



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
August 24, 2010 – 7 PM**

**Business Meeting – 7:00 PM**

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda**
- 4. Staff Announcements**
- 5. Council Announcements** (Mayor Keith Mays, Planning Commission Liaison)
- 6. Community Comments** (*The public may provide comments on any non-agenda item*)
- 8. Old Business:**
  - a. Continued Public Hearing – Tonquin Employment Area Concept (TEA) Plan (PA 09-03)  
The Concept Plan consists of approximately 300 acres of land east of the current City limits. The land was brought into the Urban Growth Boundary (UGB) as employment/industrial land in 2004. The proposed land use/zoning designation is Employment Industrial (EI). This is a new zone being added to the Sherwood Zoning and Community Development Code. The Planning Commission will make a recommendation to the City Council regarding the proposed concept plan and implementing the EI zone. The concept plan applies zoning to the area and includes comprehensive plan updates regarding transportation and infrastructure. The City Council will make the ultimate decision at a public hearing
- 9. Comments from Commission**
- 10. Adjourn the Business Meeting**
- 11. Next Meeting: September 14, 2010 –Code Clean-Up Phase II Listening Session**

**Work Session**

1. Code Clean-Up Discussion
  - a. Open Spaces
  - b. Commercial Use Standards
  - c. Industrial Use Standards
  - d. Residential Uses Continued

# CITY OF SHERWOOD

## Planning Commission Recommendation

Date: August 24, 2010

### Tonquin Employment Area (TEA) Concept Plan



The Planning Commission held two public hearings (July 13, 2010 and August 10, 2010) to take testimony and consider the proposed Tonquin Employment Area (TEA) Concept Plan. The Planning Commission recommends adoption of PA 09-03 Tonquin Employment Area Concept Plan to the City Council at the Council's September 21, 2010 regularly scheduled meeting.

## I. INTRODUCTION

The Tonquin Employment Area (TEA) includes approximately 300 acres of property adjacent to the City of Sherwood's eastern boundary and south of Tualatin-Sherwood Road. The area was brought into the urban growth boundary (UGB) as "industrial" land and, as such, Employment Industrial (EI) zoning is proposed for the entire area. The TEA concept planning effort began in early 2009. The Stakeholder Advisory Committee and Technical Advisory Committee provided input and guidance to the Steering Committee on the development of the plan which led to the July 2010 Concept Plan.

Before the land in the TEA can be converted from rural to urban use, Metro requires that a Concept Plan that complies with local, regional and state standards be prepared by the city that will provide services for the new urban area. Once concept planned, the area can be annexed to the City of Sherwood. The Comprehensive Plan zone designation does not officially apply to a property until the property is annexed into the City of Sherwood.

The report is organized into the following sections:

- I. Introduction
- II. Background (Public Involvement & Proposal Overview)
- III. Affected Agency, Measure 56 Public Notice, and Public Comments
- IV. Type 5 – Legislative Plan Amendment Criteria and Findings of Fact
  - A. Local standards
  - B. State standards
  - C. Regional standards
- V. Recommendation

The Concept Plan will be adopted and implemented through amendments to the Comprehensive Plan (Part 2) including proposed text changes to Chapters 4 and 8 and a proposed map amendment. In addition, a new section, 16.31 (Employment Industrial), is proposed to be added to the Sherwood Zoning and Community Development Code (SZCDC- Division II). The Transportation System Plan (TSP) functional plan map is also proposed to be updated to include the new east-west collector through the TEA.

## II. BACKGROUND

### Background

The purpose of this Tonquin Employment Area Concept Plan is to provide a conceptual guide to the area's development as a new addition to Sherwood. As such, it articulates a clear and coherent vision for the area. The Concept Plan identifies the future EI zoning, transportation improvements, public facilities and a conceptual alignment of the Tonquin Trail – all guided by planning efforts developed with substantial public involvement.

The Tonquin Employment Area (TEA) was added to the Urban Growth Boundary (UGB) by the Metro Council in 2004 (Ordinance 04-1040B). The Sherwood City Council initiated the public process to comprehensively plan for the area prior to annexation and development. In 2002 and 2004, land was also added to the UGB by Metro east of this concept plan area. This area is in the City of Tualatin and is also in the concept planning stage (SW Tualatin Concept Plan). The Cities of Sherwood and Tualatin entered into a Memorandum of Understanding (MOU) that Sherwood would be the service provider for the area from the existing City limits east to SW 124th.

The TEA is bounded by the existing Sherwood city limits on the west and SW Tualatin-Sherwood Road on the north. The eastern boundary of the study area is the future extension of SW 124<sup>th</sup>. The southern boundary of the concept area generally follows SW Tonquin Road for approximately 1,500 feet and the BPA Right-of-Way. The area is bisected by BPA and PGE power lines that are in right-of-way and easements. These lines generally run from northwest to southeast through the area. In addition, there is a Kinder-Morgan high-pressure petroleum line running through the area.

There is one identified wetland within the area and some upland wildlife habitat has been identified adjacent to SW Tonquin Road; however, an in-depth wetland or natural resource analysis was not completed with this concept plan and will be required on a site-specific basis as development occurs.

This area is bordered by industrially developed property on the northwest and north within the cities of Sherwood and Tualatin. The eastern border is adjacent to the future industrial area in Tualatin. The southern border has been identified as future urban reserves by Metro and is currently developed with the Tri-County Gun Club and a rock quarry operation.

### **Process and Public Involvement**

The Concept Plan was developed by a stakeholder advisory committee, technical advisory committee and steering committee. The stakeholder advisory committee consisted of property owners within the area and interested parties (participation on the steering committee was not limited to just property owners). The technical advisory committee consisted of representatives from ODOT, DLCD, Washington County, Clackamas County, Metro, the City of Tualatin, Clean Water Services, Tualatin Valley Fire and Rescue, Raindrops to Refuge and the City's Urban Renewal Board and Parks Board. The Steering Committee was comprised of the City's Planning Commission. The stakeholder group met three times and the technical group met two times. The Steering Committee held three work sessions and will provide a recommendation to the City Council through the public hearing/plan amendment process.

In addition to the committee meetings, additional process steps and community involvement included:

- Two public open houses
- Project website with regular updates
- On-line opportunities to comment following the open houses
- Updates in the Sherwood Gazette and Archer at key milestones
- E-mail notice and extensive mailing prior to each public event

Early and continuous public outreach and involvement was coordinated and timed to coincide with project tasks and key outcomes. The major milestones in the process were:

- Inventory of base conditions and projections of market demand, land use, transportation, natural resources and infrastructure needs
- Establishment of project and concept plan goals
- Development of three alternative concept plans
- Evaluation of alternatives and development of a draft concept plan incorporating the most desired elements

- Refinement of the concept plan and preparation of implementation strategies
- Submission and endorsement of the final concept plan and implementation strategies

The Planning Commission held two public hearings, July 13, 2010 and August 10, 2010. Testimony was received orally at both hearings and in writing prior to and at the hearings. The Planning Commission is forwarding a recommendation of approval to the City Council for a public hearing on September 21, 2010.

### Proposal Overview

The Comprehensive Plan was amended in 2006 with the implementation of the Area 59 Concept Plan to provide a framework for future concept plans. The proposal is to adopt the Tonquin Employment Area Concept Plan by reference and incorporate the key findings and recommendations from that concept plan into Chapter 8 of the Comprehensive Plan (Urban Growth Boundary Additions). Implementation of the Concept Plan as part of this proposal will also include the adoption of amendments to Chapters 4 and 8 of the Comprehensive Plan, amendment to the Comprehensive Plan Map and updates to the Development Code to include a new zoning designation for the Tonquin Employment Area and updates to the Conditional Use section. The actual zone does not change until annexation occurs. This proposal also includes a Transportation System Plan (TSP) amendment to include the new east-west collector through the area.

### III. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

The City of Sherwood sent notice to DLCD on May 26, 2010, 49 days prior to the first evidentiary hearing. ODOT, Washington County, Clackamas County, Metro, the City of Tualatin, Clean Water Services, Tualatin Valley Fire and Rescue, Tualatin River National Wildlife Refuge, Raindrops to Refuge and the City's Urban Renewal Board and Parks Board were provided the draft concept plan as part of the Technical Advisory Committee (TAC) and were sent additional agency notice on July 1, 2010. Mailed public notice, including Measure 56 notice, was provided on June 22, 2010, which exceeds the City requirement of 10 days prior to the first evidentiary hearing. In addition, Metro's Title 11 (Chapter 3.07.1140) requires notice sixty (60) days prior to adoption. Metro has been notified at each review stage in the process as a part of the TAC. The City has continued to stay in contact with Metro and ODOT throughout this process to ensure they are up to date on the status and potential issues as the hearing process has progressed.

#### Agency Comments

No formal agency comments have been submitted to-date. However, agency comments provided throughout the process through the TAC have been included in the production of the concept plan.

#### Public Comments

Public comments may be provided at any time prior to the close of the public hearing, The Planning Commission and City Council will take verbal and written testimony at the public hearings.

### IV. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

#### A. Local Standards

The City shall find that the following criterion is met by the proposed amendment:

### 1. Section 4.203.01 Text Amendment Review Criteria

**“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.”**

**FINDING:** The following section of this report addresses the need for the plan map and text amendments as well as consistency with the Plan policies and applicable regional and state standards.

### 2. Section 4.203.02 Map Amendment Review Criteria

**A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.**

Compliance with the Comprehensive Plan policies is discussed below in IV.A.3

**B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**

The need for industrial land in Sherwood has been demonstrated by both the city's Economic Development Strategy (2007) and Metro's addition of this area into the UGB as industrial land in 2004. In the case of the Economic Development Strategy, the city identified a stark imbalance between residential land (80% of the city's tax base) and employment/commercial/industrial land (20% of the city's task base). In an effort to try to bring these numbers into some kind of balance, the city set a goal of annexing more employment industrial land. In the case of Metro's addition of the area to the UGB as industrial land, Metro identified a region-wide need for industrial land and identified Sherwood as a jurisdiction that is well-suited for the land addition.

The addition of industrial land in the City of Tualatin adjacent to the Tonquin Employment Area will result in a large amount of industrial land in this part of the region. However, the overall need of employment industrial land identified by both the city and the region will still not be fully met.

**FINDING:** As discussed above, the city and regional governing body have adequately demonstrated the existing need for industrial employment land in Sherwood. This standard has been met.

**C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.**

This area was added to the UGB in 2004 and the intention was to concept plan the area as soon as possible. Several factors have delayed production of the concept plan, including uncertainty regarding the location of the I-5/99W Connector project, staffing levels within the city, funding for the concept plan development and changes in economic conditions generally.

The pattern of development within the city of Sherwood adjacent to this area is industrial. The proposed zoning for the land adjacent to this area in Tualatin's UGB is undetermined but will be some type of industrial.

The City's TSP (with proposed amendment), water master plan, stormwater master plan and sanitary sewer master plan demonstrate the availability of utilities to service the area. Service providers for the area have been notified of the plan and have not identified inabilities to serve all potential uses.

**FINDING:** As discussed above, this standard is met.

**D. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.**

This criterion is intended for zone change applications for land inside the city limits instead of new UGB additions and therefore, this standard is not applicable to UGB expansion areas. In addition, the new zone proposed (Employment Industrial) specifically targets employment opportunities, something no existing Sherwood zone does.

**FINDING:** As discussed above, this standard is satisfied.

### 3. Comprehensive Plan Policies

#### Chapter 4 Land Use:

##### Section H (Economic Development Strategies)

**Policy 1 – The City will coordinate ongoing economic development planning with involved public and private agencies in the state, regional, county and local level.**

**Policy 2 - The City will encourage economic growth that is consistent with the management and use of its environmental resources.**

**Policy 3 - The City will direct public expenditures toward the realization of community development goals by assuring the adequacy of community services and facilities for existing and future economic development.**

**Policy 4 – The City will seek to improve regional access to the urban area as a means to encourage local economic development.**

**Policy 5 - The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.**

**Policy 6 – The City will seek funding through EDA or HUD for the rehabilitation of the Old Town and Washington Hill neighborhoods.**

The Tonquin Employment Area furthers the City's economic development strategies in expanding the City's employment/industrial tax base as well as in providing jobs for Sherwood residents. The proposed plan is consistent with natural resource protection standards. The adequacy of community services and facilities for this area is demonstrated in the concept plan. The proposed east-west collector will provide an additional way for people from east of the city to access the city. This area will expand the city's industrial development area and is not located within the Old Town or Washington Hill.

**FINDING:** This concept plan complies with this policy.

##### **Additional Policies**

**Policy 1- Support existing businesses and recruit additional businesses that provide local family-wage jobs. Replace any employment land rezoned for other uses with other employment land.**

**Policy 2- Support tourism as an economic engine.**

**Policy 3- Develop the infrastructure and services necessary to support economic development in Sherwood.**

**Policy 4- Develop a local work force of residents whose skills are compatible with the needs of local businesses.**

The Tonquin Employment Area provides expansion areas for existing businesses as well as development opportunities for additional businesses. Tourism is not a part of the TEA. Development of this area will help develop the infrastructure and services necessary to support economic development in Sherwood. The economic development strategies employed in the concept plan focus on Sherwood's skilled work force.

**FINDING:** As discussed above, this concept plan complies with this policy.

**Section K.2 (Industrial Planning Designation)**

**Policy 1 - Industrial uses will be located in areas where they will be compatible with adjoining uses, and where necessary services and natural amenities are favorable.**

**Policy 2 - The City will encourage sound industrial development by all suitable means to provide employment and economic stability to the community.**

The Tonquin Employment Area is located adjacent to other industrial users, rock quarries and a gun club, making it an ideal location for industrial development. This type of development is well suited to this area.

**FINDING:** The concept plan is consistent with this policy.

**Section O (Community Design)**

**Policy 1 -The City will seek to enhance community identity, foster civic pride, encourage community spirit, and stimulate social interaction through regulation of the physical design and visual appearance of new development**

**Policy 2 - The formation of identifiable residential neighborhoods will be encouraged**

**Policy 3 - The natural beauty and unique visual character of Sherwood will be conserved**

**Policy 4 - Promote creativity, innovation and flexibility in structural and site design.**

The City implemented industrial design standards earlier this year that will apply to development in this area. These standards promote creativity, innovation and flexibility in structural and site design.

**FINDING:** Because development in this area will be required to comply with the industrial design standards, this concept plan is in compliance with this policy.

**Chapter 5:**

**Section C.3 (Natural resources and Hazards)**

**Policy 2 - Habitat friendly development shall be encouraged for developments with Regionally Significant Fish and Wildlife Habitats identified as Map V-2**

**Policy 3 - Prime agricultural soils will be reserved from development until required for other uses**

**Policy 4 - Provide drainage facilities and regulate development in areas of runoff or erosion hazard.**

The significant upland wildlife habitat identified in this area is along the steep slope abutting SW Tonquin Road and is generally not developable. The wetland area will be protected as a Goal 5 resource. The soils are not prime agricultural soils and provision for drainage facilities has been provided in the concept plan. As development occurs, existing regulations and incentives in the development code will aid in encouraging or requiring habitat friendly development.

**FINDING:** The concept plan and proposed map and text amendment is are consistent with these policies.

**Section E.3 (Recreational Resources Policies)**

**Policy 1 - Open Space will be linked to provide greenway areas.**  
**Policy 2 - The City will maximize shared use of recreational facilities to avoid cost duplication.**

**Policy 5 - The City will protect designated historic and cultural landmarks in accordance with the Code standards.**

The Tonquin Trail, a regional trail connecting the Tualatin and Willamette Rivers through Sherwood, Tualatin and Wilsonville, may be located within the TEA. This could occur along a utility easement or right-of-way, adjacent to or within a street right-of-way, or in a designated tract. Development of the TEA does not preclude alignment of the trail through this area. No other recreational facilities are proposed for this industrial area and no historic or cultural landmarks have been identified.

**FINDING:** The concept plan and proposed map and text amendment are consistent with these policies.

**Section F.(Energy Resources)**

**Policy 4 - The City will encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.**

The area includes two "commercial nodes" with supportive services to allow employees within TEA to walk or bike to lunch or for basic errands, thus increasing energy efficiency. In addition, one of the targeted user groups for this area is "green technology", an industry geared toward energy efficient technologies.

**FINDING:** The concept plan and proposed map and text amendment are consistent with this policy.

**Chapter 6, Goal 1**

**Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.**

**Policy 1 – The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.**

**Policy 2 – Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.**

**Policy 3 – Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-of-town routes shall be provided from all areas of the city.**

**Policy 4 – The City shall encourage the use of more energy-efficient and environmentally-sound alternatives to the automobile by:**



- The designation and construction of bike paths and pedestrian ways;
- The scheduling and routing of existing mass transit systems and the development of new systems to meet local resident needs; and
- Encouraging the development of self-contained neighborhoods, providing a wide range of land use activities within a single area.

**Policy 6 – The City shall work to ensure the transportation system is developed in a manner consistent with state and federal standards for the protection of air, land and water quality, including the State Implementation Plan for complying with the Clean Air Act and the Clean Water Act.**

**Policy 7 – The City of Sherwood shall foster transportation services to the transportation-disadvantaged including the young, elderly, handicapped, and poor.**

**Policy 8 – The City of Sherwood shall consider infrastructure improvements with the least impact to the environment.**

The only new road shown within the concept plan area is the east-west collector that extends from SW Oregon Street to the future extension of SW 124<sup>th</sup>. This street runs parallel to SW Tualatin-Sherwood Road and is meant to provide the main access to development within the area. Because large, campus-style development is anticipated, this may be the only public street within the area. If smaller users develop parcels, local street standards will apply, creating connectivity. Access from existing or proposed collectors and arterials will follow the city's access spacing standards.

The transportation concept was developed with consideration to the infrastructure costs and potential impact to the environment. The east-west collector intersects the future extension of SW 124<sup>th</sup> near an identified wetland; however, a natural resources study has not been conducted at this conceptual level and location of the road will take this into consideration at time of development. The location must line up with Blake Street in Tualatin on the east side of the future 124<sup>th</sup> extension which dictates in some part the location in relation to the identified wetland.

**FINDING:** As discussed above, the proposed concept plan is consistent with these policies.

#### **Chapter 7:**

**Objective 1 – Develop and implement policies and plans to provide the following public facilities and services: public safety fire protection, sanitary facilities, water supply, governmental services, health services, energy and communication services, and recreation facilities**

**Objective 2 - Establish service areas and service area policies so as to provide the appropriate kinds and levels of services and facilities to existing and future urban areas. (Page 2)**

**Objective 3 - Coordinate public facility and service plans with established growth management policy as a means to achieve orderly growth. (Page 2)**

**Objective 4 - Coordinate public facility and service provision with future land use policy as a means to provide an appropriate mix of residential, industrial and commercial uses. (Page 2)**

The City of Sherwood will be the primary provider of urban services with the exception of fire protection. Service areas will not extend outside the Tonquin Employment Area. The plan has been developed with consideration of existing and recently adopted master plans and considered the predominance of industrial land and the very small amount of supportive commercial services.

**FINDING:** The concept plan and proposed map and text amendment are consistent with these policies.

#### **Chapter 8 (Urban Growth Boundary Additions)**

**Policy 1 - Focus growth into areas contiguous to existing development rather than "leap frogging" over developable property.**

**Policy 2 - Encourage development within areas that have access to public facility and street extensions in the existing city limits.**

**Policy 3 – Encourage annexation inside the UGB where City services are available and can be extended in a cost-effective and efficient manner.**

**Policy 4 - When Metro and Sherwood designates future urban growth areas, consider lands with poorer agricultural soils before prime agricultural lands, lands that are contiguous to areas planned for urban services, and land that resides in Washington County to reduce confusion over jurisdictional administration and authority.**

**Policy 5 - Achieve the maximum preservation of natural and historic resources and features consistent with Goal 5 of the Statewide Land Use Planning program and Chapter 5 of this Plan.**

**Policy 6 - Provide multi-modal access and traffic circulation to all new development that reduces reliance on single occupant vehicles (SOV) and encourages alternatives to cars as a primary source of transportation.**

**Policy 7 - Establish policies for the orderly extension of community services and public facilities to areas added for new growth consistent with the ability of the community to provide necessary services. New public facilities should be available in conjunction or concurrently with urbanization in order to meet future needs. The City, Washington County, and special service districts should cooperate in the development of a capital improvements program in areas of mutual concern. Lands within the urban growth boundary shall be available for urban development concurrent with the provision of the key urban facilities and services.**

**Policy 8 - Provide for phased and orderly transition from rural to suburban or urban uses. Larger UGB expansion areas shall include a phased development plan to achieve a sustainable transition over time.**

**Policy 9 - To provide a regionally consistent population projection methodology and the accurate allocation of people, a revised population projection for Sherwood should be developed and coordinated with other County jurisdictions, Washington County, and Metro during periodic review of the Metro UGB and Sherwood's Comprehensive Plan.**

**Policy 10 - The City of Sherwood shall lead the concept planning for areas contiguous to the existing UGB. The City of Sherwood and special districts, such as Tualatin Valley Fire & Rescue, are the primary service providers. Washington County does not want to provide urban services outside of city limits. Sherwood will work cooperatively with the County, special districts, and neighboring cities, including Tualatin, to determine urban service boundaries, service delivery, and when feasible share resources, such as public facilities to encourage cooperation, cost-effective delivery, and economic development in future growth areas.**

**Policy 11- As part of the concept planning process, the City will submit findings from any study or technical analysis to inform Metro on appropriate future revisions to the Urban Growth Boundary (UGB) in conformance with the Metro 2040 Growth Concept Plan and the need to accommodate urban growth to the year 2017 and beyond. The City will work with neighboring cities, Washington County, and Metro on an "urban reserve" program that identifies future lands beyond a 20 year planning horizon to facilitate efficient and well planned public facilities and services.**

**Policy 12 - Changes to concept plans can be made prior to implementation based on supported evidence and may be proposed by the City, County, special districts, and**

individuals in conformance with City, County, and Metro procedures for amendment of their respective Comprehensive Plans. Concept plan maps shall be adopted in this Chapter and new development shall conform to the land uses, transportation network, parks and open space, and other applicable concept level designs.

**Policy 13 -** Generally, new concept plans shall conform to Title 11 requirements and any conditions of approval related to the addition of the land. Concept plans shall strive to balance the needs of existing and new residents and businesses to ensure a sustainable tax base to deliver services. Mixed residential and mixed use shall be considered for each concept plan as an opportunity to provide neighborhood and civic oriented services within walking distance, efficient, transportation alternatives, and a variety of housing and employment choices.

**Policy 14 -** Generally, new neighborhoods shall be designed and built based on architectural form as opposed to land based regulatory tools, such as setbacks, lot sizes, and lot coverage. In lieu of these requirements more shared and usable open space and parks can be dedicated to the public in addition to any non-buildable areas. Furthermore, a form-based code is preferable to reduce regulatory hurdles and costs for customers and the City, respectively.

**Policy 15 -** The City shall work with the Tualatin River National Wildlife Refuge on a long term urbanization plan that could include provision of urban services and preservation of additional lands for fish and wildlife habitat.

**Policy 16 -** Consistent with Goal 1, the City shall establish an advisory committee to develop evaluation criteria and a concept plan for any area over 20 acres while collecting input from affected agencies, property owners, and other stakeholders.

**Policy 17 -** As new UGB areas are added and approved through the concept planning process, the geographic boundaries of Sherwood will change. Specifically, a new UGB boundary with Tualatin needs to be determined through the concept planning process for Area 48 (Quarry Area).

**Policy 18 -** Regarding the concept planning process, the following steps shall be required to initiate the concept plan through annexation:

- (1) **Governance:** Determine jurisdictional boundaries and urban service providers.
- (2) **Concept Plan:** Develop a concept plan consistent with Metro 2040 Growth Concept.
- (3) **Implementation:** Adopt comprehensive plan policies, zoning codes, etc. k ordinance.
- (4) **Annexation:** Allow property owners to petition the City for annexation after concept plan implementation is substantially complete.

**Policy 19 -** City plan and zoning designations will be determined consistent with the Metro 2040 Growth Concept Design Types illustrated on the 2040 map, unless the 2040 map designation is inappropriate, in which case the City will propose that Metro change their map consistent with City policy.

**Policy 20 -** The City shall find outside sources of funds, including participation in Metro's Construction Excise Tax program, to finance the concept planning in lieu of general funds.

1. The Tonquin Employment Area is contiguous to existing development across SW Oregon Street and SW Tualatin-Sherwood Road.
2. As shown in the concept plan, there is access to public facilities and streets that are in the city limits.
3. Annexation can occur after the concept plan is approved and would be appropriate because services are available and can be extended in a cost-effective and efficient manner.
4. Because this area is already within the UGB, this policy does not apply.

5. There are no identified historic resources within the TEA and natural resources have been identified and will be protected through the city's Goal 5 protections at the time of development.
6. The proposed east-west collector will include sidewalks and bike lanes and a potential Tonquin Trail alignment is shown within the TEA.
7. Community services such as schools, police, fire, parks and the Sherwood Library are available to serve the area. Public facilities are available in adjacent right-of-way and can easily serve many of the parcels. Those parcels interior to the site will be served by the new east-west collector once it is built.
8. Although not small at 300 acres, the anticipated development within this area will be large, campus-style industrial employers and, as such, the total number of developments is not likely to be high and a development sequencing plan is not necessary.
9. This policy is not applicable to this concept plan.
10. The City of Sherwood is leading this concept planning process.
11. This plan has been provided to Metro and the city has been an active participant in the "urban reserves" process.
12. The map of this concept plan, once adopted, will be added to Chapter 8 of the comprehensive plan.
13. This plan includes a small amount of "supportive services retail" which will encourage mixed use within the plan area. Title 11 and other Metro requirements are discussed later in this report.
14. No new neighborhoods are proposed for this area.
15. The city has provided notification of this concept plan to the Tualatin River National Wildlife Refuge.
16. This process utilized a stakeholder advisory committee, technical advisory committee and steering committee.
17. The Memorandum of Understanding establishes SW 124<sup>th</sup> as the boundary between Sherwood and Tualatin.
18. This process has been followed and will continue to be followed.
19. The Employment Industrial zone is consistent with metro's "industrial" classification.
20. This project has been funded by the Metro Construction Excise Tax Program.

**FINDING:** As discussed above, the applicable Urban Growth Management Polices are fully met.

## State Standards

1. **Transportation Planning Rule (TPR):** The City finds that the proposed concept plan complies with applicable requirements of the state Transportation Planning Rule (OAR 660-12-0060) Plan and Land Use Regulation Amendments:

(1) **Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:**

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
- (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;

- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
- (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

**(2) A plan or land use regulation amendment significantly affects a transportation facility if it:**

- (a) Changes the functional classification of an existing or planned transportation facility;**
- (b) Changes standards implementing a functional classification system;**
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or**
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.**

The plan does not envision changing the functional classification of any of the existing roads from the current TSP. In addition, the Regional Transportation Plan (RTP) includes several projects that would generally be needed to support the development of this area on the financially constrained list (therefore a funding source has already been identified). When the current RTP was adopted, it assumed 2,074 employees would work in the area by 2030. The 20-year employment forecast completed by Leland Consulting for the Tonquin Employment Area shows 2,290 employees in this area- an increase of 216 employees over the number already anticipated when determining regional roadway improvements.

Based on the minimal increase in traffic between the RTP estimates and the Tonquin Employment Area estimates, it is determined that the surrounding transportation system would not be significantly affected. The concept plan does not change the functional classification of an existing or planned transportation facility, does not change standards implementing a functional classification system, and does not allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility.

While the Sherwood and Washington County TSPs do not designate this area for industrial development and assign only a minimal number of trips to the concept plan area, the TSPs will need to be updated to fully comply with the recently adopted RTP in the next year and will incorporate the RTP assumptions. The RTP does assume this type of development. Therefore, based on the data in the RTP, the plan which both the Sherwood TSP and County TSP must be consistent, the concept plan does not reduce performance standards of any facility in this area beyond what has already been identified.

The proposed east-west collector connects SW Oregon Street to SW 124<sup>th</sup> and aligns with SW Blake Street in Tualatin. At the time the Concept Plan was written, SW Blake Street in Tualatin connected SW 124<sup>th</sup> to SW 108<sup>th</sup>. Since then, and based on nearby property owner opposition, the City of Tualatin City Council removed the connection of SW Blake Street to SW 108<sup>th</sup> and instead ended the street in a cul-de-sac. While this has regional implications for the flow of east-west traffic between Highway 99W and I-5, it does not negatively impact traffic operations of the Tonquin Employment Area.

**FINDING:** As discussed above, the concept plan does not significantly affect the surrounding transportation system beyond what has already been identified through the RTP and this standard is met.

## 2. Statewide Land Use Planning Goals

**Goal 1: Citizen Involvement** – This Goal calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

The citizen involvement program shall incorporate the following components:

1. **Citizen Involvement** -- To provide for widespread citizen involvement.
2. **Communication** -- To assure effective two-way communication with citizens.
3. **Citizen Influence** -- To provide the opportunity for citizens to be involved in all phases of the planning process.
4. **Technical Information** -- To assure that technical information is available in an understandable form.
5. **Feedback Mechanisms** -- To assure that citizens will receive a response from policy-makers.
6. **Financial Support** -- To insure funding for the citizen involvement program.

LCDC recognizes the Planning Commission as the designated CCI for Sherwood. The City established three review bodies: a Stakeholder Advisory Committee (SAC) consisting of all property owners in the area and any interested parties; a Technical Advisory Committee (TAC) consisting of representatives affected agencies including ODOT, DLCD, Washington County, Clackamas County, Metro, the City of Tualatin, Clean Water Services, Tualatin Valley Fire and Rescue, Raindrops to Refuge and the City's Urban Renewal Board and Parks Board; and a Steering Committee (SC) which consisted of the Planning Commissioners. The SAC met at three key points in the process to review materials and provide feedback to the SC. The TAC met twice with a similar mission. The Steering Committee held four work sessions associated with regularly scheduled Planning Commission meetings.

The City's public hearing, public notice and public testimony standards meet components 1, 2 and 3. The City also holds work sessions on complex issues and posts all information on the City's website and in the library to assure that technical information is available in an understandable form. Any citizen who testifies on record or requests to be added to an interested parties list is notified of all land use decisions. The Planning Commission program is fully funded through the city, as are open houses and other non-commission related outreach efforts.

In addition to the SAC, TAC and SC, the City held two open houses and posted all documents, meeting agendas, meeting minutes, project timelines and staff contact information on the city's website. Information was posted throughout the City and in the Archer prior to any public open houses or meetings.

**FINDING:** As outlined above, the plan has been developed consistent with this Goal.

**Goal 2: Land Use Planning** - outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans

**be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.**

The concept planning process addressed all local, state and regional standards. The plan was developed based on factual information regarding existing conditions and projected demands on infrastructure. The plan was developed with Washington County, Metro, ODOT and the City of Tualatin representation on the Technical Advisory Committee and Clackamas County and the City of Wilsonville were notified of key actions, updates and meetings through the interested parties' list notifications.

**FINDING:** The plan has been developed consistent with this Goal.

**Goal 3: Agriculture**

This goal does not apply because it is in the UGB.

**Goal 4: Forestry**

This goal does not apply because it is in the UGB.

**Goal 5: Natural Resources - covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.**

The plan was developed using the Metro inventory of significant natural resources and, once brought into the City, the Tualatin Basin Program as implemented by the City will apply. The City implemented the Basin program in 2007 after over 5 years of regional, county-wide and local discussion of the resource values compared to the ESEE consequences of prohibiting development in those resources. Because the Basin program as implemented by the City is compliant with Goal 5 at both the Regional and State level, additional Goal 5 analysis was not conducted for this project in respect to natural resources.

Because of the conceptual nature of this plan, the project did not include scope to analyze in depth the potential for historic resources and none were raised as significant at the steering committee or public open house discussions. State rules encourage inventory of historic resources, but do not mandate it to comply with Goal 5. In addition, unless a property owner accepts being designated as a historic resource, the City cannot designate a specific property as a historic resource that is subject to restrictions. Because the concept planning process did not designate historic resources, this element of the goal 5 standards is not applicable.

The identified Goal 5 resources within the TEA are shown on Figure IV-1 as 'Title 13 Habitat Conservation Areas (High Value)'. These areas are along SW Tonquin Road (steep slope) and adjacent to the identified wetland (sensitive area buffer).

**FINDING:** The plan has been developed consistent with this Goal.

**Goal 6: Air and Water Quality - requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.**

Sherwood is located in the Portland Metropolitan Air Quality Management Attainment Area. The proposal encourages alternative modes and transportation demand management to reduce

reliance on the automobile and improve air quality. In addition, consideration was given to provide opportunities for employee supportive retail uses, in limited quantity, within the Plan area to reduce vehicular traffic.

**FINDING:** The plan has been developed consistent with this Goal.

**Goal 7: Natural Hazards - deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.**

**FINDING:** This goal does not apply to this concept plan as the City already has "appropriate safeguards" in place for development within the floodplain. In addition there are not streams or floodplains within the Plan area.

**Goal 8: Recreation - This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.**

The concept plan discusses several potential alignments for the Tonquin Trail, a regional trail connecting the Tualatin and Willamette rivers through Tualatin, Sherwood and Wilsonville. Although an alignment has not been chosen yet for this trail corridor, one potential option is through the Tonquin Employment Area. To ensure the feasibility of this, three potential alignments have been discussed in the plan.

The Technical Advisory Committee (TAC) included a representative from the Sherwood Parks Board who conveyed information between the Parks Board and the TAC. The Parks Board has identified areas for potential future acquisition on the Parks Master Plan, none of which are located within the Tonquin Employment Area. While this area will add employees to the city and thus increase the demand for park use, the city has determined that this need can be met by existing parks and future parks in areas designated on the Parks Master Plan.

**FINDING:** The plan has been developed consistent with this Goal.

**Goal 9: Economic Development - calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.**

Sherwood's Economic Development Strategy (2007) identified a jobs/housing imbalance with about 20% of the city's tax base from commercial/industrial and 80% from residential. The Strategy inventoried commercial and industrial lands and identified a great need for additional industrial land. The entire Tonquin Employment Area will be zoned Employment Industrial (EI) and will further the goal of reducing the jobs/housing imbalance.

**FINDING:** The plan has been developed consistent with this Goal.

**Goal 10: Housing – calls for buildable residential lands to meet the housing needs of the citizens of the state.**

**FINDING:** The Tonquin Employment Area was brought into the Urban Growth Boundary to help meet the employment needs of the region. No housing is proposed for this area and, therefore, this goal is not applicable.



**Goal 11: Public Facilities** - calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

This goal is addressed by the existing water, sanitary and storm sewer master plans that already have anticipated development within this area and identified projects that will ensure this area will be adequately served. Plans and financing strategies for public utilities are included within the concept plan document and meet the community's needs and capacities.

**FINDING:** The plan has been developed consistent with this Goal.

**Goal 12: Transportation** - The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

**FINDING:** The proposed concept plan was reviewed using the TPR standards. This staff report evaluates TPR criteria to make findings of fact and demonstrate compliance as discussed previously in this report.

**Goal 13: Energy Conservation** – calls for land development to be controlled and maintained so as to maximize the conservation of all forms of energy.

**FINDING:** Any development that occurs in the Tonquin Employment Area will be subject to the Sherwood Zoning and Community Development Code, which contains standards for energy conservation. This concept plan is consistent with this goal through the application of Sherwood's development standards.

**Goal 14: Urbanization** - This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**FINDING:** In the Portland Metropolitan Area, Metro has the burden and authority to conduct growth and land need projections and determine whether and where to expand the Urban Growth Boundary, therefore, Sherwood cannot address urbanization criteria outside the existing Comprehensive Plan policies.

**Goals 15-19 apply to the Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes and Ocean Resources.**

**FINDING:** The Tonquin Employment Area does not include any of these resources and, therefore, State Goals 15-19 are not applicable to this concept plan.

## Regional Standards

### 1. Title 4 3.07.430 Protection of Industrial Areas

**A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and**

restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
2. Training facilities whose primary purpose is to provide training to meet industrial needs.

The proposed code language for the Employment Industrial (EI) zone (attached to the concept plan as appendix B) includes a section “16.31.080 Commercial Use Restrictions” which includes the exact language of standard A of Title 4. This standard is specifically referenced where commercial/retail uses are permitted outright or conditionally (16.31.020 and 16.31.030).

Training facilities whose primary purpose is to provide training to meet industrial needs have been specifically permitted. There is no airport near the Tonquin Employment Area.

**FINDING:** With the restrictions of the new EI zone, the plan is in compliance with this standard.

**B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro’s Freight Network Map, November, 2003. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.**

SW Tualatin-Sherwood Road is the only identified Roadway Connector adjacent to the Tonquin Employment Area (there are no Main Roadway Routes- the closest is Highway 99W). However, access to SW Oregon Street and SW 124<sup>th</sup> is also limited in the concept plan. New access to SW Tualatin-Sherwood Road, SW Oregon Street and the future extension of SW 124<sup>th</sup> Avenue will be limited by city and county access spacing standards. Additional access points to these arterials may not be necessary if large, campus-style development is built. The only access that is assured is the connection of the east-west collector to SW Oregon Street and the future extension of SW 124<sup>th</sup>; however the exact location is yet to be determined. No new direct property access is proposed for SW Tualatin-Sherwood Road, SW Oregon Street or SW 124<sup>th</sup> Avenue.

**FINDING:** This plan is in compliance with this standard.

**C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.**

The Tonquin Employment Area is currently in unincorporated Washington County and requires annexation to Sherwood before the city can authorize uses. At time of annexation, the EI zone will be applied to all properties in the study area, thus requiring compliance with Title 4.

**FINDING:** This plan is in compliance with this standard.

**D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:**

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.
2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.
4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
  - a. To provide public facilities and services;
  - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
  - d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

There is one property in the Tonquin Employment Area that is greater than 50 acres in size. These standards will apply to that property as stated in Section 16.31.050.A of the EI zone (appendix B to the concept plan).

**FINDING:** As revised, the EI zone will ensure compliance with this standard.

**E. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floorspace and 10 percent more land area.**

**FINDING:** The city's current non-conforming use standards would apply once a property is annexed to the city. This is particularly important in the case of rock crushing facilities, aggregate storage and distribution facilities and concrete or asphalt batch plants. All of these uses exist now (or have in the past) in the Tonquin Employment Area and will be prohibited as new uses in the EI zone. These uses, if they already exist, will be permitted to continue as pre-existing non-conformities consistent with the non-conforming use standards. This concept plan is in compliance with this standard.

## **2. Title 11**

All territory added to the Urban Growth Boundary as either a major amendment or a legislative amendment pursuant to Metro Code Chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

**A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the Ordinance adding the territory to the UGB.**

The area was brought into the UGB with a general design type industrial. The Plan has been designed consistent with this designation and all parts of the concept area have been designated Employment Industrial (EI), a new zone intended to promote employment development in this area. The EI zone regulations are attached to the concept plan as Appendix B.

**FINDING:** As discussed above this standard has been met.

**B. Provision for annexation to the district and to a city or any necessary service districts prior to the urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.**

The Tonquin Employment Area is currently in unincorporated Washington County. The City of Sherwood and Washington County have an urban planning area agreement (UPAA) specifying the City of Sherwood as the ultimate provider of urban services with the exception of Tualatin Valley Fire & Rescue, which will continue to provide emergency response services. Under the Washington County UPAA it is agreed that the zoning shall be maintained as is so that urban development cannot occur until the area is brought into the City. Once the concept plan has been adopted and comprehensive plan zoning applies, annexation could potentially occur.

**FINDING:** As discussed above, the concept plan is consistent with this standard.

**C. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to Section 3.01.040 of the Urban Growth Boundary Functional Plan.**

**FINDING:** This area is designated for employment purposes. No residential development is proposed and, therefore, density standards are not applicable.

**D. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.**

**FINDING:** This area is designated for employment purposes. No residential development is proposed and, therefore, density standards are not applicable.

**E. Demonstration of how residential development will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.**

**FINDING:** This area is designated for employment purposes. No residential development is proposed and, therefore, density standards are not applicable.

**F. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and**

**industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.**

The area was brought in for industrial uses and received the 2040 designation of "industrial" area. This entire site will be zoned Employment Industrial (EI). The intent of the entire site is to provide employment opportunities to help meet the needs of the city and the region. A small portion of the site may be developed with employment supportive commercial, however the majority will be industrial. In developing the concept plan, the City considered the existing and future industrial development in the City and in Tualatin. The city recently adopted industrial design standards that will apply to all developments in this area, as well as the city as a whole.

**FINDING:** As demonstrated above, this standard has been met.

**G. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources, either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.**

The transportation concept included in the concept plan provides for one east-west collector street to serve the majority of development in this area and provide a vital connection between SW Oregon Street and the future extension of SW 124<sup>th</sup>, parallel to SW Tualatin-Sherwood Road. The connection is not in the RTP but respects the functional classification of 124<sup>th</sup>, Tualatin-Sherwood and Oregon Street by limiting access. Preliminary cost estimates and funding strategies are included within the report on pages 42-45. A detailed environmental analysis, including wetland delineation, has not yet been completed; however a potential wetland is identified in the vicinity of the connection to 124<sup>th</sup> and the east/west collector. The location will minimize impacts to the wetland as much as possible but it is also dictated by access needs and restrictions on the Tualatin side of SW 124<sup>th</sup> and topography and easement constraints on the Sherwood side. Because the connection of the east-west collector to the future extension of SW 124<sup>th</sup> is located adjacent to a wetland, a 45% contingency was included in the road cost estimates.

Off-site improvements are included within the RTP's financially constrained list. The RTP assumed a level of development for the Tonquin Employment Area very similar to that proposed with this concept plan and, therefore, no additional off-site improvements are identified as needed with development of this area. As development in the area (and region) occurs, the projects identified in the RTP will be constructed.

**FINDING:** As demonstrated above, this standard has been met.

**H. Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.**

The Plan incorporated the Metro Inventory of Significant Wildlife Habitat and assumes that the Tualatin Basin program, as implemented by the City of Sherwood will apply. Metro-designated "High Value" habitat area is shown in Figure IV-1 on page 10. This area is immediately adjacent to SW Tonquin Road, an area of steep slope. The proposed east-west collector is immediately adjacent to the identified wetland (within the buffer that will be required to be protected). These natural areas will be assessed in greater detail and protected per City and Clean Water Services standards at time of development. It is assumed that no floodplain will be developed and that wetlands will be protected or mitigated consistent with CWS, DSL and US Army Corps of Engineers standards. Habitat areas such as heavily treed areas will be encouraged to be protected through the ability to vary standards when preserving resources. In addition, the City of Sherwood has tree removal standards that provide a disincentive to removing trees.

**FINDING:** As demonstrated above, this standard has been met.

**I. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.**

The public facility maps illustrate the general location, size, and capacity of new sanitary sewer, storm, and transportation facilities to serve future industrial/employment development in the Tonquin Employment Area. The fiscal impact analysis identified preliminary costs and potential financing approaches.

**FINDING:** As demonstrated above, this standard has been met.

**J. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.**

The Sherwood School District was consulted at the beginning of this planning process and have stated that they are not interested in school property within the Tonquin Employment Area.

**FINDING:** The local school district was consulted and no land was designated for school use. This standard has been met.

- K. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:**
- 1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;**
  - 2. Location of steep slopes and unbuildable lands including, but not limited, to wetlands, floodplains and riparian areas;**
  - 3. General locations for mixed use areas, commercial and industrial lands;**
  - 4. General locations for single and multi-family housing;**
  - 5. General locations for public open space, plazas and neighborhood centers; and**
  - 6. General locations or alternative locations for any needed school, park or fire hall sites.**

The draft concept plan map (figure IV-1, page 10 of the Draft Concept Plan report) provides the general location of the proposed east-west collector street (an extension of SW Blake Street, which is proposed to extend throughout the SW Tualatin Concept Plan). No other access points are shown into the site; however, any access points proposed with development will be required to comply with access spacing standards of the City of Sherwood and Washington County. Local

connectivity within the site is not shown on the concept plan as the goal is to maintain as large as possible parcels for industrial development. Local development standards will apply to development within the area, but large, campus-type development will not be discouraged by showing local street connections on the map. Figures IV-6 on page 32, IV-7 on page 36 and IV-8 on page 40 show the conceptual location of stormwater lines, water system lines, and sanitary sewer system network based on the Stormwater Master Plan, Sanitary Sewer Master Plan and Water Master Plan. Figure IV-1 shows the areas of moderate and steep slopes (10-25% and >25%) as well as one wetland. The entire concept plan area is designated with the zoning Employment Industrial (EI). The only public open space designated within the concept plan is a potential alignment of the Tonquin Trail.

**FINDING:** The concept plan identifies at a conceptual level the required elements of Title 11, requirements K 1-6.

**L. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.**

**FINDING:** Because no residential property is designated in this concept plan, this standard is not applicable.

**M. The plan amendments shall be coordinated among the city, county, school district and other service districts.**

As stated previously, the concept plan process included extensive coordination with the Technical Advisory Committee consisting of representatives from ODOT, Metro, Washington County, the City of Tualatin, Tualatin Valley Fire and Rescue, Clean Water Services and Sherwood's Urban Renewal Board and Parks Board.

**FINDING:** As demonstrated above, this standard has been met.

**Other Metro conditions**

**The following conditions were specifically included for the "Quarry Area" (Area 48) in Metro Ordinance No. 04-1040B:**

**1. Washington County or, upon annexation to the cities of Tualatin or Sherwood, the cities, and Metro shall complete Title 11 planning for the area.**

Upon annexation to the UGB, Washington County zoned the entire area "Future Development 20". This zoning will remain in effect until the properties are annexed into the City of Sherwood, at which time the "Employment Industrial" zoning will take effect. Sherwood and Tualatin entered into a MOU identifying that this area, west of 124<sup>th</sup>, would be annexed to Sherwood. The UPAAAs between Sherwood and Washington County and Tualatin and Washington County reflect this agreement.

**FINDING:** The measures taken by Washington County and the City of Sherwood have ensured compliance with this standard.

**2. Title 11 planning shall, if possible, be coordinated with the adjoining area that was included in the UGB in 2002 under Ordinance No. 02-969B.**

The adjoining area that was included in the UGB in 2002 under Ordinance No. 02-969B is now part of the SW Tualatin Concept Plan. The cities of Sherwood and Tualatin have had several meetings

regarding coordination of the two concept plans as well as serving on each others' Technical Advisory Committee (TAC). The cities also have a memorandum of understanding regarding access to SW 124<sup>th</sup>. As far as practicable, the Tonquin Employment Area Concept Plan has been coordinated with the Southwest Tualatin Concept Plan.

**FINDING:** As discussed above, this standard is met.

**3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.**

Washington County has jurisdiction over the concept plan area and, therefore, Sherwood has no authority or ability to enforce land use regulations prior to annexation to the city. However, once the properties are annexed to the city, the one parcel that is greater than 50 acres in size will be required to follow the rules of Title 4 for any land divisions.

**FINDING:** The city does not have jurisdiction to enforce this standard at this time; however, the concept plan complies with this standard.

**4. Title 11 planning shall incorporate the general location of the projected right-of-way for the Tonquin Trail as shown on the 2004 Regional Transportation Plan.**

There is no projected right-of-way for the Tonquin Trail as of yet. The Tonquin Trail Master Plan Steering Committee is expected to determine the preferred alignment in the next 12 months. However, the Tonquin Employment Area Concept Plan discusses three potential alignments for the Tonquin Trail. The concept plan states that the trail will not be precluded when development in the Tonquin Employment Area occurs.

**FINDING:** The concept plan is in compliance with this standard.

## **V. RECOMMENDATION**

**Based on the above findings of fact, the conclusion of law based on the applicable criteria, and the testimony received both orally and written at the two public hearings, the Planning Commission recommends adoption of PA 09-03 Tonquin Employment Area Concept Plan to the City Council at the September 21, 2010 Council meeting.**

**End of Report**



## Chapter 16.31

### EMPLOYMENT INDUSTRIAL (EI)

#### Sections:

#### 16.31.010 Purpose

#### 16.31.020 Permitted Uses

#### 16.31.030 Conditional Uses

#### 16.31.040 Prohibited Uses

#### 16.31.050 Commercial Nodes Use Restrictions

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

#### 16.31.060 Dimensional Standards

#### 16.31.070 EI Lots Smaller than 3 Acres

#### 16.31.080 Community Design

#### 16.31.090 Flood Plain

#### 16.31.010 Purpose

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

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

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

#### 16.31.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable design standards contained in Division V and environmental performance standards contained in Division VIII.

- A. Manufacturing, compounding, processing, assembling, packaging, treatment,

fabrication or wholesaling of articles or products not prohibited in Section 16.31.040 and associated with the preferred industry sectors identified for the EI zone, particularly those uses associated with the following:

1. Renewable energy/energy efficiency
  2. Sustainable environmental products
  3. Advanced manufacturing
  4. High technology
  5. Biotechnology and biopharmaceuticals
  6. Sports apparel and other recreation products
- B. Research and development and associated manufacturing.
- C. Contractor's offices, and other offices associated with an approved use in the EI zone.
- D. Public and private utilities.
- E. Laboratories.
- F. Dwelling unit for one (1) security person employed on the premises, and their immediate family.
- G. PUDs subject to the provisions of Chapter 16.40.
- H. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86.
- I. 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.
- J. Incidental retail sales or display/showroom directly associated with a permitted use pursuant to 16.31.020. Sales or display space shall be limited to a maximum of 10% of the total floor area of the business, as permitted in Section 16.31.050.

### **16.31.030 Conditional Uses**

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

- A. Any use not otherwise listed that can be shown to be consistent or associated with the uses allowed uses in 16.31.020(A) or contribute to the achievement of the objectives in 16.31.010.
- B. Government facilities, including but not limited to postal, police, fire, and vehicle testing stations.
- C. Light metal fabrication, machining, welding and casting or molding of semi-finished or finished metals.
- D. Transmitters and wireless communication towers.
- F. Restaurants without drive thru that meet the requirements of 16.31.050 or 16.31.055, as applicable.
- F. Commercial trade schools.
- G. Power generation plants and associated facilities serving a permitted use.
- H. Daycares, preschools, and kindergartens that meet the requirements of 16.31.050 or 16.31.055, as applicable.
- I. Public or private outdoor recreational facilities including parks, playfields and sports and racquet courts.
- J. Personal services, including but not limited to financial, medical and dental, social

services, and similar support services that meet the requirements of 16.31.050 or 16.31.055, as applicable.

- K. Business services, including but not limited to financial, real estate, legal, copying and blueprinting, and similar support services that meet the requirements of 16.31.050 or 16.31.055, as applicable.

#### **16.31.040 Prohibited Uses**

Any use that is not permitted or conditionally permitted under Section 16.31.20 or Section 16.31.030 is prohibited in the EI zone. In addition, the following uses are expressly prohibited, subject to the provisions of Chapter 16.48 Non-Conforming Uses:

- A. Adult entertainment businesses.
- B. Meat, fish, poultry and tannery processing.
- C. Auto wrecking and junk or salvage yards.
- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.
- E. Rock crushing facilities.
- F. Aggregate storage and distribution facilities.
- G. Concrete or asphalt batch plants.
- H. General purpose solid waste landfills, incinerators, and other solid waste facilities.
- I. Restaurants with drive-thru facilities.
- J. Distribution, warehousing and storage not associated with a permitted use.

#### **16.31.050 Commercial Use Restrictions**

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

Notwithstanding the provisions of Section 16.31.055 “Commercial Nodes Use Restrictions”, commercial development permitted under 16.31.050 may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

#### **16.31.055 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions**

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size (per “node”), may be permitted on each side of the collector street connecting 124<sup>th</sup> Avenue to Oregon Street (*See 2010 Tonquin Employment Area Preferred Concept Plan*), for a maximum of ten (10) total acres of “stand alone” commercial development within the TEA.

- C. Commercial development may not be located within 300 feet of 124<sup>th</sup> Avenue.

**16.31.060 Dimensional Standards**

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

A. Lot Dimensions

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

1.	Lot area: Industrial Uses:  Commercial Uses (subject to Section 16.31.055):	3 acres, except as exempted in Section 16.31.070 "El Lots Smaller than 3 Acres"  10,000 square feet
2.	Lot width at front property line:	100 feet
3.	Lot width at building line:	100 feet
4.	Parcels larger than 50 acres:  Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.	
5.	Partitioning 50 acre parcel:  Lots or parcels 50 acres or larger, including those created pursuant to paragraph (4) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.	

B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	Twenty (20) feet, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
3.	Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
4.	Corner lots:	Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

C. Height

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

**16.31.070 EI Lots Smaller than 3 Acres**

Lots of record prior to [adoption of the Tonquin Employment Area Concept Plan] that are smaller than the minimum lot size required in 16.31.060.A.1 may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than 3 acres shall be prohibited unless Section 16.31.055 applies.

**16.31.080 Community Design**

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

**16.31.090 Flood Plain**

Except as otherwise provided, Section 16.134.020 shall apply.

**New Definitions**

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

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

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

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

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

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

Sustainable environmental products. Products that are designed to lessen negative impacts on the natural environment or to enhance the potential longevity of vital human ecological support systems, such as such as the planet's climatic system and systems of agriculture, industry, forestry, fisheries, and the systems on which they depend.

## Chapter 16.31

### EMPLOYMENT INDUSTRIAL (EI)

#### Sections:

16.31.010 Purpose

16.31.020 Permitted Uses

16.31.030 Conditional Uses

16.31.040 Prohibited Uses

16.31.050 Commercial Nodes Use Restrictions

16.31.055 Tonquin Employment Area (TEA) Commercial Use Restrictions

16.31.060 Dimensional Standards

16.31.070 Non-Conforming Lots of Record EI Lots Smaller than 53 Acres

16.31.080 080 Community Design

16.31.090 090 Flood Plain

#### 16.31.010 Purpose

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

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

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

#### 16.31.020 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable design standards contained in Division V and environmental performance standards contained in Division VIII.

- A. Manufacturing, compounding, processing, assembling, packaging, treatment,

fabrication or wholesaling of articles or products not prohibited in Section 16.31.040 and associated with the preferred industry sectors identified for the EI zone, including particularly those uses associated with the following:

1. Renewable energy/energy efficiency
2. Sustainable environmental products
3. Advanced manufacturing
4. High technology
5. Biotechnology and biopharmaceuticals
6. Sports apparel and other recreation products

~~B.~~ B. Research and development and associated manufacturing.

~~C.~~ C. Contractor's offices, and other offices associated with an approved use in the EI zone.

~~CD.~~ CD. Public and private utilities.

~~DE.~~ DE. Laboratories.

~~EF.~~ EF. Dwelling unit for one (1) security person employed on the premises, and their immediate family.

~~FG.~~ FG. PUDs subject to the provisions of Chapter 16.40.

~~GH.~~ GH. Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86.

~~HI.~~ HI. 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.

~~I.~~ I. ~~Manufacture, compounding, processing, assembling, packaging, treatment, fabrication or wholesaling of any articles not prohibited in Section 16.31.040.~~

~~J.I.~~ J.I. Incidental retail sales or display/showroom directly associated with a permitted use pursuant to 16.31.020. Sales or display space shall be limited to a maximum of 10% of the total floor area of the business, as permitted in Section 16.31.050.

### 16.31.030 Conditional Uses

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

A. Any use not otherwise listed that can be shown to be consistent or associated<sup>[A1]</sup> with the uses

associated with allowed uses in 16.31.020(A) or contributes to the achievement of the objectives in 16.31.010.

B. Government facilities, including but not limited to postal, police, fire, and vehicle testing stations. Government facilities are not subject to the required minimum lot area in 16.31.060.A.1.

C. Light metal fabrication, machining, welding and electroplating and casting or molding of semi-finished or finished metals.

D. Transmitters and wireless communication towers, except for towers located within 1,000 feet of the Old Town District which are prohibited.

E. Restaurants without drive-thru that meet the requirements of 16.31.050 or 16.31.055, as applicable.

F. Commercial trade schools.

G. Power generation plants and associated facilities serving a permitted use.



- H. Daycares, preschools, and kindergartens that meet the requirements of 16.31.050 or 16.31.055, as applicable.
- I. Public or private outdoor recreational facilities including parks, playfields and sports and racquet courts.
- J. Personal services, including but not limited to financial, medical and dental, social services, and similar support services that meet the requirements of 16.31.050 or 16.31.055, as applicable.
- K. Business services, including but not limited to financial, real estate, legal, copying and blueprinting, and similar support services that meet the requirements of 16.31.050 or 16.31.055, as applicable.
- ~~L. Postal substations that meet the requirements of 16.31.050 or 16.31.055, as applicable.~~
- ~~ML. Automotive, light truck and small equipment service stations, including tire and wheel balancing, and incidental repair, when conducted entirely within an enclosed building and that meet the requirements of 16.31.050 or 16.31.055, as applicable.~~
- ~~N. Automotive, light truck and small equipment repair and service, when conducted entirely within an enclosed building and that meet the requirements of 16.31.050 or 16.31.055, as applicable.~~

#### 16.31.040 Prohibited Uses

Any use that is not permitted or conditionally permitted under Section 16.31.20 or Section 16.31.030 is prohibited in the EI zone. In addition, the following uses are expressly prohibited, subject to the provisions of Chapter 16.48 Non-Conforming Uses:

- A. Adult entertainment businesses.
- B. Meat, fish, and poultry and tannery processing.
- C. Auto wrecking and junk or salvage yards.
- D. Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesale, warehousing, or storage of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.
- E. Rock crushing facilities.
- F. Aggregate storage and distribution facilities.
- G. Concrete or asphalt batch plants.
- H. General purpose solid waste landfills, incinerators, and other solid waste facilities.
- I. Restaurants with drive-thru facilities.
- J. Distribution, wWarehousing and storage not associated with a permitted use.

#### 16.31.050 Commercial Use Restrictions

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

Notwithstanding the provisions of Section 16.31.055 "Commercial Nodes Use Restrictions", a commercial development permitted under 16.31.050 may only not occur be

~~proposed concurrent with or after prior to industrial development on the same site or unless concurrent with an industrial development parcel. Commercial development may not occur prior to industrial development on the same parcel. A “development project” includes all improvements proposed through a site plan application.~~

**16.31.055 Tonquin Employment Area (TEA) “Stand Alone” Commercial Nodes Use Restrictions**

1. A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
2. B. ~~A maximum of one~~ Commercial development, not to exceed a total of five (5) contiguous acres in size (per “node”), may be permitted on each side of the collector street connecting 124<sup>th</sup> Avenue to Oregon Street (*See 2010 Tonquin Employment Area Preferred Concept Plan*), for a maximum of ten (10) total acres of “stand alone” commercial development within the TEA.
3. C. Commercial development may not be located within 300 feet of 124<sup>th</sup> Avenue.
- ~~D. Commercial development is not subject to the required minimum lot area in 16.31.060.A.1.~~

**16.31.060 Dimensional Standards**

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

**A. Lot Dimensions**

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

1.	Lot area: <u>Industrial Uses:</u>  <u>Commercial Uses (subject to Section 16.31.055):</u>	10,000 sq ft <u>5-3 acres, except as exempted in Section 16.31.070 “EI Lots Smaller than 5 Acres”</u>  10,000 square feet
2.	Lot width at front property line:	100 feet
3.	Lot width at building line:	100 feet
4.	Parcels larger than 50 acres:  Lots or parcels larger than 50 acres	

	<p>may be divided into smaller lots and parcels pursuant to a <del>master plan</del><u>Planned Unit Development</u> approved by the city <del>or county</del> so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.</p>	
5.	<p>Partitioning 50 acre parcel:</p> <p>Lots or parcels 50 acres or larger, including those created pursuant to paragraph (4) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a <del>master plan</del><u>Planned Unit Development</u> approved by the city <del>or county</del> so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.</p>	

**B. Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	Twenty (20) feet, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
2.	Side yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
3.	Rear yard:	None, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.
4.	Corner lots:	Twenty (20) feet on any side facing a street, except when abutting a residential zone, then there shall be a minimum of forty (40) feet.

**C. Height**

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

**16.31.070 EI Lots Smaller than 53 Acres Non-conforming Lots of Record**

Lots of record prior to [date of adoption/ adoption of the Tonquin Employment Area Concept Plan] that are smaller than the minimum lot size required in 16.31.060.A.1 may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of noneconforming lots smaller than 53 acres shall be prohibited unless Section 16.31.055 applies.

### **16.31.070 080 Community Design**

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

### **16.31.080 090 Flood Plain**

Except as otherwise provided, Section 16.134.020 shall apply.

## **New Definitions**

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

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

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

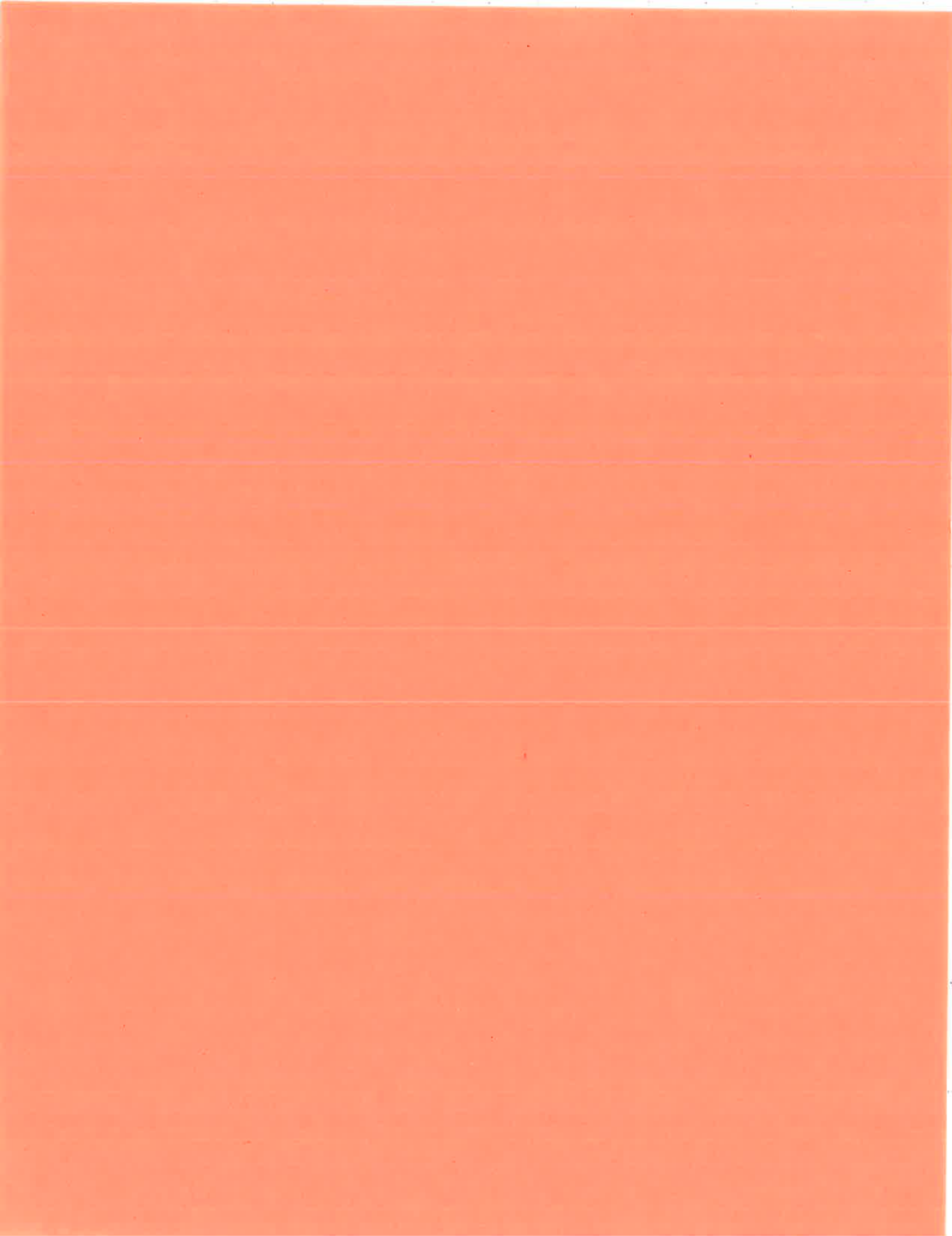
**Clean Technology.** A diverse range of products, services, and processes that harness renewable materials and energy sources, dramatically reduce the use of natural resources, and cut or eliminate emissions and wastes. Clean technology includes wind power, solar power, biomass, hydropower, biofuels,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

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

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

hydroelectricity, and biofuels used for transportation.

**Sustainable environmental products.** Products that are designed to lessen negative impacts on the natural environment or to enhance the potential longevity of vital human ecological support systems, such as such as the planet's climatic system and systems of agriculture, industry, forestry, fisheries, and the systems <sup>[A2]</sup>on which they depend.



## **Open Space – Issue Paper**

### **Description of issue:**

Open space dedication *is* required when Planned Unit Developments (PUDs), townhomes (on sites over 2 acres) and multi-family developments are approved. Currently, open space dedication *is not* required when single-family residential subdivisions are approved. During the Brookman Area concept planning process, open space was raised as a concern. A minimum requirement for open space dedication with subdivision approvals was suggested as one way to address this issue.

### **Previous Discussions:**

Staff met with the Planning Commission in a work session on this topic on May 11, 2010 and has met with the Parks Board twice, on June 7, 2010 and July 12, 2010. The Parks Board indicated interest in seeing more neighborhood parks and would like the HOAs to provide most of the maintenance. They also would like to see more than just dedicated sensitive areas. The Parks Board in general thought that a 5% dedication requirement seems too low.

### **Code Sections (language included on page 2):**

16.40.020.C.2- PUD/Preliminary Development Plan  
16.44.010.B.8 – Townhomes/Townhome Standards  
16.142.020- Parks and Open Space/Multi-Family Developments  
16.126- Subdivisions and Partitions/Design Standards

### **Public input received:**

Public input received includes the following:

- Open space increases the possibilities for crime.
- The Tualatin River National Wildlife Refuge is what we should be talking about when we talk about open space.

### **Comparison to other jurisdictions and the Oregon Model Code:**

See attached table on page 3

### **Initial Staff Recommendation**

Based on review of other jurisdictions and concerns raised during the Brookman Area concept planning process, it is recommended that the city explore further the idea of adopting a minimum requirement for dedication of open space with subdivision approval similar to the City of Wilsonville.

The City of Wilsonville uses a standard of  $\frac{1}{4}$  acre open space for up to 50 dwelling units,  $\frac{1}{2}$  acre of 51 to 100 dwelling units,  $\frac{3}{4}$  acre for 101 to 150 dwelling units, etc. Assuming 5,000 square foot lots, 50 lots would be about 5.7 acres. A requirement of  $\frac{1}{4}$  acre for 5.7 acres of residential development is approximately 4.5% of the developable area of the site in open space.

Based on the comparisons of other nearby jurisdictions (see attached table on page 3), staff proposes a 5% open space dedication with subdivisions greater than 10 dwelling units. While 5% seems low to the Parks Board, the current requirement is 0%. Staff would further recommend that this 5% dedication not be SDC creditable; however, the SDC methodology is currently being revised and the legality of this has not yet been determined.

In addition, because SDCs are not used for maintenance of parks, an option to allow private park development with HOAs responsible for maintenance may be a good long-term solution. This may mean that parks are not open to the public but may mean that new developments guarantee new city residents access to parks and open space.

Finally, whether public or private, it may not always be appropriate for a subdivision or development to provide 5% in parkland. A fee-in-lieu option should be brought forth to address those situations.

In addition, as part of the open space discussion, it is recommended that modifications be made or clarification provided to address the discrepancy in open space requirements among multi-family and townhome developments.

Currently, multi-family developments must provide 20% of the site area in open space. Townhome developments require 5% if they are larger than two acres. While these two standards are distinct and clear, the confusion sets in when a development is built of townhomes that are not owner-occupied or are condominium units without the condo owners owning the underlying property (i.e. multi-family). In these instances, the multi-family standard may make sense, but an argument could be made to apply the townhouse standard. One possible solution to this problem is to clarify the definitions of a "multi-family" development and a "townhome" development so that a development cannot be classified as both. Alternatively, the dual classification could remain and it could be specified which open space standard applies in this instance.



## **Code Language (Current)**

### **16.40.020.C.2- PUD/Preliminary Development Plan**

The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.

### **16.44.010.B.8 – Townhomes/Townhome Standards**

Developments over two (2) acres shall accommodate an open space area no less than five percent (5%) of the total subject parcel. Parking areas may not be counted toward this five percent (5%) requirement.

### **16.142.020.A- Parks and Open Space/Multi-Family Developments**

#### **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 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.

### **16.126- Subdivisions and Partitions/Design Standards**

No code language currently exists.

## Open Space Requirement Comparison Among Jurisdictions

Jurisdiction	Open Space Requirements
Oregon Model Code	<ul style="list-style-type: none"> <li>• Multi-Family (or multi-family with more than 20 dwelling units) = 10% open space</li> <li>• Private Open Space (i.e. patios or decks)- a minimum of (40 or 60 percent) of all multi-family housing units shall have front or rear decks or patios measuring at least 48 square feet.</li> </ul>
Sherwood	<ul style="list-style-type: none"> <li>• PUD- 15% of site in open space or nearby public space and at least 5%</li> <li>• Townhomes = 5% of site in open space</li> <li>• Multi-Family = 20% of site in open space, 50% of required open space for “active” uses</li> </ul>
Tualatin	<ul style="list-style-type: none"> <li>• Retirement Housing- 30% of site in open space</li> <li>• Maximum lot coverage standards provide onsite “open space”</li> </ul>
Tigard	<ul style="list-style-type: none"> <li>• Multi-Family studio, 1 br and 2 br = 200 sf/unit</li> <li>• Multi-family 3 + br = 300 sf/unit</li> </ul>
Wilsonville	<ul style="list-style-type: none"> <li>• Multi-Family with 10 or fewer lots = 1,000 sf</li> <li>• Multi-Family with 11-19 units = 200 sf/unit</li> <li>• Multi-Family with 20 + units = 300 sf/unit</li> <li>• Subdivisions with 50 or fewer lots = ¼ acre, 50-100 = ½ acre, 100-150 = ¾ acre, etc.</li> </ul>
Happy Valley	<ul style="list-style-type: none"> <li>• Planned Unit Development or Master Planned Development = 20% usable open space</li> <li>• Duplexes, Triplexes and Fourplexes and Multi-Family = 20% of area must be “landscaped”</li> <li>• Non-Residential Site = 15% of area must be “landscaped”</li> </ul>

## **Commercial Uses– Issue Paper**

### **Description of issue:**

There are five commercial zoning classifications, each having specific uses that are either permitted outright, permitted conditionally or prohibited. Over time as code updates have been made, it appears that modifications have been made to some uses to clarify what is permitted and not permitted within the specific use classification of that particular zone. As a result, there are variations in the description throughout each zone and it is not always clear if the variation is intentional. This can lead to confusion and frustration if a use listed as permitted in a similar classification in another zone is not permitted in the zone someone is inquiring about.

Table 1 (page 3 of this document) includes a table with all of the use classifications for all zones. It is evident that there are definite similarities among some uses but there are also slight variations. It is not clear if this is an oversight or intentional.

In addition there have been uses that were not envisioned when the use classifications were established and it is often difficult to determine what category, if any, requested uses fall within. Some common recent examples include doggie daycare facilities, car detail shops, video editing facilities or recreational/restaurant facilities like “Big Al’s” or “Players”.

### **Code Sections:**

The commercial zone sections are 16.22 through 16.30 in the Development Code. The existing Commercial Use classifications are organized by individual zone. A copy of each zone’s permitted, conditionally permitted and prohibited uses are identified in the Table 1 on page 3. .

### **Public input received:**

No specific input was received regarding this code update issue.

### **Comparison to other jurisdictions and the Oregon Model Code:**

Table 2 on page 11 provides a brief review of how other jurisdictions and the Model Code organize uses.

### **Initial Staff Recommendation**

Staff recommends that the City strive to move towards a single table format similar to Beaverton’s new code. This would allow a user to easily see what zones permit a particular use. In order to achieve this, discussion will need to take place where there are discrepancies in the use classifications between zones. A single table format may be needed to combine or separate uses to provide consistencies within the commercial

zones. Table begins to make recommendations on where it would be easy to combine uses and where more discussion will be needed. Specific areas where significant additional conversation will be needed include: agricultural uses, auto related uses, professional services, personal services, and offices.

It will also be necessary through this process to define the use category and determine if the uses are intended to be general, descriptive or detailed.

Table 1

		P = permitted, C = conditionally permitted, N = not permitted					
		OC	OR	NC	RC	GC	Comments
1	Adult entertainment businesses.	N	N	N	N		Can be combined with 2
2	Adult entertainment business, subject to Section 16.54.010					P	
3	Agricultural uses such as truck farming and horticulture, excluding commercial buildings and structures, or the raising of animals other than household pets				P	P	
4	Agricultural uses including but not limited to farming and wholesale and retail plant nurseries, with customarily associated commercial buildings and structures permitted					P	
5	Apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building-	C					All say basically the same thing – combine into one definition.
6	Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.			C			
7	Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building as defined in Section 16.30.060(B)					C	
8	Multi-family residential, including apartments, condominiums and townhouses when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building.		C				The only zone that residential apartments are not allowed if not part of a PUD -is RC; Is this intentional?
9	Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 16.20.040 High Density Residential (HDR) Dimensional Standards (except as limited in 16.22.060)	P					All say basically the same thing – combine into one definition
10	Multi-family housing within a Planned Unit Development (PUD) subject to the provisions of Section 16.20.040 High Density Residential (HDR) Dimensional Standards.		P	P	P	P	
11	All automotive and equipment repair and service, unless clearly incidental and secondary to and customarily associated with a use permitted outright.		N	N			

Table 1

		P = permitted, C = conditionally permitted, N = not permitted					
		OC	OR	NC	RC	GC	Comments
12	Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service including automobile service stations.		N				Combine with 13 and put an "N" for the OR zone under 15 (auto service stations)
13	Automobile, recreational vehicle, motorcycle, truck, manufactured home, boat, farm, and other equipment sales, parts sales, repairs, rentals or service.			N	N	P	
14	Automotive and other appliance and equipment parts sales, but excluding junkyards and salvage yards which are prohibited				P	P	
15	Automotive service stations, except as excluded by Section 16.24.040F			C			
16	Automotive service stations, including tire and wheel balancing, and incidental repair, when conducted entirely within an enclosed building				C		
17	Automotive, light truck and small equipment repair and service, when conducted entirely within an enclosed building.				C		
18	Blueprinting, printing, publishing or other reproduction services.			N	P	P	N for OC and OR?
19	Building material sales and lumberyards.		N	N			These could all be combined into one with a footnote/exception for RC zones to specific activities must be in enclosed building.
20	Building material sales and lumber yards when conducted entirely within an enclosed building.				C		
21	Building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses					P	
							Specify whether P,C or N for OC

Table 1

		P = permitted, C = conditionally permitted, N = not permitted					
		OC	OR	NC	RC	GC	Comments
22	Business and professional offices including educational, financial, governmental, non-profit, real estate, research, or other similar service organizations.		P				
23	Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses			P	P	P	
24	Cemeteries and crematory mausoleums.		N	N	C	C	
25	Churches under 5,000 square feet in size.				P	P	
26	Churches over 5,000 square feet in size					C	
27	Churches when all structures together total over 5,000 square feet in size.				C		
28	Churches and parsonages.		N	N			
29	Contractors storage and equipment yards.		N	N	N		
30	Commercial Trade Schools			N	P	P	
31	Convenience stores		N				
32	Farm and garden supply stores, plant nurseries, and other agricultural uses, excluding florist shops which are permitted outright.		N	N			
33	Farm and garden supply stores, and retail plant nurseries, but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited				P	P	
34	General retail trade, not exceeding 10,000 square feet of gross square footage.		P				
35	General retail trade, including bakeries where product distribution is limited to retailing on the premises only			P	P	P	
36	Government offices, including but not limited to administrative offices, post offices, and police and fire stations			C	C	C	

Table 1

		P = permitted, C = conditionally permitted, N = not permitted					
		OC	OR	NC	RC	GC	Comments
37	Grocery stores.		N				
38	Health clubs.		C				This is the only zone where health clubs are specifically listed. Does this mean they are not allowed in other zones?
39	Hospitals		C				
40	Hotels and motels.	C	C				Combine into one
41	Motels or hotels			N		C	
42	Industrial and manufacturing uses, except as specifically permitted by Sections 16.30.020 and 16.30.030					N	
43	Junkyards and salvage yards		N	N	N	N	
44	Kennels.		N				Only zone that specifically speaks to kennels.
45	Limited manufacturing, including only: beverage bottling plants, commercial bakeries, machine shops, and handicraft manufacturing					P	
46	Medical, dental, and similar laboratories			N	C	P	
47	Motion pictures and live theaters.		N	N			Combine into one
48	Motion picture and live theaters, but excluding drive-ins which are prohibited				P	P	
49	Drive-in motion picture theaters				N		
50	Offices of architects, artists, attorneys, dentists, engineers, physicians and other similar professional services.		P				Discuss whether uses need to be more



Table 1

		P = permitted, C = conditionally permitted, N = not permitted					
		OC	OR	NC	RC	GC	Comments
51	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					separate or more general.
52	Offices, studios or clinics of architects, artists, attorneys, dentists, engineers, physicians, or other similar professional services, excepting veterinarians.	P					
53	Other business services, including but not limited to duplicating, photocopying, mailing services, fax and computer facilities, employment agencies, business management services, office and communication equipment services and real estate offices.		P				
54	Professional services, including but not limited to financial, medical and dental, social services, real estate, legal, artistic, and similar uses.			P			
55	Other personal services, including but not limited to day cares, preschools, and kindergartens, when clearly secondary to a commercial use		P				
56	Personal and business services, including day cares, preschools, and kindergartens.			P	P	P	
57	Other similar office uses, subject to Chapter 16.88.	P	P				
58	Pawn shops.		N				
59	Postal substations when located entirely within and incidental to a use permitted outright.			P		P	
60	Private lodges, fraternal organizations, country clubs, sports and racquet clubs, golf courses, and other similar clubs.			N			
61	Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited				C	C	

Table 1

		P = permitted, C = conditionally permitted, N = not permitted					
		OC	OR	NC	RC	GC	Comments
62	Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.		N	N	C	C	
63	Public and private schools providing education at the elementary school level or higher				C	C	Combine into one.
64	Public and private schools providing education at the elementary school level or higher, but excluding commercial trade schools which are prohibited			C			
65	Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easement	C					
66	Public recreational facilities including parks, trails, playfields and sports and racquet courts			N			
67	Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.					C	
68	Public use buildings, including but not limited to libraries, museums, community centers, and senior centers			C	C	C	
69	PUDs, subject to Chapter 16.40.	P	P				
70	Radio, television, and similar communication stations, including transmitters.		N	N	N		
71	Radio, television, and similar communication stations, including transmitters and wireless communication towers except for towers located within 1,000 feet of the Old Town District which are prohibited.					C	
72	Restaurants without drive-thru when located greater than 100 feet from any residential property.		C				
73	Restaurants, taverns, and lounges				P	P	

Table 1

		P = permitted, C = conditionally permitted, N = not permitted					
		OC	OR	NC	RC	GC	Comments
74	Restaurants, taverns and lounges (except as limited in 16.22.060).	P					
75	Restaurants, taverns, and lounges with drive-thru.		N				
76	Restaurants, taverns, and lounges, but excluding establishments with drive-in or take-out services which are prohibited.			C			
77	Restaurants, taverns, and lounges with drive-in or take-out services			N			
78	Small animal clinic veterinarians with indoor kennels for small animal patient use only		P				Combine into one.
79	Veterinarian offices and animal hospitals.			N	C	P	Determine if kennels and dog daycare fall here as well or are separate use categories
80	Residential Care Facilities				C		Combine into one
81	Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, nursing homes, specialized living facilities and assisted living facilities				C		
82	Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.			N		C	
83	Taverns or lounges when clearly secondary to the primary use.		C				
84	Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86 and not to exceed one year		P				
85	Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86.	P		P	P	P	
86	Truck and bus yards and terminals					P	

Table 1

		P = permitted, C = conditionally permitted, N = not permitted					
		OC	OR	NC	RC	GC	Comments
87	Uses permitted outright in the RC zone, pursuant to Chapter 16.28 and as limited in 16.22.060.						
88	Wholesale plant nurseries				N		
89	Wholesale trade, warehousing, commercial storage, and mini-warehousing		N	N	N		
90	Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.					P	Consider updating to reflect that newer technology makes antennas much smaller and virtually unnoticeable. They are often placed on building roofs with little to no visual impact.
91	Any incidental business, service, processing, storage or display, not otherwise permitted by Chapter 16.26, that is essential to and customarily associated with uses permitted outright			C			
92	Any incidental business, service, processing, storage or display, not otherwise permitted by Chapter 16.28, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building				C		
93	Any incidental business, service, process, storage or display, not otherwise permitted by Chapter 16.30, that is essential to and customarily associated with any use permitted outright					C	
94	Any other prohibited uses noted in Sections 16.28.020 or 16.28.030				N		
95	Any other prohibited use noted in Section 16.30.030					N	

Table 2

		Example																
Model Code	Provides general use categories with information on characteristics of the use, examples of the use (intentionally does not limit to the examples) and exceptions	<p><b>1.4.240 Office</b></p> <p><b>A. Characteristics.</b> Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.</p> <p><b>B. Accessory uses.</b> Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.</p> <p><b>C. Examples.</b> Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.</p> <p><b>D. Exceptions.</b></p> <ol style="list-style-type: none"> <li>Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.</li> <li>Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.</li> </ol> <table border="1" data-bbox="640 982 1995 1274"> <tbody> <tr> <td>Bed and Breakfast Inn</td> <td>P</td> <td>P</td> <td></td> </tr> <tr> <td>Educational Services, not a school (e.g., tutoring or similar services)</td> <td>P</td> <td>P</td> <td></td> </tr> <tr> <td>Entertainment, Major Event</td> <td>CU</td> <td>CU</td> <td></td> </tr> <tr> <td>Offices</td> <td>P</td> <td>P</td> <td></td> </tr> </tbody> </table>	Bed and Breakfast Inn	P	P		Educational Services, not a school (e.g., tutoring or similar services)	P	P		Entertainment, Major Event	CU	CU		Offices	P	P	
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Offices	P	P																

Table 2

		Example																																																																					
Beaverton	New code provides general classifications in a single table format for Commercial, Residential and Industrial zones. Exceptions for specific zones are identified via subscript with the details of the exception provided at the end of the table.	<p>Example from new code, Commercial Land Uses</p> <table border="1"> <thead> <tr> <th colspan="7">Commercial</th> </tr> </thead> <tbody> <tr> <td rowspan="2">3. Animal</td> <td>A. Animal Care, Major</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> </tr> <tr> <td>B. Animal Care, Minor</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td rowspan="4">4. Care</td> <td>A. Hospitals</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> </tr> <tr> <td>B. Medical Clinics</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> </tr> <tr> <td>C. Child Care Facilities</td> <td>C</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>D. Residential Care Facilities</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> </tr> <tr> <td>5. Eating and Drinking Establishment</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>6. Financial Institutions</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>7. Live / Work Uses</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>8. Office</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> </tbody> </table>	Commercial							3. Animal	A. Animal Care, Major	C	C	C	C	C	B. Animal Care, Minor	P	P	P	P	P	4. Care	A. Hospitals	C	C	C	C	C	B. Medical Clinics	C	C	C	C	C	C. Child Care Facilities	C	P	P	P	P	D. Residential Care Facilities	C	C	C	C	C	5. Eating and Drinking Establishment	P	P	P	P	P	6. Financial Institutions	P	P	P	P	P	7. Live / Work Uses	P	P	P	P	P	8. Office	P	P	P	P	P
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Lake Oswego	Uses are fairly detailed and specific but are applied consistently across all commercial zones. The use is listed followed by which zones the use is permitted, conditionally permitted or not permitted in.	<p>Example from Commercial Zones:</p> <p>2. <u>Retail Sales - Food:</u></p> <p>A. Food Markets, over 25,000 sq. ft.</p> <table border="1"> <thead> <tr> <th>Uses:</th> <th>P</th> <th>C</th> <th>X</th> </tr> </thead> <tbody> <tr> <td>GC (not to exceed 35,000 sq. ft.), HC, EC (not to exceed 35,000 sq. ft.), MC (not to exceed 60,000 sq. ft. gross leasable area per building or business)</td> <td></td> <td>GC exceeding 35,000 sq. ft. (not to exceed 45,000 sq. ft.)</td> <td>NC, OC and CR&amp;D</td> </tr> </tbody> </table> <p>B. Food Markets under 25,000 sq. ft.</p> <table border="1"> <thead> <tr> <th>Uses:</th> <th>P</th> <th>X</th> </tr> </thead> <tbody> <tr> <td>NC, GC, HC, EC, MC</td> <td></td> <td>OC, CR&amp;D</td> </tr> </tbody> </table> <p>C. Delicatessen, no table service.</p> <table border="1"> <thead> <tr> <th>Uses:</th> <th>P</th> <th>Special District Limitations for Permitted Use</th> </tr> </thead> <tbody> <tr> <td>NC, GC, HC, OC, EC, CR&amp;D and MC</td> <td></td> <td>(Not to exceed 20,000 sq. ft. floor area in CR&amp;D zone)</td> </tr> </tbody> </table>	Uses:	P	C	X	GC (not to exceed 35,000 sq. ft.), HC, EC (not to exceed 35,000 sq. ft.), MC (not to exceed 60,000 sq. ft. gross leasable area per building or business)		GC exceeding 35,000 sq. ft. (not to exceed 45,000 sq. ft.)	NC, OC and CR&D	Uses:	P	X	NC, GC, HC, EC, MC		OC, CR&D	Uses:	P	Special District Limitations for Permitted Use	NC, GC, HC, OC, EC, CR&D and MC		(Not to exceed 20,000 sq. ft. floor area in CR&D zone)																																																	
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Table 2

		Example
Newberg	Very detailed list of uses by each	<p><b>Example from Neighborhood Commercial District:</b></p> <ul style="list-style-type: none"> <li>(G) Bicycle shops.</li> <li>(H) Book stores.</li> <li>(I) Chapels.</li> <li>(J) Christmas tree sales (outdoor sales) in accordance with this code.</li> <li>(K) Churches; subject to the following conditions:               <ul style="list-style-type: none"> <li>(1) Dedications and improvements of public streets.</li> <li>(2) Conveyance or dedication of public utility easements as determined by the city.</li> </ul> </li> <li>(L) Clinics.</li> <li>(M) Confectionery stores with fountains (no drive-ins or walk-ups).</li> <li>(N) Dairy products stores (retail only).</li> <li>(O) Day nurseries.</li> <li>(P) Delicatessen stores.</li> <li>(Q) Dry cleaners, coin operated.</li> </ul>

## **Industrial Uses – Issue Paper**

### **Description of issue:**

The uses listed in the two industrial zones in the Code, General Industrial (GI) and Light Industrial (LI), have use classifications that are inconsistent and difficult to apply and interpret. In addition, once the Tonquin Employment Area (TEA) Concept Plan is adopted, a third industrial zone, Employment Industrial (EI) will be added to the Code. A table listing all industrial uses and whether they are permitted, conditionally permitted or prohibited in each of the industrial zones is included as an attachment to this issue paper; however, inconsistencies between the zones make the table confusing and redundant. Combining uses with small differences amongst the zones would simplify the effort of determining within which zone particular uses could be located.

Additionally, the specificity of the use categories makes interpretation of similar uses difficult. Uses that are not contemplated by the current zoning code but which would be complementary to existing industrial uses in the same zone may be denied from locating in that zone because the code is not adaptable. Also, simplifying the use categories may make the process easier for preferred user groups to develop in Sherwood (“making it easy to do the right thing”).

### **Code Sections:**

16.31 Employment Industrial (EI) [PROPOSED WITH TEA CONCEPT PLAN]

16.32 Light Industrial (LI)

16.34 General Industrial (GI)

A table of the permitted outright, permitted conditionally and prohibited uses for each of the industrial zones is included as Attachment 1.

### **Public input received:**

Feedback on the uses proposed for the EI zone has been provided during public hearings. No feedback has been provided for industrial uses in general.

### **Initial Staff Recommendation**

Many of the uses that are permitted (either outright or conditionally) or prohibited in each of the three industrial zones overlap in some way. For example, “Contractor’s Storage Yards” are listed “permitted outright” in GI, “permitted conditionally” in LI, and are not listed, so implied “prohibited” in EI. To clarify which uses are permitted or prohibited in each industrial zone, staff recommends uniform uses be listed in each of the zones. In addition, staff recommends a table be added to the Code listing each industrial use, and whether it is permitted outright, permitted conditionally or prohibited in each of the industrial zones. This will not only facilitate a developer’s ability to determine which zone they should target for their use, but it will also streamline the staff review process of determining whether or not a use is permitted in a particular zone.



Additionally, staff recommends the use categories be simplified. For example, the Light Industrial zone permits:

Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 16.32.040.
2. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electronic motors and generators, heating and cooling equipment, lawn mowers, rototillers, and chain saws, vending machines, and similar products and associated small parts.
3. Cosmetics, drugs, pharmaceuticals, toiletries, chemicals and similar products, except as prohibited by Section 16.32.040.
4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.
5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.
6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and associated small parts, but excluding motorized equipment unless otherwise permitted by Section 16.32.020 or 16.32.030.

This could be revised to say, "Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of food products, appliances, cosmetics, electronics, building components and recreational vehicles and equipment".

Simplification of industrial uses and compilation of the uses into an easy-to-use table would greatly increase the usability of the industrial use sections of the Zoning Code.

Uses	LI	GI	EI	Notes
Contractor's offices and other offices associated with a use permitted in the LI zone.	P			Could Combine and Simplify
Contractor's offices, and other offices associated with an approved use in the EI zone.			P	
Research and development and associated manufacturing.			P	
Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, sewage treatment plants, water wells and public work yards.	P			Could Combine and Simplify
Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells and public work yards.		P		
Public and private utilities.			P	
Glass installation and sales.	P			
Laboratories.			P	Could Combine and Simplify
Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.34.040(E).		P		
Laboratories for testing and medical, dental, photographic, or motion picture processing, except as prohibited by Section 16.32.040(E).	P			
Medical, dental and similar laboratories.	P	P		
Other similar light industrial uses, subject to Chapter 16.88	P			Could Combine and Simplify
Other similar general industrial uses subject to Chapter 16.88.		P		
Other uses permitted outright in LI zone Section 16.34.020, except for those uses listed as a conditional use in the GI zone and except for adult entertainment businesses which are prohibited.		P		
Dwelling unit for one (1) security person employed on the premises, and their immediate family.	P	P	P	
PUDs, new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted within the boundaries of the PUD. Approved PUDs may elect to establish uses which are permitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD.	P			Could Combine and Simplify
PUDs, subject to the provisions of § 16.40			P	
PUDs new and existing, subject to the provisions of Chapter 16.40. New PUDs may mix uses which are permitted in other underlying zoning within the boundaries of the PUD. Approved PUDs may elect to establish uses which werepermitted or conditionally permitted under the base zone text applicable at the time of final approval of the PUD.		P		

P=Permitted Outright  
C = Permitted Conditionally  
X = Prohibited

Uses	LI	GI	EI	Notes
Temporary uses, including but not limited to construction and real estate sales offices, subject to Chapter 16.86.	P	P	P	
Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure provided the applicant can demonstrate to the satisfaction of the City that the location of the antenna on City-owned property would be unfeasible.	P	P	P	
Incidental retail sales or display/showroom directly associated with a permitted use pursuant to § 16.31.020. Sales or display space shall be limited to a maximum of 10 % of the total floor area of the business			P	Could Combine and Simplify
Retail uses for warehousing or manufacturing operations, limited to 10% of the total floor area and not to exceed 60,000 square feet of gross leaseable area per building or business. The retail area shall be physically separated by a wall or other barrier from the manufacturing or warehousing operation. Warehousing and storage areas shall not be used as showrooms.	C	C		
Retail trade, except as permitted by Section 16.32.020 above.			X	
Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.	P			
Building material sales (limited in size similar to R. above), lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.		P		
Wholesale building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.	C			
Contracting and building material and equipment storage yards, cold storage facilities, equipment rental and sales, building materials sales, and building maintenance services yard, except as prohibited by Section 16.34.040.		P		
Business and professional offices associated directly with another permitted use in this zone and do not cater to daily customers (such as financial, insurance, real estate, legal, medical and dental offices).	P	P		Could Combine and Simplify
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		
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		
Training facilities whose primary purpose is to provide training to meet industrial needs.	P	P		

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Uses	LI	GI	EI	Notes
Tool and equipment rental.	P	P		
Blueprinting, printing, publishing, or other reproduction services.	P	P		
Farm and garden supply stores and retail plant nurseries (limited in size similar to [M. or R.] above), but excluding wholesale plant nurseries, and commercial farm equipment and vehicle sales which are prohibited.	P	P		
Wholesale plumbing supplies and service.		P		
Laundry, dry cleaning, dyeing, or rug cleaning plants.	C	P		
Truck and bus yards and terminals.		P		
Wholesale trade, warehousing, commercial storage, and mini-warehousing, except as prohibited in Section 16.34.040.		P		
Automobile, boat, trailer and recreational vehicle storage.	C			
Distribution, warehousing and storage not associated with a permitted use.			X	
<b>Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products (wording of this category heading varies throughout zones and uses):</b>				
-Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods, baked goods, and meat and poultry, except as per Section 16.34.040.	P			These are very close already- Could Combine and Simplify
-Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 16.32.040.		P		
-Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electronic motors and generators, heating and cooling equipment, lawn mowers, rototillers, and chain saws, vending machines, and similar products and associated small parts.	P			These are very close already- Could Combine and Simplify
-Appliances, including but not limited to refrigerators, freezers, washing machines, dryers, small electric motors and generators, heating and cooling equipment, lawn mowers, rototillers, chain saws, vending machines, similar products or associated small parts.		P		
-Cosmetics, drugs, pharmaceuticals, toiletries, chemicals and similar products, except as prohibited by Section 16.32.040.	P			These are very close already- Could Combine and Simplify
-Drugs, pharmaceuticals, toiletries, cosmetics, chemicals and similar products, except as prohibited in Section 16.34.040.		P		

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Uses	LI	GI	EI	Notes
-Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.	P			These are very close already- Could Combine and Simplify
-Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communication and similar instruments, components appliances and systems, and similar products and associated small parts.		P		
-Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.	P			These may be able to be combined into one or two uses
-Furniture, cabinetry, upholstery, and signs and display structures.		P		
-Other small products and tools composed of previousl prepared or semi-finished materials, building components and household fixtures, including but not limited to furniture, cabinets, and upholstery, ladders, mattresses, doors and windows, signs and display structures, and similar products and associated small parts.		P		
-Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft, exercise equipment, and similar products and associated small parts, but excluding motorized equipment unless otherwise permitted by Section 16.32.020 or 16.32.030.	P			Could combine but one allows motorized and one does not
-Recreational vehicles, and other motor vehicles, manufactured homes, trailers, boats and farm equipment and greenhouses		P		
-Musical instruments, toys and novelties.	P	P		
-Pottery and ceramics, limited to products using previously pulverized clay.	P			
-Glass and ceramics.		P		
-Textiles and fiber products.	P	P		
-Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.	P			
-Leather products, except as per Section 16.34.040.		P		
-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.		P		
-Paper, wood, lumber and similar products, except as prohibited by Section 16.34.040.		P		
-Boxes and containers made from paper, wood, metal and other materials.		P		
-Plastics and plastic products.		P		

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Uses	LI	GI	EI	Notes
-Renewable energy/energy efficiency			P	
-Sustainable environmental products			P	
-Advanced manufacturing			P	
-High technology			P	
-Biotechnology and biopharmaceuticals			P	
-Sports apparel and other recreational products			P	
-Abrasives, acids, disinfectants, dyes and paints, bleaching powder and soaps and similar products.	X	C		Could combine similar to those prohibited in EI zone, but may want to leave some specificities
-Ammonia, chlorine, sodium compounds, toxins, and similar chemicals.	X	C		
-Fertilizer, herbicides and insect poison.	X			
-Fertilizer, herbicides and insecticides.		C		
-Celluloid or pyroxylin.	X	X		
-Cement, lime, gypsum, plaster of Paris, clay, creosote, coal and coke, tar and tar-based roofing and waterproofing materials and similar substances.	X	X		
-Explosives and radioactive materials.	X	X		
-Other similar products or compounds which are determined to be detrimental to the health, safety and welfare of the community.	X	X		
-Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community.			X	
Personal services, including but not limited to financial, medical and dental, social services, and similar support services that meet the requirements of 16.31.050 or 16.31.055, as applicable			C	
Business services, including but not limited to financial, real estate, legal, copying and blueprinting, and similar support services that meet the requirements of 16.31.050 or 16.31.055, as applicable.			C	
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) that 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.	X	X		May not need to specify
Sawmills.	C	X		Could Combine and Simplify
Sawmills and paper mills.		X		
Pulp mills and paper mills.	X			

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Uses	LI	GI	EI	Notes
Radio, television and similar communication stations, including transmitters and wireless communication towers, except for towers located within 1,000 feet of the Old Town District which are prohibited.	C	C		
Transmitters and wireless communication towers.			C	
Restaurants without drive-thru limited in size similar to 16.32.020.M [or 16.34.020.R or meet the requirements of 16.31.050 or 16.31.055, as applicable].	C	C	C	
Restaurants with drive-thru facilities.	X		X	specify in GI?
Hospitals and emergency care facilities.	C	C		
Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service.	C	C		
Commercial trade schools.	C	C	C	
Power generation plants and associated facilities.	C			Could Combine and Simplify
Power stations serving a permitted use.		C		
Power generation plants and associated facilities serving a permitted use.			C	
Veterinarians offices and animal hospitals.	C			
Daycares and pre-schools, if fully integrated with and secondary to a use elsewhere permitted in Section 16.32[4].020 or 16.32[4].030.	C	C		Could Combine and Simplify
Daycares, preschools, and kindergartens that meet the requirements of 16.31.050 or 16.31.055, as applicable.			C	
Government facilities, including police, fire and vehicle testing stations.	C			Could Combine and Simplify
Government facilities, including but not limited to postal, police and fire stations.		C		
Government facilities, including but not limited to postal, police, fire and vehicle testing stations.			C	
Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property or under power line easements.	C			Could Combine and Simplify
Public or private outdoor recreational facilities including parks, playfields and sports and racquet courts.			C	
Sand and gravel pits, rock crushers, concrete and asphalt mixing plants, and other mineral and aggregate extraction subject to Section 16.34.040 and Chapter 16.138.		C		Could Combine and Simplify
Rock crushing facilities.			X	
Aggregate storage and distribution facilities.			X	
Concrete or asphalt batch plants.			X	
Solid waste transfer stations.		C		
General purpose solid waste landfills, incinerators, and other solid waste facilities.	X		X	Could Combine and Simplify
General purpose solid waste landfills, incinerators, and other solid waste facilities, except as permitted per Section 16.34.030 and Chapter 16.140.		X		

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Uses	LI	GI	EI	Notes
Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration.		C		
Adult entertainment businesses.	X		X	specify in GI?
Any use not otherwise listed that can be shown to be consistent with the uses associated with allowed uses in 16.31.020(A).			C	
Any use permitted or conditionally permitted under this Chapter that is not specifically listed in this Section, and any use listed in this Section.			X	This prohibits everything!
All uses permitted in residential or commercial zones not otherwise specifically permitted by Sections 16.34.020 and 16.34.030.		X		
Auto wrecking and junk or salvage yards.	X	X	X	
Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.	X			
Metal rolling and extraction mills, forge plants, smelters and blast furnaces.	X	X		
Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.	X	X		
Leather tanneries.	X	X		Could Combine and Simplify
Meat, fish, poultry and tannery processing.			X	

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TO: PLANNING COMMISSION  
FROM: MICHELLE MILLER, ASSOCIATE PLANNER,  
SUBJECT: URBAN ANIMALS BACKGROUND INFORMATION  
DATE: AUGUST 17, 2010

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## **Fact Sheet**

Over the past few years, planning staff has received an increase in customer service calls from residents inquiring about Sherwood's policy and procedures for raising chickens and other farm or exotic animals on their residential lots. At the last work session for the Code Clean Up project on July 27, 2010, planning staff brought this issue to the Planning Commission for discussion. As a result, the Planning Commission requested staff to prepare some background information and provide articles about raising animals other than household pets such as goats, chickens, or other types of "exotic animals" for the Planning Commission to review and evaluate.

### **Current Policy**

The Sherwood Development Code allows as a Conditional Use: "Raising of animals other than household pets" in a residential zone. A conditional use permit is a Type III application, which means a land use application with notice of the proposal to surrounding property owners and a public hearing in front of the decision-maker, the hearings officer. It costs an applicant \$4145 plus notice, which is \$265. Staff cannot find any active conditional use permit approvals or even applications for this specific conditional use within the past five years.

### **Commonly Asked Questions**

- **What are the benefits of allowing chickens to be raised in Sherwood's residential neighborhood?**
  - Many residents want to grow their own vegetables in their yard or find ways to support the local food movement such as raising chickens for their egg production. One hen can lay about 300 eggs per year.
  - Some residents see chickens as a way to reduce insects in their yard or provide some handy fertilizer.
  - Some residents wish to be more self-sufficient and save money by producing their own protein.
  - Families may see raising chickens for egg production as an educational experience.



- **How big would a chicken coop need to be?**

According to several popular chicken coop-building web sites, the following are important rules for raising healthy chickens:

- A general rule of thumb is 4 square feet inside the coop per chicken and 10 square feet of outdoor space.
- It should have good airflow and a low roost for the chickens to sleep.
- The floor should be lined with pine wood chips (cedar can be toxic to chickens) and cleaned once a week
- Prepare adequately for your chickens for the whole year. They will need shade in the summer and heat in the winter.
  - See: <http://ezinearticles.com/?What-Chicken-Coop-Size-Should-You-Consider?&id=2225690>

- **Do chicken coops attract mice, rats and other predators?**

The short answer is definitely yes if the coop is not constructed properly or if the following precautions are not taken.

- To protect against burrowing vermin such as rats and mice bury fencing wire at least below ground level and curling it outwards. When pests try to dig under ground to get in the coop, they run into the wire instead.
- Predators are very patient and have all night to get a good chicken dinner, and chickens sleep very soundly; make sure the coop enclosure is shut tight overnight.

- **Do chickens coops tend to smell “foul”?**

Yes definitely, especially if the coop is not maintained properly. The coop must have good ventilation and fresh bedding.

- **How would the City manage any problems with a “bad chicken?”**
  - Currently if any animals cause problems in the City, residents may call the Police Department or Code Compliance officer to complain. (§ 9.44 in the Municipal Code)
  - The Planning Commission could recommend that additional measures are necessary to regulate specific conditions for the chickens or other animals and Code language developed to ensure compliance with the regulations the decision-makers wish to impose.
  
- **How far away will the coop be from my property?**
  - A chicken coop would be considered an accessory structure, which means that if the chicken coop is less than 200 square ft, it could be a minimum distance of three feet away from the property line and no Building permit is required.
  - If the coop requires a building permit due to its size, it must 5 feet from the property line.
  - Often described as a “chicken tractor,” some coops have wheels to allow maneuverability around yards so that chickens can graze on fresh grass and bugs.
  - Decision-makers could decide to place limits on how close the coops could be to the property line. Some of the chicken tractors are portable so not really a permanent structure.
  
- **Do chickens carry any harmful diseases?**
  - Chickens can carry diseases just like any other outdoor animal, including common diseases and parasites, many of which can be carried in by wild birds.

**Other links of interest:**

<http://www.newsweek.com/2008/11/16/the-new-coop-de-ville.html> (copy provided to Planning Commission)

<http://www.urban-chickens.com/>

<http://www.wikihow.com/Keep-Chickens-in-a-City>

[http://www.beavertonoregon.gov/departments/CDD/Planning/urbanpoultry/chicken\\_faq.aspx](http://www.beavertonoregon.gov/departments/CDD/Planning/urbanpoultry/chicken_faq.aspx)

<http://www.ci.hillsboro.or.us/Planning/CityAnimalReview.aspx?g1dd=8&g2dd=4>

## Oregon Jurisdictions That Allow or are Considering Chickens or Other Farm/ Exotic Animals in Residential Zones

Oregon Cities	Number of Hens Allowed	Setback from Property Line	Distance from Adjacent Dwellings	Minimum lot Size	Comments
Astoria	Unlimited				
Bend	4	15'	25		Requires a \$ 100 Farm Animal Permit
Cannon Beach	4	15	15		
Corvallis	Unlimited				
Dallas	5	10			Adopted ordinance in Jan 2010
Eugene	2	10	25		Citizens currently working to increase number of hens allowed
Forest Grove	4		20	5000 sq. ft	5000 sq. ft
Gresham	3	10	25		Adopted ordinance in Dec. 2009 requires \$50 permit good for 2 years
Lake Oswego	Unlimited				No anti-rooster ordinance but "crowing" may violate the noise ordinance
Portland	3 chicks with NO permit				Roosters are prohibited Any more must notice neighbors and have permit
Tigard	Unlimited	5 ft. per accessory structure	100 ft		Must be at least 100 ft. from a dwelling unit except a dwelling on the same lot

## **Issues for Community Discussion**



*Are the current standards adequate or does it make sense to update the animals permitted?*

*If it is determined to update the standards:*

- ❖ *Number of chickens to allow*
- ❖ *Does the community want to allow roosters?*
- ❖ *Are there any other animals the City wants to allow or allow with restrictions?*
- ❖ *Minimum size of lot to allow for chickens*
- ❖ *Distance away from neighboring residences*
- ❖ *Some jurisdictions allow or regulate aviaries (birds) or apiaries (bees), what to consider in the update?*
- ❖ *How should the City handle problems that crop?*
- ❖ *Should there be a permit process or simply make clear and objective standards?*



## The New Coop de Ville

*The craze for urban poultry farming.*



by Jessica Bennett November 17, 2008



Video muted: click volume for sound

For Brooklyn real-estate agent Maria Mackin, the obsession started five years ago, on a trip to Pennsylvania Amish country. She, her husband and three children—now 17, 13 and 11—sat down for brunch at a local bed-and-breakfast, and suddenly the chef realized she'd run out of eggs. "She said, 'Oh goodness! I'll have to go out to the garden and get some more'," Mackin recalls. "She cooked them up and they were delicious." Mackin and her husband, Declan Walsh, looked at each other, and it didn't take long for the idea to register: Could we have chickens too? They finished their brunch and convinced the bed-and-breakfast owner, a Mennonite celery farmer, to sell them four chickens. They packed them in a little nest in the back of their Plymouth Voyager minivan and headed back to Brooklyn.

The family has been raising chickens ever since, in the backyard of their brick townhouse in an urban waterfront neighborhood called Red Hook. Every Easter, Mackin orders a new round of chicks, now from a catalog that ships the newborns in a ventilated box while they are still feeding from their yolks. When they are grown, she offers up their eggs—and occasionally extra chickens, when she decides she's got too many—to friends and neighbors, and sells a portion to a local bistro, which touts the neighborhood poultry on its Web site. She gives the chicken manure—a high-quality fertilizer—to a local community garden in exchange for hay, which she uses to pad the chickens' wire-fenced coop. Occasionally, she kills and cooks up a chicken for dinner—though, she says, her chickens are egg layers and aren't particularly tasty. "We joke and call ourselves the Red Hook Poultry Association," says the former social worker, who at one time housed 27 chicks inside her kitchen—for six weeks. "Sometimes people are like, 'This is really kind of weird'."

As it turns out, Mackin is hardly an anomaly, in New York or any other urban center. Over the past few years, urban dwellers driven by the local-food movement, in cities from Seattle to Albuquerque, have flocked to the idea of small-scale backyard chicken farming—mostly for eggs, not meat—as a way of taking part in home-grown agriculture. This past year alone, grass-roots organizations in Missoula, Mont.; South Portland, Maine; Ann Arbor, Mich.; and Ft. Collins, Colo., have successfully lobbied to overturn city ordinances outlawing backyard poultry

farming, defined in these cities as egg farming, not slaughter. Ann Arbor now allows residents to own up to four chickens (with neighbors' consent), while the other three cities have six-chicken limits, subject to various spacing and nuisance regulations.

That quick growth in popularity has some people worried about noise, odor and public health, particularly in regard to avian flu. A few years back in Salt Lake City—which does not allow for backyard poultry farming—authorities had to impound 47 hens, 34 chicks and 10 eggs from a residential home after neighbors complained about incessant clucking and a wretched stench, along with wandering chickens and feathers scattered throughout the neighborhood. "The smell got to be unbelievable," one neighbor told the local news. Meanwhile, in countries from Thailand to Australia, where bird flu has spread in the past, government officials have threatened to ban free-range chickens for fear they are contributing to outbreaks. (In British Columbia, where officials estimated earlier this year that there are as many as 8,000 chicken flocks, an avian flu outbreak four years forced the slaughter of more than 17 million birds.)

But avian flu has not shown up in wild birds, domestic poultry or people in the United States. And, as the Washington-based Worldwatch Institute (an environmental research group) pointed out in a [report last month](#), experts including the Pew Commission on Industrial Farm Animal Production have said that if we do see it, it'll be more likely to be found in factory-farmed poultry than backyard chickens. As GRAIN, an international sustainable agriculture group, concluded in a 2006 report: "When it comes to bird flu, diverse small-scale poultry farming is the solution, not the problem."

Many urban farmers are taking that motto to heart. In New York, where chickens (but not roosters, whose loud crowing can disturb neighbors) are allowed in limitless quantities, there are at least 30 community gardens raising them for eggs, and a City Chicken Project run by a local nonprofit that aims to educate the community about their benefits. In Madison, Wis., where members of a grass-roots chicken movement, the Chicken Underground, successfully overturned a residential chicken ban four years ago, there are now 81 registered chicken owners, according to the city's animal-services department. "There's definitely a growing movement," says 33-year-old Rob Ludlow, the Bay Area operator of [BackyardChickens.com](#) and the owner of five chickens of his own. "A lot of people really do call it an addiction. Chickens are fun, they have a lot of personality. I think people are starting to see that they're really easy pets—and they actually produce something in return."

Because chickens can be considered both livestock and pet, farming them for eggs—or keeping them as pets—is unregulated in major cities like New York and Los Angeles. But it isn't legal everywhere. According to one recent examination by urban-agriculture expert Jennifer Blecha, just 65 percent of major cities allow chickenkeeping, while 40 percent allow for one or more roosters. (Hens don't need roosters to lay unfertilized eggs.)

Chicken slaughter, meanwhile, tends to fall under a separate (and generally stricter) set of regulations, though they're not always enforced. Most cities that allow chicken farming limit the number to four or six per household, so many urban farmers aren't raising enough chickens to slaughter and sell anyway—though they may cook up a meal or two at home. If they want to slaughter more, there are mobile slaughterhouses in places like Washington state that will do the dirty work for you: USDA-approved refrigerated trucks will pull right up to your doorstep.

Chicken farmers are finding each other on sites like [TheCityChicken.com](#), [UrbanChickens.org](#) and [MadCityChickens.com](#). [BackyardChickens.com](#) logs some 6 million page views each

month and has some 18,000 members in its forum, where community members share colorful stories (giving a chicken CPR), photos (from a California chicken show), even look to each other for comfort. "I am worried that non-BYC people won't understand why a 34-year-old woman would cry over a \$7 chicken," writes a Stockton, N.J., woman, whose chicken was killed by a hawk.

Over at [UrbanChickens.org](http://UrbanChickens.org), which launched this year, founder K. T. LaBadie, a master's student in community planning, provides updates on city ordinances, info about local chicken-farming classes and coop tours and has been contacted by activists hoping to overturn chicken bans around the nation. In Albuquerque, where she lives with her husband and four chickens—Gloria, Switters, Buffy and Omelet—residents can keep 15 chickens and one rooster, subject to noise ordinances, as well as slaughter the chickens for food. In July, LaBadie wrote in detail of her first killing: she and her husband hung the bird by its legs, slit its throat, plucked its feathers and put it on ice. Then they slow-cooked it for 20 hours. "It's not pretty, it's kinda messy, and it's a little smelly," she writes. "But it's quite real."

Meanwhile, at [MadCityChickens.com](http://MadCityChickens.com), the Web site created by the Madison Chicken Underground, chat-line operator Dennis Harrison-Noonan has turned his chicken love into a mini-business: he's sold 2,000 design kits for his custom-made playhouse chicken coop, which retails for \$35. "It's really not that crazy to think that people are doing this," says Owen Taylor, the urban livestock coordinator at Just Food, which operates the New York Chicken Project. "Most of the world keeps chickens, and they've been doing so for thousands of years."

Historically, he's right. During the first and second world wars, the government even encouraged urban farming by way of backyard "Victory Gardens" in an effort to lessen the pressure on the public food supply. (Until 1859, there were 50,000 hogs living in Manhattan, according to Blecha.) "It's really only been over the last 50 years or so that we've gotten the idea that modernity and success and urban spaces don't involve these productive animals," Blecha says.

There are a host of reasons for the growing trend. "Locavores" hope to avoid the carbon emissions and energy consumption that come with transporting food. Chicken owners and poultry experts say eggs from backyard chickens are tastier and can be more nutritious, with higher levels of supplements like omega-3 fatty acids. Their production cost is cheap: you can buy chickens for as little as a couple of dollars, and three hens will likely average about two eggs a day. You can also use their waste to help revitalize a garden. "There've been recalls on everything from beef to spinach, and I think people want to have peace of mind knowing their food is coming from a very trusted source," says LaBadie. "As gas prices go up, and people realize how food is connected to oil and transportation, they are bound to realize they can get a higher quality product cheaper if they get it locally."

Keeping a chicken is relatively easy, too—assuming you don't get too attached. (That's a talk Mackin says she had with her kids early: these chickens aren't pets.) They'll eat virtually anything—"pork products, string cheese, even Chinese takeout," she laughs—and they feed on bugs and pests that can ruin a garden. They can withstand harsh weather conditions. (In one oft-told tale, a Maine woman lost her chicken in a blizzard and found it, a day later, frozen solid with its feet stuck straight in the air. She thawed it and administered CPR. The chicken made a full recovery.) And much like New Yorkers, not much bothers chickens grown in urban environments. "[Those] raised in a really controlled environment like factory farms are very fragile, both physically and emotionally," says Blecha, who lives in St. Paul, Minn., with her



partner and six chickens. "My chickens, I mow the lawn a foot away from them and they don't even look up from their pecking."

But even urban chickens, who can live more than five years, can die easily: from predators like dogs or possums, catching a cold or sometimes for no apparent reason at all. Once, one of Mackin's chicks got stuck in a glue trap. She drowned it, to put it out of its misery. "That was really sad," she says. (Mackin doesn't name her chickens, for that very reason.)

But the overall experience seems to be positive for everyone. "We have people calling weekly to say, 'This is really cool'," says Patrick Comfort, a spokesman for Madison's animal-services department, where the chicken ban was reversed in 2004. "Chicken people love it, the neighbors don't care, we have no complaints." Minneapolis enthusiast Albert Bourgeois sums up the appeal. "Chickens are really fun pets," he says. His flock is named Cheney, Condi, Dragon, Fannie and Freddie. The next one, he says, will be Obama.

# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**August 24, 2010**

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**Commission Members Present:**

Chair Allen  
Jean Lafayette  
Matt Nolan  
Raina Volkmer  
Russell Griffin  
Lisa Walker  
Michael Cary

**Staff:**

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

**Commission Members Absent: none**

**Council Liaison – Mayor Mays not present**

**Call to Order/Roll Call – Chair Allen** called the meeting to order.

1. **Agenda Review** – Continued Tonquin Employment Area Concept Plan PA 09-03
2. **Consent Agenda – No items for review**
3. **Staff Announcements** Julia reminded the Commission that the OPI conference will be held in September. Some Commissioner's had expressed interest in attending. September 7<sup>th</sup> there will be a special Planning Commission Meeting to review the Cannery Plaza project. On September 14<sup>th</sup> there will be a listening session and September 21<sup>st</sup> there is a joint session scheduled with the City Council to discuss the code update and the Tonquin Employment Area. She also announced a Planning Commission seat vacancy, as Commissioner Nolan has submitted his letter of resignation as of September 15, 2010.  
**(Commissioner Cary arrived)**
4. **Community Comments – No community comments were given**
5. **Old Business – Chair Allen** re-opened the public hearing on PA 09-03 Tonquin Employment Area. Heather gave a staff update and reminded the Commission that at the last meeting they held a hearing and directed several changes that they wanted to see prior to forwarding a recommendation. She pointed out what has been changed in this packet compared to the packet from the last meeting.  
**(Commissioner Walker arrived).** Heather discussed the applicability of including the Tonquin Employment Area into the Urban Renewal District. The Commission discussed typographical errors that Commissioner Lafayette had identified.

Types of allowed uses were discussed; specifically the term “research and development”. It was determined to add the wording, “except as prohibited in section 16.31.040” to Section 16.31.020.B.

Commissioner Lafayette made a motion to recommend approval of PA 09-03 Tonquin Employment Area to the City Council. Commissioner Nolan seconded the motion. All Commissioners voted in favor and the motion carried.

**6. Comments from Commissioners – none given.**

**The next meeting is scheduled for September 7<sup>th</sup>, 2010.**

**Chair Allen** closed the public hearing and the Commission moved into work session.

End of minutes.