:

~~a. A letter of concurrency is obtained from the City Engineer or designee.~~

~~fa. In reviewing a modification request, c shall~~ Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any ~~modification shall~~ modification shall be the minimum necessary to alleviate the hardship or disproportional impact.

b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.

c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.

d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.

e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

~~f. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009 § 5; Ord. 91-922; Ord. 86-851, § 3)

16.108106.040-030 Location

A. Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.

B. Street Connectivity and Future Street Systems

1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8). **Insert Picture**
 2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.
 - a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints, it shall provide an alternate connection approved by the Review Authority.
 - b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.
 - c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.
 3. Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.
 4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.
 5. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.
 6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted ~~TSP~~. **Transportation System Plan**.
-

7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
- a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
 - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
 - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

C. Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-017 § 5; Ord. 2005-009, § 5; Ord. 91-922; Ord. 86-851)

D. Additional Setbacks Moved from 16.58.020 with Ord. 11-03.

Generally ~~Additional~~additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

TABLE INSET:

	Classification	Additional Setback
1.	Major <u>Principle</u> Arterial <u>(99W)</u>	61 feet
2.	Minor Arterial	37 feet
3.	Collector	29 feet <u>32</u>
4.	Local <u>Neighborhood Route</u>	26 feet <u>32</u>
5.	<u>Local</u>	<u>26 feet</u>

16.108106.050-040 Street Design

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood's Design Engineering Design and Standard Details Construction Manual.

A. Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets shall not be allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the City appropriate jurisdiction that maintains the street.

B. Alignment

All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet will not be allowed.

C. Future Extension

Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the proposed development and provide a roadway width necessary for the future development. Dead-end streets less than 100' in length shall ~~either comply with City cul-de-sac standards of Section 16.108.060, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.~~ the Engineering Design Manual.

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

D. Intersection Angles

1. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In ~~no all cases, the applicant shall~~ comply with refer to the Engineering Design Manual. ~~shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.~~

~~2. Arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography~~

~~requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections.~~

E. Cul-de-sacs

1. All cul-de-sacs shall ~~be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and shall~~ be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation and shall be no more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.

2. All cul-de-sacs shall terminate with a ~~circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead~~ turnaround in accordance with the specifications in the Engineering Design and Construction Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.

~~3. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.~~

~~4.3.~~ Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle accessways at least 6 feet wide where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, connect to other streets, ~~and/or~~ connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP and other the Engineering Design and Standards Detail Manual ~~City standards.~~ or provisions identified within this Code in order to preserve trees.

F. Grades and Curves

Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual. ~~not exceed six percent (6%) for arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%).~~

G. Streets Adjacent to Railroads

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

I. Median Islands

As illustrated in Chapter 8 of the adopted Transportation System Plan, median islands may be required ~~used~~ on arterial or collector streets for the purpose of controlling access, providing for pedestrian safety or for aesthetic purposes.

~~J. Curbs~~

~~Except in the Old Town Overlay District where curbless (woonerf) streets are permitted, or as otherwise approved by the City Engineer, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height.~~

~~K.J.~~ Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

~~L.K.~~ Traffic Controls

1. For proposed residential developments with over an estimated 200 average daily vehicle trips (ADT)
~~For developments of five (5) acres or more, the City may require~~requires a traffic impact analysis to

determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. ~~Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit.~~

2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT or otherwise required by the City Engineer, the City requires a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.

~~M.L.~~ Traffic Calming

1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
 - a. Curb extensions (bulb-outs).
 - b. Traffic diverters/circles.
 - c. Alternative paving and painting patterns.
 - d. Raised crosswalks, speed humps, and pedestrian refuges.
 - e. Other methods demonstrated as effective through peer reviewed engineering studies.
2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.

~~M.N.~~ Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the ~~City of Sherwood Transportation Technical Standards and the standards of this Division~~ Engineering Design Manual.

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
 - a. Minimum right-of-way radius at intersections shall conform to city standards.
 - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the City Engineering Design and Construction Manual.

- c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
- d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
- e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:

GRAPHIC UNAVAILABLE: [Click here](#)

2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

a. Local Streets:

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

c. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

There joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100)

feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

(1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

(2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:

(a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

(b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

(3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

3. Exceptions to Access Criteria for City-Owned Streets

~~a.~~ Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is reviewed and approved by the City Engineer ~~after considering the applicant's compliance with this Chapter~~ as part of land use submittal or modification as described in § 16.106.020 E. (Transportation Facilities Modifications) and the Engineering Design Manual.

~~b. — An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application, including citations and numbers of engineering publications used to demonstrate compliance.~~

~~c. — An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:~~

~~(1) — The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard on each side of the subject property, as set forth in Section 16.108.050.N.2, measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 (1,200 + 500) feet in length.~~

~~(2) — The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.~~

~~(3) — The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.~~

~~(4) — The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.~~

~~(5) — Notice for a proposed access management plan shall include all property owners within the study area defined above.~~

4. Access in the Old Town (OT) Overlay Zone

a. Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

- b. Partial Access Management Plan.
 - (1) A partial access management plan shall include:
 - (a) Drawings identifying proposed or modified access points.
 - (b) A list of improvements and recommendations necessary to implement the proposed or modified access.
 - (c) A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.
 - (2) Access permits shall be required even if no other land use approval is requested.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 5; 2005-006, § 5; Ord. 86-851)

16.118.050-N. Private Streets

1. The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots.

2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.

3. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.

4. A private street shall also be signed differently from public streets and include the words "Private Street".

16.108106.060 Sidewalks

A. Required Improvements

- 1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

2. For Highway 99W, ~~major or minor~~ arterials, or in special industrial districts, the ~~Commission~~ City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.

3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the ~~Review Authority~~ City Manager or designee.

B. ~~Sidewalk~~ Design Standards

1. Arterial and Collector Streets

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi-use path, located as required by this Code.

2. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

C. Pedestrian and Bicycle Paths

1. Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009, § 5; 2000-1103; Ord. 86-851)

~~Chapter 16.106108-~~

IMPROVEMENT PLAN REVIEW*

Sections:

16.106108.010 Preparation and Submission

16.106108.020 Construction Permit

16.106108.030 Construction

16.106108.040 Acceptance of Improvements

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

16.106108.010 Preparation and Submission

Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. Surveying sufficient to prepare construction plans.
2. Preparation of construction plans and specifications.
3. Construction staking, and adequate inspection.
4. Construction notes sufficient to develop accurate as-built plans.
5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.
6. Certificate stating that construction was completed in accordance with required plans and specifications.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

~~16.106~~108.020 Construction Permit

~~A.~~ Approval

The City will return one (1) set of plans to the applicant marked "approved" or "approved as noted" "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

~~B.~~ Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

1. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, or a cash deposit, ~~or other form of security acceptable to the City.~~

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.106108.030 Construction

A. Initiation of Construction

Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

C. As-Built Plans

A complete set of reproducible plans and an electronic copy of the base files in "AutoCad" or PDF format showing the public improvements as built shall be filed with the City upon completion of the improvements.

D. Suspension of Improvements Activity

The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.106108.040 Acceptance of Improvements

A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

B. Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

C. Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within ~~one two~~ (12) years after final acceptance of the public improvements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.118.050 Private Streets

~~The construction of new private streets, serving single family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".~~

Chapter 16.106

IMPROVEMENT PLAN REVIEW*

Sections:

16.106.010 Preparation and Submission

16.106.020 Construction Permit

16.106.030 Construction

16.106.040 Acceptance of Improvements

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

16.106.010 Preparation and Submission

Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section.

A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. Surveying sufficient to prepare construction plans.
2. Preparation of construction plans and specifications.
3. Construction staking, and adequate inspection.
4. Construction notes sufficient to develop accurate as-built plans.
5. Drawing of accurate as-built plans and submission of reproducible mylars to the City.
6. Certificate stating that construction was completed in accordance with required plans and specifications.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.106.020 Construction Permit

A. Approval

The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies.

B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

C. Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit.

D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

1. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.106.030 Construction

A. Initiation of Construction

Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing.

B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change.

C. As-Built Plans

A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements.

D. Suspension of Improvements Activity

The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.106.040 Acceptance of Improvements

A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.

B. Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.

C. Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for

correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

C. Street Renaming

1. An action to rename a street in the City may be initiated by the Council:

a. On its own action; or

b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.

2. A petition for naming or renaming a street shall include the following:

a. A statement of the reasons for the proposed name change.

b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.

c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.

3. Notice and Hearing

a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.

b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:

(1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and

(2) Notice by publication in a newspaper of general circulation in the area of the subject road.

c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.

d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.

e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.

f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

C. Street Renaming-Move to Municipal Code Title 12 Streets, Sidewalks and Public Spaces

1. An action to rename a street in the City may be initiated by the Council:

a. On its own action; or

b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.

2. A petition for naming or renaming a street shall include the following:

a. A statement of the reasons for the proposed name change.

b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.

c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.

3. Notice and Hearing

a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.

b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:

(1) Notice by posting in no less than two (2) conspicuous places abutting the subject road; and

(2) Notice by publication in a newspaper of general circulation in the area of the subject road.

c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.

d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.

e. When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.

f. For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner.

WORK SESSION

1.b.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
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Keith Mays

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Robyn Folsom
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Matt Langer
David Luman

City Manager
Jim Patterson

DATE: June 7, 2011
TO: Planning Commission
FROM: Heather Austin, AICP, Senior Planner
SUBJECT: Site Plan Modification Code Updates

Currently, the Sherwood Zoning and Community Development Code, Section 16.90.020.3.0, requires all “proposed changes” to approved site plans to be “submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee”.

This ambiguous, one-size-fits-all language has been a stumbling block to developers making changes, including improvements, to approved site plans. It has also resulted in staff reports in excess of 30 pages for a simple change to the parking layout or addition of a very small, accessory building to the site.

While some proposed modifications to approved plans do warrant a full re-review, others can be processed quickly and efficiently at little cost to the developer or the community.

The Planning Commission reviewed proposed language at a work session on April 11, 2011 that included two types of site plan modification: major and minor. This is very similar to the language suggested by the Oregon Model Development Code for Small Cities. This language was based on feedback from the Planning Commission and an informal discussion with members of the development community.

The attached code language regarding site plan modifications was updated after the April work session with the Planning Commission.

16.90.020 Site Plan and Site Plan Modification Review

A. Site Plan Review Required

Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use and prior to the issuance of a sign permit for the erection or construction of a sign, subject to the following exceptions:

- ~~Except for~~ single and two family uses, and
- manufactured homes located on individual residential lots as per Section 16.46.010, but including manufactured home parks,
- Major modifications per 16.90.020.B.1.b
- Minor modifications per 16.90.020.B.1.c
- ~~no substantial changes to the site or use shall be made, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed in accordance with Chapter 16.72.~~

For the purposes of Section 16.90.020, the term "substantial ~~alteration~~change" and "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, as per Section 16.90.020 and is not considered a minor modification per 16.90.020.B.1.c.
5. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.
6. The activity is subject to site plan review by other requirements of this Code.
7. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size).

~~7. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020.~~

~~B. Exemptions~~

~~The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76.~~

~~CB. Plan Changes~~Modifications and Revocation

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

~~Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.~~

a. Major Modifications to Approved Site Plans

~~1. Major Modification~~Defined. The review authority shall determine that a major modification(s) review is required if one or more of the changes listed below are proposed:

- a. A change in land use (i.e. residential to commercial, commercial to industrial, etc.);
- b. An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;
- c. A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
- d. A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;
- e. An increase in the floor area or height proposed for non-residential use by more than 10 percent;
- f. A reduction of more than 10 percent of the area reserved for common open space; or
- g. Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items a.-f., as determined by the review authority.

~~2. Major Modification Applications;~~Approval Criteria. An applicant may request a major modification as follows:

- a. Upon the review authority determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site

plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

b. The application shall be subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.

c. The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 16.72.020.

d. The decision ~~making bod~~maker ~~y~~ shall approve, deny, or approve with conditions an application for major modification based on written findings ~~on~~ the criteria.

b. Minor Modifications to Approved Site Plans

1. A Minor Modification is ~~—A~~ any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Section 16.90.020.C.1.a, above.

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

3. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

4. Minor Modification Approval Criteria. The review authority shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as described in Section 16.90.020.~~CB~~.1.a, above.

2. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

Proposed language for review by the Planning Commission on June 14, 2011

No other changes to the remainder of chapter

WORK SESSION 2.



MEMORANDUM

City of Sherwood
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City Manager
Jim Patterson

DATE: June 7, 2011
TO: Planning Commission
FROM: Zoe Monahan, Assistant Planner
SUBJECT: Tree Alternatives Discussion

The City has been discussing trees on private property since December 2010. We have discussed issues with existing standards, developed goals and objectives to help guide changes (included as Attachment 1) and begun discussion of alternatives to consider for changes to the tree standards. At the May 10, 2011 work session we discussed general concepts of alternatives and indicated that we would further expand and evaluate them based on the Planning Commission input.

The alternatives and mitigation options are conceptual. The intent of the June 14th work session is to demonstrate how they might be developed for Sherwood. The concepts could be used together or vary depending on the situations; for example, the canopy requirement for new or re development and the flexible incentive program could work together citywide, while another possibility might be to require the canopy requirement in certain scenarios such as the TEA concept area and the tiered system for other commercial or industrial developments. Below is a brief description of each option and analysis of how it addressed the goals:

Incentive Program

This program provides specific flexibility as an incentive to retaining trees. It is modeled after the City of Tigard's program. This program would address the concerns regarding the economic constraints that the removal and mitigation of trees can create for a project. The program makes tree preservation more affordable for the developer because it provides flexibility in standards as an incentive to retain the natural environment that exists on the site. The developer is then able to make

decisions that are aimed at preserving the natural environment. The additional tree preservation will give the community a stronger tree cover and provide a better experience for those that use the developed site. Specifically, the incentive program can be used to meet goals 1, 5, 6 and 7. This program will not be used to meet goals 2-4 as these goals are focused on planting trees, maintaining trees in a healthy manner, maintenance guidelines for citizens and replanting a mix of trees. An example of what this might look like for Sherwood is provided in Attachment 2.

Tiered Program

This program is modeled after the City of Beaverton's program and provides a tiered review process depending on the amount being removed with the more trees begin removed requiring a higher level of review. This option provides a consistent and clear way to remove both trees on private property subject to a land use review as well as those that are not. There are distinct levels of review to allow for more scrutiny when property owners remove increasing numbers of trees from their property. This option can meet goals, 1, 2 and 7. The process would serve as a good base program. The incentive program, maintenance mitigation option or another option could be combined with this option in order to provide more flexibility and meet more project goals. An example of what this might look like in Sherwood is provided in Attachment 3.

Proposed Canopy Requirement

We have heard from the community and tree experts that there should be a focus on maintaining and increasing the tree canopy. The proposed tree canopy requirement is currently being considered by the City of Tigard and provides a minimum requirement to be met by retaining existing trees or planting new trees. This program could include different canopy requirements depending on the zone. This does not penalize developers on heavily wooded lots and it preserves the natural environment when it is possible. This is intended to create a fair and consistent standard for all developments while considering the purpose of the zoning of the property. This program could be costly for developers of previously cleared property who will be required to plant

trees to create the minimum canopy amount. This would meet goals 1, 2, 5, 6 and 7. An example of what this might look like is provided in Attachment 4.

Mitigation

This was discussed by the tree panel and at the dessert and discussion. Based on the feedback thus far it appears that the mitigation rate of 1:1 tree is a more sustainable option for the community. Requiring a mitigation rate of 1:1 inches is expensive for the developer and over time trees can become unhealthy due to the overcrowding. In addition to how mitigation requirements should be determined, there are options for how mitigation can be achieved. Currently, mitigation is required inch for inch and can be achieved by planting on-site, off-site or paying a fee in-lieu. We have discussed addition options including:

Maintenance

This meets goals 1, 2, 5, 6 and 7. It does not meet goal 3 or 4 since this standard does not have clear planting guidelines or provide maintenance information to citizens. This option provides flexibility to the developer while enhancing the natural environment on the development site.

Tree Fund

This option provides flexibility to the developers that cannot plant additional trees on site. This will help to increase the tree cover in the area over time in a manner that is healthy for the trees. This option provides an alternative that benefits the community while giving developers alternatives when there is not adequate space on the site for trees. This option meets goals 1, 5 and 7.

The tree fund would set aside fees to be used to plant trees and purchase property to have a location to plant future mitigation trees. A small portion of the funds could be used for preparing educational materials for citizens. The cost per tree would need to be established based on the cost of trees, the labor costs and maintenance.

In addition to these removal and mitigation standards, maintenance and planting requirements should be considered to meet goals 2-4.

Measurement of mitigation

In addition, the commission should consider the form of measurement that we adopt. We currently use DBH. This is a very common form of tree measurement. If we start requiring a minimum canopy spread we will want to evaluate whether or not to continue to use DBH requirements. We will discuss this concept in more detail at the Planning Commission meeting.

Other issues

It is also recommended that additional discussion occur on what is required to be mitigated and what constitutes property mitigation. For example, should there be a balance of coniferous and deciduous trees on site?

We briefly discussed that heritage trees or landmark trees have been brought up in conversations. We have heard concerns about larger trees in Old Town. Some of the larger trees are considered street trees due to their location and others are considered trees on private property. At this time if a property owner wanted to remove one of those trees it would be possible through the applicable review process. However, after careful consideration staff believes that this is a separate issue from trees on private property. As we do not have a landmark or heritage tree program it will require additional research and community support to explore this option. This is a topic that could be discussed in the future but it is not within the scope of the trees on private property code update.

At the June 14, 2011 work session we will discuss the information provided in this memo. An overview of the questionnaire results will be provided as well as the Parks Advisory Board's comments. Illustrations of possible alternative scenarios to give the Planning Commission a visual example of the alternative's applicability will be presented. This information is intended to provide the Planning Commission with the facts to give staff a clear direction as to how the draft language should be developed.

Attachments:

- 1 – Tree goals and Objectives
- 2 – Incentive program example
- 3 – Tiered program example
- 4 – Canopy requirement example

Tree Code Update: Goals and Objectives Part of the Code Clean-up Project

Goal 1: Establish and maintain the maximum quality tree cover.

Objective: Encourage the preservation of natural habitat for wildlife.

Objective: Encourage the preservation of established tree stands during development.

Objective: Encourage area cooling while not degrading solar photovoltaic potential.

Goal 2: Maintain trees in a healthy condition through good practices.

Objective: Conserve woodland resources during development.

Objective: Provide clear tree maintenance guidelines for citizens and developers.

Objective: Establish clear guidelines for safely removing trees that are unhealthy or posing a threat to life or property.

Goal 3: Establish and maintain an ideal level of tree diversity in age and species.

Objective: Establish clear planting requirements.

Objective: Conserve woodland resources during development.

Goal 4: Foster community support for the local urban forestry program and encourage good tree management on privately-owned properties

Objective: Provide clear tree maintenance guidelines for citizens and developers.

Objective: Establish a committee to review the tree standards periodically

Goal 5: Establish clear, fair and easily implemented code changes that meet Sherwood's current values.

Objective: Establish regulations that provide clear and diverse options to citizens and developers.

Objective: Create code changes that are consistent with the community's values on trees.

Goal 6: Revise or maintain tree standards that meet the values of the community and provide clear and reasonable standards that seek to preserve trees that are valued by the community without causing unnecessary hardships for developers

Objective: Promote retaining natural tree groves without penalizing developers who develop heavily wooded lots.

Goal 7: Establish standards for commercial, industrial and residential zones to meet the intent of these zones to ensure that development of land is not inhibited while also preserving trees.

Objective: Create code changes that meet the intent of the concept plan that brought the area into the city as well as the needs of the underlying zone

Objective: Consider economic impacts. Provide removal and mitigation options for residential or commercial and industrial developments.

Objective: Create flexible criteria that allow developers to provide mitigation or maintenance of an area depending on the constraints of the site.

Incentive Program

Modified from City of Tigard 18.790.050 - Flexible Standards for Planting and Preservation

The underlined language are the newer parts of Tigard's Tree Code

- A. General Provisions. To assist in the preservation and/or planting of trees, the Director may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the Director determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the project arborist as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.
- B. Flexible Standards. The following flexible standards are available to applicants in order to preserve and plant trees on a development site.
1. Lot size averaging. To preserve existing trees in the development plan for any Land Partition under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;
 2. Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection b below.
 - a. Reductions allowed:
 - (1) Front yard – up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.
 - (2) Interior setbacks - up to a 20 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone. Perimeter side and rear yard setbacks shall not be reduced through this provision.
 - b. Approval criteria:
 - (1) A demonstration that the reduction requested is the least required to preserve or plant trees; and
 - (2) The reduction will result in the preservation of or the addition to tree canopy on the lot with the modified setbacks; and
 - (3) The reduction will not impede adequate emergency access to the site and structure.
 3. Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a public sidewalk easement recorded on private property and shall be reviewed on a case by case basis in accordance with the provisions Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be

utilized as a street tree, it must meet the criteria found in the Street Tree section in chapter 16.142.050

4. Commercial/industrial/civic use parking. For each 2 percent of effective canopy cover provided by preserved or planted trees incorporated into a development plan for commercial, industrial or civic uses listed in Sections 16.94.020, Minimum and Maximum Off-Street Parking Requirements, a 1 percent reduction in the amount of required parking may be granted. No more than a 20 percent reduction in the required amount of parking may be granted for any one development.
5. Commercial/industrial/civic use landscaping. For each 2 percent of effective canopy cover provided by preserved trees incorporated into a development plan, a 1 percent reduction in the minimum landscape requirement may be granted. No more than 20 percent of the minimum landscape requirement may be reduced for any one development.

Tiered Program

Tiered language developed based on the City of Beaverton example.

Residential – no development

Tier 1: Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within one (1) calendar year period. Properties one-half acre or less in size developed with a detached dwelling may remove any number of trees.

No review or approval required provided that the planning department is notified in writing 48 hours prior to removing the tree. Please submit the property address, property owner name and contact information, type and size of the tree.

Tier 2: Removal of up to six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within one (1) calendar year period except as allowed in tier 1.

Process: Submit a tree removal application to the planning department. Provide a narrative discussing the size, type and location of the tree. Also describe if any trees have been removed from the site during the calendar year. Describe the current condition of each tree and why the trees must be removed. Provide a plan showing all of the trees on the site. Provide a plan showing where the replacement trees will be planted. One replacement tree shall be planted for every three trees that are removed.

Approval criteria: The applicant has submitted the required materials and provided a plan for replacing the trees at a minimum of one for every three trees.

Residential– subject to land use review

Removal

Tier 1: Removal of up to and including 50 percent of the total DBH of trees found on the project site.

Tier 2: Removal of up to and including 75 percent of the total DBH of trees found on the project site.

Tier 3: Removal of more than 75 percent of the total DBH of trees found on the project site.

Commercial/Industrial– subject to land use review

Removal

Tier 1: Removal of up to and including 25 percent of the total DBH of trees found on the project site.

Tier 2: Removal of up to and including 50 percent of the total DBH of trees found on the project site.

Tier 3: Removal of 75 percent or more of the total DBH of trees found on the project site.

Process: Provide a narrative prepared by a qualified arborist or forestry professional discussing the size, type and location of the tree. Also describe if any trees have been removed from the site during the calendar year. Describe the condition of each tree and why the trees must be removed. Provide a plan showing all of the trees on the site. Describe how the trees will be mitigated for and provide a plan showing where the replacement trees will be planted.

Approval criteria Tier 1: The applicant has submitted the required materials and provided a plan for replacing the trees.

Approval criteria Tier 2: The applicant has submitted the required materials and provided a plan for replacing the trees. Documentation from an arborist has been provided discussing why the trees cannot be saved and a statement from the property owner that there is not another suitable location for the development onsite. The decision will determine if the location is suitable.

Approval criteria Tier 3: The applicant has submitted the required materials and provided a plan for replacing the trees. Documentation from an arborist has been provided discussing why the trees cannot be saved and a statement from the property owner that there is not another suitable location for the development onsite. The decision will determine if the location is suitable. The applicant must provide 1:1 replacement for 25 percent of the trees that are removed on commercial and industrial properties by planting mitigation trees or paying the fee in lieu. The applicant must provide 1:1 replacement for 50 percent of the trees that are removed on residential and institutional public properties by planting mitigation trees on site.

Proposed Canopy Requirement:

Residential/ Institutional Public:

Each development shall provide a minimum total tree canopy of 20 percent. This can be achieved by retaining existing trees or planting new trees. The expected canopy spread of the replacement after five years will be counted toward the needed canopy cover. A certified arborist shall provide the estimated tree canopy of the proposed replacement trees to the planning department for review.

Commercial/ Industrial:

Each development shall provide a minimum total tree canopy of 10 percent. This can be achieved by retaining existing trees or planting new trees. The expected canopy spread of the replacement after five years will be counted toward the needed canopy cover. A certified arborist shall provide the estimated tree canopy of the proposed replacement trees to the planning department for review.

WORK SESSION

3.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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Council President
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Councilors
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Bill Butterfield
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David Luman

City Manager
Jim Patterson



2009 Top Ten Selection



2007 18th Best Place to Live



DATE: June 7, 2011
TO: Planning Commission
FROM: Julia Hajduk, Planning Manager
Heather Austin, Senior Planner, AICP
SUBJECT: Commercial and Industrial Use Classifications

The Planning Commission has met several times to begin discussion on updating the commercial and industrial use classifications. The issue papers were presented and discussed on 8/24/10 (see PC packet dated 8/24/10). At the last Planning Commission work session on April 12th, the Commission completed their initial review of identified issues for discussion. Staff has taken the feedback received and updated the table and the analysis accordingly.

Attachment 1 provides detailed analysis of issues that required discussion. The analysis includes a staff recommendation and status update reflecting the Planning Commission's direction or discussion. In most cases, the status indicates that the Commission concurred with staff recommendation or provided specific direction which has been incorporated into the table; however, there are several issues that require additional discussion with the Commission before the use classifications can be finalized. These issues are identified within the document.

Attachment 2 reflects the most current effort to create use classifications that can be considered across all zones. This table is reflected in track changes with new text being identified with blue underline and deleted text identified with ~~red strikethrough~~. Revisions to the format are not reflected in track changes.

The next step after reaching some initial agreement on the use classifications is to conduct additional outreach and assessment to determine whether we would be creating a non-conforming use in a particular zone. As a reminder, the intent of this code clean-up project is to simply clarify uses that are permitted, conditional or prohibited. Staff has generally not approached this to question whether uses that are permitted should be conditional or prohibited, rather staff has recommended clarifying gray areas and defining the uses differently so as to better capture what the permitted uses are. However, there are a few uses that, through clarification, staff has recommended changing from conditional to permitted. Staff is not aware of any uses that are currently permitted or conditional that are proposed to be more limited; however we will continue to review and analyze during the outreach to identify any uses that are currently permitted that may become non-conforming. We anticipate discussing the uses with the Chamber of Commerce in July and hope to wrap up the discussion on potential updates to the commercial and industrial use classifications by August in preparation for hearings in September and October.

Analysis of issues to be resolved:

1. Hospitals/Emergency Care Facilities/Sanitariums in Industrial Zones

Hospitals and emergency care facilities are permitted conditionally in the LI zone but the code is silent in the GI and EI zones. Additionally, the code is silent on sanitariums in all industrial zones. Because of the intense land use nature of hospitals and sanitariums, limiting them to conditional in the LI zone seems appropriate (they are also permitted conditionally in the GC and RC zones).

Staff recommendation: Identify hospitals/emergency care facilities and sanitariums as “not permitted” in the GI and EI zones.

Status – The Commission recommended that emergency care facilities be removed from the category and have urgent care facilities under medical and dental offices. Sanitariums are similar to residential care facilities provided the definition was updated.

2. Public use buildings such as libraries, museums, community centers, etc.

The code currently permits public use buildings, including but not limited to libraries, museums, community centers, and senior centers as conditional in all of the commercial zones except Office Commercial. Staff is recommending that these uses be permitted conditionally in the OC zone. The code is currently silent on these uses in the industrial zones. Because the industrial zones are intended to promote manufacturing and employment, it seems appropriate to limit these public use buildings to the commercial zones.

Staff recommendation: Specifically identify public use buildings as not permitted in the industrial zones and allow conditionally in the OC zone.

Status – The Commission supported staff’s recommendation on these uses and the table has been updated accordingly.

3. Power generation (solar panels, etc)

Initially, staff proposed dividing power generation into categories based on power output (such as kWh). However, the Planning Commission discussed this idea and felt that it did not allow for innovation (i.e. if a very small object could, in the future, produce a large amount of energy). Planning Commission asked staff to make a recommendation based on the exterior appearance of a power generation facility, such as how large it is or how much area it occupies. Staff proposes two new categories: “small-scale power generation facility” and “large-scale power generation facility”. Small-scale energy facilities would be defined as “a facility, such as a solar panel, that produces energy but that is generally not visible from neighboring properties, with the exception of facilities attached to a building that do not exceed the height limits of the underlying zone and do not exceed the building height by more than 25%. For example, solar panels on the roof of a 24-foot-tall home could not exceed 6 feet in height”. Large-scale facilities would be defined as “a facility that produces energy and exceeds the thresholds of a ‘small-scale energy facility’”. Small-scale facilities would be permitted outright in all zones and large-scale facilities would be permitted conditionally in GC, IP, LI and EI and permitted outright in GI.

Staff recommendation: Create two new categories, small-scale power generation and large-scale power generation and permit small-scale in all zones. Conditionally permit large scale in the GC, IP, LI and EI zones and permit it outright in the GI zone.

Status – After comments from the Planning Commission regarding power generation (output) of the facilities, staff has revised the recommendation to include two new categories: “small-scale power generation facility” and “large scale power generation facility”, and has defined the categories. **Planning Commission final direction/comment is needed.**

4. Religious Institutions

There was much discussion during the residential use component of the code clean-up project on the religious institution category and whether it should be differently defined. Ultimately, the recommendation in the residential use section was to refer to it as “Religious Institutions” and combine it with “Private Fraternal Organizations and Lodges, Country Clubs or other similar clubs”. The same could be done for commercial, however, there are currently more variations within the commercial zones that need to be considered. Specifically, churches under 5,000 square feet are permitted outright, however churches over 5,000 square feet are conditional. In residential zones, all churches are conditional. Most of the commercial use classifications for churches are specific that they include all related structures such as classrooms, assembly areas, offices and parsonages.

The limitation on size has proven problematic in a few instances when a church in one zone has considered expanding onto adjacent land that is a different zone. Even if the expansion is minimal and less than 5,000 square feet, the combined square footage of the church may trigger a conditional use. For example, Sherwood Presbyterian Church is on IP zoned property but they expanded their offices and Sunday school classes onto the neighboring property, utilizing the existing building.

The code is currently silent on churches in industrial zones. The Planning Commission initially felt that churches are not well-suited for industrial zones; however, staff met with local church representatives who then came and spoke to the Planning Commission regarding the use of existing, vacant industrial buildings for church uses. The Commission asked staff to explore the issue further.

Staff contacted Metro to identify if there were any potential conflicts with the Functional Plan and permitting churches in industrial zones. Metro staff responded that while there is a formal policy for regionally significant industrial areas (RSIA), none of which are located in Sherwood, there is no formal policy for non-RSIA areas. The policy for RSIA land is to limit “assembly uses” such as churches to 20,000 square feet. Because churches are currently not permitted in Sherwood’s industrial zones, Metro staff recommends that if the city chooses to permit churches in industrial zones, then the city should implement the 20,000 square foot limit on “assembly uses” in industrial zones.

Staff recommendation: Based on discussions at the Planning Commission work sessions and discussions with church representatives and Metro, staff recommends permitting “assembly uses” in industrial areas with the 20,000 square foot limitation. This will permit churches to infill existing industrial vacancies, but will prevent large-scale, multi-acre church campuses in industrial/employment areas.

Status – Staff recommendation has changed based on the past Planning Commission work session to allow churches and other “assembly uses” with a size limitation. **Planning Commission direction is needed.**

5. **Golf Courses in the IP Zone (discrepancy)**

In the IP zone public golf courses are permitted, however they are also listed as prohibited under the private lodge section. They are prohibited in all commercial zones and silent in the industrial zones.

Staff recommendation: Discuss and provide direction on whether golf courses should be conditional or prohibited in the IP zone.

Status – The Commission determined that public golf courses should be allowed as a conditional use in the IP zone because they were not permitted in any other zone. They discussed that while it was unlikely that a public golf course would be proposed, it seemed more appropriate to enable it to be reviewed than to prohibit it.

6. **Hotels**

Hotels are conditional in the GC and OC zone and not permitted in the NC zone. It is silent in the RC zone. The purpose of the RC zone is to provide “areas for general retail and service uses that neither require larger parcels of land, nor produce excessive environmental impacts.” A hotel does not require larger parcels and does not produce excessive environmental impacts and while it does not necessarily meet the retail or service component envisioned in the zone it can be complimentary with the retail uses.

Staff recommendation: It is recommended that hotels and motels be conditionally permitted in the RC zone.

Status – The Commission directed that hotels and motels should be permitted (not conditional) in the RC and GC zone. The rationale for this was that there are sufficient standards in place regarding setbacks and screening to protect neighboring properties and there is no more impact than any other commercial use that is otherwise permitted.

7. **Auto-related uses**

There are currently a number of categories for auto related uses. Each is slightly different. In addition, there are a wide range of “autos” listed from small motorcycles to manufactured homes. Consideration should be given to differentiating large vehicles and equipment from relatively smaller ones. Below is a list of the elements identified in the automobile related use classifications:

Type of uses	Type of vehicles
<ul style="list-style-type: none">• Auto repair• Auto service• Auto sales• Parts sales• Auto rental	Automobile Recreational vehicle Motorcycle Truck Manufactured home Boat Farm equipment Commercial farm equipment Other equipment

After review, staff determined that the vehicle types could be consolidated into three general categories:

- Motor vehicle and sport craft
- Farm equipment
- Manufactured home

The Motor vehicle and sport craft would encompass most of the types including: Automobile, Recreational vehicle, Motorcycle, Truck, and boat and would also include things like SUV's, watercrafts, snowmobiles, etc. The types of uses were evaluated considering their impact to the surrounding areas. Anything that can be accomplished within a fully enclosed building will have little to no impact on the surrounding area. For example, parts sales, and smaller vehicle sales (such as motorcycles, small watercraft and compact cars) can work well within fully enclosed structures. Currently these uses are not permitted or are conditional in most commercial zones and any outdoor sales require conditional use review. It is recommended that we consider distinguishing uses that occur within an enclosed building from those that require outdoor display or storage areas.

Repair and service generally occurs within a garage with the doors open. There is noise associated with the equipment used. It is hard to distinguish other differences between repair and service. Although service type uses generally provide relatively quick in and out routine maintenance of vehicles, whereas repairs generally require longer periods and fewer in and out customers. However, exceptions to this are common. For this reason, it is recommended that repair and service be classified together.

Clarification is needed on whether repair and service within a building that has roll up garage doors on the front and back are considered "within an entirely enclosed building." The NC and RC indicated that repair and service is not permitted but is conditional when conducted entirely within an enclosed building. Staff researched other jurisdiction definitions for guidance to no avail. The Commission previously indicated that they consider roll-up doors to be part of the building and just because the door is open does not mean the activity is not within an enclosed building. If this is the continued perception, clarification in the code would be helpful to avoid confusion in the future.

Staff recommendation: Staff has developed a recommendation for updating the auto related use classifications to simply and clarify the uses. By revising the uses to better reflect the types and characteristics, staff has also identified and recommended changing the permissibility of a few uses from conditional to permitted. Specifically, it is recommended that sales occurring within an enclosed building with a limited amount of display area be permitted rather than conditional in the GC zone and conditional in the RC zone.

Status – The Commission generally supported the initial staff recommendation. Commission supported differentiating sales with outdoor display from sales without outdoor display but suggested providing for some very limited outdoor display even if the majority of the sales area was within an enclosed building. A few commissioners had questions about what this would actually look like and wanted to see some examples. Staff has proposed permitting up to 5% of the lot area or 5,000 square feet, whichever is less, for outdoor display of motorized vehicles. Illustrations will be provided on what this limit would look like. **Planning Commission comment and direction is needed.**

The Commission also needs to continue discussing the issue of what constitutes and entirely enclosed building.

8. Office related uses in OC/Business and Professional Services

The OC zone lists specific types of office uses permitted and while medical offices are permitted, other offices are limited to only those "whose activities are such that few visitors, other than employees, have reason to come to the premises." There is clearly a disconnect because both those that are permitted and those that are limited would generate a similar amount of traffic. The purpose of the OC zone is to provide "areas for business and

professional offices and related uses in locations that can be closely associated with residential areas and adequate major streets.”

In looking at the permitted uses, it appears that the differentiation is intended to differentiate offices from personal services that bring in more frequent customers or clients.

Staff recommendation: As proposed in the table, “business and professional offices” could be permitted in the OC zone while “personal services” could be conditional. Conditional is recommended because the OC zone currently allows uses that are permitted outright in the RC zone to be considered conditionally in the OC zone.

Status – The Commission concurred with the staff recommendation. The table is updated to reflect this.

9. Bakeries

Bakeries are permitted as part of general retail, provided the product is sold on the premises only. While it is believed that the intent of this limitation was to prevent large-scale bakeries from locating in commercial zones (as opposed to industrial) this has the potential of also limiting small establishments that wish to distribute to others.

Staff recommendation: Restrict the limitation on selling baked goods off-site to large distribution operations or those requiring delivery trucks.

Status – The Commission agreed in concept that small scale bakeries were very appropriate and should not be limited to selling goods on-site only. After much discussion of how to differentiate between large scale and small scale, it was determined to simply eliminate reference to bakeries in the general retail trade use classification because a large bakery would fall under manufacturing. The table has been updated to reflect this.

10. Tool and Equipment Rental

The General Industrial zone currently permits “equipment rental and sales” and the Light Industrial zone permits “tool and equipment rental”. These are uses that are somewhat commercial in nature but are generally found in industrial zones. Staff has been approached a number of times regarding the location of a truck rental facility, such as a U-Haul business. It is unclear under current zoning where this would be permitted.

Staff recommendation: As proposed in the table, create the category “tool and equipment rental and sales, including truck rental” and permit it in the GI, LI, EI and GC zones (limited size in industrial to comply with Metro standards) and conditional in RC.

Status – The Commission concurred with the staff recommendation. The table is updated to reflect this.

11. Health clubs

The OR zone is the only zone to specify “health clubs.” As other than in this zone, there is no clear classification for health clubs, historically we have looked to the closest use in other zones. It has been determined that a health club is closest to a sport or racquet club, however this use is conditional in the GC and RC zones. There should be discussion of this use to better determine where it best fits. The amount of space required in current facilities can range significantly and all health clubs are not created equally. Some, such as Curves or Snap Fitness, require only small storefront spaces while others, such as 24 Hour Fitness or Bally’s, require much larger spaces and offer more amenities. The larger facilities require more parking,

are less likely to combine trips with another use and have a larger visual scale than smaller facilities

There are several existing health clubs in Sherwood that have been determined to be pre-existing non-conforming in Industrial zones.

Staff Recommendation: Differentiate small scale health clubs that fit well into strip malls or other existing developments from those that tend to be larger and stand alone. Permit the small scale facilities in all Commercial zones and the larger scale facilities in GC zones.

Status – The commission indicated support for the staff recommendation. The table has been updated to reflect this direction. The commission indicated support for small-size health clubs that are associated with another use in the industrial zones. Staff has updated the table to reflect this direction.

12. Animal related

There are many animal related uses today that are not well captured in the current classification list. The only animal related uses are Small animal clinic veterinarians with indoor kennels for small animal patient use only in the Office Retail Zone; Veterinarian offices and animal hospitals; and Animal boarding/Kennels. We routinely have requests for “doggie daycare” facilities, grooming facilities and have even had a training club inquire as to where they could locate. As the only location that specified kennels and boarding (as not permitted) was the NC zone, we have traditionally determined that animal related uses fall most closely with the veterinarian office and animal hospital. However this interpretation has been questioned many times because day care facilities for animals are not significantly different from that for children in regards to noise, traffic and even space requirements. Overnight kennels may not be the most appropriate in a commercial zone but may be more appropriate in an industrial zone. Veterinarian offices are a conditional use in the RC zone but a medical office is a permitted use even though from a traffic standpoint and medical waste standpoint they are essentially the same. Animals may make more noise than humans but even that can be debated if young children are involved. In addition some current stores such as Petsmart or PetCo offer many of these services in their retail establishment.

The Oregon Model Code considered veterinarians, kennels limited to boarding and animal grooming as personal services.

Staff Recommendation: It is recommended that animal related services be considered a personal service and not specifically treated differently from other personal services with the exception of those that might provide outdoor facilities.

Status – The Commission supported the staff recommendation. The Commission agreed that while animals will make some noise, if it is entirely within an enclosed building it is consistent with what one might typically see in a commercial strip mall or other similar location. The table is updated to reflect that animal boarding/kennels within fully enclosed facilities are considered personal services.

13. Limited manufacturing in the GC zone

Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing is currently permitted in the GC zone. This is a very specific list that allows no flexibility for similar uses. In addition, beverage bottling plants and commercial bakeries can be very intense industrial uses that may not be appropriate for the GC zone but are more appropriate for the industrial zones. Other types of limited manufacturing,

may be appropriate for the GC zone but, because of the exclusivity of this list, would not be permitted.

Staff recommendation: It is recommended that this use be changed to read “limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use”. This use would still be appropriate for only the GC zone and all industrial zones.

Status – The Commission concurred with the staff recommendation. The table is updated to reflect this.

14. Medical, dental and similar laboratories

Medical, dental and similar laboratories are permitted in the GC zone whereas laboratories are permitted in the industrial zones. This permits additional labs, such as film processing, research and scientific experimentation laboratories in the industrial zones but not in the GC zone.

Staff recommendation: It is recommended that “medical and dental laboratories” remain permitted in the GC zone as well as permitted in GI, LI and EI. In addition, it is recommended that “laboratories” be changed to “laboratories (not medical or dental)” to be permitted in the GI, LI and EI zones and not in the commercial zones.

Status – The Commission concurred with the staff recommendation. The table is updated to reflect this.

15. Agricultural Uses in the Industrial Zones

Agricultural uses, such as farming, horticulture and raising of animals other than household pets, is not discussed in the industrial zones in the current code. While it is unlikely that a property owner will develop vacant industrial land into a farming operation, it is likely (such as in the Tonquin Employment Area) that a property already being used for agricultural purposes may remain as such until which time industrial development occurs. In addition, horticulture, unlike the raising of non-household animals, requires little site construction and, therefore, leaves a property ready for redevelopment.

Staff recommendation: As shown in the table below, permit farming and horticulture in the industrial zones but continue to prohibit the raising of animals other than household pets.

Status – The Commission supported the initial staff recommendation to permit horticulture and farming in the industrial zones but had concerns about permitting the raising of animals other than household pets because of the infrastructure involved. Staff has revised the staff recommendation to reflect this discussion.

Commercial, Institutional & Public and Industrial Zones

Proposed designation of permitted, conditional or not permitted uses in zones that are currently silent regarding the use is identified in track changes. Additional text changes or clarification are noted in track changes. Footnotes represent standards and caveats already imbedded in the code, unless denoted with track changes.

		OC	OR	NC	RC	GC	IP	LI	GI	EI
Residential use types										
	Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings. ¹	C	C	C	C	C	N	N	N	N
	Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 16.20.040 High Density Residential (HDR) Dimensional Standards ²	P	P	P	P	P	N	N	N	N
	Residential Care Facilities	N	N	N	C	C	N	N	N	N
	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	P	C	P	P	P
Civic Use types										
	Hospitals and emergency care facilities	N	C	N	C	C	N	C	N	N
	Sanitarium				C	C	N			
	Correctional institutions	N		N	N	C	N	N	N	N
	Cemeteries and crematory mausoleums.	N	N	N	C	C	C	N	N	N
	Police and fire stations and other emergency services	N		C	C	C	C	C	C	C
	Vehicle testing stations	N		N	N	C	C	C	C	C
	Postal services - Public	N		C	C	C	C	C	C	C

¹ 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.

² (except as limited in 16.22.060)

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Adult entertainment business, subject to Section 16.54.010	N	N	N	N	P	<u>N</u>	N	<u>N</u>	N
	Motion picture and live theaters within enclosed building	<u>N</u>	N	N	P	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Drive-in motion picture theaters	<u>N</u>		<u>N</u>	N	N	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Private lodges, fraternal organizations, c Country clubs, sports and racquet clubs and other similar clubs.	<u>N</u>		N	C	C	N	<u>C</u>	<u>C</u>	<u>C</u>
	Public or Private Golf courses	<u>N</u>		N	N	N	C	<u>N</u>	<u>N</u>	<u>N</u>
	<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>	<u>N</u>	<u>C⁵</u>	<u>C⁴</u>	<u>C⁴</u>
	Hotels and motels.	C	G	N	<u>P</u>	C <u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Motor Vehicle related									
	<u>Motorized vehicle and sport craft</u> Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment repairs and service	<u>N</u>		NC	NC	P	<u>N</u>	C	C	<u>N</u>
	Automotive service stations, including tire and wheel balancing, and incidental repair, when conducted entirely within an enclosed building			G	G					
	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>	N	N	C	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</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>		<u>N</u>	<u>N</u>	<u>N</u>

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

⁵Limited 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

			OC	OR	NC	RC	GC	IP	LI	GI	EI
		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>	<u>N</u> ⁷	P ⁸	P ⁶	<u>P</u> ⁶
		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).							P	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.							P	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.		P	P	P	P		<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
		Business services									

⁷ Government offices and offices associated with another permitted or conditional use are permitted as a conditional use

⁸ Business and professional offices that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map are permitted outright. Business and professional offices that received land use approval after January 1, 2010 and that are 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) are permitted *IF* limited in size to not 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. Business and professional offices that received land use approval after January 1, 2010 and that are designated "industrial" on Metro's 2008 title 4 Map that do not cater to daily customers are permitted outright.

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Tool and Equipment Rental	<u>N</u>		<u>N</u>			<u>N</u>	P	P	
	Convenience stores		N							
	Grocery store		N							
	Retail plant nurseries and garden supply stores ¹¹	<u>N</u>	N	N	P	P	<u>N</u>	P ⁹	P ⁹	<u>N</u>
	Wholesale Plant Nurseries							N	N	N
	Pawn shops		N							
	Wholesale building material sales	<u>N</u>		<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	C	P	<u>N</u>
	Wholesale plumbing supplies and service	<u>N</u>		N	N	P	<u>N</u>	C	P	<u>N</u>
	Retail building material sales and lumberyards. ¹²	<u>N</u>		N	C	P	<u>N</u>	C	P	<u>N</u>
	Personal Services									
	Health clubs <u>less than 5,000 square feet in size.</u>	<u>P</u>	G	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u> ¹³	<u>P</u> ¹²	<u>P</u> ¹²
	Health clubs <u>greater than 5,000 square feet in size</u>	<u>N</u>		<u>N</u>	<u>C</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	financial institutions catering to daily customers	N	P	P	P	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	<u>Other Ppersonal 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 classed, pet grooming, medical and dental, social services, and similar support services.</u>	<u>C</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>C</u> ¹⁴	<u>C</u> ¹³	<u>C</u> ¹³
	FLORIST SHOPS		P	P						
	Public or commercial parking (non- accessory)	<u>C</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Small animal clinic veterinarians with indoor kennels for small animal patient use only		P							

¹¹ Wholesale plant nurseries prohibited

¹² Specify zones which require all activities to be within an enclosed building

¹³ When secondary to a permitted use

¹⁴ Must meet the requirements of 16.31.050 or 16.31.055, as applicable

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	mini-warehousing <u>or self storage</u>	<u>N</u>	N	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	<u>N</u>
	Distribution, warehousing and storage associated with a permitted use.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	<u>P</u>	P
	Research and development and associated manufacturing.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	P
	Contractors storage and equipment yards, building maintenance services, and similar uses.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	C	P	<u>N</u>
	Laundry, dry cleaning, dyeing, or rug cleaning plants.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	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 from previously prepared or semi-finished materials.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	P	<u>N</u>
	Building components, furniture, fixtures, signs.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	P	<u>N</u>
	Non-motorized recreational vehicles and equipment.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	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>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<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>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</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>

		OC	OR	NC	RC	GC	IP	LI	GI	EI
	Sawmills and paper mills.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	N	<u>N</u>
	Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	N	<u>N</u>	<u>N</u>
	Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	N	<u>N</u>	<u>N</u>
	Meat, fish, poultry and tannery processing.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	N	N	N
	Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	N
	Solid waste transfer stations.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	C	<u>N</u>
	General purpose solid waste landfills,-incinerators, and other solid waste facilities.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	N	N	N
	Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	C	<u>N</u>
Wireless communication facilities	Radio, television, and similar communication stations, including <u>associated</u> transmitters.	<u>N</u>	N	N	N	C	C	<u>N</u>	<u>N</u>	<u>N</u>
	Wireless communication towers ¹⁹ and transmitters	<u>C</u>		<u>C</u>	<u>C</u>	C	C	C	C	C
	Wireless communication facilities on City-owned property	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	P	<u>C</u>	<u>C</u>	<u>C</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	P	P	P	P
Other	Agricultural uses including but not limited to:									
	Farm equipment sales and rentals	<u>N</u>	N	N	P	P	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Farming and horticulture	<u>N</u>	N	N	P	P	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Raising of animals other than household pets	<u>N</u>		N	N	N	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	Wholesale plant nurseries				N					

¹⁹ except for towers located within 1,000 feet of the Old Town District which are prohibited.

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
June 14, 2011

Commission Members Present:

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

Staff:

Julia Hajduk, Planning Manager
Michelle Miller, Associate Planner
Zoe Monahan, Assistant Planner
Heather Austin, Senior Planner

Commission Members Absent:

Council Liaison gNone Present

1. **Call to Order/Roll Call** Z Chair Allen called the meeting to order.
2. **Agenda Review** Z The agenda consisted of the consent agenda and a public hearing on Parks and Open Space Code Clean-up.
3. **Consent Agenda** Z The consent agenda consisted of minutes from April 12th and April 26th. Chair Allen asked for any comments, clarifications. Commissioner Walker commented that she would question the decision on the 26th to elect a Vice Chair with 2 of the long term Commissioners not present. No other comments were made. Commissioner Albert made a motion to approve the minutes as written. All were in favor, the motion carried. The minutes from April 12th and April 26 were approved.
4. **City Council Comments** Z Councilor Luman was not present
5. **Staff Announcements** Z Julia provided the following announcements:
 - Heather Austin the City s Senior Planner had submitted her letter of resignation. Her last day with City will be July 20th.
 - The Community Center was approved for 2.5 million in funding for renovations. Since it is in Old Town, it will be coming before the Commission for review in the future. The City is in the process of applying for Grants for the Cedar Creek Trail construction. If any of those are awarded you will be seeing construction of that trail. As a reminder, there will be a Public Hearing for a Change of Use for a property in Old Town that will be held at the July 12 Planning Commission meeting.
6. **Community Comments** Z None given

7. **New Business** PA 11-02 Parks and Open Space Code Clean-up, Chair Allen opened the meeting and described that the purpose of the hearing is to provide the public an opportunity to submit testimony concerning parks and open space.

Heather presented the Staff Report. She explained that language has been developed over several work sessions with the Commission and Parks Board as well as two listening sessions with the public. The changes proposed meet all regional, state and local standards. She explained what is being proposed are changes: to the definition section including items like townhomes vs. multi-family standards. Clarifying the definition of density and not requiring that these parks be removed from the density calculation. Additional changes include requiring open space for all Townhomes and removing the 2 acre minimum as well as a review of the Preliminary plat standards which refers to the subdivision portion of the code and open space requirements.

Chair Allen opened the hearing up for public testimony. There was no one in attendance to speak on the issue. Chair Allen closed the public testimony portion of the hearing and asked the Commissioners if they had any questions or concerns that needed to be discussed about the proposed language.

Commissioner Clifford asked about manufactured home parks. Heather explained that they have not been looked at by the Parks Board at this time, but can be in the future and can be addressed in the final phase of the code clean-up.

Commissioner Walker asked about attachment A4 and whether or not it should include tot-lots . A conversation continued about whether or not the term tot lots should be left in the language since tot lots are not something that wants to be encouraged or at least that ownership by the City is not encouraged. It was determined to strike the reference to tot lots from the wording.

Commissioner Griffin made a motion to recommend approval to City Council of PA 11-02 based on agency comments, public testimony, staff recommendations, findings of fact, applicant comments and conditions as revised.

The motion was seconded by Commissioner Copfer. A vote was taken and all present were in favor. The motion to recommend approval passed.

Chair Allen adjourned the meeting and moved onto the Work Session.

End of minutes.