

City of Sherwood, Oregon
Ordinance No. 93-966

AN ORDINANCE APPROVING LEGISLATIVE AMENDMENTS TO THE COMMUNITY DEVELOPMENT PLAN, PART 3 ZONING CODE, INCLUDING PROVISIONS FOR SOLID WASTE FACILITIES IN THE LIGHT AND GENERAL INDUSTRIAL (LI AND GI) ZONES; AND SOLID WASTE SITING STANDARDS IN CHAPTER 8 ENVIRONMENTAL RESOURCES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Community Development Plan, Part 2, Chapter 7, Page 26 states that the City will comply with the Metro Regional Solid Waste Plan by allowing certain solid waste facilities in the Light Industrial (LI) and General Industrial (GI) zones; and

WHEREAS, The City has no provisions for review and siting of solid waste facilities in the City,

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS;

Section 1. Commission Review. That the proposed Code modifications, City File No. PA93-1, were subject to full and proper review, and a public hearing before the Planning Commission on April 20, 1993.

Section 2. Findings. That after full and due consideration of the Planning Staff report and comments for PA93-1, Planning Commission minutes and recommendation, the City Council finds that the proposed Code amendments are in conformance with the Community Development Code Section 4.203.02.

Section 3. Approval. That the proposed Zoning Code provisions attached hereto as Exhibit "A" and modifications are hereby APPROVED.

Section 4. Manager Authorized. The City Manager is directed to take such action as may be necessary to recodify the Zoning Code to include the proposed revisions.

Section 5. Effective Date. This ordinance shall become effective thirty (30) days after passage and approval.

Duly passed by the City Council this 9th day of June 1993.

Approved by the Mayor this 9th day of June 1993.

Walter Hitchcock

Walter Hitchcock, Mayor

ATTEST:

Polly Blankenbaker
Polly Blankenbaker, City Recorder

	<u>AYE</u>	<u>NAY</u>
Boyle	<u>absent</u>	___
Cottle	<u>✓</u>	___
Hitchcock	<u>✓</u>	___
Kennedy	<u>✓</u>	___
Shannon	<u>absent</u>	___

CHAPTER 1

GENERAL PROVISIONS

1.100 INTRODUCTION

No changes.

1.200 DEFINITIONS

1.201 **GENERALLY**

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the word "will" or "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

1.202 **SPECIFICALLY**

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

No changes to definitions .01 through .54

- .55 **Footcandle:** *A unit of illumination. One footcandle is the intensity of illumination when a source of one (1) candlepower illuminates a screen one (1) foot away.*
- .56 **Frontage:** That side of a parcel abutting on a street or right-of-way ordinarily regarded as the front of the parcel, except that the shortest side of a corner lot facing a street shall not be deemed the lot frontage.
- .57 **Garage:** A building or a portion thereof which is designed to house, store, repair or keep motor vehicles.

- .58 **Government Structure:** Any structure used by a federal, state, local government, or special district agency.
- .59 **Ground Floor Area:** The total area of a building measured by taking the largest outside dimensions of the building, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.
- .60 **Hard Surface:** Any man-made surface that prevents or retards the saturation of water into soil, or that causes water to run-off in greater quantities or increased rates, than existed under natural conditions prior to development. Common hard surfaces include but are not limited to: roofs, streets, driveways, sidewalks and walkways, patios, parking and loading areas, and other graveled, oiled, macadam or concrete surfaces. Also referred to as impermeable surface.
- .61 **Hazardous Waste:** *Has the meaning given that term in ORS 466.005.*
- .62 **Hogged Fuel:** *Fuel generated from wood or other waste that has been fed through a machine that reduces it to a practically uniform size of chips, shreds, or pellets.*
- .63 **Home Occupation:** An occupation or a profession customarily carried on in a residential dwelling unit by a member or members of the family residing in the dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- .64 **Hotel:** A building or buildings in which there are more than five (5) sleeping rooms occupied as temporary dwelling places, which rooms customarily do not contain full kitchen facilities, but may include kitchenettes.
- .65 **Homeowners' Association:** A formally organized group of homeowners within a single housing development having shared responsibility for portions of the development such as building, landscaping, parking maintenance, or other activities provided for by covenant or legal agreement.
- .66 **Household:** All persons occupying a group of rooms or a single room which constitutes a dwelling unit.
- .67 **Inert Material:** *Solid waste material that remains materially unchanged by variations in chemical, environmental, storage, and use conditions reasonably anticipated at the facility.*

- .68 **Junk:** Materials stored or deposited in yards and open areas for extended periods, including inoperable or abandoned motor vehicles, inoperable or abandoned machinery, motor vehicle and machinery parts, broken or discarded furniture and household equipment, yard debris and household waste, scrap metal, used lumber, and other similar materials.
- .69 **Junkyard:** Any lot or site exceeding two hundred (200) square feet in area used for the storage, keeping, or abandonment of junk as defined by this Code.
- .70 **Kennel:** Any lot or premises on which four (4) or more dogs or cats more than four (4) months of age are kept.
- .71 **Laboratory, Medical or Dental:** A laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists, and where no fabrication is conducted on the premises except the custom fabrication of dentures.
- .72 **Landmarks Board:** The City of Sherwood Landmarks Advisory Board.
- .73 **Leachate:** *Liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.*
- .74 **Level of Service (LOS):** *A measure of the overall comfort afforded to motorists as they pass through a roadway segment or intersection, based on such things as impediments caused by other vehicles, number and duration of stops, travel time, and the reserve capacity of a road or an intersection (i.e., that portion of the available time that is not used). LOS generally is referred to by the letters "A" through "F", with LOS "E" or "F" being generally unacceptable. LOS generally is calculated using the methodology in the Highway Capacity Manual, Special Report 209, by the Transportation Research Board (1985).*
- .75 **Loading or Unloading Space:** An off-street space or berth for the temporary parking of vehicles while loading or unloading merchandise or materials.
- .76 **Lower Explosive Limit:** *The minimum concentration of gas or vapor in air that will propagate a flame at twenty-five degrees (25°) Celsius in the presence of an ignition source.*
- .77 **Lot:** A parcel of land of at least sufficient size to meet the minimum zoning requirements of this Code, and with frontage on a public street, or easement approved by the City. A lot may be:

- A. A single lot of record; or a combination of complete lots of record, or complete lots of record and portions of other lots of record.
 - B. A parcel of land described by metes and bounds; provided that for a subdivision or partition, the parcel shall be approved in accordance with this Code.
- .78 **Lot Area:** The total horizontal area within the lot lines of a lot, exclusive of streets and access easements to other property.
- .79 **Lot, Corner:** A lot situated at the intersection of two (2) or more streets, other than an alley.
- .80 **Lot Coverage:** The proportional amount of land on a lot covered by buildings.
- .81 **Lot Depth:** The average horizontal distance between the front and rear lot lines measured in the direction of the side lot lines.
- .82 **Lot Frontage:** The distance parallel to the front lot line, measured between side lot lines at the street line.
- .83 **Lot, Interior:** A lot other than a corner lot.
- .84 **Lot of Record:** Any unit of land created as follows:
- A. A parcel in an existing, duly recorded subdivision or partition.
 - B. An existing parcel for which a survey has been duly filed which conformed to all applicable regulations at the time of filing.
 - C. A parcel created by deed description or metes and bounds provided, however, contiguous parcels created by deed description or metes and bounds under the same ownership and not conforming to the minimum requirements of this Code shall be considered one (1) lot of record.
- .85 **Lot, Through:** A lot having frontage on two (2) parallel or approximately parallel streets.
- .86 **Lot Lines:** The property lines bounding a lot.
- .87 **Lot Line, Front:** The line separating a lot from any street, provided that for corner lots, there shall be as many front lines as there are street frontages.

- .88 **Lot Line, Rear:** A lot line which is opposite and most distant from the front lot line, provided that for irregular and triangular lots, the rear lot line shall be deemed a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line. On a corner lot, the shortest lot line abutting adjacent property that is not a street shall be considered a rear lot line.
- .89 **Lot Line, Side:** Any lot line not a front or rear lot line.
- .90 **Lot Width:** The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line, at the center of the lot, or, in the case of a corner lot, the horizontal distance between the front lot line and a side lot line.
- .91 **Manufactured Home:** A structure transportable in one or more sections, intended for permanent occupancy as a dwelling. All manufactured homes located in the City after the effective date of this Code shall meet or exceed the standards of the U.S. Department of Housing and Urban Development, and shall have been constructed after June 15, 1976.
- .92 **Manufactured Home Park:** A lot, tract, or parcel with four (4) or more spaces within five-hundred (500) feet of one another available for rent or lease for the siting of manufactured homes.
- .93 **Manufactured Home Space:** A plot of land within a manufactured home park designed to accommodate one (1) manufactured home, on a rental or lease basis.
- .94 **Mixed Solid Waste:** *Solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for future use.*
- .95 **Motel:** See Hotel.
- .96 **Municipal Solid Waste:** *Solid waste primarily from residential, business, and institutional uses.*
- .97 **Net Buildable Acre:** The developable area of a site is calculated for the purposes of this Code by subtracting the following from the total area of a site:
- A. Twenty-five percent (25%) of the total site acreage as an allowance for land devoted to community facilities, utility services, streets, and other similar uses.

- B. Acreage within the base flood, excepting acreage approved for density transfers, which shall be added back to the number of net buildable acres.

.98 ***Non-Attainment Area:*** *A geographical area of the State which exceeds any state or federal primary or secondary ambient air quality standard as designated by the Oregon Environmental Quality Commission and approved by the U.S. Environmental Protection Agency.*

No changes to definitions .99 through .114

- .115 **Professional Engineer:** A professional engineer currently licensed to practice in the State of Oregon. The type of professional engineer may be specified in the ordinance (e.g., civil, structural, acoustic, traffic, etc.).
- .116 **Professions:** Members of professions, such as doctors, dentists, accountants, architects, artists, attorneys, authors, engineers, and others who are generally recognized professionals by virtue of experience or education.
- .117 **Public Hearing:** Hearings held by the Commission or the Council for which a form of prescribed public notice is given.
- .118 **Public Park:** A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.
- .119 **Public Place:** Any premises whether, privately or publicly owned, which by physical nature, function, custom, or usage, is open to the public at times without permission being required to enter or remain.
- .120 **Public Use Building:** Any building or structure owned and operated by a government agency for the convenience and use of the general public.
- .121 **Public Utility Facilities:** Structures or uses necessary to provide the public with water, sewer, gas, telephone or other similar services.
- .122 ***Recycled Materials:*** *Solid waste that is transformed into new products in such a manner that the original products may lose their identity.*
- .123 ***Recycling:*** *The use of secondary materials in the production of new items. As used here, recycling includes materials reuse.*

- .124 **Residential Care Facility:** A facility, licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
- .125 **Residential Care Home:** A residence for five (5) or fewer unrelated physically or mentally handicapped persons and for the staff persons who need not be related to each other or any other home resident.
- .126 **Residential Structure:** Any building or part of a building, used or constructed as a sleeping or other housekeeping accommodation, for a person or group of persons.
- .127 **Restrictive Covenant:** A legally binding limitation on the manner in which a tract of land or lot can be used, usually a condition placed on the deed.
- .128 **Retail Trade:** The sale of goods and products to the consumer generally for direct consumption and not for resale.
- .129 **Retaining Wall:** A structure constructed of stone, concrete, steel or other material designed to retain or restrain earth or rock.
- .130 **Right-of-Way:** The area between boundary lines of a street or other easement.
- .131 **Road:** The portion or portions of street right-of-way developed for vehicular traffic.
- .132 **Rural Zone:** *A land use zone adopted by a unit of local government that applies to land outside a regional urban growth boundary.*
- .133 **School:** See Educational Institution
- .134 **Sealed Container:** *A receptacle appropriate for preventing release of its contents, protecting its contents from the entry of water and vectors, and that will prevent the release of noxious odors if the contents are capable of emitting such odors.*

- .135 **Setback:** The minimum horizontal distance between a public street right-of-way line, or side and rear property lines, to the front, side and rear lines of a building or structure located on a lot.
- .136 **Sidewalk:** A pedestrian walkway with hard surfacing.
- .137 **Sight Distance:** The distance along which a person can see approaching objects, such as automobiles or pedestrians, from a street intersection or a driveway along a street.
- .138 **Sign:** An identification, description, illustration, or device affixed to, or represented directly or indirectly upon a building, structure, or land, which directs attention to a product, place, activity, person, institution, or business.
- .139 **Significant Vegetation:** *A tree exceeding six (6) inches in diameter measured four (4) feet above grade at the base of the tree or other vegetation more than four (4) feet above grade, but not including blackberry or other vines or weeds.*
- .140 **Skirting:** A covering that totally obscures the undercarriage of a manufactured home, and extending from the top of the undercarriage to the ground.
- .141 **Soil Amendment:** *A material, such as yard waste compost, added to the soil to improve soil chemistry or structure.*
- .142 **Solid Waste:** *Has the meaning given that term in ORS 459.005.*
- .143 **Solid Waste Facility:**
- A. **Conditionally Exempt Small Quantity Collection Facility:** *A facility that receives, sorts, temporarily stores, controls, and processes for safe transport hazardous waste from conditionally exempt generators, as that term is defined in ORS 465.003.*
 - B. **Demolition Landfill:** *A land disposal site for receiving, sorting and disposing only land clearing debris, including vegetation and dirt, building construction and demolition debris and inert materials, and similar substances.*
 - C. **Household Hazardous Waste Depot:** *A facility for receiving, sorting, processing and temporarily storing household hazardous waste and for preparing that waste for safe transport to facilities authorized to receive, process, or dispose of such materials pursuant to federal or state law.*

- D. **Limited Purpose Landfill:** *A land disposal site for the receiving, sorting and disposing of solid waste material, including but not limited to asbestos, treated petroleum, contaminated soil, construction, land clearing and demolition debris, wood, treated sludge from industrial processes, or other special waste material other than unseparated municipal solid waste.*
- E. **Resource Recovery Facility:** *A facility for receiving, temporarily storing and processing solid waste to obtain useful material or energy.*
- F. **Mixed Construction and Demolition Debris Recycling Facility:** *A facility that receives, temporarily stores, processes, and recovers recyclable material from mixed construction and demolition debris for reuse, sale, or further processing.*
- G. **Solid Waste Composting Facility:** *A facility that receives, temporarily stores and processes solid waste by decomposing the organic portions of the waste by biological means to produce useful products, including, but not limited to, compost, mulch and soil amendments.*
- H. **Monofill:** *A land disposal site for receiving, sorting and disposing only one type of solid waste material or class of solid waste materials for burial, such as a facility which accepts only asbestos.*
- I. **Municipal Solid Waste Depot:** *A facility where sealed containers are received, stored up to seventy two (72) hours, staged, and/or transferred from one mode of transportation to another.*
- J. **Small Scale Specialized Incinerator:** *A facility that receives, processes, temporarily stores, and burns a solid waste product as an accessory use to a permitted use, including incinerators for disposal of infectious wastes as part of a medical facility, but not including mass burn solid waste incinerators, refuse-derived fuel technologies, human or animal remains crematorium, or any energy recovery process that burns unseparated municipal solid waste.*
- K. **Solid Waste Facilities:** *Any facility or use defined in Section 1.202.144 of this Code.*
- L. **Solid Waste Transfer Station:** *A facility that receives, processed, temporarily stores and prepares solid waste for transport to a final disposal site, with or without material recovery prior to transfer.*

- M. ***Treatment and Storage Facility:*** *A facility subject to regulation under the Resource Conservation and Recovery Act. 42 USC SS 6901-6987, for receiving, sorting, treating, and/or temporarily storing hazardous waste, and for processing such waste for safe transport to facilities authorized to receive, treat, or dispose of such materials pursuant to federal or state law. Treatment and storage facilities do not include facilities for on-site disposal of hazardous waste.*
 - N. ***Wood Waste Recycling Facility:*** *A facility that receives, temporarily stores and processes untreated wood, which does not contain pressure treated or wood preservative treated wood, in the form of scrap lumber, timbers, or natural wood debris, including logs, limbs, and tree trunks, for reuse, fuel, fuel pellets, or fireplace logs.*
 - O. ***Yard Debris Depot:*** *A facility that receives yard debris for temporary storage, awaiting transport to a processing facility.*
 - P. ***Yard Debris Processing Facility:*** *A facility that receives, temporarily stores and processes yard debris into a soil amendment, mulch or other useful product through grinding and/or controlled biological decomposition.*
- .144 ***Solid Waste Processing:*** *An activity or technology intended to change the physical form or chemical content of solid waste or recycled material including, but not limited to, sorting, baling, composting, classifying, hydropulping, incinerating or shredding.*
- .145 ***Story:*** *That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such usable or unused under-floor space shall be considered as a story.*
- .146 ***Story, First:*** *The lowest story in a building, provided such floor level is not more than four (4) feet below grade, for more than 50 percent (50%) of the total perimeter, or not more than eight (8) feet below grade, at any point.*
- .147 ***Story, Half:*** *A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than three (3) feet above the floor of such story.*

- .148 **Street:** A public or private road, easement or right-of-way that is created to provide access to one or more lots, parcels, areas or tracts of land. Categories of streets include:
- A. **Alley:** A street between ten (10) and sixteen (16) feet in width, typically to the rear lots.
 - B. **Arterial:** A street which is primarily used or planned for through and high volume traffic.
 - C. **Bikepath:** A street up to eight (8) feet in width for the exclusive use of bicycles, which may be incorporated into, or separate from, a vehicular roadway.
 - D. **Collector:** A street primarily used or planned to move traffic between the local street system and onto major streets, but may accommodate some through traffic.
 - E. **Local Street:** A street which is primarily used or planned for direct access to abutting properties.
 - F. **Cul-de-Sac:** A short street that terminates in a vehicular turnaround.
 - G. **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street has been or could be provided by another subdivision.
 - H. **Marginal Access Street (frontage road):** A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- .149 **Street Line:** A dividing line between a lot and a street right-of-way.
- .150 **Street Plug:** A narrow strip of land located between a subdivision and other property, that is conveyed to the City for the purpose of giving the City control over development on the adjacent property.
- .151 **Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner.
- .152 **Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

- .153 **Subdivision:** The division of an area or tract of land into four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- .154 **Subdivision Improvements:** Construction of facilities such as streets; water, sewer, gas and telephone lines; storm drainage; and landscaping.
- .155 **Temporary Use:** A use of land, buildings or structures not intended to exceed twelve (12) months, unless otherwise permitted by this Code.
- .156 **Unified Sewerage Agency:** An agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.
- .157 **Urban Growth Boundary:** The Metropolitan Portland Urban Growth Boundary (UGB) as acknowledged by the State Land Conservation and Development Commission.
- .158 **Urban Zone:** *A land use zone adopted by a unit of local government that applies to land inside a regional urban growth boundary.*
- .159 **Use:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
- .160 **Use by Right:** A use which is a "use permitted outright" in any given zoning district established by this Code.
- .161 **Warehouse:** A structure or part of a structure used for storing and securing goods, wares or merchandise.
- .162 **Wetlands:** Those land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. *Wetlands are generally identified in the City's 1992 Local Wetland inventory or, in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).*
- .163 **Wholesale Trade:** The sale of goods and products to an intermediary generally for resale.

- .164 **Yard:** The existing or required space on a parcel which shall remain open, unoccupied, and unobstructed from the ground surface to the sky, except as otherwise provided by this Code. Categories of yards include:
- A. **Front Yard:** A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
 - B. **Rear Yard:** A yard, unoccupied except by a building or structure of an accessory type as provided by this Code, extending the full width of the lot between the rear lot line and the extreme rear line of a building.
 - C. **Side Yard:** The yard along the side line of a lot and extending from the setback line to the rear yard.
- .165 **Zero-Lot-Line:** Attached or detached dwelling units which are constructed with only one side yard or no rear yard setbacks.

CHAPTER 2

2.110 LIGHT INDUSTRIAL (LI)

2.110.01 Purpose

2.110.03 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300:

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

1. Food products, including but not limited to candy, dairy products, beverages, coffee, canned goods and baked goods, and meat and poultry, except as prohibited by Section 2.110.03H.
2. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers; small electronic motors and generators; heating and cooling equipment; lawn mowers, rototillers, and chain saws; vending machines; and similar products and associated small parts.
3. Cosmetics, drugs, pharmaceuticals, toiletries, chemicals and similar products, except as prohibited by Section 2.116.04E.
4. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communications and similar instruments, components, appliances and systems, and similar products and associated small parts.
5. Building components and household fixtures, including but not limited to furniture, cabinets, and upholstery; ladders; mattresses, doors and windows; signs and display structures; and similar products and associates small parts.
6. Recreational vehicles and equipment, including but not limited to bicycles, recreational watercraft,

exercise equipment, and similar products and associated small parts, but excluding motorized equipment unless otherwise permitted by Section 2.110.02 or 2.110.03.

7. Musical instruments, toys and novelties.
 8. Pottery and ceramics, limited to products using previously pulverized clay.
 9. Textiles and fiber products.
 10. Other small products and tools manufactured from previously prepared or semi-finished materials, including but not limited to bone, fur, leather, feathers, textiles, plastics, glass, wood products, metals, tobacco, rubber, and precious or semi-precious stones.
- B. Laundry, dry cleaning, dyeing or rug cleaning plants.
- C. Light metal fabrication, machining, welding, and electroplating, and casting or molding of semi-finished or finished metals.
- D. Offices associated with a use conditionally permitted in the LI zone.

2.110.04 Prohibited Uses

- J. General Purpose solid waste landfills and incinerators, and other solid waste facilities. ~~except as permitted in Sections 2.110.03H and 8.303.~~

2.111 GENERAL INDUSTRIAL (GI)

2.111.01 Purpose

2.111.02 Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Chapter 8.

- A. Contracting, building material, and equipment storage yards; cold storage facilities; equipment rental and sales; building material sales; and building maintenance services yard, except as prohibited by Section 2.111.04.
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, gas regulator stations, sewage treatment plants, water wells, and public works yards.
- C. Laboratories for testing of medical, dental, photographic, or motion picture processing, except as prohibited by Section 2.111.04E.
- D. Manufacturing, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing, or storage of the following articles or products, except as prohibited in Section 2.111.04E.
 - 1. Drugs, pharmaceuticals, toiletries, cosmetics, chemicals and similar products, except as prohibited in Section 2.111.04D.
 - 2. Electrical, radio, television, optical, scientific, hearing aids, electronic, computer, communication and similar instruments, components, appliances, and systems, and similar products and associated small parts.
 - 3. Food products including but not limited to candy, dairy products, beverages, coffee, canned goods, baked goods, meat and poultry except as per Section 2.111.04H.
 - 4. Furniture, cabinetry, and upholstery, and signs and display structures.
 - 5. Glass and ceramics.
 - 6. Iron, steel, sheetmetal, other metal products and hand tools, including machining, welding, electroplating, and casting and molding of semi-finishing and finished metals, except as prohibited by Section 2.111.04F.
 - 7. Leather products, except as per Section 2.111.04I.

8. Musical instruments, toys, and novelties.
 9. Paper, wood, lumber and similar products, except as prohibited by Section 2.111.04G.
 10. Plastics and plastic products.
 11. Recreational vehicles and other motor vehicles, manufactured homes, trailers, boats, and farm equipment and greenhouses.
 12. Boxes and containers made from paper, wood, metal and other materials.
 13. Textile and fiber products
 15. Appliances, including but not limited to refrigerators, freezers, washing machines, dryers; small electric motors and generators; heating and cooling equipment; lawn mowers, rototillers, and chain saws; vending machines; and similar products and associated small parts.
 16. Other small products and tools composed of previously prepared or semi-finished materials, building components and household fixtures, including but not limited to furniture, cabinets, and upholstery; ladders, mattresses, doors and windows; signs and display structures; and similar products and associates small parts.
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- L. Wholesale plumbing supplies and service.
 - M. Blueprinting, printing, publishing or other reproduction services.
 - N. Laundry, dry cleaning, dyeing, or rug cleaning plants.
 - O. Truck and bus yards and terminals
 - P. Wholesale trade, warehousing, commercial storage and mini-warehousing, except as prohibited in Section 2.111.04E.
 - Q. Other similar general industrial uses, subject to Section 4.600.
 - R. Dwelling unit for one (1) security person employed on the premises, and their immediate family.
 - S. PUDs, subject to the provisions of Section 2.202
 - T. Temporary uses, including but not limited to construction and real estate sales offices, subject to Section 4.500.

- U. Other uses permitted outright in the GC zone, Section 2.109.02, and LI zone, Section 2.110.02, except for adult entertainment business which are prohibited.
- V. Solid waste facilities as follows, subject to Section 8.303:
 - 1. Mixed construction/demolition debris recycling facility
 - 2. Municipal solid waste depot.
 - 3. Small-scale specialized incinerator, except as provided for in Section 8.303.01
 - 4. Wood-waste recycling facility
 - 5. Yard-debris depot
 - 6. Yard-debris processing facility.

2.111.03 Conditional Uses

The following uses are permitted as conditional uses provided such uses meet the applicable environmental performance standards contained in Chapter 8 and are approved in accordance with Section 4.300.

- A. Government offices, including but not limited to, postal stations, administrative offices, police and fire stations.
- B. Sand and gravel pits, rock crushers, concrete and asphalt mixing plants, and other mineral and aggregate extraction, subject to Sections 2.111.04 and 8.302.
- C. Solid-waste facilities as follows, and subject to Section 8.303:
 - 1. Demolition landfill
 - 2. Limited purpose landfill
 - 3. Monofill
 - 4. Conditionally exempt small-quantity collection facility
 - 5. Household hazardous waste depot
 - 6. Resource recovery facility
 - 7. Solid-waste composting facility
 - 8. Solid-waste transfer facility

2.111.04

- J. General purpose solid waste landfills and incinerators and other solid waste facilities, except as permitted in Sections 2.111.02, 2.111.03 and 8.303.

CHAPTER 8

ENVIRONMENTAL RESOURCES

8.303 SOLID WASTE

8.303.01 *Solid Waste Facilities.*

A. *Generally*

Solid waste facilities are permitted in the General Industrial (GI) and Light Industrial (LI) Zones as described in those Sections of the Code. Permitted solid waste facilities are subject to the review procedures, site improvements and other standards of Section 8.303.

8.303.02 Solid Waste Incinerators

The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the City. For the purposes of this Section, solid waste is defined as per ORS 459.005(24), and includes infectious wastes as per ORS 459.386(2). Provided said incineration or burning is otherwise properly permitted, this prohibition shall not apply to furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a by-product on-site and used only for energy recovery purposes. Said small-scale specialized incinerators must be integral to and part of, but clearly ancillary secondary and incidental to, a permitted or conditionally permitted use in the City, and cannot utilize infectious wastes or any fuels derived from infectious wastes. This prohibition shall not apply to solid waste incinerators lawfully permitted to operate prior to September 5, 1990, but shall apply to any expansion, alteration, or modification of such a use or any applicable permits.

8.303.03 *Accessory Use Solid Waste Facilities*

The following solid waste facilities are permitted, subject to the applicable regulations of the zone, as an accessory use to a permitted or conditional use without being subject to the conditional use review:

1. *Household hazardous waste depot, provided the facility is accessory to a public facility or to a use in an industrial zone.*

2. *Small scale specialized incinerator, provided the facility complies with Section 8.303.02 and does not accept more than two hundred and twenty (220) pounds per day of waste from off-site.*
3. *Recycling drop boxes, provided they also comply with Section 8.303.09.E.5.*

8.303.04 *Multiple Purpose Solid Waste Facility*

A solid waste facility may include more than one kind of facility as defined in Section 1.200, Definitions. An application that includes more than one (1) kind of facility is permitted in a given zone only if all of the uses proposed in the facility are permitted in that zone. If any of the uses proposed are allowed only as a conditional use in the zone, then all of the uses proposed shall be considered conditional uses.

8.303.05 *Temporary Solid Waste Facility.*

Temporary solid waste facility. The following solid waste facilities may be approved as a temporary use in any zone without being subject to conditional use review if the use operates not more than three (3) days per calendar month, subject only to the dimensional requirements of the underlying zone (e.g., setbacks and height), and the applicable provisions of Section 8.303.09, Site Improvements, and the appropriate requirements of Sections 8.303.06 through 8.303.08:

1. *Household hazardous waste.*
 2. *Resource Recovery Facility.*
 3. *Yard debris depot.*
-

8.303.06 *Application Contents*

- A. *In addition to submitting land use application forms provided by the City of Sherwood, and in accordance with other sections of this Code, the applicant shall describe at least the following features of the proposed facility:*
 1. *Capacity and projected life.*
 2. *The population or industries to be served.*
 3. *The amount of solid waste that is expected to be accommodated at the facility from the population or industries to be served, including maximum daily and monthly amounts and average annual volume and weight of waste to be received.*
 4. *For a landfill, planned future uses of the site after closure.*

5. *The quantity of each type of waste stream projected to be accommodated at the facility. Examples of waste streams include domestic waste, commercial and institutional waste, industrial waste, construction and demolition waste, agricultural waste, sewage sludge, and contaminated clean-up materials.*
 6. *The operating characteristics of the facility, including equipment used, hours of operation, and volume, distribution, and type of traffic associated with the use, and a traffic study if required by Section 8.303.09 of this Code.*
 7. *The kind or kinds of facility or facilities proposed, based on the solid waste facility definitions in Section 1.200, Definitions.*
- B. The applicant shall submit the following information as part of the application, unless the Planning Director finds that, given the scale and nature of the facility, a requested item will not materially aid the approval authority in reviewing the proposal, and the item is not otherwise required to be submitted under this Code.*
1. *A written description of the location of the site with respect to known or easily identifiable landmarks and access routes to and from the area the facility will serve.*
 2. *A legal description of the tract or tracts to be used for the facility.*
 3. *Except for an accessory facility, a map or maps showing the location of the site, existing and approved land uses within a minimum two hundred and fifty (250)-foot radius of the boundary of the site inside the regional urban growth boundary or within a minimum five hundred (500)-foot radius of the site outside the regional urban growth boundary; public water supply wells, surface waters, access roads within that radius; historic sites, areas of significant environmental concern or resources, or significant environmental features identified in the Community Development Plan, Part 2, within the applicable radius; other existing or approved manmade or natural features relating to the facility; and a north arrow, bar scale, and drawing date.*
 4. *Except for an accessory use or temporary facility, an aerial photograph of the site and the area within the relevant radius with the boundary of the site outlined.*
 5. *Except for an accessory or temporary facility, a map or maps showing the existing topography of the site with contour intervals not to exceed two (2) feet if slopes are less than five percent (5%), not to exceed five (5) feet if slopes are more than five percent (5%), and not to exceed ten (10) feet if slopes are more than twenty percent (20%); natural features of the site including water bodies and wetlands; the boundary of the one hundred (100)-year flood plain based on Federal Emergency Management Agency data; public easements of record; manmade features including*

buildings, utilities, fences, roads, parking areas, and drainage features; boundaries of existing waste disposal areas and soil borrow areas, if any; locations of borings, piezometers, monitoring wells, test pits, water supply wells, and facility monitoring or sampling points and devices; a benchmark; and a north arrow, bar scale, and drawing date.

- 6. For a landfill, data regarding average annual and monthly precipitation and evaporation and prevailing wind direction and velocity, based on data from the National Oceanic and Atmospheric Administration or other federal or state agency, or from on-site measurements.*
- 7. For a landfill, information regarding minimum, maximum, and average annual flow rates and monthly variations of streams on the site, based on stream gaging data collected by the U.S. Geological Service or other federal or state agency supplemented with reliable site specific data as available.*
- 8. A map or maps showing and describing the type and size of existing vegetation on the site, and identifying vegetation to be removed and retained.*
- 9. A grading plan showing site elevations when grading is completed, including any modifications to drainage channels and any required retaining walls or other means of retaining cuts or fills.*
- 10. A site plan showing proposed structures, signs, parking, outdoor storage, landscaping, berms, fencing, and other features of the facility.*
- 11. Responses to the applicable standards of Section 8.303.09 of this Code.*
- 12. If other local, state or federal permits are required for construction and operation of the proposed facility:*
 - a. The applicant shall submit a copy of such permit(s); or*
 - b. The applicant shall submit:*
 - (1) A schedule for submitting the required permits; a description of the requirements of the laws and regulations applicable to such other local, state or federal permits; a summary of how the applicant proposes to comply with the requirements; a list of which regulations require local land use approval; and a list of potentially conflicting local, state or federal standards; and*
 - (2) A copy of any application filed for another local, state or federal permit for the proposed facility within ten (10) working days after it is filed with*

the local, state or federal agency; and

- (c) A copy of any written correspondence or published notice from the local, state or federal agency regarding that application within ten (10) working days after the applicant receives that correspondence or notice from the local, state or federal agency.*

8.303.07 *Review Procedures and Burden of Proof*

- A. Before accepting an application as complete, the Planning Director may decide additional expertise is warranted to evaluate it due to exceptional circumstances, the complexity of the proposed facility, or its potential impacts. The Planning Director may hire a professional engineer with the necessary expertise to make a written evaluation of the specific application elements required pursuant to this Code.*
 - 1. The written evaluations shall be available no later than thirty (30) days after the applicant submits a deposit to pay for the work. Within ten (10) days after the written evaluation is available, the Planning Director shall determine whether the application is complete and advise the applicant in writing accordingly, listing any additional information required to make the application complete.*
 - 2. The Planning Director shall draft a work program and estimate the cost of hiring a professional engineer with the necessary expertise for the written evaluation and shall advise the applicant of that cost, which shall not exceed ten (10) times the application fee (or other reasonable limit) unless approved by the applicant. The applicant shall deposit a sum equal to the estimated cost of such services before the application is deemed complete. If the cost of such services is less than estimated, the City shall refund any excess to the applicant. If the cost of such services is more than estimated, the City shall bill the applicant for such additional cost; provided, the cost of such services shall not exceed one hundred ten percent (110%) of the estimated cost unless the applicant or the City agrees in writing to assume such additional cost.*
 - 3. The provision does not authorize the City to collect money from an applicant for independent evaluation of ongoing operations or performance review of a facility. A fee may be required pursuant to Section 8.303.08.F. before renewal, but not at the time of application or approval.*
- B. An application for a solid waste facility under this Code is complete if any written evaluation required under Section 8.303.07.A. has been completed, and if:*

1. *The application includes substantial evidence that the proposed facility will comply with the applicable development standards in Section 8.303.09 or conditions that may be necessary to ensure compliance; or*
2. *The application includes substantial evidence that the proposed facility is likely to comply with the applicable development standards in Section 8.303.09, identifies any necessary evidence not yet submitted, and provides a reasonable schedule for its submission;*
3. *The application includes information required to be submitted under Section 8.303.06 of this Code, except to the extent waived by the Planning Director.*
- C. *The City shall provide public notice and an opportunity for submission of written information and/or for a public hearing to consider compliance within the terms of this Code.*
- D. *An applicant for a solid waste facility bears the burden of proving that a facility complies with this Code. The following presumptions and procedures apply when evaluating compliance with the burden of proof:*
 1. *An applicant is rebuttably presumed to have met the burden of proof if the application includes substantial evidence that the facility will comply with the standards for establishment of the facility in Section 8.303.09 and conditions proposed by the Planning Director to ensure such compliance.*
 2. *Substantial evidence can be rebutted only by evidence of equal or greater probative value. For instance, testimony from a professional engineer about a given subject in which an engineer has expertise may be rebutted only by testimony or evidence from another professional engineer or a person similarly qualified about that subject. Testimony from an expert witness regarding matters relevant to the expertise of the witness cannot be rebutted by testimony from a non-expert witness. This subsection does not limit what may be introduced as testimony; it affects the weight to be accorded that testimony.*
 3. *If evidence of equal probative value is offered that a given facility does and does not comply with a given standard or that a proposed condition is or is not adequate to ensure compliance, the approval authority shall weight the evidence, identify which evidence it accepts as the basis for its decision, and explain why that evidence is accepted and why contrary evidence is rejected.*
 4. *The approval authority shall issue all necessary land use compatibility statements to the applicant or to applicable local, state, or federal agencies, and a final decision with appropriate findings, conclusions and conditions of approval if, after the appropriate review process, it finds there is substantial evidence that the facility*

complies with all applicable provisions of this Code and City laws incorporated by reference, subject to appropriate conditions, and that such evidence was not effectively rebutted and does not need to be supplemented.

5. *If, after a public hearing (or another initial level of review; for instance, the close of the public record following public notice and an opportunity to file written comments), the approval authority finds that:*
 - a. *There is substantial evidence that the facility complies with some applicable provisions of this Code and such evidence was not rebutted and does not need to be supplemented to resolve disputes;*
 - b. *There is not substantial evidence that the facility complies with one or more applicable provisions of this Code, or evidence necessary for approval was rebutted or requires augmenting to resolve disputes; and*
 - c. *It is likely that the applicant will provide the remaining necessary substantial evidence within six (6) months, the approval authority shall:*
 - (1) *Issue a written final decision approving the proposed facility in concept that, among other things:*
 - (a) *Identifies standards with which the application complies and provide findings and conclusions showing why it complies, based on substantial evidence in the record, and subject to appropriate conditions of approval;*
 - (b) *Identifies evidence the applicant must submit to show the proposed facility complies with other applicable provisions of this Code, imposes a schedule for its submission, and includes any requirements pursuant to Section 8.303.07.A above; and*
 - (c) *Describes how that substantial evidence will be reviewed, including any public notice and hearing requirements.*
 - (2) *Issues all necessary land use compatibility statements to the applicant or to applicable local, state, or federal agencies.*
6. *The approval authority shall issue a final decision that denies the application if, after the appropriate review process, it finds that:*
 - a. *The record does not contain substantial evidence that the facility complies with all applicable provisions of this Code or could comply given the imposition of conditions, in which case the decision shall identify the section(s) about which the record does not contain substantial evidence; or*

- b. There is more persuasive and at least equally substantial evidence contrary to evidence that the proposed use complies with applicable standards of this Code or could comply given the imposition of conditions, in which case the decision shall identify the provisions for which evidence against the facility overwhelmed the evidence in favor, and*
- c. The applicant declines to supplement the record regarding standards identified pursuant to Sections 8.303.07.D and 6. a. and b. above, or it is not likely that substantial evidence necessary to address standards identified pursuant to Sections 8.303.07.D and 6. a. and b. above will be available within six (6) months after the date of the decision.*

8.303.08 *Conditions of Approval and Enforcement*

- A. The approval authority may approve an application for a facility subject to conditions of approval. Conditions of approval shall be reasonably related to impacts of the facility, the requirements of this Code and provisions incorporated herein. In no instance may an approval authority impose as a condition of approval a requirement that a facility be publicly or privately owned. All facilities approved pursuant to this Code shall be subject to a condition requiring that landscaping, air and water quality structures and devices, signs, structures, paved areas, and other features of the facility be maintained in good condition, and that such features be replaced if they fail to survive or are rendered ineffective over time.*
- B. Conditions of approval may require an applicant to submit a written statement or permit from state or federal agencies responsible for administering a regulation to which the proposed facility is subject, if the record does not contain such a statement or permit.*
 - 1. Such a condition may fulfill provisions of Code Sections relating to Noise, Odors, Ground and Surface Water, Air Quality and Treatment and Storage that the facility comply with state or federal regulations, subject to a further condition that the applicant submit a written statement or permit showing the proposed facility complies with the applicable state or federal regulation before a building permit is issued for the facility; and*
 - 2. Such a condition shall require appropriate review and allow modification of the decision and conditions of approval regarding the application if a state or federal permit substantially changes a proposed facility from what was approved by the City in ways relevant to applicable provisions of Section 8.303.09.*

- C. All facilities approved pursuant to this Code shall comply with applicable state and federal regulations as a condition of approval. Approval of a facility pursuant to this Code does not preclude imposition of more stringent state or federal regulations adopted after the effective date of this Code.*
- D. Any facility that is required to obtain a franchise or license from the Metropolitan Service District (Metro) shall obtain the franchise or license and provide a copy of it to the City before a building permit is issued for the facility.*
- E. The City shall enforce the conditions of approval pursuant to Section 1.101.04, Violations. If Metro issues a franchise or license for the facility, the City shall send to Metro a copy of any written correspondence or notices City sends to the applicant regarding enforcement of conditions of approval. Metro may remedy violations of conditions of approval regarding the facility and charge the franchisee or licensee for the cost of such remedial action unless provided otherwise in the franchise or license.*
- F. The City may periodically conduct a performance review of an approved facility to determine whether it continues to comply with the criteria and standards then applicable and to modify conditions of approval that apply to the facility so that it continues to comply. The approval authority shall specify the time for any performance review. The City may impose a fee for performance review.*

8.303.09 *Site Improvements*

- A. Setbacks, Landscaping and site design impacts:*
 - 1. The facility shall comply with the setback requirements and height limits of the underlying zone. However, if the facility adjoins a commercial zone, the minimum setback shall be one hundred (100) feet, and if the facility adjoins a residential or open space zone, the minimum setback shall be two hundred (200) feet.*
 - 2. Structures, exterior storage and processing areas, and vehicle maneuvering and parking are prohibited in setbacks required pursuant to Section 8.303.09.A.1 above, except that:*
 - a. The approval authority may reduce the required setback if it finds that a lesser setback will not adversely affect the privacy, use, or visual character of existing uses on adjoining land, based on the scale and design of the use or structure(s), landscaping and buffers, or on the topography, vegetation, or other natural features of the site;*

- b. Minor building features such as eaves, chimneys, fire escapes, bay windows, uncovered stairs, wheelchair ramps, and uncovered decks no more than three (3) feet above grade may extend up to twenty percent (20%) into a required setback;*
 - c. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may extend into a required setback, except adjoining or across a street from an abutting residential zone;*
 - d. Fences, walls, berms, landscaping, access drives, and an entry sign(s) are permitted in the setback; and*
 - e. Notwithstanding the preceding, structures shall be situated so they comply with the Uniform Building Code, Oregon Specialty Code adopted in Oregon.*
- 3. Exterior building surfaces shall be finished. Metal used on the exterior of the building shall be anodized or painted; galvanized or coated steel shall not be left unpainted.*
- 4. Buildings with walls containing more than twenty-five hundred (2,500) square feet above grade shall incorporate fascias, canopies, arcades, or multiple colors or building materials to break up large wall surfaces visually into areas of one thousand (1,000) square feet or less, unless it would be contrary to the purpose of the wall, such as for retaining earth or for structural support.*
- 5. Attached mechanical structures and roof-mounted equipment shall be screened from ground-level view at adjoining public streets and property zoned residential or open space. Screening may include landscaping, sight obscuring fencing or other features.*
- 6. The facility shall not cause glare or lights to shine off site in excess of one-half (0.5) footcandle onto non-industrial zoned land, based on a written statement certified by a professional engineer.*
- 7. Structures shall not obstruct scenic views or vistas identified in the Community Development Plan, Part 2, although structures may be visible from off site.*
- 8. Major activity areas of the site, such as loading and delivery areas, shall be oriented away from adjoining land zoned for residential or open space uses.*
- 9. At least twenty percent (20%) of the facility site shall be landscaped with living vegetation in an appropriate medium, such as yard debris compost. Landscaped areas shall have a permanent irrigation system equipped with automatic controls. Where landscaping is situated in required setbacks or adjoins buildings and other*

structures, it shall include evergreen species at least six (6) feet above grade at planting and situated not farther apart than the radius of the crown of a mature specimen. The approval authority may waive or reduce the level of landscaping where necessary to allow sight distance for vehicular traffic, to enable views of signs or other features of the facility that should be visible to enhance the function of the facility, or to protect solar access to adjoining property. The approval authority may require larger or more numerous trees where necessary to reduce the potential adverse visual effects of a facility. Existing significant vegetation shall be retained, where feasible, and may substitute for other required vegetation. Landscaping in setbacks and parking lots counts toward the twenty percent (20%).

B. Historic Resource Impacts

The facility shall not adversely affect historic resources listed in the Community Development Plan, Part 2, (or inventory of historic resources adopted by the City. A facility complies with this standard if the site and adjoining land do not contain an identified historic resource and are not in an historic district. If the site or adjoining land contains such a resource, then the applicant shall show the facility design preserves the historic resource character.

C. Operating Impacts

- 1. Exterior activities are prohibited between 10:00 p.m. and 7:00 a.m. daily, except that vehicles may continue to enter and exit the site and maintenance may be conducted at all hours if they do not violate applicable provisions of Sections 8.304, Noise, 8.305 Vibration, and Sections 8.303.09 A. 6. and 8 and I.2 during any hours.*
- 2. For a solid waste transfer station, most solid waste may be stored in an open pit or floor inside a building for up to twenty-four (24) hours or in a sealed container on the site for up to seventy-two (72) hours. Separated recycled materials may be stored on the site for up to thirty (30) days in unsealed containers.*

D. Signage Impacts

- 1. Signs shall comply with sign regulations of Section 5.700, except as provided herein.*

2. *If the facility is open to the public, the applicant shall provide a sign(s) at each public entrance to the facility that is clearly legible and visible from the adjoining public road. The sign shall identify the name of the facility, the name and telephone number of the operator, and hours of operation of the facility. The entry sign(s) may be up to thirty-two (32) square feet per side and up to ten (10) feet above grade, unless the zone allows larger signs. Directional information to orient drivers shall be included on the entry sign(s) or on interior signs.*
3. *A sign(s) describing recommended access routes to the facility, materials accepted, instructions for correct preparation of accepted materials, recycling services, and fees for disposing materials shall be posted at the facility. Signs interior to the site shall be coordinated and consistent in appearance.*
4. *Signs that use recycled materials, including recycled plastic, are encouraged. Sign quality and appearance shall be appropriate to the character of the area, as determined by the approval authority.*

E. Outdoor storage Impacts.

1. *No mixed solid waste or recovered material shall be stored outside in unsealed containers, except:*
 - a. *In a landfill or composting facility approved for that purpose;*
 - b. *Solid waste or recovered material that is inert; or*
 - c. *As otherwise allowed in this Section 8.303.09.E. In all circumstances, outdoor storage of hazardous waste is prohibited.*
2. *Source-separated materials other than yard debris and wood waste shall be stored in containers in an area enclosed on at least three (3) sides and roofed except that in a rural zone, such materials shall be enclosed on any side visible from adjoining public or private property and roofed.*
3. *Wood waste, yard debris, and solid waste in sealed containers may be stored outdoors if it complies with the applicable dimensional and design standards. Yard debris shall be removed from the site on at least a weekly basis.*
4. *Storage areas larger than two (2) cubic yards for recovered materials shall be enclosed.*
5. *Drop boxes for recyclable materials on the site of a solid waste facility shall be painted and maintained in good repair, situated on a paved surface and emptied before collected items exceed the height of the box or within five (5) days of*

becoming full. The applicant shall post a notice on any recycling drop box, stating that only domestic recyclable or reusable materials, such as paper, cardboard, glass, tin, aluminum, plastic and clothing are permitted. The notice shall also state that yard debris, appliances, or other large items that may be repairable, recyclable or reusable are prohibited, unless the box is designed for that purpose. The name and telephone number of the operator shall also be posted on the box.

6. *Outdoor storage areas shall not be visible when viewed from a height of five (5) feet at the edge of the property, except as provided above. A facility complies with this standard when outdoor storage is enclosed within a sight obscuring fence, wall, berm, or landscaping at least six (6) feet high, but not more than ten (10) feet high. A wood fence is sight obscuring when attached vertical or horizontal fence boards are separated by not more than one-fourth (1/4) inch. A metal fence consisting of chain link or woven fabric is sight obscuring when water and insect resistant wood or plastic slats are inserted in the fence material so they are separated by not more than three-eighths (3/8) inch. Landscaping is sight obscuring when it includes evergreen material at least six (6) feet high and not more than two (2) feet on center at planting.*

F. *Litter Impacts*

1. *For purposes of litter control, an area described as the "Primary Impact Area" shall be established around the proposed facility. The Primary Impact Area is the area within which litter and illegally dumped solid waste is presumed to be a result of the presence of a solid waste facility. Illegally dumped waste consists of solid waste in excess of two (2) cubic yards at a given location, and litter includes lesser amounts of solid waste at a given location.*
2. *The Primary Impact Area shall extend at least one-half (1/2) mile from the facility boundary a long primary routes to the facility, as identified in the traffic study. The approval authority may expand the Primary Impact Area based on specific conditions or if otherwise warranted based on annual review of illegal dumping and litter patterns in the area.*
3. *Except as specified in Subsection 5 of this Section, the applicant shall submit to City a plan to eliminate litter in the Primary Impact Area. The plan shall include at least the following:*
 - a. *A proposed delineation of the Primary Impact Area;*
 - b. *Appropriate gates, signs and other traffic control devices to direct traffic to the facility along approved routes that, to the extent possible, avoid public parks, residential and retail districts and major public attractions;*

- c. *Establishment of a patrol to remove litter along designated routes within the Primary Impact Area on a schedule that, in the opinion of the approval authority, is sufficient to prevent accumulation of litter;*
 - d. *Provisions for the removal of illegally dumped waste within the primary impact area within twenty-four (24) hours of discovery;*
 - e. *Provisions to make available written information that describes access routes to the facility, fees for wastes permitted at the facility, surcharges for delivery of uncovered loads, if appropriate, and recycling incentives; and*
 - f. *For a landfill, a description of measures to be used to minimize blowing of litter from the site, such as periodic application of cover material, spraying with liquid, or use of portable fencing.*
4. *The facility operator shall be responsible for the cost of collecting, removing and disposing of litter and illegally dumped waste within the Primary Impact Area. In addition, the operator shall take reasonable measures to assist the City in identifying sources of illegal waste. If the City identifies a source of illegal waste, the City may take measures to reimburse the operator for the cost of collection and proper disposal of the waste.*
5. *The requirements of this Section 8.303.09.F. shall not apply to a facility that is not open to the public and receives waste only in sealed containers, or to any facility involved exclusively in recycling.*

G. *Vector Control Impacts*

For any facility where solid waste could sustain or attract rodents or insects, because of the solid waste in question or the environmental characteristics of the site, the applicant shall submit and implement a plan to reduce the potential for rodent and insect propagation using methods designed to minimize nuisance conditions and health hazards.

I. *Traffic Circulation and Access*

1. *Access requirements for a facility shall be based on the number and type of vehicle trips generated by the facility. The number of trips generated per day shall be based on the most recent version of the Trip Generation Manual of the Institute of Traffic Engineers, except that the applicant may submit a trip generation study certified by a professional traffic engineer of other similar facilities as the basis for trip generation by the proposed facility. If a proposed facility is not listed in the Trip Generation Manual and a trip generation study of other similar facilities is not available, then the number and type of vehicle trips generated by the proposed*

facility shall be based on the figures for the use most similar to the proposed facility for which the Trip Generation Manual contains data.

2. *The applicant shall identify designated routes for vehicular traffic generated by the proposed facility and shall provide written information to facility users describing and promoting use of those routes. Designated routes shall be selected to minimize traffic on non-arterial streets and shall not include streets in residential zones if nonresidential streets provide access.*
3. *For a facility that generates more than two hundred (200) vehicle trips per day, the applicant shall submit a traffic study by a professional traffic engineer that shows the facility will not cause traffic volumes that exceed the capacity of the street based on the capacity assumptions of the Transportation Master Plan of the City, or that cause any intersection affected by that traffic to have a Level of Service E. If the proposed facility will cause street capacity to be exceeded or create a Level of Service E at any intersection, the applicant shall propose street modifications acceptable to the City to meet the requirements of this subsection. Unless otherwise provided by agreement with the City, all expenses related to street improvements necessitated by the proposed facility shall be borne by the applicant.*
4. *A facility in an urban zone shall provide for a deceleration/turn lane at proposed access points to separate facility-bound traffic from other traffic if deemed warranted by the traffic study required in Section 8.303.09.I.3. The lane shall accommodate at least two (2) stacked vehicles and shall taper at a ratio of not less than twenty-five in one (25:1) to match the standard roadway width.*

J. *Odor Impacts*

1. *The applicant shall demonstrate that the facility meets the requirements of Section 8.307 and:*
 - a. *Will incorporate the best practicable design and operating measures to reduce the potentials or odors detectable off-site from such things as waste stored or being processed on site, spillage of waste, venting of dust, residual amounts of waste in operating areas of the site, and vehicle odors in stacking, maneuvering and staging areas; and*
 - b. *Will not cause unusual or annoying odors, considering the density of the surrounding population, the duration of the emissions, and other factors relevant to the impact of such emissions.*
2. *Open burning of solid waste will not be allowed unless:*
 - a. *Open burning is consistent with standards of the DEQ; or*

- b. The facility is outside the area where open burning is banned, and a permit is not required by DEQ.*

K Ground and surface water impacts.

1. The applicant shall demonstrate that the facility will:

- a. Collect all waste water from production, washing down of equipment and vehicles, and similar activities and discharge the water to a public sanitary sewer if:*

- (1) The sewer adjoins or can be extended to the site based on applicable rules of the sewer service provider, and*
- (2) The sewer has the capacity to accommodate waste water from the facility as determined by the sewer service provider or by a professional civil engineer; or*

- b. Incorporate an alternative sanitary waste disposal method that is or will be approved by DEQ; or*

- c. Incorporate an alternative waste disposal method that is consistent with applicable water quality standards and will not cause drinking water supplies to violate applicable water quality standards; or*

- d. Not generate waste water, and will divert and/or contain storm water so that it does not enter solid waste on the site.*

- 2. Prior to construction of the facility, the applicant shall obtain all required permits relating to discharges of waste water and storm water from the facility. The operator of the facility shall comply with all directives of state and federal agencies related to protection of ground and surface water resources potentially affected by the facility.*

- 3. At the request of the approval authority, the applicant shall submit to the approval authority copies of any groundwater self-monitoring programs and analyses of potential surface and groundwater impacts related to the facility that are required to be submitted to the DEQ.*

- 4. At the request of the approval authority, an applicant for a landfill, mixed waste compost facility, wood waste recycling facility, yard debris depot or processing facility shall submit copies of its leachate collection and treatment plan and program prepared by a professional civil engineer for submittal to the DEQ, if one has been required by the DEQ.*

5. *An applicant for a household hazardous waste depot, hazardous waste treatment and storage facility, material recovery facility, solid waste depot or transfer station shall submit and implement a plan and program prepared by a professional civil engineer to collect, pretreat and dispose waste water from the floor or operating area of such facility and to prevent surface water from mixing with solid waste spills.*
6. *The applicant shall submit and implement a plan prepared by a professional civil engineer to reduce the amount of waste water caused by hosing down equipment, tipping areas, platforms and other facility features, such as by using high pressure/low flow washing systems, compressed air or vacuum equipment for cleaning.*
7. *The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to collect storm water from all impervious areas of the site and to properly manage storm water. The applicant shall comply with state and federal regulations governing storm water discharges, and obtain required storm water discharge permits in a timely fashion. To the extent consistent with a storm water discharge permit issued for the facility, storm water shall be managed in the following manner:*
 - a. *Storm water disposal shall comply with the Storm Drainage Master Plan of the City.*
 - b. *If a storm sewer with adequate capacity is not available, the applicant shall:*
 - (1) *Retain storm water on site; and/or*
 - (2) *Detail storm water on-site and discharge it from the site at no greater rate than before development of the facility; or*
 - (3) *Discharge storm water at full rate to public drainage features, such as a roadside ditch or regional drainage facility, if there is adequate capacity to accommodate it as determined by a professional civil engineer or landscape architect. If discharging water at full rate would exceed the capacity of downstream drainage features, the applicant shall:*
 - (a) *Provide a detention pond or ponds to contain water in excess of the system's capacity; and/or*

(b) Identify improvements to downstream drainage features necessary to accommodate the increased volume or rate of flow without adversely affecting adjoining property and either:

(i) Provide such improvements before operation of the facility, or

(ii) Contribute necessary funds to the [City/USA] so that the [City/USA] can undertake such improvements.

(c) If off-site improvements are required to accommodate storm water from the site, prior to issuance of a building permit for the facility, the applicant, the [City/USA] shall execute an agreement to pay back the applicant for the cost of improvements to the extent those improvements exceed the storm drainage needs generated by the facility.

- 8. Except as otherwise provided by the storm drainage master plan of the [City/USA], the collection and disposal system shall be sized to accommodate peak flows from a twenty-five (25) year storm event, based on the flow from the area that includes the site and the basin that drains onto it, assuming permitted development of that area, as determined by a professional civil engineer or landscape architect.*
- 9. Before storm water is discharged from the site or into the ground, the applicant will direct it through features to remove sediment, grease and oils, and water soluble materials in the water. Such features shall comply with the storm drainage standards of the [City/USA].*
- 10. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to reduce the potential for erosion along natural and constructed drainageways and across slopes during and after construction.*
- 11. For a landfill, the approval authority may require that the applicant submit a copy of its closure plan as prepared for submittal to the DEQ.*

R. Methane Gas Impacts

- 1. The applicant shall submit a statement from a professional engineer that the facility will not generate significant quantities of methane gas emissions; or*

2. *The applicant shall submit and implement a methane gas control program prepared by a professional engineer that describes how:*

- a. *The facility will not generate methane gas in excess of twenty-five percent (25%) of the lower explosive limit for methane in facility structures or in excess of the lower explosive limit at the facility boundary;*
- b. *The gas shall be collected and vented, incinerated, or put to or prepared for a productive use; and*
- c. *Methane will be measured in structures and at the facility boundary, consistent with applicable DEQ standards.*

S. *Air Quality Impacts*

A facility shall not cause detrimental air quality impacts. A facility complies with this standard if the applicant obtains all required Air Contaminant Discharge Permits and the facility is operated in conformance with Section 8.306 and all applicable DEQ air quality standards and requirements.

T. *Treatment and Storage Facilities (Hazardous Waste)*

The applicant for a proposed treatment and storage facility shall comply with Oregon Administrative Rules Chapter 340, Division 120, and any other applicable state or federal law, by obtaining all state and federal permits necessary for operation of the facility.

8.308 HEAT AND GLARE

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall not cause such glare or lights to shine off site in excess of one-half (.5) footcandle when adjoining properties are zoned for residential uses.

8.308.01 *Exceptions*

Nothing in Section 8.308 shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.

8.309 Wetlands, Habitat and Natural Areas:

8.309.01 Generally

Unless otherwise permitted, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory and the Comprehensive Plan Natural Resource Inventory.

8.309.02 Standards

A. *The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with Section 8.309.02.1 a or 8.309.02.1 b below:*

1. *The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by a minimum of sixty (60) feet, which shall be retained in its existing condition or enhanced for compatibility with the wetland. The setback may be reduced to as little as twenty (20) feet if the applicant shows such lesser setback will not adversely affect the wetland, provided Section 8.303.09.A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the following among other means:*

a. *A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.*

b. *Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.*

c. *A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.*

2. *Where existing wetlands are eliminated by the facility, the applicant will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.*

B. *The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from*

impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:

- 1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).*
- 2. The facility will comply with applicable requirements of the zone.*
- 3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.*
- 4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.*
- 5. Development associated with the facility will be set back from the edge of a significant natural area by a minimum of sixty (60) feet, and the setback area shall be retained in its existing condition or enhanced for compatibility with the natural area. The setback may be reduced to as little as twenty (20) feet if the applicant shows such lesser setback will not adversely affect the natural area, provided Section 8.303.09.A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in Section 8.309.02.A.1 above.*