



90 NW Park Street
Sherwood, Oregon 97140
625-5522 625-5523

City of Sherwood
Planning Commission

AGENDA

August 17, 1987
855 No. Sherwood Blvd.
7:30 P.M.

- I. Call to Order
- II. Approval of Minutes, June 22, 1987
- III. Sherwood Friends Church Sign Permit Request
- IV. Marshall Industrial Subdivision Final Plat Approval Request
- V. H.C.C. Inc. Minor Land Partition request
- VI. Recommendation to City Council on the Commercial Zones Analysis Report
- VII. Schedule Hearing Date for Zoning Code Noise Standards Amendment
- VIII. For Your Information
 - a. Flood Plain Amendment
Sherwood UGB

MEMO

Date: July 23, 1987
To: City of Sherwood Planning Commission
From: Carole W. Connell, Consulting Planner *CWC*
The Benkendorf Associates
Subject: Sherwood Friends Church Directional Signs

This application was tabled for 60 days at your June meeting pending information described below:

- Directional signs are not permitted on County or State road right-of-way.
- Section 5.703.010 referred to in the staff report applies to this application and is not in reference to interior residential subdivision signs. As originally interpreted, the Planning Commission must approve this request.
- The applicant has dropped the Edy/Tualatin-Sherwood location and replaced it with Pine and No. Sherwood. Otherwise, the request is the same.

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE: June 4, 1987

FROM: Carole Connell, Consulting Planner
Benkendorf Associates

FILE NO.: DR87-04

SUBJECT: Request for four directional signs for the Sherwood
Friends Church

I. Proposed Data

Applicant: Sherwood Friends Church of Oregon
950 S. Sherwood Blvd.
Sherwood, OR 97140

Owner: Same as above

Location: 950 S. Sherwood Blvd.
Tax Lot 3100, 2S 1 32CA

II. Sherwood Community Development Code Provisions

A. Chapter 5, Section 5.703.01C. Directional Signs states:

Directional signs may be located at street intersections with the approval of the Commission. Such signs shall be no more than one (1) foot by three and one-half (3 1/2) feet. Not more than eight (8) signs shall be permitted at any one street intersection. The signs shall be provided by the developer and turned over to the City with a fee as per Section 3.301. The City will erect the signs at heights and locations approved by the Commission.

III. Findings of Fact

A. The request is to locate a 1 foot by 3 1/2 foot sign at the following intersections:

1. Sherwood Blvd. and Railroad Avenue
2. Oregon and Pine Street
3. Southwest Corner of Pine & No. Sherwood Blvd.
4. Six Corners

- B. The Signs are proposed to be painted metal and are the same size as a speed limit sign.
- C. Each of the above listed intersections currently have the following directional signs posted:
 - 1. Sherwood and Railroad Avenue: No directional signs and no pole.
 - 2. Oregon and Pine Street: One large City directional sign with four small signs; two directional signs. The white City pole could possibly be used for posting the Friends Church sign.
 - 3. Pine and No. Sherwood Blvd.: No signs and only a telephone pole.
 - 4. Six Corners: One Shari's directional sign in front of the restaurant at the intersection.
- D. The proposed directional signs comply with Code provisions regarding size and number allowed. The Commission may determine sign height and location.

IV. Recommendation

Staff recommends approval of the request subject to the following conditions:

- 1. Signs shall be posted on existing poles where possible. If a pole does not exist the applicant shall supply a twelve (12) foot, 4X4 pressure treated pole.

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE: July 16, 1987

FROM: Carole Connell, Consulting Planner
Benkendorf Associates

FILE NO.: 2271-52

SUBJECT: Approval request for the Final Subdivision Plat of
Marshall Industrial Park.

I. Proposed Data

Applicant: P.M. Marshall
10002 SW Herman Rd.
Tualatin, OR 97062

Representative: Rick Martin
Westlake Consultants
7145 SW Varns Road
Tigard, OR 97223

Location: Located on the northwest corner of the SW Cipole Road and Tualatin-Sherwood Road intersection, further described as Map 2S-1-28A, Tax Lot 501.

II. BACKGROUND DATA

On January 19, 1987 the Planning Commission approved a final plat submittal extension until August 6, 1987. This is the request for that final plat approval. On April 20, 1987 the Planning Commission approved a revised preliminary plat with which the final plat must conform. This report is an analysis of the final plat as it compares to the preliminary plat and conforms to the subdivision code.

III. SHERWOOD COMMUNITY DEVELOPMENT CODE PROVISIONS

A. Chapter 7, Section 7.300, Final Plats

IV. FINDINGS OF FACT

A. The final plat compares with the preliminary plat regarding: number of lots, size of lots, road alignments and dedications, easements, access controls.

B. Public streets and roads are dedicated without any reservation or restriction other than easements for public

utilities. Four (4) foot sidewalks are provided on both sides of Young Street.

C. There are no private streets in the Marshall Industrial Park.

D. The plat dedicates to the public all required common improvements including streets, sewage disposal and water supply systems. Additional improvements are needed for storm water drainage.

E. The subdivision conforms to all standards and requirements of the Code.

F. Proposed street names include Young Street for the cul-de-sac and Lois Lane for the future access street to the adjoining property. Lois Lane was not required to be improved by the developer of the Marshall Industrial Park. The Planning Commission approves street names.

G. The City requires the subdivider to install streets, sidewalks, street lights, storm sewers, sanitary sewers, and underground utilities where feasible. These improvements are guaranteed by a "Subdivision Compliance Agreement" with the City.

H. A Title Report has been submitted to the City indicating all taxes have been paid.

I. PGE, Tualatin Fire District, Storer Cable and Washington Co. have been notified of this request.

J. The applicant has requested the project be developed in 3 phases as described in the attached letter dated July 27, 1987.

V. CONCLUSION AND RECOMMENDATION

Based upon the above stated Findings of Fact, staff recommends approval of the Marshall Industrial Park Final Plat subject to the following conditions. The project is to be developed in three phases and the following improvements shall be made relevant to each phase:

A. The owner shall dedicate a public easement extending west from Lot 4 for off-site storm drainage and sewer.

B. The owner shall obtain and submit to the City, agreements granting permission for storm water to drain onto all affected off-site properties, and otherwise comply with all storm drainage requirements as specified by the City. Storm drainage for Lots 9, 10, and 11 must be completed in Phase 1.

- C. All utilities within easements shall be dedicated to the City.
- D. The easement on Lot 7 shall be changed to a utility easement.
- E. The owner shall execute and submit to the City a Subdivision Compliance Agreement to guarantee installation of streets, sidewalks, storm and sanitary sewers and street lights in accordance with City and PGE requirements. Improvements, guarantees, and bonding may be made in three phases and within 5 years.
- F. The owner shall execute and submit to the City a Performance Bond to cover the improvement costs, in accordance with the phasing plan.
- G. The subdivision improvements shall be completed within the phasing plan, unless an extension is requested and approved by the Planning Commission.
- H. Deciduous street trees shall be provided on Young Street spaced between 25' to 40' on center with installation of said trees to be included in the Compliance Agreement. The final tree type and spacing shall be approved by the City.
- I. A Maintenance Bond shall be executed and submitted to the City after each phase of the subdivision is built.
- J. The owner shall enter into a nonremonstrance agreement with the City for future public improvements adjoining the site.
- K. The owner shall request a L.I.D. lien segregation or pay off the remaining balance due for the applicable sewer L.I.D. at the time the first lot is sold.
- L. The applicant should change the street name "Lois Lane". A name of historic significance such as Smock, Colfelt, or Morback is suggested.
- M. The subdivision shall be developed in accordance with the Tualatin Fire District's requirements.
- N. The applicant is responsible for Washington County plat approval and the recording of each phase.

Carol Connell
July 27, 1987

SCHWABE, WILLIAMSON, WYATT, MOORE, & ROBERTS

ATTORNEYS AT LAW
SUITES 1600-1800, PACWEST CENTER
1211 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204-3795
TELEPHONE (503) 222-9981

JAMES R. MOORE
(503) 796-2911

CABLE ADDRESS "ROBCAL"
TELEX 151563
TELECOPIER (503) 796-2900

July 27, 1987

Carol Connell
BENKENDORF & ASSOCIATES
522 SW Fifth Avenue
Portland, Oregon 97204

Re : City of Sherwood/Marshall Industrial Park

Dear Carol:

As you know this office represents P. M. Marshall Company, which is seeking approval of a final plat of Marshall Industrial Park from the City of Sherwood.

We have discussed with you the possibility of phasing or staging approval of the final plat for the following reasons:

1. The cost of the public and private improvements necessary for the subdivision are quite substantial for the size of the subdivision and the number of lots available for marketing.

2. The County is in the process of determining a re-alignment of SW Tualatin-Sherwood Road and the final alignment may affect lot size, location of sidewalk improvements and the like.

At your suggestion I talked with Paula Calvin at Washington County and she referred me to Ron Schaadt. I will be receiving the present preliminary proposed realignment from Mr. Schaadt. He indicated during our telephone conversation that the present thinking would result in the movement of SW Tualatin-Sherwood Road to the south where it abuts Lot 9 of the subdivision, but may result in some taking by the County from Lot 1. However, Ron was quick to point out that the present proposed realignment is only preliminary and that it may or may not change over the next few months.

For the reasons I have set out above, P. M. Marshall Company would like to proceed with final plat approval of

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE: July 28, 1987

FROM: Carole W. Connell, Consulting Planner
The Benkendorf Associates

FILE NO: 2271-61

SUBJECT: Request for a Minor Land Partition to divide one lot into three.

I. PROPOSAL DATA

Applicant: Home Construction Consultants
4500 Kruse Way
Lake Oswego, Oregon 97034

Owner: Laura E. Bequette
Charles Bequette, Power of Attorney
Century 21
4175 S.W. Cedar Hills Blvd.
Beaverton, Oregon 97140

Location: 120 S.E. Lincoln Street and further described as tax lot 600,
map 2S-1-32AB.

II. BACKGROUND DATA

The site is currently a 28,500 square foot lot occupied by one vacant residence. The parcel abuts S.E. Clifford Court, which is half improved. The residence and land is for sale. A parcel of land may be partitioned into two or three parcels within a year as long as the land is under a single ownership.

III. SHERWOOD CODE PROVISIONS

A. Community Development Code

1. Section 2.103 Medium Density Residential Low (MDRL) zone.
2. Section 4.100 Application Content
3. Section 7.500 Minor Land Partitions

B. Sherwood Comprehensive Plan

IV. FINDINGS OF FACT

- A. The subject parcel is 28,500 square feet in size and is occupied by a single-family residence and a garage. The request is to divide the parcel into three residential lots.
- B. The parcel is zoned Medium Density Residential Low, MDRL, permitting a minimum lot size of 5000 square feet. The proposed lots are all over 5000 square feet. The proposed parcels also comply with the minimum lot width and depth requirements.
- C. The site is relatively flat and heavily vegetated.
- D. Access to the parcel is currently available from S.E. Lincoln Street, although the full road right-of-way has not been dedicated. The applicant proposes to dedicate the required four feet on Lincoln Street. S.E. Clifford Court abuts the north side of the parcel and is paved with sidewalks to half street standards abutting the two parcels to the north. Access to the two back parcels is proposed to be provided by a fully improved Clifford Court.
- E. Sewer service is available to the proposed parcels and is located in Lincoln Street. A sewer line shall be located in Clifford Court to serve the two back parcels. A water service line is located in Clifford Court. Individual lines to the two back parcels can be provided from the existing line.

F. The Tualatin Fire District, Washington County, PGE and Willamette Cable have been notified of this request. The fire district has requested that any street over 150 feet in length provide a turnaround. Clifford Court is just under 150 feet. Willamette Cable requests that the cable be installed in the current open trench and that they be advised of the scheduled trench opening.

G. Based on the required findings of fact for a minor land partition, the City finds that:

1. No new roads are being created by this partition and a now substandard street will be improved to City requirements by this proposal.
2. The proposed partition complies with City zoning standards.
3. There exists adequate sewer and water service to the site.
4. Adjoining land is not being hindered from development because of this proposal.

V. CONCLUSION AND RECOMMENDATION

Based on the above findings of fact, staff recommends **approval** of this request subject to the following conditions:

1. Four feet of road right-of-way on S.E. Lincoln Street shall be dedicated to the City.
2. Clifford Court shall be paved and sidewalks constructed to City standards.
3. Sewer and water service shall be extended to each parcel in accordance with City standards.

4. The owner of the property shall enter into a non-remonstrance agreement with the City for future public improvements.
5. The applicant shall survey and record the partition with Washington County as approved by the City of Sherwood.

CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

Staff Use

CASE NO. _____
FEE 125
RECEIPT NO. _____
DATE _____

Type of Land Use Action Requested

- Annexation
- Plan Amendment
- Variance
- Planned Unit Development
- Conditional Use
- Minor Partition
- Subdivision
- Design Review
- Other _____

Owner/Applicant Information

	NAME	ADDRESS	PHONE
Applicant:	<u>Home Construction Consultants, Inc</u>		<u>4500 Knise Way</u>
Owner:	_____		
Contact for:	_____		
Additional Info:	<u>Russ Kenaga</u>	<u>653-0295</u>	<u>Steve 626-6720</u>

Property Information

Street Location: 120 Lincoln St Sherwood

Tax Lot No. 281 32 AB 600 Acreage .67

Existing Structures/Use: 1 Single family

Existing Plan Designation: MORL 1 Single family per 5000'
or 1 Duplex per 10000'

Proposed Action

Proposed Use 3 Single family lots

Proposed Plan Designation Next current zoning of MORL

Proposed No. of Phases (one year each) 1

Standard to be Varied and How Varied (Variance Only) None

Purpose and Description of Proposed Action: _____

Purpose is to create 3 single family lots on above described .67 AC of property and to improve the South side of SE Clifford St. A dedication of 24' on Clifford St. will

Authorizing Signatures

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Home Construction Consultants, Inc.
[Signature], Pres.

Applicant's Signature

7-20-87

Charles Bequette (Power of Attorney)
Owner's Signature

7-19-87

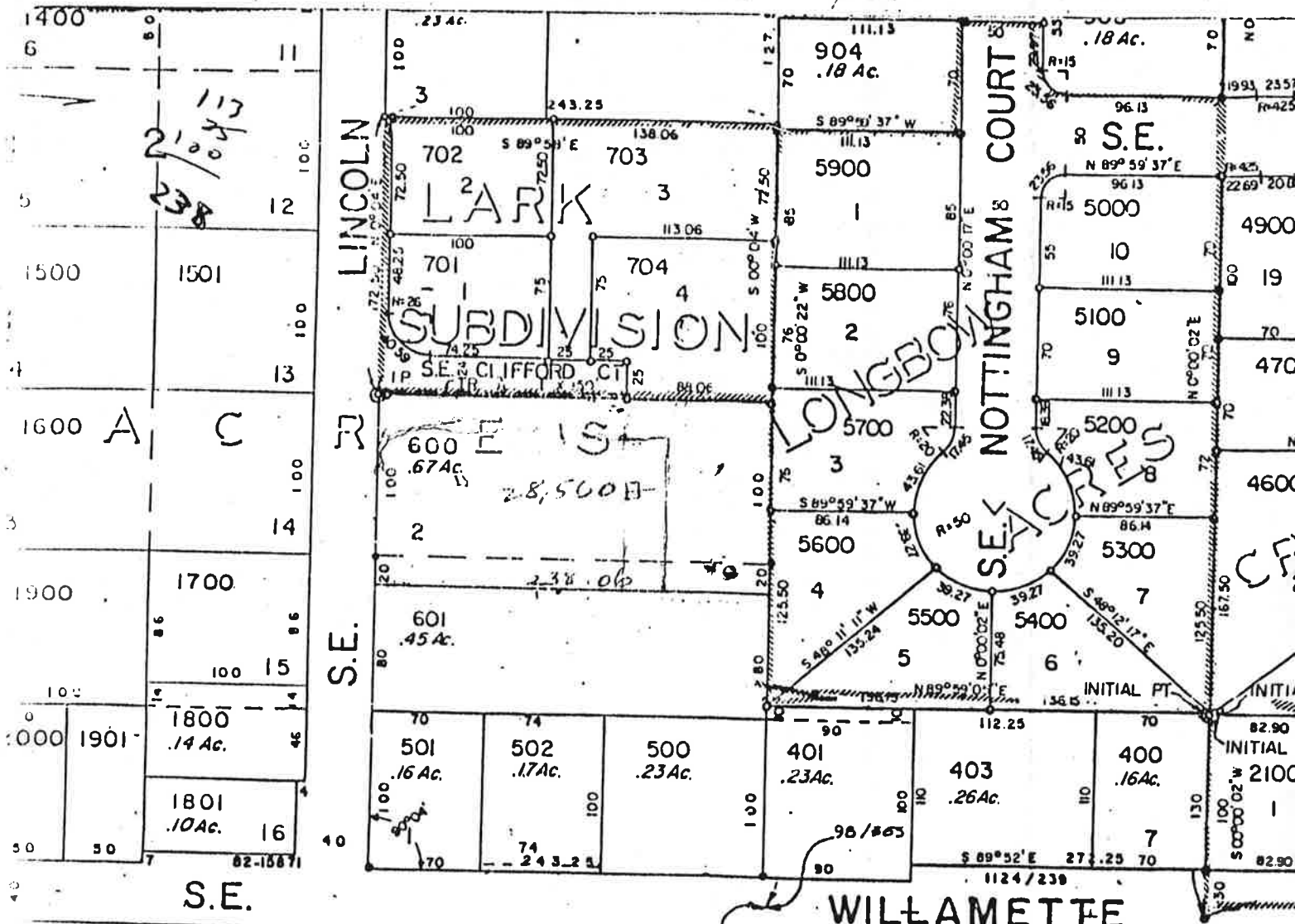
To Be Submitted With The Application

To complete the application submit nine (9)¹⁴ copies of the following:

1. A brief statement describing how the proposed action satisfies the required findings criteria contained in the Comprehensive Plan for the action requested.
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3 Chapter 1 TABLE 4.04 of the Comprehensive Plan. The information in TABLE 4.04 which is applicable to a given application shall be determined during a preapplication conference with the Planning Department.

This map is made solely for the purpose of assisting in locating said premises and the company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

TICOR TITLE INSURANCE

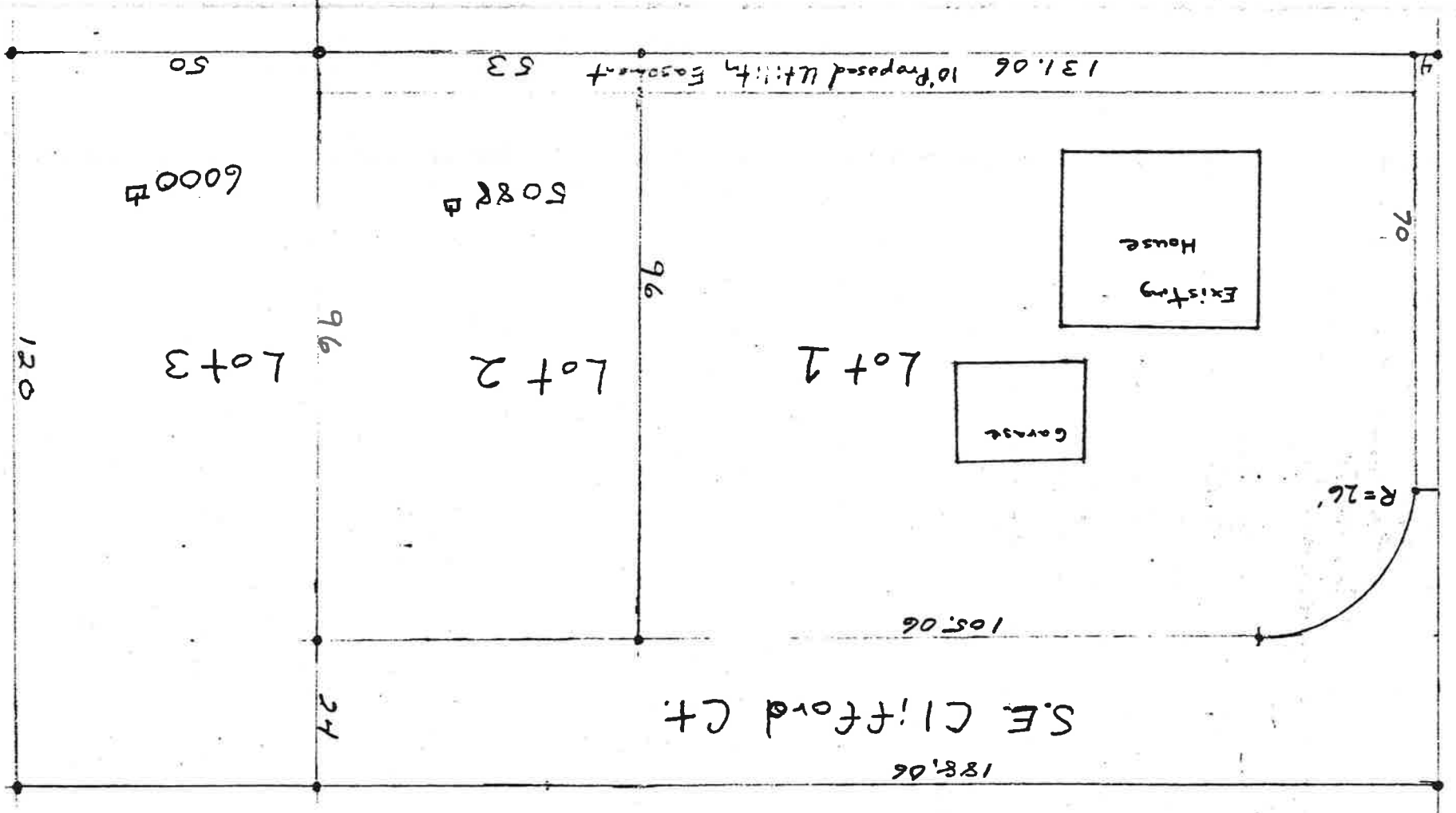


N89°52'W 803.28 AND
S0°04'W 1158.28 TO CENTER
COR. OF SEC. 32

SEE MAP
25 1 32AC

MIRL - 5000
1000 duplex

Handwritten notes and scribbles at the bottom left of the page, including the number '13' and other illegible markings.



MEMORANDUM

Date: July 23, 1987
To: City of Sherwood Planning Commission
From: Carole W. Connell, Consulting Planner
The Benkendorf Associates
Subject: Commercial Zones Analysis

At the August meeting, I suggest that the Planning Commission act on each of the **general recommendations found on pages 9 through 12** of the report. The City Council will then review the report and your recommendations, hold a public hearing, and make a final determination. Staff can then draft the code language which could be reviewed again by the Planning Commission and then be adopted by the City Council. Pages 9 through 12 are attached for your convenience.

IV. RECOMMENDED REVISIONS TO SHERWOOD'S COMMERCIAL ZONING

To simplify and update Sherwood's commercial zoning, it is recommended that the City adopt a "generic" system of zoning similar to that used by Beaverton and Gresham. The generic system will allow a greater variety of uses to locate in Sherwood's commercial zones and should encourage new innovative development. The proposed changes to the development code are organized by zoning district and section number. The recommended changes for each commercial zoning district are summarized prior to the actual proposed revisions.

A. Office Commercial - Recommendations

1. The Office Commercial zone should be eliminated from the development code. Office development can occur in the Community Commercial zone and the existing Office Commercial zone severely limits the type of commercial activity that is allowed.
2. The existing Office Commercial zones should be rezoned to Community Commercial. Community Commercial is more permissive than Office Commercial and allows retail use in addition to office uses. The proposed amendment will make the vacant property south of Six Corners more attractive to new development.

B. Neighborhood Commercial - Recommendations

1. The Neighborhood Commercial zone should be simplified by opening the district to any retail or service use that meets a list of specific conditions. The zone should include uses previously permitted in OC zone. The conditions should assure that the commercial use complements the residential character of a neighborhood. To accomplish this purpose, the conditions should require that:
 - a. The activity take place within an enclosed building.
 - b. Each individual establishment not exceed 4,000 sq. ft. in gross floor area.

- c. Outdoor display and storage areas be permitted only for horticultural and food merchandise and the area allowed for outdoor display be limited.
 - d. Uses that operate before 7:00 a.m. or after 10:00 p.m. should be subject to Conditional Use procedures.
 - e. No more than three permitted or conditional uses shall be established within a single NC zoning district. (This standard is currently included in the purpose section (2.107.01) of the N.C. Zone. It is recommended that the standard be deleted from the purpose statement and included with other similar standards).
2. The proposed changes to the conditional use requirements include designating the following as conditional uses:
- a. Public and private schools providing education at the preschool level or higher, excluding commercial trade schools.
 - b. Governmental buildings and uses including post offices
 - c. Uses operating before 7 a.m. or after 10:00 p.m.
 - d. Retail, service, or office uses which cause the number of permitted or conditional uses in a N.C. Zone to exceed three (3).

The proposed conditions on both the permitted and conditional uses will assure that any use locating in a Neighborhood Commercial zone is compatible with surrounding residential uses and is consistent with the stated purpose of the zone.

C. Community Commercial - Recommendations

1. The Community Commercial Zone should be simplified and consolidated by eliminating the list of specific uses. A generic list which permits office, retail, and service uses should be adopted. Under the proposed system all uses currently allowed in the CC zone would continue to be allowed in the zone. The advantage of the proposed system is that a new retail or service use would be allowed as an outright use even though it is not specifically listed.
2. The reference to uses that are "permitted outright in the N.C. Zone" should be eliminated. This will simplify the zone by eliminating the need to refer to a different section of the Development Code when checking permitted uses.
3. To protect adjacent residential uses all permitted uses should be subject to the condition that if they abut a residential zone and operate before 7:00 a.m. or after 10:00 p.m., the commercial use should be subject to Conditional Use procedures.
4. Golf courses, currently not allowed in the zone, should be allowed as a conditional use as an outdoor recreational facility. The City may wish to consider designating certain current conditional uses as outright uses based on their impacts relative to the impacts of commercial uses permitted in the zone. An argument can be made that the impact of a 15 acre commercial shopping center (permitted outright in the zone) may be greater than the impact of a church, school, or lodge (permitted only as a conditional use). In contrast, an argument can also be made that it is a waste of valuable commercial land to allow churches and schools to locate in commercial zones as outright permitted uses. Under this approach, the conditional use provisions are utilized to preserve commercially designated land for commercial uses.

5. To avoid the development of intensive semi-commercial uses in the CC zone, the following uses should be prohibited: junk yards, drive-in theaters, contractor storage yards, and wholesale and warehouse uses. All of the uses require large amounts of land area and are not well suited for the Community Commercial zone.
6. The names of the Community Commercial and General Commercial zoning districts should be evaluated and possibly changed to eliminate confusion between the districts. The City should consider renaming Community Commercial to Retail Commercial or another similar designation.

D. General Commercial - Recommendations

The proposed changes to the General Commercial zone are similar to the changes recommended in the other zones. The list of permitted uses should be simplified. As in the Community Commercial zone, a condition should be imposed requiring that uses abutting residential zones and operating before 7:00 a.m. and after 10:00 p.m. should be subject to conditional use procedures. The proposed conditional use requirements in the GC zone are also similar to those in the Community Commercial zone.

E. Definitions

Because the proposed changes eliminate specific lists of uses, new definitions are needed for the "generic" terms "retail" and "wholesale". Proposed definitions are included in the following section. A new definition is also provided for the term "abut".

F. Additional Recommendations

To further protect residential areas from the impacts of commercial uses, new setbacks should be established for corner side yards in the community commercial and the general commercial zones. The corner side yard setbacks should be equivalent to the side yard setbacks in each zone.

July 30, 1987

TO: City of Sherwood Planning Commission

FROM: Carole Connell, Consulting Planner

THRU: Jim Rapp, City Manager

RE: DEQ Noise Standards

Enclosed are the existing DEQ noise standards. A proposed ordinance to amend the zoning code incorporating the state standards in place of our existing standards will be developed. I recommend that at your August meeting the Planning Commission set a public hearing on this issue for September 21, 1987.

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY
Noise Control Regulations

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DEQ Offices

Noise Control Program Headquarters Office:

811 S. W. Sixth Avenue, Portland, OR 97204; Phone: 229-6085 or toll-free
at 1-800-452-4011

Northwest Region Office:

811 S. W. Sixth Avenue, Portland, OR 97204; Phone: 229-5263
Responsible for: Clackamas, Clatsop, Columbia, Lincoln, Multnomah,
Tillamook, and Washington Counties

Willamette Valley Region Office:

895 Summer, N. E., Salem, OR 97310; Phone: 378-8240
Responsible for: Benton, Lane, Linn, Marion, Polk, and Yamhill Counties

Southwest Region Office:

201 W. Main Street, Medford, OR 97501; Phone: 776-6010
Responsible for: Jackson and Josephine Counties

Roseburg Branch Office:

1937 W. Harvard, Roseburg, OR 97470; Phone: 440-3338
Responsible for: Douglas County

Coos Bay Branch:

490 N. Second, Coos Bay, OR 97420; Phone: 269-2721
Responsible for: Coos and Curry Counties

Eastern Region Office:

700 S. E. Emigrant, Suite 330, Pendleton, OR 97801; Phone: 276-4063
Responsible for: Baker, Gilliam, Grant, Malheur, Morrow, Umatilla, Union,
Wallowa, and Wheeler Counties

Central Region Office:

2150 N. E. Studio Road, Bend, OR 97701; Phone: 388-6146
Responsible for: Crook, Deschutes, Harney, Hood River, Jefferson, Klamath,
Lake, Sherman, and Wasco Counties

DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 340, OREGON ADMINISTRATIVE RULES

DIVISION 35

NOISE CONTROL REGULATIONS

AMENDED APRIL 1983

General

Policy

340-35-005 In the interest of public health and welfare, and in accordance with ORS 467.010, it is declared to be the public policy of the State of Oregon:

(1) To provide a coordinated state-wide program of noise control to protect the health, safety, and welfare of Oregon citizens from the hazards and deterioration of the quality of life imposed by excessive noise emissions;

(2) To facilitate cooperation among units of state and local governments in establishing and supporting noise control programs consistent with the State program and to encourage the enforcement of viable local noise control regulations by the appropriate local jurisdiction;

(3) To develop a program for the control of excessive noise sources which shall be undertaken in a progressive manner, and each of its objectives shall be accomplished by cooperation among all parties concerned.

Exceptions

340-35-010 (1) Upon written request from the owner or controller of a noise source, the Department may authorize exceptions as specifically listed in these rules.

(2) In establishing exceptions, the Department shall consider the protection of health, safety, and welfare of Oregon citizens as well as the feasibility and cost of noise abatement; the past, present, and future patterns of land use; the relative timing of land use changes and other legal constraints. For those exceptions which it authorizes, the Department shall specify the times during which the noise rules can be exceeded and the quantity and quality of the noise generated, and when appropriate shall specify the increments of progress of the noise source toward meeting the noise rules.

Definitions

340-35-015 As used in this division:

(1) "Air Carrier Airport" means any airport that serves air carriers holding Certificates of Public Convenience and

Necessity issued by the Civil Aeronautic Board.

(2) "Airport Master Plan" means any long-term development plan for the airport established by the airport proprietor.

(3) "Airport Noise Abatement Program" means a Commission-approved program designed to achieve noise compatibility between an airport and its environs.

(4) "Airport Proprietor" means the person who holds title to an airport.

(5) "Ambient Noise" means the all-encompassing noise associated with a given environment, being usually a composite of sounds from any sources near and far.

(6) "Annual Average Day-Night Airport Noise Level" means the average, on an energy basis, of the daily Day-Night Airport Noise Level over a 12-month period.

(7) "Any one hour" means any period of 60 consecutive minutes during the 24-hour day.

(8) "Closed Course Motorcycle Racing Vehicle" means any motorcycle racing vehicle that is operated in competition or practice session on a closed course motor sports facility, i.e. where public access is restricted and admission is generally charged.

(9) "Commission" means the Environmental Quality Commission.

(10) "Construction" shall mean building or demolition work and shall include all activities thereto such as clearing of land, earthmoving, and landscaping, but shall not include the production of construction materials.

(11) "Day-Night Airport Noise Level (Ldn)" means the Equivalent Noise Level produced by airport/aircraft operations during a 24-hour time period, with a 10 decibel penalty applied to the level measured during the nighttime hours of 10 pm to 7 am.

(12) "Department" means the Department of Environmental Quality.

(13) "Director" means the Director of the Department.

(14) "Drag Racing Vehicle" means any racing vehicle used to compete in any acceleration competition initiated from a standing start and continued over a straight line course.

(15) "Emergency Equipment" means noise emitting devices required to avoid or reduce severity of accidents. Such equipment includes, but is not limited to, safety valves and other unregulated pressure relief devices.

(16) "Equivalent Noise Level (Leq)" means the equivalent steady state sound level in A-weighted decibels for a stated period of time which contains the same acoustic energy as the actual time-varying sound level for the same period of time.

(17) "Existing Industrial or Commercial Noise Source" means any Industrial or Commercial Noise Source for which installation or construction was commenced prior to January 1, 1975.

(18) "Farm Tractor" means any Motor Vehicle designed primarily for use in agricultural operations for drawing or operating plows, mowing machines, or other implements of husbandry.

(19) "Four Wheel Drive Racing Vehicle" means any four-wheeled racing vehicle with at least one wheel on the front and rear axle driven by the engine or any racing vehicle participating in an event with predominantly four wheel drive racing vehicles.

(20) "Go-Kart Racing Vehicle" means a light-weight four-wheeled racing vehicle of the type commonly known as a go-kart.

(21) "Impulse Sound" means either a single pressure peak or single burst (multiple pressure peaks) for a duration of less than one second as measured on a peak unweighted sound pressure measuring instrument or "C" weighted, slow response instrument and specified by dB and dBC respectively.

(22) "In-Use Motor Vehicle" means any Motor Vehicle which is not a New Motor Vehicle.

(23) "Industrial or Commercial Noise Source" means that source of noise which generates Industrial or Commercial Noise Levels.

(24) "Industrial or Commercial Noise Levels" means those noises generated by a combination of equipment, facilities, operations, or activities employed in the production, storage, handling, sale, purchase, exchange, or maintenance of a product, commodity, or service and those noise levels generated in the storage or disposal of waste products.

(25) "Motorboat" as used in OAR 340-35-025 means a watercraft propelled by an internal combustion engine but does not include a boat powered by an outboard motor or an inboard/outboard power package designed to exhaust beneath the surface of the water.

(26) "Motorcycle" means any Motor Vehicle, except Farm Tractors, designed to travel on not more than three wheels which are in contact with the ground.

(27) "Motor Sports Advisory Committee" means a committee appointed by the Director, from among the nominees, for the purpose of technical advice on racing activities and to recommend Exceptions to these rules as specified in OAR 340-35-040(12). This Committee shall consist of:

(a) One permanent public member nominated by a noise impacted group or association; and

(b) One representative of each of the racing vehicle types identified in OAR 340-35-040(2) as nominated by the respective sanctioning bodies; and

(c) The program manager of the Department's noise pollution control section who shall also serve as the departmental staff liaison to this body; and

- (d) An attorney; and
- (e) An acoustical engineer.
- (28) "Motor Sports Facility" means any facility, track or course upon which racing events are conducted.
- (29) "Motor Sports Facility Noise Impact Boundaries" means the daily 55 dBA day-night (Ldn) noise contours around the motor sports facility representing events that may occur on the day of maximum projected use.
- (30) "Motor Sports Facility Owner" means the owner or operator of a motor sports facility or an agent or designee of the owner or operator. When a Racing Event is held on public land, the event organizer (i.e., promoter) shall be considered the motor sports facility owner for the purposes of these rules.
- (31) "Motor Vehicle" means any vehicle which is, or is designed to be self-propelled or is designed or used for transporting persons or property. This definition excludes airplanes, but includes watercraft.
- (32) "New Airport" means any airport for which installation, construction, or expansion of a runway commenced after January 1, 1980.
- (33) "New Industrial or Commercial Noise Source" means any Industrial or Commercial Noise Source for which installation or construction was commenced after January 1, 1975 on a site not previously occupied by the industrial or commercial noise source in question.
- (34) "New Motor Sports Facility" is any permanent motor sports facility for which construction or installation was commenced after January 1, 1982. Any recreational park or similar facility which initiates sanctioned racing after this date shall be considered a new motor sports facility.
- (35) "New Motor Vehicle" means a Motor Vehicle whose equitable or legal title has never been transferred to a Person who in good faith purchases the New Motor Vehicle for purposes other than resale. The model year of such vehicle shall be the year so specified by the manufacturer, or if not so specified, the calendar year in which the new motor vehicle was manufactured.
- (36) "Noise Impact Boundary" means a contour around the airport, any point on which is equal to the airport noise criterion.
- (37) "Noise Level" means weighted Sound Pressure Level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA.
- (38) "Noise Sensitive Property" means real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner.
- (39) "Octave Band Sound Pressure Level" means the sound pressure level for the sound being measured within the specified octave band. The reference pressure is 20 micropascals (20 micronewtons per square meter).

(40) "Off-Road Recreational Vehicle" means any Motor Vehicle, including watercraft, used off Public Roads for recreational purposes. When a Road Vehicle is operated off-road, the vehicle shall be considered an Off-Road Recreational Vehicle if it is being operated for recreational purposes.

(41) "One-Third Octave Band Sound Pressure Level" means the sound pressure level for the sound being measured within the specified one-third octave band at the Preferred Frequencies. The reference pressure is 20 micropascals (20 micronewtons per square meter).

(42) "Open Course Motorcycle Racing Vehicle" means any motorcycle racing vehicle that is operated in competition on an open course motor sports facility, i.e. where public access is not generally restricted. This definition is intended to include the several types of motorcycles such as "enduro" and "cross country" that are used in events held in trail or other off-road environments.

(43) "Oval Course Racing Vehicle" means any racing vehicle, not a motorcycle and not a sports car, which is operated upon a closed, oval-type motor sports facility.

(44) "Person" means the United States Government and agencies thereof, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatever.

(45) "Practice Sessions" means any period of time during which racing vehicles are operated at a motor sports facility, other than during racing events. Driver training sessions or similar activities which are not held in anticipation of a subsequent racing event, and which include only vehicles with a stock exhaust system, shall not be considered practice sessions.

(46) "Preferred Frequencies" means those mean frequencies in Hertz preferred for acoustical measurements which for this purpose shall consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

(47) "Previously Unused Industrial or Commercial Site" means property which has not been used by any industrial or commercial noise source during the 20 years immediately preceding commencement of construction of a new industrial or commercial source on that property. Agricultural activities and silvicultural activities generating infrequent noise emissions shall not be considered as industrial or commercial operations for the purposes of this definition.

(48) "Propulsion Noise" means that noise created in the propulsion of a Motor Vehicle. This includes, but is not limited to exhaust system noise, induction system noise, tire noise, cooling system noise, aerodynamic noise and where appropriate in the test procedure, braking system noise. This does not include noise created by Road Vehicle Auxiliary Equipment such as power take-offs and compressors.

(49) "Public Roads" means any street, alley, road, highway, freeway, thoroughfare, or section thereof in this state used by the public or dedicated or appropriated to public use.

(50) "Quiet Area" means any land or facility designated by the Commission as an appropriate area where the qualities of serenity, tranquility, and quiet are of extraordinary significance and serve an important public need, such as, without being limited to, a wilderness area, national park, state park, game reserve, wildlife breeding area or amphitheater. The Department shall submit areas suggested by the public as Quiet Areas, to the Commission, with the Department's recommendation.

(51) "Racing Event" means any time, speed or distance competition using motor vehicles conducted under a permit issued by the governmental authority having jurisdiction, or under the auspices of a recognized sanctioning body. This definition includes, but is not limited to, events on the surface of land and water. Any motor sports event not meeting this definition shall be subject to the ambient noise limits of OAR 340-35-030(1)(d).

(52) "Racing Vehicle" means any Motor Vehicle that is designed to be used exclusively in Racing Events or any New Motor Vehicle that has not been certified by its manufacturer as meeting the applicable noise limits of OAR 340-35-025 or any vehicle participating in or practicing for a Racing Event.

(53) "Recreational Park" means a facility open to the public for the operation of off-road recreational vehicles.

(54) "Road Vehicle" means any Motor Vehicle registered for use on Public Roads, including any attached trailing vehicles.

(55) "Road Vehicle Auxiliary Equipment" means those mechanical devices which are built in or attached to a Road Vehicle and are used primarily for the handling or storage of products in that Motor Vehicle. This includes, but is not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, blowers, and other mechanical devices.

(56) "Sound Pressure Level (SPL)" means 20 times the logarithm to the base 10 of the ratio of the root-mean-square pressure of the sound to the reference pressure. SPL is given in decibels (dB). The reference pressure is 20 micropascals (20 micronewtons per square meter).

(57) "Special Motor Racing Event" means any racing event in which a substantial or significant number of out-of-state racing vehicles are competing or any event which has a special significance to the community and which has been recommended as a special motor racing event by the motor sports advisory committee and approved by the Department.

(58) "Sports Car Racing Vehicle" means any racing vehicle which meets the requirements and specifications of the competition rules of any sports car organization.

(59) "Statistical Noise Level" means the Noise Level which is equalled or exceeded a stated percentage of the time.

An $L_{10} = 65$ dBA implies that in any hour of the day 65 dBA can be equalled or exceeded only 10 percent of the time, or for six minutes.

(60) "Stock Exhaust System" means an original equipment manufacturer exhaust system or a replacement for original equipment for a street legal vehicle whose noise emissions do not exceed those of the original equipment.

(61) "Temporary Autocross or Solo Course" means any area upon which a paved course motor sports facility is temporarily established. Typically such courses are placed on parking lots, or other large paved areas, for periods of one or two days.

(62) "Top Fuel-Burning Drag Racing Vehicle" means a drag racing vehicle that operates using principally alcohol (more than 50 percent) or utilizes nitromethane as a component of its operating fuel and commonly known as top fuel and funny cars.

(63) "Trackside" means a sound measuring point of 50 feet from the racing vehicle and specified in Motor Race Vehicle and Facility Sound Measurement and Procedure Manual, NPCS-35.

(64) "Warning Device" means any device which signals an unsafe or potentially dangerous situation.

(65) "Watercraft Racing Vehicle" means any racing vehicle which is operated upon or immediately above the surface of water.

(66) "Well Maintained Muffler" means a device or combination of devices which effectively decreases the sound energy of internal combustion engine exhaust without a muffler by a minimum of 5 dBA at trackside. A well maintained muffler shall be free of defects or modifications that reduce its sound reduction capabilities. Each outlet of a multiple exhaust system shall comply with the requirements of this subsection, notwithstanding the total engine displacement versus muffler length requirements. Such a muffler shall be a:

(a) Reverse gas flow device incorporating a multitube and baffle design; or a

(b) Perforated straight core device, fully surrounded from beginning to end with a sound absorbing medium, not installed on a rotary engine, and:

(A) at least 20 inches in inner core length when installed on any drag race engine exceeding 1600 cc (96.7 cubic inches) displacement; or

(B) at least 12 inches in inner core length when installed on any non-motorcycle drag race engine equal to or less than 1600 cc (96.7 cubic inches) displacement; or

(C) at least 6 inches in inner core length and installed at the outlet end of any four-cycle motorcycle drag race engine; or

(D) at least 8 inches in inner core length when installed on any two-cycle motorcycle drag race engine; or an

(c) Annular swirl flow (auger-type) device of:

(A) at least 16 inches in swirl chamber length when installed on any drag race engine exceeding 1600 cc (96.7 cubic inches) displacement; or

(B) at least 10 inches in swirl chamber length when installed on any drag race engine equal to or less than 1600 cc (96.7 cubic inches) displacement; or a

(d) Stacked 360° diffusor disc device; or a

(e) Turbocharger; or a

(f) Go-Kart muffler as defined by the International Karting Federation as specified in Motor Race Vehicle and Facility Sound Measurement and Procedure Manual, NPCS-35; or an

(g) Original equipment manufacturer motorcycle muffler when installed on a motorcycle model such muffler was designated for by the manufacturer; or

(h) Boat motor whose exhaust exits beneath the water surface during operation; or a

(i) Formula Vee four-into-one header/collector when installed on a Formula Vee sports car racing vehicle; or a

(j) Hughes-type Racing muffler; or

(k) Any other device demonstrated effective and approved by the motor sports advisory committee and the Department.

Noise Control Regulations for the Sale of New Motor Vehicles

340-35-025 (1) Standards and Regulations:

(a) No person shall sell or offer for sale any new motor vehicle designated in this section which produces a propulsion noise exceeding the noise limits specified in Table 1, except as otherwise provided in these rules.

(b) Subsequent to the adoption of a Federal Environmental Protection Agency procedure to determine sound levels of passenger cars and light trucks, or a nationally accepted procedure for these vehicles not similar to those specified and approved under subsection (2)(a), the Department shall conduct an evaluation under such new procedure.

(c) After an appropriate evaluation of noise emission data measured under the procedure specified under subsection (1)(b), the Department shall make recommendations to the Commission on the adequacy of the procedure and the necessity of amendments to this rule for incorporation of the procedure and associated standards.

(d) No person shall sell or offer to sell any new motorcycle, new motorcycle exhaust sytem or new motorcycle exhaust system component manufactured after January 1, 1983 unless the motorcycle, exhaust sytem, or exhaust component is properly labeled or marked in accordance with Federal noise regulations specified in Part 205 Subpart E of Title 40 of the Code of Federal Regulations.

(2) Measurement:

(a) Sound measurements shall conform to test procedures adopted by the Commission in Motor Vehicle Sound Measurement Procedures Manual (NPCS-21), or to standard methods approved in writing by the Department. These measurements will generally

Noise Control Regulations for Industry and Commerce

340-35-035 (1) Standards and Regulations:

(a) Existing Noise Sources. No person owning or controlling an existing industrial or commercial noise source shall cause or permit the operation of that noise source if the statistical noise levels generated by that source and measured at an appropriate measurement point, specified in subsection (3)(b) of this section, exceed the levels specified in Table 7, except as otherwise provided in these rules.

(b) New Noise Sources.

(A) New Sources Located on Previously Used Sites. No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in subsection (3)(b) of this section, exceed the levels specified in Table 8, except as otherwise provided in these rules.

(B) New Sources Located on Previously Unused Site.

(i) No person owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels L₁₀ or L₅₀, by more than 10 dBA in any one hour, or exceed the levels specified in Table 8, as measured at an appropriate measurement point, as specified in subsection (3)(b) of this rule.

(ii) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source, including all of its related activities. Sources exempted from the requirements of section (1) of this rule, which are identified in subsection (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(j), and (5)(k) of this rule, shall not be excluded from this ambient measurement.

(c) Quiet Areas. No person owning or controlling an industrial or commercial noise source located either within the boundaries of a Quiet Area or outside its boundaries shall cause or permit the operation of that noise source if the statistical noise levels generated by that source exceed the levels specified in Table 9 as measured within the Quiet Area and not less than 400 feet (122 meters) from the noise source.

(d) Impulse Sound. Notwithstanding the noise rules in Tables 7 through 9, no person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if an impulsive sound is emitted in air by that source which exceeds the sound pressure levels specified below, as measured at an appropriate measurement point, as specified

in subsection (3)(b) of this rule:

(A) Blasting. 98 dBC, slow response, between the hours of 7 am and 10 pm and 93 dBC, slow response, between the hours of 10 pm and 7 am.

(B) All Other Impulse Sounds. 100 db, peak response, between the hours of 7 am and 10 pm and 80 dB, peak response, between the hours of 10 pm and 7 am.

(f) Octave Bands and Audible Discrete Tones. When the Director has reasonable cause to believe that the requirements of subsections (1)(a), (1)(b), or (1)(c) of this rule do not adequately protect the health, safety or welfare of the public as provided for in ORS Chapter 467, the Department may require the noise source to meet the following rules:

(A) Octave Bands. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median octave band sound pressure level which, as measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceeds applicable levels specified in Table 10.

(B) One-third Octave Bands. No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median one-third octave band sound pressure level which, as measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, and in a one-third octave band at a preferred frequency, exceeds the arithmetic average of the median sound pressure levels of the two adjacent one-third octave bands by:

(i) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

(ii) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

(iii) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

This rule shall not apply to audible discrete tones having a one-third octave band sound pressure level 10 dB or more below the allowable sound pressure levels specified in Table 10 for the octave band which contains such one-third octave band.

(2) Compliance. Upon written notification from the Director, the owner or controller of an industrial or commercial noise source operating in violation of the adopted rules shall submit a compliance schedule acceptable to the Department. The schedule will set forth the dates, terms, and conditions by which

the person responsible for the noise source shall comply with the adopted rules.

(3) Measurement:

(a) Sound measurement procedures shall conform to those procedures which are adopted by the Commission and set forth in Sound Measurement Procedures Manual (NPCS-1) or to such other procedures as are approved in writing by the Department.

(b) Unless otherwise specified the appropriate measurement point shall be that point on the noise sensitive property, described below, which is further from the noise source:

(A) 25 feet (7.6 meters) toward the noise source from that point on the noise sensitive building nearest the noise source,

(B) That point on the noise sensitive property line nearest the noise source.

(4) Monitoring and Reporting:

(a) Upon written notification from the Department, persons owning or controlling an industrial or commercial noise source shall monitor and record the statistical noise levels and operating times of equipment, facilities, operations, and activities, and shall submit such data to the Department in the form and on the schedule requested by the Department. Procedures for such measurements shall conform to those procedures which are adopted by the Commission and set forth in Sound Measurement Procedures Manual (NPCS-1).

(b) Nothing in this section shall preclude the Department from conducting separate or additional noise tests and measurements. Therefore, when requested by the Department, the owner or operator of an industrial or commercial noise source shall provide the following:

(A) Access to the site,

(B) Reasonable facilities, where available, including but not limited to electric power and ladders adequate to perform the testing,

(C) Cooperation in the reasonable operation, manipulation, or shutdown of various equipment or operations as needed to ascertain the source of sound and measure its emission.

(5) Exemptions. Except as otherwise provided in subsection (1)(b)(B)(ii), the rules in section (1) of this rule shall not apply to:

(a) Emergency equipment not operated on a regular or scheduled basis.

(b) Warning devices not operating continuously for more than 5 minutes.

(c) Sounds created by the tires or motor used to propel any road vehicle complying with the noise standards for road vehicles.

(d) Sounds resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad only to the extent that such equipment or facility is regulated by preemptive federal regulations as set forth in Part 201 of Title 40 of the Code of Federal Regulations.

promulgated pursuant to section 17 of the Noise Control Act of 1972, 86 Stat. 1248, Public Law 92-576; but this exemption does not apply to any standard, control, license, regulation, or restriction necessitated by special local conditions which is approved by the Administrator of the EPA after consultation with the Secretary of Transportation pursuant to procedures set forth in section 17(c)(2) of the Act.

(e) Sounds created by bells, chimes, or carillons.

(f) Sounds not electronically amplified which are created by or generated at sporting, amusement, and entertainment events, except those sounds which are regulated under other noise standards. An event is a noteworthy happening and does not include informal, frequent or ongoing activities such as, but not limited to, those which normally occur at bowling alleys or amusement parks operating in one location for a significant period of time.

(g) Sounds that originate on construction sites.

(h) Sounds created in construction or maintenance of capital equipment.

(i) Sounds created by lawn care maintenance and snow removal equipment.

(j) Sounds generated by the operation of aircraft and subject to preemptive federal regulation. This exception does not apply to aircraft engine testing, activity conducted at the airport that is not directly related to flight operations, and any other activity not preemptively regulated by the federal government or controlled under OAR 340-35-045.

(k) Sounds created by the operation of road vehicle auxiliary equipment complying with the noise rules for such equipment as specified in OAR 340-35-030(1)(e).

(l) Sounds created by agricultural activities.

(m) Sounds created by activities related to the growing or harvesting of forest tree species on forest land as defined in subsection (1) of ORS 526.324.

(6) Exceptions: Upon written request from the owner or controller of an industrial or commercial noise source, the Department may authorize exceptions to section 340-35-035(1), pursuant to rule 340-35-010, for:

(a) Unusual and/or infrequent events.

(b) Industrial or commercial facilities previously established in areas of new development of noise sensitive property.

(c) Those industrial or commercial noise sources whose statistical noise levels at the appropriate measurement point are exceeded by any noise source external to the industrial or commercial noise source in question.

(d) Noise sensitive property owned or controlled by the person who controls or owns the noise source.

(e) Noise sensitive property located on land zoned exclusively for industrial or commercial use.

submitted to the Commission for consideration for renewal.

(f) Program Revisions. If the Director determines that circumstances warrant a program revision prior to the scheduled five (5) year review, the Airport Proprietor shall submit to the Commission a revised program within twelve (12) months of written notification by the Director. The Director shall make such determination based upon an expansion of airport capacity, increase in use, change in the types or mix of various aircraft utilizing the airport, or changes in land use and development in the impact areas that were unforeseen in earlier abatement plans. Any program revision is subject to all requirements of this rule.

(5) Consultation. The Director shall consult with the airport proprietor, members of the public, the Oregon Departments of Transportation, Land Conservation and Development and any affected local government in an effort to resolve informally a noise problem prior to issuing a notification under subsection (3)(b), (4)(a), and (4)(f) of this section.

(6) Noise Sensitive Use Deviations. The airport noise criterion is designed to provide adequate protection of noise sensitive uses based on out-of-doors airport noise levels. Certain noise sensitive use classes may be acceptable within the airport Noise Impact Boundary if all measures necessary to protect interior activities are taken.

(7) Airport Noise Monitoring. The Department may request certification of the airport noise impact boundary by actual noise monitoring, where it is deemed necessary to approve the boundary pursuant to subsection (3)(e).

(8) Exceptions. Upon written request from the Airport Proprietor, the Department may authorize exceptions to this section, pursuant to rule 340-35-010, for:

- (a) Unusual or infrequent events;
- (b) Noise sensitive property owned or controlled by the airport;
- (c) Noise sensitive property located on land zoned exclusively for industrial or commercial use.

* **Variances**

340-35-100 (1) Conditions for Granting. The Commission may grant specific variances from the particular requirements of any rule, regulation, or order to such specific persons or class of persons or such specific noise source upon such conditions as it may deem necessary to protect the public health and welfare, if it finds that strict compliance with such rule, regulation, or order is inappropriate because of conditions beyond the control of the persons granted such variance or because of special circumstances which would render strict compliance unreasonable or impractical due to special physical conditions or cause, or because strict compliance would result in substantial curtailment or closing down of a business, plant, or operation, or because no other alternative facility or method

TABLE 5
(340-35-030)

Ambient Standards for Vehicles Operated
Near Noise Sensitive Property

Allowable Noise Limits

<u>Time</u>	<u>Maximum Noise Level, dBA</u>
7 a.m. - 10 p.m.	60
10 p.m. - 7 a.m.	55

TABLE 6
(340-35-030)

Motor Vehicle Auxiliary Equipment Noise Standards
Stationary Test at 50 Feet (15.2 Meters) or Greater

<u>Model Year</u>	<u>Maximum Noise Level, dBA</u>
Before 1976	88
1976 - 1978	85
After 1978	82

TABLE 7
(340-35-035)

Existing Industrial and Commercial Noise Source Standards

Allowable Statistical Noise Levels in Any One Hour

<u>7 a.m.-10 p.m.</u>	<u>10 p.m.-7 a.m.</u>
L ₅₀ - 55 dBA	L ₅₀ - 50 dBA
L ₁₀ - 60 dBA	L ₁₀ - 55 dBA
L ₁ - 75 dBA	L ₁ - 60 dBA

TABLE 8
(340-35-035)

New Industrial and Commercial Noise Source Standards

Allowable Statistical Noise Levels in Any One Hour

<u>7 a.m. - 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>
L ₅₀ - 55 dBA	L ₅₀ - 50 dBA
L ₁₀ - 60 dBA	L ₁₀ - 55 dBA
L ₁ - 75 dBA	L ₁ - 60 dBA

TABLE 9
(340-35-035)

Industrial and Commercial Noise Source Standards for Quiet Areas

Allowable Statistical Noise Levels in Any One Hour

<u>7 a.m. - 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>
L ₅₀ - 50 dBA	L ₅₀ - 45 dBA
L ₁₀ - 55 dBA	L ₁₀ - 50 dBA
L ₁ - 60 dBA	L ₁ - 55 dBA

MEMORANDUM

Date: July 23, 1987
To: City of Sherwood Planning Commission
From: Carole W. Connell, Consulting Planner *CWC*
The Benkendorf Associates
Subject: Floodplain Code Provisions

Attached are the final, adopted revisions to the Flood Plain Regulations in the Community Development Code. A copy is provided for you to replace the existing version in your zoning code.

EXHIBIT "A"

2.114 FLOOD PLAIN (FP)

2.114.01 Purpose

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

- B. FP zoning districts are defined as areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Sherwood, Oregon," dated July 6, 1981, with accompanying Flood Insurance Maps, or as otherwise identified in accordance with Section 2.114.01.C. The Flood Insurance Study is adopted by reference as part of this Code, and is on file in the office of the City Public Works Director.

- C. When base flood elevation data is not available from the Flood Insurance Study, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, and standards developed by the Federal Emergency Management Agency, in order to administer the provisions of this Code.

2.114.02 Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek flood plains are designated greenways in accordance with Section V of the Community Development Plan. All development in these two flood plains shall be governed by the policies in Section V, and Section 5.600 of this Code, in addition to the requirements of Section 2.114.

2.114.03 Development Application

- A. In the FP zone the following uses are permitted as conditional uses, subject to the provisions of Section 2.114 and Section 4.300:
 - 1. Any permitted or conditional use allowed in the underlying zoning district, when located within the flood fringe only, as specifically defined by this Code. Only those uses defined in Section 2.114.04 are allowed within the floodway.
- B. A conditional use permit (CUP) shall be approved before any use, construction, fill, alteration of a flood plain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 2.114.04.
- C. Application for a CUP for development in a flood plain shall conform to the requirements of Section 4.300 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.
- D. The following specific information is required in a flood plain CUP application and shall be certified and verified by a Registered Civil Engineer or Architect:
 - 1. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;
 - 2. Elevations in relation to mean sea level to which any structure has been floodproofed;
 - 3. That the floodproofing methods for any structure meet the requirements of Section 2.114.07.
 - 4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
 - 5. A base flood survey and impact study made by a Registered Civil Engineer.

6. Proof that all necessary notifications have been sent to, and permits have been obtained from, those Federal, State, or other local government agencies for which prior approval of the proposed development is required.
 7. Any other information required by Section 2.114, by any applicable Federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.
- E. Where elevation data is not available either through the Flood Insurance Study, or from other sources as per Section 2.114.01.C, a CUP for development in the flood plain shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two (2) feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

2.114.04 Exceptions

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or flood plain capacity, will not be significantly impeded, as determined by the City:

- A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not significantly impede the movement of flood waters and flood-carried materials.
- B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district, that do not significantly impede the movement of floodwaters and flood-carried materials.
- C. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the flood plain.

2.114.05 Prohibited Uses

In the FP zone the following uses are expressly prohibited:

- A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.
- B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.
- C. Any use not permitted in the underlying zoning district.
- D. Any use that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the flood plain.
- E. Any use that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the flood plain.
- F. Any use or encroachment located in the floodway, including fill, new construction, or improvements to existing developments, except as otherwise allowed by Section 2.114.04.

2.114.06 Flood Plain Development

A. Flood Plain Alterations

1. Flood Plain Survey

The flood plain, including the floodway and flood fringe areas, shall be surveyed by a Registered Civil Engineer, and approved by the City, based on the findings of the Flood Insurance Study and other available data. Such delineation shall be based on mean sea level data and be field-located from recognized valid benchmarks.

2. Grading Plan

Alteration of the existing topography of flood plain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour

intervals for existing and proposed topography shall be included and shall be not more than one (1) foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or drainageway, two (2) feet for ground slopes between five and ten percent (5% - 10%), and five (5) feet for greater slopes.

3. Fill and Diked Lands

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

4. Alteration Site Plan

The certified site plan prepared by a Registered Civil Engineer or Architect for an altered flood plain area shall show that:

- a. Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of flood water flow.
- b. No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the flood plain or increase flood heights.
- c. Proposed flood plain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.
- d. No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.

- e. Ongoing maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

5. Subdivisions

All proposed subdivisions or land partitions within a FP zone shall:

- a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage.
- b. For each parcel or lot intended for structures, a building site shall be provided, which is at, or above, the base flood elevation, and meets all setback standards of the underlying zoning district.

2.114.07 Flood Plain Structures

Structures in the FP zone shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

- 1. All structures, including utility equipment, and manufactured housing, shall be anchored to prevent lateral movement, flotation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Speciality Codes, and applicable building codes.
- 2. The lowest floor elevation of a structure designed for human occupancy shall be at least one and one-half (1 1/2) feet above the base flood elevation and the building site shall comply with the provisions of Section 2.114.07.A.
- 3. The lower portions of all structures shall be flood-proofed according to the provisions of the State Structural and Plumbing Specialty Codes, at least to an elevation of one and one-half (1 1/2) feet above the base flood elevation.

4. The finished ground elevation of any underfloor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainageway unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

B. Utilities

1. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.
3. Water supply and sanitary sewer systems shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from the systems into floodwaters.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to or above base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Professional Engineer or Architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be

provided.

- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

D. Nonresidential Construction

- 1. All commercial, industrial or other nonresidential structures shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of Section 2.114.
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as per Section 2.114.08.C2.

2.114.09 Additional Requirements

- A. Dimensional standards for developments in the FP zone shall be the same as in the underlying zoning district, except as provided in Section 2.114.09.B.
- B. Approval of a site plan pursuant to Section 5.100, may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:

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

July 30, 1987

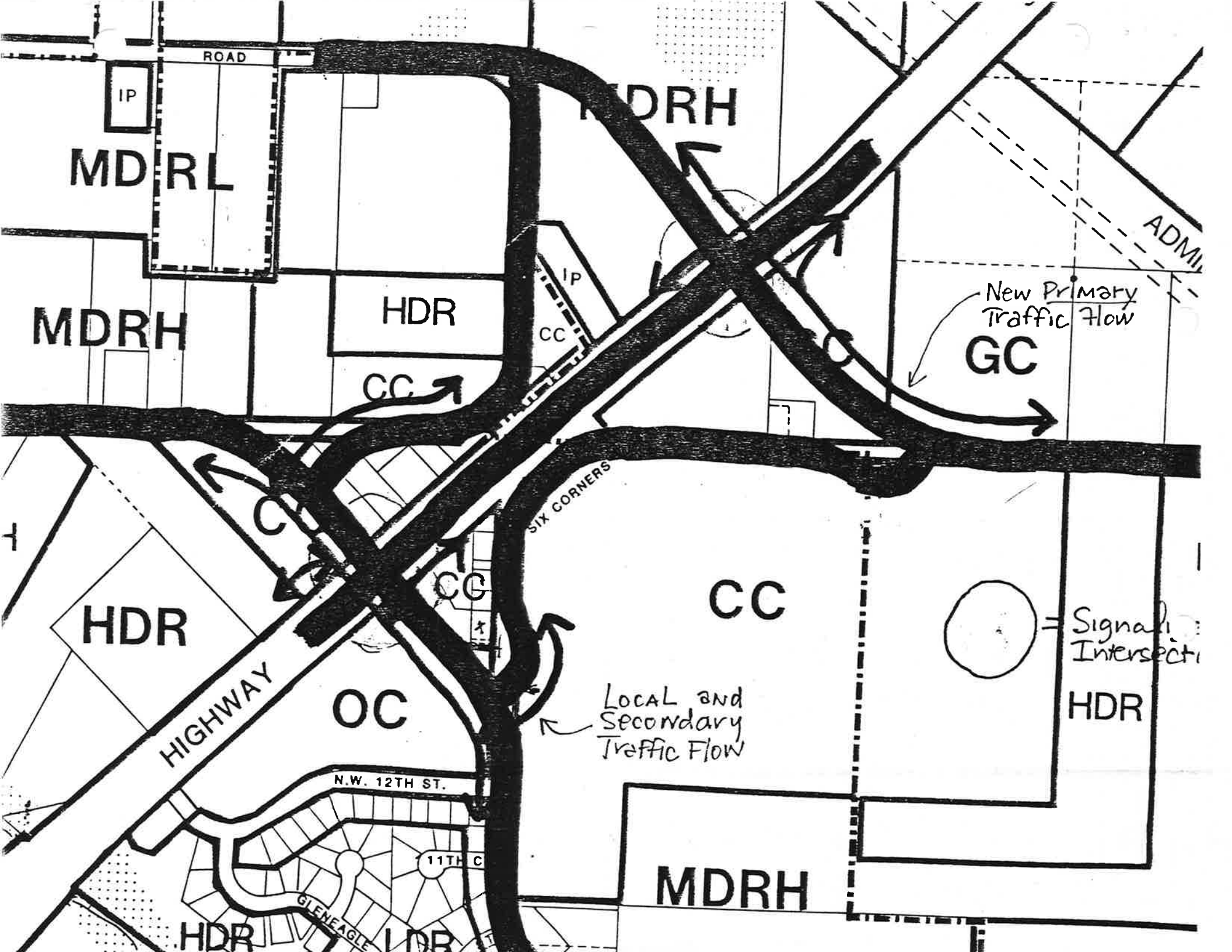
TO: City of Sherwood Planning Commission

FROM: Carole Connell, Consulting Planner

THRU: Jim Rapp, City Manager

RE: Proposed Six Corners Road Alignment Improvements

Attached for your information is a sketch of the final preferred design for modification of the Six Corners intersection. The next step is preparation of an Environmental Impact Statement (EIS) of the project.



ROAD

IP

MDRL

MDRH

MDRH

HDR

IP

CC

New Primary Traffic Flow

GC

CC

SIX CORNERS

HDR

CC

Signalized Intersection

HDR

HIGHWAY

OC

LOCAL and Secondary Traffic Flow

N.W. 12TH ST.

11TH C

MDRH

HDR

GLENEAGLE

IND

ADM

MEMORANDUM

Date: July 23, 1987

To: City of Sherwood Planning Commission

From: Carole W. Connell, Consulting Planner
The Benkendorf Associates

Subject: Commercial Zones Analysis

At the August meeting, I suggest that the Planning Commission act on each of the **general recommendations** found on **pages 9 through 12** of the report. The City Council will then review the report and your recommendations, hold a public hearing, and make a final determination. Staff can then draft the code language which could be reviewed again by the Planning Commission and then be adopted by the City Council. Pages 9 through 12 are attached for your convenience.

IV. RECOMMENDED REVISIONS TO SHERWOOD'S COMMERCIAL ZONING

To simplify and update Sherwood's commercial zoning, it is recommended that the City adopt a "generic" system of zoning similar to that used by Beaverton and Gresham. The generic system will allow a greater variety of uses to locate in Sherwood's commercial zones and should encourage new innovative development. The proposed changes to the development code are organized by zoning district and section number. The recommended changes for each commercial zoning district are summarized prior to the actual proposed revisions.

A. Office Commercial - Recommendations

1. The Office Commercial zone should be eliminated from the development code. Office development can occur in the Community Commercial zone and the existing Office Commercial zone severely limits the type of commercial activity that is allowed.
2. The existing Office Commercial zones should be rezoned to Community Commercial. Community Commercial is more permissive than Office Commercial and allows retail use in addition to office uses. The proposed amendment will make the vacant property south of Six Corners more attractive to new development.

B. Neighborhood Commercial - Recommendations

1. The Neighborhood Commercial zone should be simplified by opening the district to any retail or service use that meets a list of specific conditions. The zone should include uses previously permitted in OC zone. The conditions should assure that the commercial use complements the residential character of a neighborhood. To accomplish this purpose, the conditions should require that:
 - a. The activity take place within an enclosed building.
 - b. Each individual establishment not exceed 4,000 sq. ft. in gross floor area.

- c. Outdoor display and storage areas be permitted only for horticultural and food merchandise and the area allowed for outdoor display be limited.
 - d. Uses that operate before 7:00 a.m. or after 10:00 p.m. should be subject to Conditional Use procedures.
 - e. No more than three permitted or conditional uses shall be established within a single NC zoning district. (This standard is currently included in the purpose section (2.107.01) of the N.C. Zone. It is recommended that the standard be deleted from the purpose statement and included with other similar standards).
2. The proposed changes to the conditional use requirements include designating the following as conditional uses:
- a. Public and private schools providing education at the preschool level or higher, excluding commercial trade schools.
 - b. Governmental buildings and uses including post offices
 - c. Uses operating before 7 a.m. or after 10:00 p.m.
 - d. Retail, service, or office uses which cause the number of permitted or conditional uses in a N.C. Zone to exceed three (3).

The proposed conditions on both the permitted and conditional uses will assure that any use locating in a Neighborhood Commercial zone is compatible with surrounding residential uses and is consistent with the stated purpose of the zone.

C. Community Commercial - Recommendations

1. The Community Commercial Zone should be simplified and consolidated by eliminating the list of specific uses. A generic list which permits office, retail, and service uses should be adopted. Under the proposed system all uses currently allowed in the CC zone would continue to be allowed in the zone. The advantage of the proposed system is that a new retail or service use would be allowed as an outright use even though it is not specifically listed.
2. The reference to uses that are "permitted outright in the N.C. Zone" should be eliminated. This will simplify the zone by eliminating the need to refer to a different section of the Development Code when checking permitted uses.
3. To protect adjacent residential uses all permitted uses should be subject to the condition that if they abut a residential zone and operate before 7:00 a.m. or after 10:00 p.m., the commercial use should be subject to Conditional Use procedures.
4. Golf courses, currently not allowed in the zone, should be allowed as a conditional use as an outdoor recreational facility. The City may wish to consider designating certain current conditional uses as outright uses based on their impacts relative to the impacts of commercial uses permitted in the zone. An argument can be made that the impact of a 15 acre commercial shopping center (permitted outright in the zone) may be greater than the impact of a church, school, or lodge (permitted only as a conditional use). In contrast, an argument can also be made that it is a waste of valuable commercial land to allow churches and schools to locate in commercial zones as outright permitted uses. Under this approach, the conditional use provisions are utilized to preserve commercially designated land for commercial uses.

5. To avoid the development of intensive semi-commercial uses in the CC zone, the following uses should be prohibited: junk yards, drive-in theaters, contractor storage yards, and wholesale and warehouse uses. All of the uses require large amounts of land area and are not well suited for the Community Commercial zone.
6. The names of the Community Commercial and General Commercial zoning districts should be evaluated and possibly changed to eliminate confusion between the districts. The City should consider renaming Community Commercial to Retail Commercial or another similar designation.

D. General Commercial - Recommendations

The proposed changes to the General Commercial zone are similar to the changes recommended in the other zones. The list of permitted uses should be simplified. As in the Community Commercial zone, a condition should be imposed requiring that uses abutting residential zones and operating before 7:00 a.m. and after 10:00 p.m. should be subject to conditional use procedures. The proposed conditional use requirements in the GC zone are also similar to those in the Community Commercial zone.

E. Definitions

Because the proposed changes eliminate specific lists of uses, new definitions are needed for the "generic" terms "retail" and "wholesale". Proposed definitions are included in the following section. A new definition is also provided for the term "abut".

F. Additional Recommendations

To further protect residential areas from the impacts of commercial uses, new setbacks should be established for corner side yards in the community commercial and the general commercial zones. The corner side yard setbacks should be equivalent to the side yard setbacks in each zone.

MEMORANDUM

Date: July 23, 1987
To: City of Sherwood Planning Commission
From: Carole W. Connell, Consulting Planner *CWC*
The Benkendorf Associates
Subject: Floodplain Code Provisions

Attached are the final, adopted revisions to the Flood Plain Regulations in the Community Development Code. A copy is provided for you to replace the existing version in your zoning code.

EXHIBIT "A"

2.114 FLOOD PLAIN (FP)

2.114.01 Purpose

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

- B. FP zoning districts are defined as areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Sherwood, Oregon," dated July 6, 1981, with accompanying Flood Insurance Maps, or as otherwise identified in accordance with Section 2.114.01.C. The Flood Insurance Study is adopted by reference as part of this Code, and is on file in the office of the City Public Works Director.

- C. When base flood elevation data is not available from the Flood Insurance Study, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, and standards developed by the Federal Emergency Management Agency, in order to administer the provisions of this Code.

2.114.02 Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek flood plains are designated greenways in accordance with Section V of the Community Development Plan. All development in these two flood plains shall be governed by the policies in Section V, and Section 5.600 of this Code, in addition to the requirements of Section 2.114.

2.114.03 Development Application

- A. In the FP zone the following uses are permitted as conditional uses, subject to the provisions of Section 2.114 and Section 4.300:
1. Any permitted or conditional use allowed in the underlying zoning district, when located within the flood fringe only, as specifically defined by this Code. Only those uses defined in Section 2.114.04 are allowed within the floodway.
- B. A conditional use permit (CUP) shall be approved before any use, construction, fill, alteration of a flood plain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 2.114.04.
- C. Application for a CUP for development in a flood plain shall conform to the requirements of Section 4.300 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.
- D. The following specific information is required in a flood plain CUP application and shall be certified and verified by a Registered Civil Engineer or Architect:
1. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;
 2. Elevations in relation to mean sea level to which any structure has been floodproofed;
 3. That the floodproofing methods for any structure meet the requirements of Section 2.114.07.
 4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
 5. A base flood survey and impact study made by a Registered Civil Engineer.

6. Proof that all necessary notifications have been sent to, and permits have been obtained from, those Federal, State, or other local government agencies for which prior approval of the proposed development is required.
 7. Any other information required by Section 2.114, by any applicable Federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.
- E. Where elevation data is not available either through the Flood Insurance Study, or from other sources as per Section 2.114.01.C, a CUP for development in the flood plain shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two (2) feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

2.114.04 Exceptions

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or flood plain capacity, will not be significantly impeded, as determined by the City:

- A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not significantly impede the movement of flood waters and flood-carried materials.
- B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district, that do not significantly impede the movement of floodwaters and flood-carried materials.
- C. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the flood plain.

2.114.05 Prohibited Uses

In the FP zone the following uses are expressly prohibited:

- A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.
- B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.
- C. Any use not permitted in the underlying zoning district.
- D. Any use that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the flood plain.
- E. Any use that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the flood plain.
- F. Any use or encroachment located in the floodway, including fill, new construction, or improvements to existing developments, except as otherwise allowed by Section 2.114.04.

2.114.06 Flood Plain Development

A. Flood Plain Alterations

1. Flood Plain Survey

The flood plain, including the floodway and flood fringe areas, shall be surveyed by a Registered Civil Engineer, and approved by the City, based on the findings of the Flood Insurance Study and other available data. Such delineation shall be based on mean sea level data and be field-located from recognized valid benchmarks.

2. Grading Plan

Alteration of the existing topography of flood plain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour

intervals for existing and proposed topography shall be included and shall be not more than one (1) foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or drainageway, two (2) feet for ground slopes between five and ten percent (5% - 10%), and five (5) feet for greater slopes.

3. Fill and Diked Lands

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

4. Alteration Site Plan

The certified site plan prepared by a Registered Civil Engineer or Architect for an altered flood plain area shall show that:

- a. Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of flood water flow.
- b. No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the flood plain or increase flood heights.
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- d. No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.

- e. Ongoing maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

5. Subdivisions

All proposed subdivisions or land partitions within a FP zone shall:

- a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage.
- b. For each parcel or lot intended for structures, a building site shall be provided, which is at, or above, the base flood elevation, and meets all setback standards of the underlying zoning district.

2.114.07 Flood Plain Structures

Structures in the FP zone shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing, shall be anchored to prevent lateral movement, flotation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Speciality Codes, and applicable building codes.
2. The lowest floor elevation of a structure designed for human occupancy shall be at least one and one-half (1 1/2) feet above the base flood elevation and the building site shall comply with the provisions of Section 2.114.07.A.
3. The lower portions of all structures shall be flood-proofed according to the provisions of the State Structural and Plumbing Specialty Codes, at least to an elevation of one and one-half (1 1/2) feet above the base flood elevation.

4. The finished ground elevation of any underfloor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainageway unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

B. Utilities

1. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.
3. Water supply and sanitary sewer systems shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from the systems into floodwaters.

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1. All residential structures shall have the lowest floor, including basement, elevated to or above base flood elevation.
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provided.

- b. The bottom of all openings shall be no higher than one (1) foot above grade.
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D. Nonresidential Construction

- 1. All commercial, industrial or other nonresidential structures shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of Section 2.114.
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as per Section 2.114.08.C2.

2.114.09 Additional Requirements

- A. Dimensional standards for developments in the FP zone shall be the same as in the underlying zoning district, except as provided in Section 2.114.09.B.
- B. Approval of a site plan pursuant to Section 5.100, may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:

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

July 30, 1987

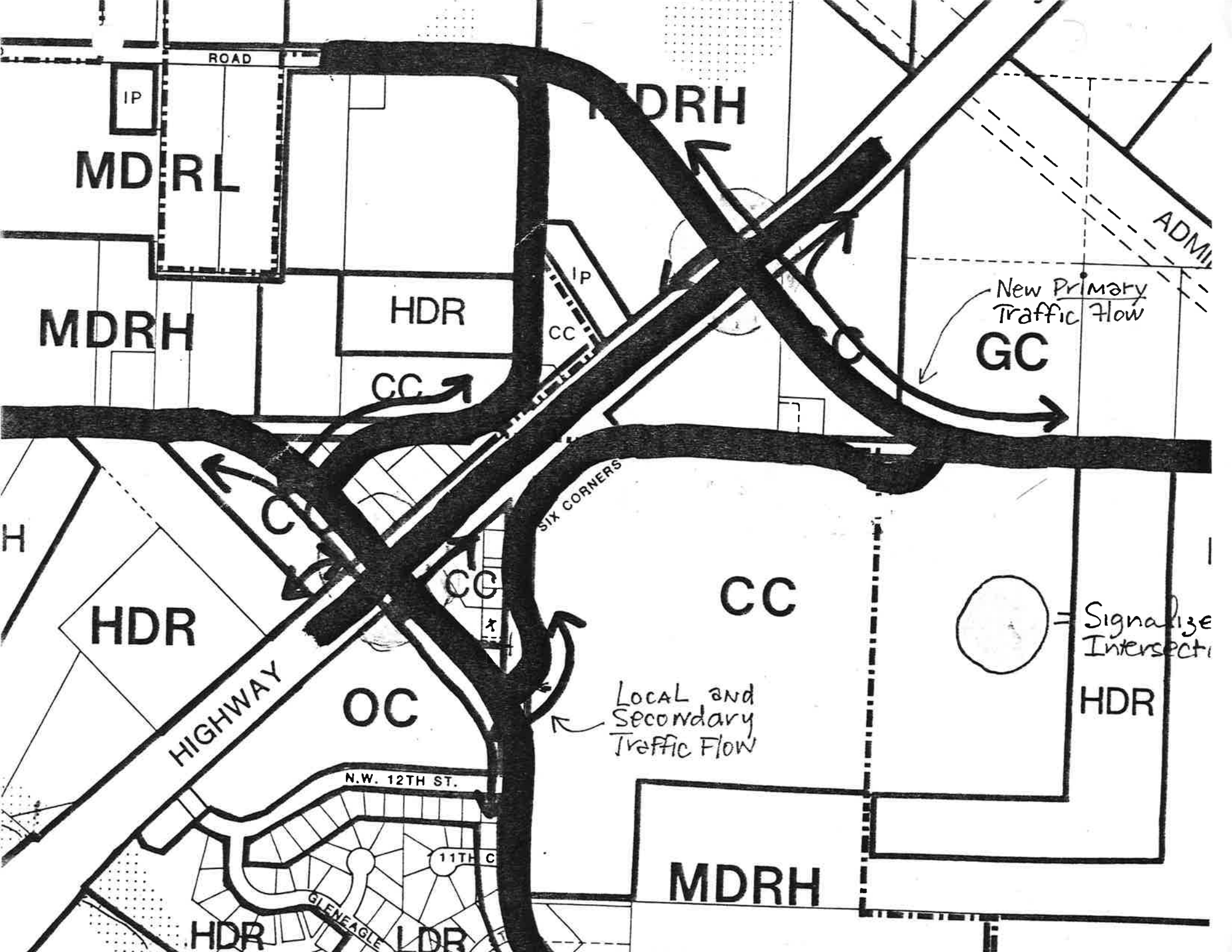
TO: City of Sherwood Planning Commission

FROM: Carole Connell, Consulting Planner

THRU: Jim Rapp, City Manager

RE: Proposed Six Corners Road Alignment Improvements

Attached for your information is a sketch of the final preferred design for modification of the Six Corners intersection. The next step is preparation of an Environmental Impact Statement (EIS) of the project.



APPROVED MINUTES

City of Sherwood
Planning Commission
August 17, 1987

1. **Call to Order:** Glen Warmbier called the meeting to order at 7:35 p.m. Commission members present: Marian Hosler, Grant McClellan, Joe Galbreath, and James Scanlon and Carole Connell Consulting Planner.
2. **Approval of Minutes:** Joe Galbreath moved and Grant McClellan seconded to approve the minutes of June 22, 1987. Motion carried unanimously.
3. **Marshall Industrial Subdivision Final Plat Approval Request:** Mr. Rick Martin was present representing Marshall Industrial properties. Mrs. Connell read from the Findings of Fact. She noted everything met with code requirements. Two streets were proposed which were to be named Lois Lane and Young Street. Mrs. Connell noted that Planning Commission has the authority to approve or disapprove names of streets. The applicant proposes 3 phases: Phase I would include Lots 9, 10, 11, Phase II would include 1,2,7, and 8 and Phase III 3,4,5 and 6. This was planned this way because of the uncertainties of the proposed Tualatin-Sherwood road realignment.

Staff recommended approval of the Final plat subject to conditions with modifications. Mrs. Connell reviewed the conditions.

Mr. Rick Martin inquired whether the "Findings" would have to be amended formally since the original dedication on Tualatin Sherwood/Edy Road was no longer required. Mrs. Connell said she would change the "Findings of Fact in the Staff Report."

Mr. Martin also asked if the time period on the nonremonstrance agreement could be changed from 15 years to 10 years. After discussion, Mr. Scanlon moved to hold to the original 15-year non remonstrance agreement. Joe Galbreath seconded and motion carried. Mr. Warmbier asked for further discussion. There was none. Mr. Galbreath moved and Marion Hosler seconded to grant the approval with the following conditions and modifications:

1. The owner shall dedicate a public easement extending west from Lot 4 for off-site storm drainage and sewer as part of Phase I.
2. The owner shall obtain and submit to the City, agreements granting permission for storm water to drain onto all affected off-site properties, and otherwise comply with all storm drainage requirements as specified by the City. Storm drainage for Lots 9, 10, and 11 must be completed in Phase 1 including construction of the trunk line.

3. All utilities within public easements shall be dedicated to the City except those proposed as private including the storm drainage.
4. The easement on Lot 7 shall be changed to a utility easement.
5. The owner shall execute and submit to the City a Subdivision Compliance Agreement to guarantee installation of streets, sidewalks, storm and sanitary sewers and street lights in accordance with City and PGE requirements. Improvements, guarantees, and bonding may be made in three phases and within 5 years.
6. The owner shall execute and submit to the City a Performance Bond to cover the improvement costs, in accordance with the phasing plan.
7. The subdivision improvements shall be completed within the phasing plan, unless an extension is requested and approved by the Planning Commission. The plan indicates three phases in 5 years.
8. Deciduous street trees shall be provided on Young Street spaced between 25' to 40' on center with installation of said trees to be included in the Compliance Agreement. The final tree type and spacing shall be approved by the City.
9. A Maintenance Bond shall be executed and submitted to the City after each phase of the subdivision is built.
10. The owner shall enter into a nonremonstrance agreement with the City for future public improvements adjoining the site.
11. The owner shall request an L.I.D. lien segregation or pay off the remaining balance due for the applicable sewer L.I.D. at the time the first lot is sold.
12. The applicant should change the street name "Lois Lane". A name of historic significance such as Smock, Colfelt, or Morback is suggested. Applicant agreed to either Colfelt or Gore Street as Mr. Galbreath suggested because Mr. Gore homesteaded this property.
13. The subdivision shall be developed in accordance with the Tualatin Fire District's requirements. A fire hydrant should be installed near Lot 10 in Phase I.
14. The applicant is responsible for Washington County plat approval and the recording of each phase.
15. In order to serve Phase I with sewer, easements to Lots 9, 10 and 11 must be required.
16. Storm drainage on Cipole Road must be in compliance with county standards.

II. Sherwood Friends Church Sign Permit Request:

Mrs. Connell went over the Background Data from the Staff Report. Three questions which arose at the last meeting were resolved. Those were:

1. Directional signs are not permitted on County or State road right-of-way.
2. Section 5.703.010 referred to in the staff report applies to this application and is not in reference to interior residential subdivision signs. As originally interpreted, the Planning Commission must approve this request.
3. The applicant has dropped the Edy/Tualatin-Sherwood location and replaced it with Pine and N. Sherwood. Otherwise, the request is the same.

Mrs. Connell noted that the final locations for the signs were to be: Oregon and Pine Streets, SW corner of Pine and Sherwood Blvd, S. Sherwood and Railroad Street and a sign at Six Corners in the vicinity of Shari's. Style and content has not changed. The Friends Church has complied with sign size and shape requirements.

There was discussion regarding setting a standard for church directional signs in relation to size, shape and colors. Commission members were in agreement that at the next meeting, this issue should be on the agenda. It was generally felt that a blue sign with white lettering no larger than the size of a speed sign be standard. Mr. Warmbier asked the representative of the Friends Church, Mr. Codge, to bring a design sample of their sign for the Commission to review before having it made. Mr. Codge agreed to this.

Mrs. Hosler moved to approve the request to post signs subject to the following condition:

1. Signs shall be posted on existing poles where possible. If a pole does not exist the applicant shall supply a twelve (12) foot, 4X4 pressure treated pole.

Jim Scanlon seconded and motion carried unanimously.

III. HCC Minor Land Partition: To divide one lot into three.

Mrs. Connell reviewed the Background data and Findings of Fact. Staff recommended approval with Conditions as listed 1 through 5.

Mr. Warmbier asked Mr. Steve Cote, representative for HCC if he intended to grade the elevation of lot 3 so that the drainage went into Clifford then Lincoln Street. He said he would.

Mr. Warmbier asked if there were further questions. None.

Mrs. Hosler moved and Mr. Scanlon seconded to approve the HCC Minor Land partition subject to conditions as follows:

1. Four feet of road right-of-way on S.E. Lincoln Street shall be dedicated to the City.
2. Clifford Court shall be paved and sidewalks constructed to City standards.
3. Sewer and water service shall be extended to each parcel in accordance with City standards.
4. The owner of the property shall enter into a non-remonstrance agreement with the City for future public improvements.
5. The applicant shall survey and record the partition with Washington County as approved by the City of Sherwood.
6. Drainage from Lot 3 and Clifford Court shall be adequate and according to City standards.

The motion carried unanimously.

IV. Commercial Zones Analysis Report:

Mrs. Connell suggested to the Commission that they go through the report item by item and make recommendations to the City Council. The Planning Commission agreed and made the following recommendations:

- A. Office Commercial - Recommendations: Commission recommended to eliminate this zone and combine into other commercial zones.
- B. Neighborhood Commercial: Commission recommended to drop this category.
- C. Community Commercial:
 1. Replace the standard list of permitted uses with a generic list.
 2. Delete the reference to uses that are "permitted outright in the N.C. Zone" because the Commission recommended deleting the NC Zone.
 3. Commission recommended approval of recommendation 3 as written.
 4. Commission recommended no golf courses be permitted in the zone.
 5. There was some lengthy discussion regarding this recommendation. Mr. Galbreath suggested that salvage yards be added to the list of specified prohibited uses,

to which the other members agreed. Mr. Warmbier suggested Council might consider setting some limits for contractor storage yards (i.e. lots not to exceed 7,000 square feet with no more than 7% outside storage.) This might allow small contractors to use the property while still keeping it neat. It would also eliminate the possibility of creating non-conforming uses of some existing small contractors yards.

6. The Commission recommended renaming Community Commercial Retail Commercial.

D. General Commercial - The Commission recommended changes as suggested in the report, P. 12 D.

E. Definitions - The Commission recommended developing new definitions as suggested.

F. Additional Recommendations - The Commission suggested the setback recommendations be reviewed again by Staff.

There being no further discussion, meeting adjourned at 9:30 p.m.

Rebecca L. Burns
Minutes Secretary