



## ORDINANCE 2015-003

### AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISIONS I, II, III, IV, V, VI, VII, AND VIII

**WHEREAS**, it is necessary for the City to continually update the development code to ensure that it is clear, consistent, and current; and

**WHEREAS**, the Planning Commission helped guide the development of proposed amendments after public outreach and opportunity for public input; and

**WHEREAS**, the amendments seek to correct errors, increase consistency, consolidate definitions, clarify code language, and make two minor substantive changes; and

**WHEREAS**, the two minor substantive changes specifically seek to remove the Conditional Use Permit requirement for incidental retail sales in the Light Industrial (LI) and General Industrial (GI) zoning districts in Chapter 16.31 and to increase the amount of performance security associated with the construction of public improvements in Chapter 16.120; and

**WHEREAS**, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

**WHEREAS**, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on December 9, 2014, and

**WHEREAS**, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed Zoning and Community Development Code modifications; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in Exhibit 1 of the City Council Staff Report; and

**WHEREAS**, the attached Exhibit A reflects the code amendments; and

**WHEREAS**, the City Council held public hearings on March 3, 2015 and March 17, 2015 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

### **NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1. Findings.** After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts

the findings of fact contained in the Planning Commission recommendation finding that the text of the Sherwood Zoning and Community Development Code shall be amended as documented in Exhibit A.

**Section 2. Approval.** The proposed amendments for Plan Amendment (PA) 14-02 identified in Exhibit A is hereby **APPROVED**.

**Section 3 - Manager Authorized.** The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD and necessary updates to Chapter 16 of the Municipal Code in accordance with City ordinances and regulations.

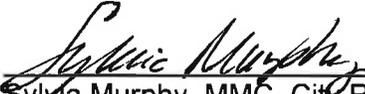
**Section 4 - Applicability.** The amendments to the City of Sherwood Zoning and Community Development Code approved by this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

**Section 5 - Effective Date.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 17<sup>th</sup> day of March 2015.

  
Krisanna Clark, Mayor

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Cooke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kuiper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
King	<i>Absent</i>	<input type="checkbox"/>
Henderson	<i>Absent</i>	<input type="checkbox"/>
Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**EXHIBIT A**  
**PA 14-02 Code Amendments**

**Item 1** **Section 16.06.020.C** **Page 269**

A majority of members of the Commission ~~shall~~ constitutes a quorum. A majority vote of ~~those members, not less than~~ a quorum, present at an open meeting of the Commission ~~is~~ shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

**Item 2a** **Section 16.10.020** **Page 272**

**Accessory Building/Use:** A structure that is incidental and subordinate to the main use of property, is located on the same lot as the main use, and is freestanding or is joined to the primary structure solely by non-habitable space as defined by the State Building Code. ~~A subordinate building or use which is customarily incidental to that of the principal use or building located on the same property.~~

**Accessory Use:** A use or activity that is subordinate and incidental to the primary use of the property. A property may have more than one accessory use.

**Item 2b** **Section 16.50.010.A** **Page 362**

Reserved. ~~Definition~~

~~Accessory Building or Structure: A structure whose use is incidental and subordinate to the main use of property, is located on the same lot as the main use, and is freestanding or is joined to the primary structure solely by non-habitable space as defined by the State Building Code.~~

**Item 3** **Section 16.10.020** **Page 277**

**Historic Resource:** A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

- A. Object:** A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g., statue, fountain, milepost, monument, sign, etc.
- AB. Site:** The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.
- BC. District:** A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e.g., downtown, residential, neighborhood, military reservation, ranch complex, etc.
- CD. Primary, Secondary, & Contributing:** Historic ranking in descending order based on four scoring criteria for surveyed properties — historical, architectural, use considerations, and physical and site characteristics.

**Item 4** **Section 16.10.020** **Page 282**

**Right-of-Way:** An interest in real property typically acquired by reservation, dedication, prescription, or condemnation and intended for the placement of transportation and utility facilities

~~and infrastructure or similar public use. The area between boundary lines of a street or other easement.~~

Item 5

Section 16.10.020

Page 283

**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 this Section 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 Sections 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.

**Item 6a**

**Section 16.10.020**

**Page 286**

**Transportation Facilities and Improvements:** The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.)

**Transportation Improvements:** Transportation improvements include the following:

- A1.** Normal operation, maintenance repair, and preservation activities of existing transportation facilities.
- B2.** Design and installation of culverts, pathways, multi-use paths or trails, sidewalks, bike lanes, medians, fencing, guardrails, lighting, curbs, gutters, shoulders, parking areas, and similar types of improvements within the existing right-of-way.
- C3.** Projects identified in the adopted Transportation System Plan not requiring future land use review and approval.
- D4.** Landscaping as part of a transportation facility.
- E5.** Emergency measures necessary for the safety and protection of property.
- F6.** Street or road construction as part of an approved land use application.
- ~~7. Transportation projects that are not designated improvements in the Transportation System Plan requires a site plan review and conditional use permit.~~
- ~~8. Transportation projects that are not planned, designed, and constructed as part of an approved land use application requires a site plan review and conditional use permit.~~

**Item 6b**

**Section 16.66.010.B**

**Page 377**

~~Construction of A Conditional Use Permit is required for Transportation Facilities and Improvements that are:~~

- ~~(1.) Not designated in the adopted City of Sherwood Transportation System Plan (TSP); or, and are~~
- ~~(2.) Not designed and constructed as part of an approved land use application subdivision or partition subject to site plan shall be subject to Conditional Use review.~~

**Item 7**

**Section 16.12.010.D**

**Page 289**

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing, multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. Minor land partitions ~~shall be~~ exempt from the minimum density requirement.

## C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
<b>Minimum Lot areas:(in square ft.)</b>						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
<b>Minimum Lot width at front property line: (in feet)</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>Minimum Lot width at building line<sup>16</sup>: (in feet)</b>						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
<b>Lot Depth</b>	<b>None</b>	<b>None</b>	<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>
<b>Maximum Height<sup>27</sup> (in feet)</b>	<b>30 or 2 stories</b>	<b>35 or 2.5 stories</b>	<b>40 or 3 stories</b>			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials <sup>38</sup>	50	50	50	50	55	60
<b>Setbacks (in feet)</b>						
• Front yard <sup>49</sup>	20	20	20	14	14	14
• Face of garage	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20

<sup>16</sup> Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

<sup>27</sup> Maximum height is the lesser of feet or stories.

<sup>38</sup> Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).

<sup>49</sup> Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.

**Item 9****Section 16.31.020.C****Page 319**

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

**Item 10****Section 16.31.020 -Use Table****Page 320**

Uses	LI	GI	EI <sup>1</sup>
<ul style="list-style-type: none"> <li>Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business.<sup>7</sup></li> </ul>	PG	PG	P

<sup>1</sup> See special criteria for the EI zone, 16.31.030 and the Tonquin Employment Area (TEA), 16.31.040.

<sup>7</sup> Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

**Item 11****Section 16.40.020.B.5****Page 341**

If the PUD involves the subdivision of land, the proposal ~~shall~~ must also include a preliminary subdivision plat and meet all requirements of Chapter 16.~~122~~120. The preliminary subdivision ~~shall~~ will be processed concurrently with the PUD.

**Item 12****Section 16.40.030.B****Page 343**

If the PUD involves the subdivision of land, a final plat ~~shall~~ must be prepared and submitted for final approval, pursuant to Chapter 16.~~120~~124.

**Item 13****Section 16.40.040.A.1****Page 343-344****A. ~~1.~~ Phasing**

- a1.** The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.
- b2.** Any PUD which requires more than twenty four (24) months to complete ~~shall~~ must be constructed in phases that are substantially complete in themselves and ~~shall~~ conform to a phasing plan approved as part of the Final Development Plan.

**~~2B.~~ Failure to Complete**

- a1.** When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission ~~shall~~ will determine whether or not the PUD's continuation, in whole or in part, is in the public interest.
- b2.** If continuation is found not to be in the public interest, the Commission ~~shall~~ will recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

**~~BC.~~ Changes in Approved Plans**

- 1. Major Changes
  - Proposed major changes in a Final Development Plan ~~shall~~ be considered the same as a new application, and ~~shall~~ be made in accordance with the procedures specified in this Chapter.
- 2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

**GD. Multiple Zone Density Calculation**

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.

**Item 14** **Section 16.40.050.C.1** **Page 344**

**Density**

The number of dwelling units permitted in a Residential PUD ~~shall be~~ is the same as that allowed in the underlying zoning district, except as provided in Subsections 16.40.040.D and 16.40.050.C.2(C)(2), below or 16.40.040.C above.

**Item 15** **Section 16.40.060.C.6** **Page 346**

**Density Transfer**

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.40.050.C.2~~142.040.~~

**Item 16a** **Section 16.58.020.B** **Page 370**

Reserved**Definition:**

- ~~1. Fence: A freestanding structure that provides a barrier between properties or different uses on the same property and is generally used to provide privacy and security. A fence may be open, solid, wood, metal, wire, masonry or other materials and includes lattice or other decorative toppers.~~
- ~~2. Wall: A solid structural barrier that is not intended to alter the grade.~~
- ~~3. Retaining wall: A solid barrier that provides a barrier to the movement of earth, stone or water and is used to alter the grade.~~
- ~~4. Sound wall: An exterior wall designed to protect sensitive land uses including parks, residential zones and institutional public zones from noise generated by roadways, railways, commercial and industrial noise sources.~~
- ~~5. Landscape feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.~~
- ~~6. Hedges: A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area.~~

**Item 16b** **Section 16.10.020** **Page 276**

**Fence:** A freestanding structure that provides a barrier between properties or different uses on the same property and is generally used to provide privacy and security. A fence may be open or solid and is usually constructed of wood, metal, wire, brick, cement block, stone, vinyl, or composite materials.~~Any open or closed structure used to enclose any lot or parcel of ground, and usually constructed of wire, wood, brick, cement block, or stone.~~

**Item 16c** **Section 16.10.020** **Page 287**

Wall: A solid structural barrier that is not intended to alter the grade and is not considered a Retaining Wall or Sound Wall.

**Item 16d** **Section 16.10.020** **Page 282**

Retaining Wall: A ~~structure~~ solid barrier constructed of stone, concrete, steel or other material designed to retain or restrain earth, ~~or~~ rock, or water and is used to alter the grade.

**Item 16e** **Section 16.10.020** **Page 284**

Sound Wall: An exterior wall designed to protect sensitive land uses including parks, residential zones and institutional public zones from noise generated by roadways, railways, commercial and industrial noise sources.

**Item 16f** **Section 16.10.020** **Page 278**

Landscape Feature: A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.

**Item 16g** **Section 16.10.020** **Page 277**

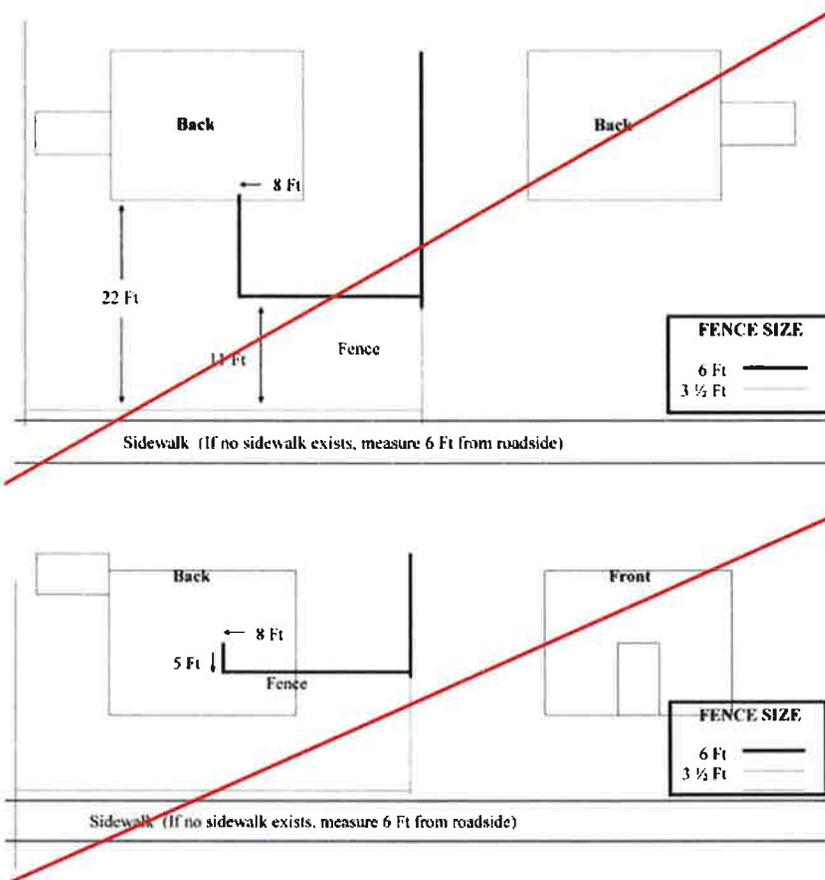
Hedges: A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area.

**Item 17** **Section 16.58.020.F** **Page 371**

General Conditions—All Fences:

~~1. In all cases, the following standards apply:~~

- ~~1~~a. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.
- ~~2~~b. Chain link fencing is not allowed in any required residential front yard setback.
- ~~3~~e. The finished side of the fence must face the street or the neighboring property. This ~~shall~~ does not preclude finished sides on both sides.
- ~~4~~d. Buffering: If a proposed development is adjacent to ~~a~~ dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company ~~shall~~ must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122
- ~~5~~e. In the event of a conflict between this ~~s~~Section and the clear vision standards of Section 16.58.010, the standards in ~~s~~Section 16.58.010 prevail.
- ~~6~~f. Fences and walls ~~shall~~ cannot be located within or over a public utility easement without an approved right-of-way permit.
- ~~7~~g. The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence ~~shall be~~ is used to measure the height.



Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, ~~it a primary structure shall~~ must be set back at least three (3) feet.

If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded, or platted, prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot ~~of or~~ aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, ~~except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68 (Infill Development).~~

B. Exceptions

1. Residential uses are limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68.

2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).

**Item 21** **Section 16.70.020.B** **Page 383**

Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for ~~with~~ adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes ~~shall~~must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.

**Item 22** **Section 16.70.030.C.1.e** **Page 384**

Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads~~the City limits and the Urban Growth Boundary.~~

**Item 23** **Section 16.70.030.C.1.f** **Page 384**

A narrative explaining the proposal in detail and a response to the Required Findings for Land ~~use~~Use Review for the land use approval(s) being sought.

**Item 24** **Section 16.72.010.A.2.c** **Page 388**

"Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a ~~e~~Conditional u~~p~~Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4, ~~below.~~

**Item 25** **Section 16.72.010.A.2.d** **Page 388**

"Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d ~~4.G.4.~~

**Item 26** **Section 16.72.010.A.2.e** **Page 388**

Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b ~~4.H.1.~~

**Item 27** **Section 16.72.010.A.3.b** **Page 388**

Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.4, ~~below.~~



- ~~89~~. The following additional criteria apply to transportation facilities and improvements subject to Conditional uUse approval (~~in addition to criteria 1–7~~) per Chapter 16.66. These are improvements and facilities that are (1) not designated in the adopted City of Sherwood Transportation System Plan (TSP), and are (2) not designed and constructed as part of an approved land use application~~subdivision or partition subject to site plan review~~.
- a. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - b. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
  - c. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant ~~shall is required to~~ apply for and obtain a plan and/or zoning amendment prior to or in conjunction with eConditional uUse pPermit approval.
  - d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) ~~shall~~must provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Sections 16.82.020.C.1-67 and ~~98.a.-89.d~~. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

**Item 33**

**Section 16.84.030.A.1.d**

**Page 406**

A 5% ~~reduction~~increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.

**Item 34**

**Section 16.84.030.B.1.e**

**Page 406**

A 20% or less ~~reduction~~increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.

**Item 35**

**Section 16.90.010**

**Page 408.12**

**16.90.010 - Purpose**

~~A. Generally~~

~~This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code.~~

~~B. Objectives~~

Site planning review is intended to:

- ~~A1~~. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- ~~B2~~. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:
  - ~~1a~~. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
  - ~~2b~~. Vehicular and pedestrian ways and parking areas.
  - ~~3e~~. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

Site Plan Review Required

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

**16.90.020 - Site Plan Review**

A. Site Plan Review Required

Site Plan review ~~shall be~~ required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use, ~~and prior to the issuance of a sign permit for the erection or construction of a sign~~

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

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

B. Exemption to Site Plan Requirement

1. Single and two family uses
2. Manufactured homes located on individual residential lots per Section 16.46.010, but including manufactured home parks;
- ~~3. Major modifications~~
- ~~4. Minor modifications~~

~~(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-011, § 1, 10-4-2011)~~

~~Editor's note— Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former § 16.90.020, and adding new §§ 16.90.020 and 16.90.030. Former § 16.90.020 pertained to site plan review, and derived from Ord. 86-851; Ord. 91-922; Ord. 98-1053; Ord. 2003-1148; Ord. 2005-009; Ord. 2006-021; Ord. No. 2009-005, adopted June 2, 2009; Ord. No. 2010-05, adopted April 6, 2010; Ord. No. 2010-06, adopted April 6, 2010; and Ord. No. 2010-015, adopted October 5, 2010.~~

~~**16.90.030 – Site Plan Modifications and Revocation**~~

~~A. Modifications to Approved Site Plans~~

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

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

- ~~(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);~~

- ~~(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;~~
  - ~~(3) A change in setbacks or lot coverage by more than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;~~
  - ~~(4) A change in the type and/or location of access ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;~~
  - ~~(5) An increase in the floor area or height proposed for non-residential use by more than 10 percent;~~
  - ~~(6) A reduction of more than 10 percent of the area reserved for common open space;~~  
~~or~~
  - ~~(7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items (1)-(2) as determined by the Review Authority.~~
- ~~b. Approval Criteria. An applicant may request a major modification as follows:~~
- ~~(1) Upon the review authority determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.~~
  - ~~(2) The application shall be subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.~~
  - ~~(3) The scope of review shall be limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.~~
  - ~~(4) Notice shall be provided in accordance with Chapter 16.72.020~~
  - ~~(5) The decision maker shall approve, deny, or approve with conditions an application for major modification based on written findings of the criteria.~~
- ~~2. Minor Modifications to Approved Site Plans~~
- ~~a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification as provided, above.~~
  - ~~b. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications shall involve only clear and objective code standards.~~
  - ~~c. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.~~
  - ~~d. Minor Modification Approval Criteria. The review authority shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification as above.~~

## B. ~~Revocation~~

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

## C. Reserved

## D. Required Findings

No site plan approval ~~shall~~will be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.
2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
- ~~5. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.070 Highway 99W Capacity Allocation Program, unless excluded herein.~~
- ~~56.~~ For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant ~~shall~~must provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer ~~shall be~~is required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study ~~shall~~must be coordinated with the provider of the affected transportation facility.
- ~~67.~~ The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards ~~shall~~ include the following:
  - a. Primary, front entrances ~~shall be~~are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
  - b. Buildings ~~shall be~~are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
  - c. The architecture of buildings ~~shall be~~are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding ~~shall be~~are prohibited. Street facing elevations ~~shall~~ have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain ~~shall be~~are required to be installed unless other architectural elements are provided for similar protection, such as an arcade.

- d. As an alternative to the ~~above~~ standards in Section 16.90.020.D.6.7a—7c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.7a—7c ~~above~~. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

COMMERCIAL DESIGN REVIEW MATRIX

Design Criteria	Possible Points				
	0	1	2	3	4
<b>Building Design (21 Total Points Possible; Minimum 12 Points Required)</b>					
These standards may be applied to individual buildings or developments with multiple buildings.					
<b>Materials<sup>1</sup></b>	Concrete, artificial materials (artificial or "spray" stucco, etc.)	Cultured stone, brick, stone, decorative patterned masonry, wood	A mixture of at least two (2) materials (i.e. to break up vertical façade)	A mixture of at least three (3) materials (i.e. to break up vertical façade)	A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood
<b>Roof Form<sup>2</sup></b>	Flat (no cornice) or single-pitch (no variation)	Distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment	Distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment	=	=
<b>Glazing<sup>3</sup></b>	0-20% glazing on street-facing side(s)	>20% glazing on at least one street-facing side (inactive, display or façade windows)	>20% glazing on all street-facing sides (inactive, display or façade windows)	>20% glazing on at least one street-facing side (active glazing - actual windows)	>20% glazing on all street-facing sides (active glazing - actual windows)
<b>Fenestration on street-facing elevation(s)</b>	One distinct "bay" with no vertical building elements	Multiple "bays" with one or more "bay" exceeding 30 feet in width	Vertical building elements with no "bay" exceeding 30 feet in width	Vertical building elements with no "bay" exceeding 20 feet in width	=
<b>Entrance Articulation</b>	No weather protection provided	Weather protection provided via awning, porch, etc.	=	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered	Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered
<b>Structure Size<sup>4</sup> to discourage "big box" style development</b>	Greater than 80,000 square feet	60,000 - 79,999 square feet	40,000 - 59,999 square feet	20,000 - 39,999 square feet	Less than 20,000 square feet

Possible Points

<sup>1</sup> No aluminum or T-111 siding permitted.

<sup>2</sup> Pictures and/or artistic renderings must be submitted for review by the Planning Commission if metal roofs are proposed.

<sup>3</sup> Two (2) points if there is only one street-facing side and it is >20% glazing with inactive windows.

<sup>4</sup> If multiple buildings are proposed, average the building sizes in the development.

<b>Design Criteria</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required)</b>					
<b>Location<sup>5</sup></b>	Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening)	Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors)	Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner")	==	==
<b>Orientation</b>	Single-building site primary entrance oriented to parking lot	==	Single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area)	==	==
	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot	==	Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian	==	==
<b>Secondary Public Entrance<sup>6</sup></b>			Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk		
<b>Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)</b>					
<b>Location of Parking</b>	Greater than 50 percent of required parking is located between any building and a public street	25-50 percent of required parking is located between any building and a public street	Less than 25 percent of required parking is located between any building and a public street	No parking is located between any building and a public street	==
<b>Loading Areas</b>	Visible from public street and not screened	Visible from public street and screened	Not visible from public street	==	==
<b>Vegetation</b>	At least one "landscaped" island every 13-15 parking spaces in a row	At least one "landscaped" island every 10-12 parking spaces in a row	At least one "landscaped" island every 8-9 parking spaces in a row	At least one "landscaped" island every 6-7 parking spaces in a row	==
<b>Number of Parking Spaces<sup>7</sup></b>	>120%	101-120%	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	==
<b>Parking Surface</b>	Impervious	Some pervious paving (10-25%)	Partially pervious paving (26-50%)	Mostly pervious paving (>50%)	==

<sup>5</sup> If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.

<sup>6</sup> If primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance.

<sup>7</sup> Percent of minimum required.

Design Criteria	Possible Points				
	0	1	2	3	4
<b>Landscaping (24 Total Point Possible; Minimum 14 Points Required)</b>					
<b>Tree Retention<sup>8</sup></b>	Less than 50% of existing trees on-site retained	51-60% of existing trees on-site retained	61-70% of existing trees on-site retained	71-80% of existing trees on-site retained	81-100% of existing trees on-site retained
<b>Mitigation Trees<sup>9</sup></b>	Trees mitigated off-site or fee-in-lieu	25-50% of trees mitigated on-site	51-75% of trees mitigated on-site	76-100% of trees mitigated on-site	=
<b>Landscaping Trees<sup>10</sup></b>	Less than one tree for every 500 square feet of landscaping	1 tree for every 500 square feet of landscaping	2 trees for every 500 square feet of landscaping	3 trees for every 500 square feet of landscaping	4 trees for every 500 square feet of landscaping
<b>Landscaped Areas</b>	Greater than 35% of landscaped areas are less than 100 square feet in size	Less than 25% of landscaped areas are less than 100 square feet in size	No landscaped areas are less than 100 square feet in size	=	=
<b>Landscaping Trees greater than 3-inch Caliper</b>	<25%	25-50%	>50%	=	=
<b>Amount of Grass<sup>11,12</sup></b>	>75% of landscaped areas	50-75% of landscaped areas	25-49% of landscaped areas	<25% of landscaped areas	=
<b>Total Amount of Site Landscaping<sup>13</sup></b>	<10% of gross site	10-15% of gross site	16-20% of gross site	21-25% of gross site	>25% of gross site
<b>Automatic Irrigation</b>	No	Partial	Yes	=	=
<b>Miscellaneous (10 Total Points Possible; Minimum 5 Points Required)</b>					
<b>Equipment Screening (roof)</b>	Equipment not screened	Equipment partially screened	Equipment fully screened	Equipment fully screened by materials matching building architecture/finish	=
<b>Fences and Walls<sup>14</sup></b>	Standard fencing and wall materials (i.e. wood fences, CMU walls, etc.)	=	Fencing and wall materials match building materials	=	=
<b>On-Site Pedestrian Amenities Not Adjacent to Building Entrances</b>	No	Yes; 1 per building	Yes; more than 1 per building	=	=
<b>Open Space Provided for Public Use</b>	No	Yes; <500 square feet	Yes; 500-1,000 square feet	Yes; >1,000 square feet	=
<b>Green Building Certification</b>				LEED, Earth Advantage, etc. (Bonus)	

**(1) Building Design (21 Total Points Possible, Minimum 12 Points Required). Note: These standards may be applied to individual buildings or developments with multiple buildings.**

**(a) Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative patterned masonry, wood = 1; a mixture**

<sup>8</sup> Based on tree inventory submitted with development application).

<sup>9</sup> When no mitigation is required, the project receives zero points.

<sup>10</sup> In addition to mitigated trees on-site, does not include Water Quality Facility Plantings.

<sup>11</sup> Shrubs and drought resistant ground cover are better.

<sup>12</sup> Schools automatically receive the full 3 points and are not penalized for amount of grass.

<sup>13</sup> Includes visual corridor.

<sup>14</sup> Including retaining walls.

- of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.
- (b) ~~Roof Form: Flat (no cornice) or single pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.~~
- (c) ~~Glazing: 0—20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing—actual windows) = 3; >20% glazing on all street-facing sides (active glazing—actual windows) = 4.~~
- (d) ~~Fenestration (on street-facing elevation(s): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.~~
- (e) ~~Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered = 4.~~
- (f) ~~Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000—79,999 square feet = 1; 40,000—59,999 square feet = 2; 20,000—39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)~~
- (2) ~~Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required).~~
- (a) ~~Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.~~
- (b) ~~Orientation: Single building site primary entrance oriented to parking lot = 0; single building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.~~

- (c) ~~Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).~~
- (3) ~~Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required).~~
- (a) ~~Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.~~
- (b) ~~Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.~~
- (c) ~~Vegetation: At least one "landscaped" island every 13—15 parking spaces in a row = 0; at least one landscaped "island" every 10—12 parking spaces in a row = 1; at least one landscaped "island" every 8—9 parking spaces in a row = 2; at least one landscaped island every 6—7 parking spaces in a row = 3.~~
- (d) ~~Number of Parking Spaces (% of minimum required): >120% = 0; 101—120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.~~
- (e) ~~Parking surface: Impervious = 0; some pervious paving (10—25%) = 1; partially pervious (26—50%) = 2; mostly pervious(>50%) = 3.~~
- (4) ~~Landscaping (24 Total Points Possible, Minimum 14 Points Required).~~
- (a) ~~Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51—60% of existing trees on-site retained = 1; 61—70% of existing trees on-site retained = 2; 71—80% of existing trees on-site retained. = 3; 81—100% of existing trees on-site retained = 4.~~
- (b) ~~Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25—50% of trees mitigated on-site = 1; 51—75% of trees mitigated on-site = 2; 76—100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.~~
- (c) ~~Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.~~
- (d) ~~Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.~~
- (e) ~~Landscaping trees greater than 3" caliper: <25% = 0; 25—50% = 1; >50% = 2.~~
- (f) ~~Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50—75% of landscaped areas = 1; 25—49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.~~
- (g) ~~Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10—15% of gross site = 1; 16—20% of gross site = 2; 21—25% of gross site = 3; >25% of gross site = 4.~~
- (h) ~~Automatic Irrigation: No = 0; partial = 1; yes = 2.~~
- (5) ~~Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).~~

- ~~(a) Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.~~
  - ~~(b) Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.~~
  - ~~(c) On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building) = 2.~~
  - ~~(d) Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500—1,000 square feet)=2; yes (>1,000 square feet) = 3.~~
  - ~~(e) Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.~~
  - e. As an alternative to the ~~above~~ standards in Sections 16.90.020.D.6.7a—7c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
  - f. As an alternative to the ~~above~~ standards in Sections 16.90.020.D.6.7a.—7e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.
78. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards ~~shall~~ include the following:
- a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) ~~must~~shall meet any four of the following six design criteria:
    - (1) A minimum 15% window glazing for all frontages facing an arterial or collector.
    - (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).
    - (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).
    - (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.
    - (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If ~~the a~~ loading area ~~are~~is visible from an arterial or collector, ~~they~~it must be screened with vegetation or a screen made of materials matching the building materials.
    - (6) All roof-mounted equipment is screened with materials complimentary to the building design materials.
  - b. As an alternative to Section 16.90.020.D.78.a ~~above~~, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):
    - (1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.
    - (2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.
    - (3) Support the City's goals of economic development.

- (4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020 ~~D.74.H.~~
- (5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.
- (6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.
- (7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

#### E. Approvals

The application ~~shall be~~ reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action ~~must~~ include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.

#### F. Time Limits

Site plan approvals ~~shall be~~ void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. ~~For~~ site plan approvals granted on or after January 1, 2007 through December 31, 2009, ~~the approval shall be~~ extended until December 31, 2013.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-011, § 1, 10-4-2011)

Editor's note— Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former § 16.90.020, and adding new §§ 16.90.020 and 16.90.030. Former § 16.90.020 pertained to site plan review, and derived from Ord. 86-851; Ord. 91-922; Ord. 98-1053; Ord. 2003-1148; Ord. 2005-009; Ord. 2006-021; Ord. No. 2009-005, adopted June 2, 2009; Ord. No. 2010-05, adopted April 6, 2010; Ord. No. 2010-06, adopted April 6, 2010; and Ord. No. 2010-015, adopted October 5, 2010.

### **16.90.030 - Site Plan Modifications and Revocation**

#### **A. Modifications to Approved Site Plans**

##### **1. Major Modifications to Approved Site Plans**

**a. Defined. A major modification review is required if one or more of the changes listed below are proposed:**

- (1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);**
- (2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;**
- (3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;**
- (4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;**
- (5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;**
- (6) A reduction of more than ten (10) percent of the area reserved for common open space; or**

- (7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)-(2) as determined by the Review Authority.
- b. Approval Criteria. An applicant may request a major modification as follows:
- (1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.
  - (2) The application is subject to the same review procedure (Type II, III or IV), decision making body, and approval criteria used for the initial project approval, except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure.
  - (3) The scope of review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.
  - (4) Notice must be provided in accordance with Chapter 16.72.020
  - (5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.
2. Minor Modifications to Approved Site Plans
- a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification.
  - b. Minor Modification Review Procedure. An application for approval of a minor modification is reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications involve only clear and objective code standards.
  - c. Minor Modification Applications. An application for minor modification must include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.
  - d. Minor Modification Approval Criteria. The review authority approves, denies, or approves with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code and conditions of approval on the original decision, and the modification is not a major modification.
- B. Revocation
- Any departure from an approved plan is cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, will be revoked.

**Item 38**

**Section 16.92.020.A.3.b**

**Page 413**

Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2. below.

**Item 39****Section 16.94.020.A****Page 421-423**

Single, two-family and manufactured home on a lot<sup>3</sup>; Minimum Parking Standard = 1 per dwelling unit

<sup>3</sup> If the street on which the house has direct access ~~does not permit on-street parking or~~ is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential dwelling unit. (includes single-family detached or attached, two-family dwellings or a manufactured home on an individual lot).

**Item 40****Section 16.102.040.B.2****Page 445**

Each portable sign ~~shall~~can be a maximum of ~~seven (7)~~six (6) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs ~~shall~~must be sited per Section 16.102.040.

**Item 41****Section 16.106.040.C****Page 457**

## Future Extension

Where necessary to access or permit future subdivision or development of adjoining land, streets ~~shall~~must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length ~~shall~~must comply with the Engineering Design Manual.

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

**Item 42****Section 16.106.040.H****Page 460**

## Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties ~~shall~~must be provided, ~~and~~ through and local traffic ~~shall~~ be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.~~040030~~, and all applicable access provisions of Chapter 16.96, ~~shall~~are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

**Item 43****Section 16.120.040.I****Page 470.12**

A minimum of five percent (5%) open space has been provided per ~~§Section~~ 16.44.B.8 (Townhome- Standards) or ~~§Section~~ 16.142.~~030020~~ (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

**Item 44****Section 16.120.060.B****Page 470.14**

## Performance Security

The subdivider ~~shall~~is required to provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred ~~twenty-five~~ percent (~~12500~~%) of the estimated cost of the improvements.

