

SHERWOOD MUNICIPAL CODE

(Covering Ordinances through 2016-006, passed February 2, 2016.)

Looseleaf Supplement

Remove Old Pages

iii
SH:1, SH:2
145
178.3—178.8

269—294
319—326
339—346
361—364
369—374
377, 378
383—392
399—408
408.11—414
423, 424
427, 428
445, 446
455—460
470.11—470.14
470.25—470.30
471, 472
503
I-7—I-16
I-25—I-30

Insert New Pages

iii
SH:1, SH:2
145
178.3—178.8.1
178.15—178.18
269—294.2
319—326
339—346.1
361—363
369—373
377, 378
383—392.1
399—408
409—414.5
423, 424
426.1—427
445, 446
455—460
470.11—470.14
470.25—470.30
471, 472
503—505
I-7—I-16.1
I-25—I-30

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.



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PREFACE

The Sherwood, Oregon Municipal Code, originally published by Book Publishing Company in 1998, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement No. 9, Municipal Code Corporation will be keeping this Code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Derryck Dittman, city attorney, and Tim Henkle, administrative assistant to the city manager.

The Code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the Code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 9, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific Code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance 2016-006, passed February 2, 2016.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature and ordinances that amend subject matter not found in the Code are not codified and are considered "Omitted."

By adding to this table with each supplement, users of this Municipal Code will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Included/ Omitted	Supp. No.
2011-001	Included	12
2011-002	Included	12
2011-003	Included	12
2011-004	Included	12
2011-005	Included	12
2011-006	Included	12
2011-007	Included	12
2011-008	Included	12
2011-009	Included	12
2011-010	Omitted	13
2011-011	Included	13
2011-012	Included	13
2011-013	Included	13
2012-001	Included	13
2012-002	Included	13
2012-004	Omitted	13
2012-005	Omitted	13
2012-006	Included	13
2012-003	Included	13
2012-007	Included	13
2012-008	Included	13
2012-009	Included	13
2012-011	Included	13
2012-012	Omitted	13
2012-013	Omitted	13
2012-014	Omitted	13
2013-001	Included	14
2013-002	Omitted	14
2013-003	Included	14
2013-004	Omitted	14
2013-005	Included	14
2013-006	Omitted	14

Ord. No.	Included/ Omitted	Supp. No.
2013-007	Omitted	14
2013-008	Included	14
2014-001	Omitted	14
2014-002	Included	14
2014-003	Omitted	14
2014-004	Omitted	14
2014-005	Omitted	14
2014-006	Included	14
2014-007	Omitted	14
2014-008	Omitted	14
2014-010	Included	15
2014-011	Included	15
2014-048 (Res.)	Included	15
2014-012	Included	15
2014-013	Omitted	15
2014-014	Included	15
2014-015	Included	15
2014-016	Omitted	15
2014-017	Included	15
2014-018	Included	15
2014-019	Included	15
2014-020	Included	15
2014-021	Included	15
2014-022	Included	15
2014-077 (Res.)	Included	15
2015-001	Included	15
2015-002	Included	15
2015-003	Included	16
2015-004	Omitted	16
2015-005	Included	16
2015-006	Included	16
2015-008	Omitted	16
2015-009	Omitted	16
2016-005	Included	16
2016-006	Included	16

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04	Introductory Provisions
9.08	Oregon Criminal Statutes
9.12	Classification of Offenses
9.16	Disposition of Offenders
9.20	Offenses By or Against Public Officers and Government
9.24	Offenses Against the Person
9.28	Theft and Related Offenses
9.32	Offenses Against Property
9.36	Offenses Against Public Peace and Decency
9.40	Curfew
9.44	Nuisances
9.46	Abatement of Noxious Weeds
9.48	Criminal Procedure
9.50	Possession, Manufacture or Delivery of Drug Paraphernalia
9.52	Prohibiting of Noise
9.54	Regulation of Camping in Areas Open to the Public
9.56	Prohibits Use of Tobacco Products on City Property
9.60	Inventory Procedures
9.62	Graffiti
9.64	Targeted Residential Picketing

Chapter 9.52

PROHIBITING OF NOISE*

Sections:

- 9.52.010 Purpose.**
- 9.52.020 Scope.**
- 9.52.030 Definitions.**
- 9.52.040 General prohibition.**
- 9.52.050 Noises prohibited.**
- 9.52.060 Exemptions.**
- 9.52.070 Enforcement responsibility and authority.**
- 9.52.080 Variances.**
- 9.52.090 Variance application.**
- 9.52.100 Public notification for class B or C variance.**
- 9.52.110 Variance review.**
- 9.52.120 Variance decision.**
- 9.52.130 Review.**
- 9.52.140 Penalties.**

9.52.010 Purpose.

This chapter is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of Sherwood through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety; or causes public inconvenience, annoyance or alarm to reasonable persons of ordinary sensitivity. (Ord. No. 2016-005, § 1, 2-2-2016)

***Editor's note**—Ord. No. 2016-005, § 1, adopted February 2, 2016, amended the Code by, in effect, repealing former Ch. 9.52, §§ 9.52.010—9.52.140, and adding a new Ch. 9.52. Former Ch. 9.52 pertained to similar subject matter, and derived from Ord. 01-1116, §§ 1—13.

9.52.020 Scope.

This chapter applies to the control of all sound originating within the jurisdictional limits of the city.

(Ord. No. 2016-005, § 1, 2-2-2016)

9.52.030 Definitions.

As used in this chapter, unless the context requires otherwise:

"City" means the City of Sherwood.

"City manager" means the city manager of the city or the city manager's designee.

"Commercial" means any use of an office, service establishment, hotel, motel, retail store, park, amusement or recreation facility, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Day" hours are between 7:00 a.m. and 10:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. Saturday and Sunday.

"Domestic power equipment" means power tools or equipment used for home or building repair, maintenance, alteration or other home manual arts projects, including but not limited to powered hand tools, lawn mowers and garden equipment.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

"Emergency work" means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

"Industrial" means any use of a warehouse, factory, mine, wholesale trade establishment, or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Motor vehicle" means any land vehicle, which is designed to be self-propelled.

"Night" hours are between 10:00 p.m. and 7:00 a.m. Monday through Friday and 7:00 p.m. and 8:00 a.m. Saturday and Sunday

"Noise sensitive" means any use of a church, temple, synagogue, day care center, hospital, rest home, retirement home, group care home, school, dwelling unit (single family dwelling, duplex, triplex, multifamily dwelling, or mobile home), or other use of the same general type, and rights-of-way appurtenant thereto, whether publicly or privately owned.

"Person" means any individual, firm, association, partnership, joint venture, or corporation.

"Plainly audible" means any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.

"Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

"Public space" means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

"Residential area" means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the city's zoning ordinance. (Ord. No. 2016-005, § 1, 2-2-2016)

9.52.040 General prohibition.

A. No person shall make, continue, or cause to be made or continued:

1. Any unreasonably loud or raucous noise; or

2. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the city; or

3. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

B. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

1. The proximity of the sound to sleeping facilities, whether residential or commercial;

2. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;

3. The time of day or night the sound occurs;

4. The duration of the sound; and

5. Whether the sound is recurrent, intermittent, or constant.

(Ord. No. 2016-005, § 1, 2-2-2016)

9.52.050 Noises prohibited.

The following acts are declared to be per se violations of this chapter. This enumeration does not constitute an exclusive list:

1. Dynamic braking devices (jake brakes). Using any dynamic braking device on any motor vehicle, except to avoid imminent danger to persons or property. A dynamic braking device is one used primarily on trucks and busses to convert a motor

from an internal combustion engine to an air compressor for the purpose of vehicle braking without using the wheel brakes.

2. Idling engines on motor vehicles. Operating for more than fifteen (15) consecutive minutes any idling engine in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.

3. Motor vehicle repair and testing. Repairing or testing any motor vehicle in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.

4. Lawn mowing equipment. Operating lawn-mowing equipment (to include powered landscaping tools/equipment) with a combustion engine between 10:00 p.m. and 7:00 a.m.

5. Sound producing, amplifying, or reproducing equipment. Causing or permitting sound produced by a musical instrument, radio, television, phonograph, loudspeaker, or other similar equipment to be plainly audible within any dwelling unit other than the source.

6. Domestic power equipment. During night hours, operating domestic power equipment in such a manner as to be plainly audible within any dwelling unit other than the source.

7. Off-highway vehicles. Operating any self-propelling motor vehicle, designed for or capable of travel on or over natural terrain, including but not limited to motorcycles, mini-bikes, motor scooters, dune buggies, and jeeps, off a public right-of-way in such a manner that the sound level is plainly audible within any dwelling unit outside the boundary of the noise-producing property during day or night hours.

8. Auxiliary equipment on motor vehicles. Causing, allowing, permitting, or failing to control the operation of any auxiliary equipment on a motor vehicle or trailer

for more than thirty (30) minutes when the sound level produced by such equipment is plainly audible within any dwelling unit outside the boundary of the noise-producing property during night hours. Auxiliary equipment means a mechanical device that is built in or attached to a motor vehicle or trailer, including, but not limited to, refrigeration units, compressors, compactors, chippers, power lifts, mixers, pumps, and blowers.

(Ord. No. 2016-005, § 1, 2-2-2016)

9.52.060 Exemptions.

Sounds caused by the following are exempt from the prohibitions set out in Section 9.52.050 and are in addition to the exemptions specifically set forth in Section 9.52.050:

1. Sounds made by work necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from imminent exposure to danger.

2. Sounds made by warning devices to protect persons or property from imminent exposure to danger, provided however that intrusion or fire alarms shall not sound continuously for more than fifteen (15) minutes. Sounds made by the Tualatin Valley fire and rescue district sirens during use and testing.

3. Sounds made by an emergency vehicle, as defined in ORS 801.260, when responding to or from an emergency or when in pursuit of an actual or suspected violator of the law.

4. Sounds made by activities by or on direction of the city in maintenance, construction, or repair of public improvements in public rights-of-way or easements.

5. Sounds produced pursuant to a specific variance granted by the Oregon Environmental Quality Commission, or under Section 9.52.080 of this chapter.

6. Sounds produced by the audience, participants, and sound amplifying equipment at athletic events on public property and sponsored or sanctioned or otherwise approved by the city or the Sherwood school district.

7. Sounds made by motor vehicle exhaust systems that comply with the provisions of ORS 815.250, but this exemption does not apply to violation of Section 9.52.050(2) of this chapter.

8. Commercial construction. The day period does not apply to any sounds produced in commercial construction activity. (Ord. No. 2016-005, § 1, 2-2-2016)

9.52.070 Enforcement responsibility and authority.

1. The following individuals shall enforce this chapter: The city manager or police chief will have primary responsibility for the enforcement of the noise regulations contained in this chapter. Nothing in this chapter shall prevent the city manager or police chief from obtaining voluntary compliance by way of warning, notice, or education.

2. Enforcement of this chapter may include seizure of the sound producing equipment. (Ord. No. 2016-005, § 1, 2-2-2016)

9.52.080 Variances.

A. Generally. Any person who owns, controls, or operates any sound source which does not comply with a provision of this chapter may apply for:

1. A class A variance for an event that does not exceed seventy-two (72) hours in duration; or

2. A class B variance for an event or activity or series of related events, or activities that are seventy-two (72) hours or more in duration.

B. The city manager may file application for a class C variance for a community event or activity of any duration that does not comply with a provision of this chapter. (Ord. No. 2016-005, § 1, 2-2-2016)

9.52.090 Variance application.

A. An applicant for a variance shall submit in writing:

1. A reference to the provision from which the variance is sought;

2. The reason or reasons why the variance is necessary;

3. The physical characteristics of the involved sound;

4. The times when the involved sound will be emitted and the anticipated duration of the sound;

5. Where the sound will not be generated by a mobile source which moves beyond the boundaries of one block, a site plan sketch which shows the area of sound generation and designates whether the uses in the area within four hundred (400) feet of the source of the involved sound are commercial, industrial, or noise sensitive as defined in Section 9.52.030, or a combination thereof;

6. Any other supporting information which the city manager or council may reasonably require to allow consideration of the conditions set forth in Section 9.52.110.

B. The applicant for a class A variance shall submit the application to the city manager. The applicant for a class B or class C variance shall submit the application to the city recorder, who shall place the matter on the agenda for the forthcoming council meeting. (Ord. No. 2016-005, § 1, 2-2-2016)

9.52.100 Public notification for class B or C variance.

The applicant for a class B variance or the city for a class C variance shall post

notice along the nearest public road at the boundaries of the property containing the sound source so that the notice is visible from the public road, and publish notice in a newspaper of general circulation in the city. Notice shall be posted on the property at least seven days before the public hearing, and notice shall be published at least four days before the public hearing. Notice under this section shall state the date the council will consider the application, the nature and substance of the variance to be considered, and that recipients of the notification may file written comments on the application with the city recorder before the council meeting at which the application will be considered.

(Ord. No. 2016-005, § 1, 2-2-2016)

9.52.110 Variance review.

The city manager or council may grant a variance, after considering the written application for variance and any written comments submitted by persons specified in Section 9.52.100, when it appears that the following conditions exist:

1. There are unnecessary or unreasonable hardships or practical difficulties which can be most effectively relieved by granting the variance, and;

2. That granting the application will not be unreasonably detrimental to the public welfare.

(Ord. No. 2016-005, § 1, 2-2-2016)

9.52.120 Variance decision.

A. The city manager shall grant or deny a class A variance within three days of receipt of a complete variance application, excluding Saturdays, Sundays, and holidays.

B. The council shall grant or deny a class B or class C variance within thirty (30) days of receipt of the application, and may,

on its own motion, hold a public hearing on the application before deciding to grant or deny the variance.

C. The city manager or council may impose such limitations, conditions, and safeguards as deemed appropriate, so that the spirit of this chapter will be observed, and the public safety and welfare secured. A violation of any such condition or limitation shall constitute a violation of this chapter.

D. A decision to grant or deny the variance shall be in writing and shall state the reasons for such decision. The council or city manager shall notify the applicant of the decision and shall make it available to any person who has submitted written comments on the application.

(Ord. No. 2016-005, § 1, 2-2-2016)

9.52.130 Review.

The decision of the council to grant or deny a variance is final. The city manager shall file his or her written decision with the city recorder, who shall place the matter on the agenda for the forthcoming council meeting. The decision of the city manager is final on the date of that council meeting, unless the council, on its own motion, decides to reverse or modify the decision of the city manager or to schedule a public hearing on the application. If a public hearing is held, the council shall grant or deny the variance within thirty (30) days after the hearing, and may impose conditions on the granting of the variances as set forth in Section 9.52.120.

(Ord. No. 2016-005, § 1, 2-2-2016)

9.52.140 Penalties.

A. Violation of any provision of this chapter constitutes a class C violation for the first offense. Subsequent violations of this chapter constitute a class B violation.

B. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(Ord. No. 2016-005, § 1, 2-2-2016)

Chapter 9.54

REGULATION OF CAMPING IN AREAS OPEN TO THE PUBLIC

Sections:

- 9.54.010 Purpose.**
- 9.54.020 Definitions.**
- 9.54.030 Regulation of camping.**
- 9.54.040 Enforcement responsibility and authority.**
- 9.54.050 Variances.**
- 9.54.060 Variance application.**
- 9.54.070 Public notification for Class B variance.**
- 9.54.080 Variance review.**
- 9.54.090 Variance decision.**
- 9.54.100 Review.**
- 9.54.110 Civil penalties.**

9.54.010 Purpose.

This chapter is enacted to promote and protect the health, safety and welfare of the city's residents as well as property within the city through the regulation of camping on or near areas open to the public as well as on or near vacant lots in order to address the adverse impacts of such activities including crime victimization, littering, public urination, public defecation, public intoxication, theft of water and electricity, verbal and physical assaults, trespass onto adjacent public and private properties, vandalism, property damage, fire hazards, and harassment or intimidation of occupants, employees, and/or customers.

(Ord. No. 2013-008, § 1, 11-19-2013)

9.54.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Area open to the public" means an outdoor area on private property within the city and that is intended for public access

including but not limited to private streets, alleyways and pedestrian ways, and common areas such as parking lots and picnic areas of schools, medical facilities, apartment houses, office and industrial buildings, service stations, churches and retail shopping centers. An "area open to the public" also includes a vacant or unimproved lot or parcel that, while not intended for public access, is not fenced or otherwise restricts direct public access to the lot or parcel. "Area open to the public" does not include those areas of improved private real property that are not open to the public such as a residential property including the yard.

B. "Camp" or "camping" means the use of an area open to the public as temporary quarters for the purposes of living, sleeping or residing. Such activities may include, but need not be limited to any of the following:

(1) Sleeping or making preparations to sleep, including the laying down of bedding for the purpose of sleeping;

(2) The parking of any motor vehicle, including a motor home, recreational vehicle or trailer, for the apparent purpose of occupancy;

(3) Making any fire.

(Ord. No. 2013-008, § 1, 11-19-2013)

9.54.030 Regulation of camping.

Except as otherwise provided in this chapter, a person shall not camp in any area open to the public. Nothing in this chapter prohibits a person from camping in an area lawfully designated for camping including campgrounds or recreational vehicle parks. (Ord. No. 2013-008, § 1, 11-19-2013)

Chapter 9.62**GRAFFITI****Sections:**

- 9.62.010 Definitions.**
- 9.62.020 Graffiti.**
- 9.62.030 Possession of graffiti implement.**
- 9.62.040 Community service and restitution.**
- 9.62.050 Graffiti nuisance property.**
- 9.62.060 Graffiti removal; notice and procedures.**

9.62.010 Definitions.

As used in this chapter, unless the context requires otherwise:

- (1) "Abate" means to remove graffiti from the public view.
- (2) "Aerosol paint container" means any aerosol container adapted or made for spraying paint.
- (3) "Etching device" means a glass cutter, awl, or any device capable of scratching or etching the surface of any property.
- (4) "Felt tip marker" means an indelible marker or similar implement with a tip which, at its broadest width, is greater than one-fourth ($\frac{1}{4}$) inch.
- (5) "Graffiti" means any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, or otherwise applied to any surface, regardless of content, which is visible from premises open to the public, such as public rights-of-way or other publicly-owned property, and that has been placed upon any real or personal property, such as buildings, fences, and structures, without prior authorization from the owner.
- (6) "Graffiti implement" means an aerosol paint container, a felt tip marker, an etching device, or a graffiti stick.

(7) "Graffiti nuisance property" means a property upon which graffiti has been placed if such graffiti has been permitted to remain for more than four (4) calendar days after the owner has been issued written notification pursuant to section 9.62.060(2)—(3) of this Code.

(8) "Graffiti stick" means a device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-fourth ($\frac{1}{4}$) of an inch wide.

(9) "Manager" means the Sherwood City Manager or the manager's designee who is responsible for the administration of the graffiti nuisance property program under this chapter.

(10) "Occupant" means any tenant, sub-lessee, successor or assignee, or other person that exercises control over property.

(11) "Owner" means any person, agent, firm or corporation having a legal or equitable or management interest in a property and includes but is not limited to a mortgagee in possession; a person, agent, firm or corporation that owns or exercises control over a property; and a person, agent, firm or corporation acting as an agent for an owner by agreement that has authority over the property or is responsible for the property's maintenance or management.

(12) "Permit" means to knowingly allow, suffer, and acquiesce by a failure, refusal or neglect to abate.

(13) "Premises open to the public" means all public spaces, including but not limited to streets, alleys, sidewalks, parks, rights of way and public open space, and private property onto which the public is regularly invited or permitted to enter for any purpose.

(14) "Property" means any real or personal property, whether permanent or not, including but not limited to items affixed or

appurtenant to real property or premises, houses, buildings, fences, or structures, items of machinery, drop boxes, waste containers, utility poles and vaults, post office collection boxes, and natural surfaces such as rocks and trees.

(15) "Unauthorized" means without consent of the owner.
(Ord. No. 2015-006, § 2, 9-15-2015)

9.62.020 Graffiti.

(1) It is unlawful and a violation of this chapter for any person to apply graffiti.

(2) It is unlawful and a violation of this chapter for any person to solicit or command another person to apply graffiti or aid or abet, or agree to aid or abet, another person in applying graffiti.

(3) A violation of subsection (1) or (2) of this section is a class C violation. Each wall or object upon which graffiti is placed constitutes a separate violation. Each day on which a violation occurs or continues is a separate violation.
(Ord. No. 2015-006, § 2, 9-15-2015)

9.62.030 Possession of graffiti implement.

(1) No person may possess, with the intent to apply graffiti, any graffiti implement.

(2) Unlawful possession of a graffiti implement is an unclassified violation of this chapter punishable by a maximum fine not to exceed one hundred dollars (\$100.00). Each day on which a violation occurs is a separate violation.

(3) In addition to issuing a citation, a graffiti implement used or possessed in violation of this section may be immediately seized and impounded by the police department. The court, upon disposition of the issued citation, shall determine whether the

instrument shall be returned to the defendant or deemed to be contraband subject to destruction under Oregon law.
(Ord. No. 2015-006, § 2, 9-15-2015)

9.62.040 Community service and restitution.

(1) In lieu of a portion of any fine that may be imposed under section 9.62.020 or 9.62.030 of this Code, the court may order the violator to perform community service. Reasonable effort shall be made to require the violator to perform a type of community service that is reasonably expected to have the most rehabilitative effect on the person, preferably community service that constitutes in significant part the removal of graffiti.

(2) In addition to any fine that may be imposed under section 9.62.020 or 9.62.030 of this Code, the court may also order the violator to pay restitution.
(Ord. No. 2015-006, § 2, 9-15-2015)

9.62.050 Graffiti nuisance property.

(1) Any property located in the city that becomes a graffiti nuisance property is in violation of this chapter and is subject to its remedies.

(2) Every owner who permits a property to become a graffiti nuisance property is in violation of this chapter and subject to its remedies.
(Ord. No. 2015-006, § 2, 9-15-2015)

9.62.060 Graffiti removal; notice and procedures.

(1) An owner of any property within the city shall report any graffiti applied to that property to the police department within forty-eight (48) hours of the graffiti's appearance, and remove any graffiti from that property within four (4) calendar days of the graffiti's appearance.

(2) Whenever the manager determines that graffiti exists on any property in the city, the manager may issue an abatement notice. The owner shall have four (4) calendar days after the date of service of the notice to remove the graffiti. The notice shall contain the following information:

(a) The street address or description sufficient for identification of the property.

(b) That the manager has found the property to be potential graffiti nuisance property with a concise description of the conditions leading to his/her findings.

(c) A direction to abate the graffiti, or show good cause to the manager why the owner cannot abate the graffiti, within four (4) calendar days from the date of service of the notice.

(d) That permitting graffiti nuisance property is a violation of this Code.

(e) That if the graffiti is not abated and good cause for failure to abate is not shown, the manager may cause a citation to be issued.

(f) That the above remedies are in addition to those otherwise provided by law.

(3) The notice shall be served by addressing the notice to the owner and delivering it by personal service or by mailing it as certified mail. Service may also be accomplished by posting the notice in a clearly visible location on the subject property. Service by personal service or posting is effective upon the date of personal service or posting. Service by certified mail is effective three (3) business days after the date deposited with the U.S. Postal Service. Service by mail shall be addressed to the owner at the address of the property believed to be a potential graffiti nuisance property, and to such other address as shown on the tax rolls of the county in which the property is located or such other place which is believed by the manager to give the owner actual notice. If service is by mail or personal

service, a copy of the notice shall also be served on occupants of the property, if different from the owner. Such service may be completed by mailing the notice addressed to "occupant" of each unit of the property believed to be a potential graffiti nuisance property. The failure of any person to receive actual notice shall not invalidate or otherwise affect the proceedings under this chapter.

(4) If the owner is unable to remove, or cause to be removed, the graffiti within the four-day period due to a hardship, he or she may apply to the manager for an extension of time in which to remove the graffiti. For purposes of this subsection, "hardship" includes but is not limited to serious illness or disability, extremely inclement weather that temporarily prevents removal of the graffiti, or other extraordinary circumstance.

(5) If graffiti is not removed within four (4) calendar days after service of notice on the owner, the manager may cause a citation to be issued to the owner requiring the person to appear in Sherwood Municipal Court.

(6) Failure to remove graffiti as required by this section is an unclassified violation punishable by a fine of up to one hundred dollars (\$100.00). Each day the graffiti remains after the four-day period after notice is served constitutes a separate offense.

(7) The city manager may adopt rules and procedures to implement this chapter. (Ord. No. 2015-006, § 2, 9-15-2015)

Chapter 9.64

TARGETED RESIDENTIAL PICKETING

Sections:

9.64.010 Definitions.

9.64.020 Targeted residential picketing.

9.64.030 Private cause of action.

9.64.010 Definitions.

As used in this chapter, unless the context requires otherwise:

1. "Picketing" means the posting of a person or group for a demonstration or protest.

2. "Targeted picketing" means picketing that is directed at an occupant of a particular residential dwelling and that is posted, or proceeds on a definite course or route, in front of or around that particular residential dwelling.

3. "Residential dwelling" means any permanent building being used by one or more occupants solely for nontransient residential uses.

(Ord. No. 2016-006, § 1, 2-2-2016)

9.64.020 Targeted residential picketing.

A. No person shall engage in targeted picketing activity before or about the residential dwelling occupied by the target of the picketing. This section does not and shall not be interpreted to bar picketing in a residential area that is not targeted at an occupant of a particular residential dwelling.

B. A violation of subsection A of this section is a class A violation. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(Ord. No. 2016-006, § 1, 2-2-2016)

9.64.030 Private cause of action.

A. Any person claiming to be aggrieved by a violation of Section 9.64.020.A shall have a cause of action in any court of competent jurisdiction against any person violating said section. The cause of action may seek any and all appropriate relief, including injunctive relief. The court shall award reasonable attorney fees to the prevailing party.

B. The city shall have no liability for a person's attorney fees and costs incurred pursuing enforcement under this section. Any person electing to pursue its rights under subsection A of this section shall indemnify and hold the city harmless for any and all costs, damages, or liabilities incurred by the city arising as a result of the person's pursuit of an enforcement action. (Ord. No. 2016-006, § 1, 2-2-2016)

Chapter 16.06

PLANNING COMMISSION*

Sections:

16.06.010 Appointment and Membership

16.06.020 Officers, Minutes, and Voting

16.06.030 Conflicts of Interest

16.06.040 Powers and Duties

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

16.06.010 Appointment and Membership

- A. The City Planning Commission shall consist of seven (7) members to be appointed by the Council for terms of four (4) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Commission members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.
- B. A Commission member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.
- C. No more than two (2) Commission members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of business, trade or profession.

16.06.020 Officers, Minutes, and Voting

- A. The Commission shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Commission.
- B. Before any meeting of the Commission, public notice shall be given as required by State statute and this Code. Accurate records of all Commission proceedings shall be kept by the City, and maintained on file in the City Recorder's office.
- C. A majority of members of the Commission constitutes a quorum. A majority vote of a quorum present at an open meeting of the Commission is 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.

(Ord. No. 2015-003, § 2, 3-17-2015)

16.06.030 Conflicts of Interest

- A. Commission members shall not participate in any Commission proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, a member shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.

- B. Any actual or potential interest by a Commission member in a land use action as per Subsection A of this Section shall be disclosed by that member at the meeting of the Commission where the action is being taken. Commission members shall also disclose any pre-hearing or ex parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Commission. Ex-parte contacts shall not invalidate a final decision or action of the Commission, provided that the member receiving the contact indicates the substance of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

16.06.040 Powers and Duties

Except as otherwise provided by law, the Commission shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, and City ordinances.

Chapter 16.08

HEARINGS OFFICER*

Sections:

16.08.010 Appointment

16.08.020 Minutes

16.08.030 Conflicts of Interest

16.08.040 Powers and Duties

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

16.08.010 Appointment

- A. The City Council shall appoint a Hearings Officer to serve at the pleasure of the City Council. The Hearings Officer shall be selected as provided in the City's contracting rules for personal service contracts. The Hearings Officer may be terminated by a majority vote of the City Council.
 - B. The City Council may appoint another Hearings Officer to serve as a backup to the Hearings Officer under § 16.08.010 A. above. The Hearings Officer appointed under § 16.08.010.A. shall notify the City when the Hearings Officer is unavailable.
 - C. If the office of the Hearings Officer is vacant or a Hearings Officer is unavailable, the Planning Commission shall perform all duties of the Hearings Officer.
- (Ord. No. 2010-002, § 2, 2-16-2010)

16.08.020 Minutes

Before any meeting of the Hearings Officer, public notice shall be given as required by state statute and this Code. Accurate records of all Hearings officer proceedings shall be kept by the City and maintained on file in the City Recorder's Office.

16.08.030 Conflicts of Interest

- A. The Hearings Officer shall not participate in any proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a member's immediate family. Additionally, the Hearings Officer shall not participate when an action involves any business in which they have been employed within the previous two (2) years, or any business with which they have a prospective partnership or employment.
- B. Any actual or potential interest by the Hearings officer in a land use action shall be disclosed by the Hearings officer at the meeting where the action is being taken. The Hearings Officer shall also disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or any other parties to an application before the Hearings Officer. Ex-parte contacts shall not invalidate a final decision or action of the Hearings Officer, provided that the Hearings Officer indicates the substance of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

16.08.040 Powers and Duties

Except as otherwise provided by law, the Hearings Officer shall be vested with all powers and duties, and shall conduct all business, as set forth in the laws of the State of Oregon, the City Charter, this Code, and City ordinances.

Chapter 16.10

DEFINITIONS*

Sections:

16.10.010 Generally

16.10.020 Specifically

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

16.10.010 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.

16.10.020 Specifically

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

Abut: Contiguous to, in contact with, or adjoining with a common property line; two properties separated by another parcel, lot, tract or right-of-way measuring twenty (20) feet in width or less, shall be considered abutting for the purposes of interpreting the infill-related development standards. See also, Adjacent.

Access: The way or means by which pedestrians and vehicles enter and leave property.

Access Way: A pathway providing a connection for pedestrians and bicyclists between two (2) streets, between two (2) lots, or between a development and a public right-of-way. An access way is intended to provide access between a development and adjacent residential uses, commercial uses, public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An access way may be a pathway for pedestrians and bicyclists (with no vehicle access), a pathway on public or private property (i.e., with a public access easement), and/or a facility designed to accommodate emergency vehicles.

Accessory Building: 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.

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.

Adjacent: A relative term meaning nearby; may or may not be in actual contact with each other, but are not separated by things of the same kind. For example, a lot is adjacent to a lot across the street because the lots are separated by a street, not an intervening lot.

Alteration: An addition, removal, or reconfiguration which significantly changes the character of a historic resource, including new construction in historic districts.

Apartment: Each dwelling unit contained in a multi-family dwelling or a dwelling unit that is secondary to the primary use of a non-residential building.

Assisted Living Facilities: A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

Automobile Sales Area: An open area, other than a street, used for the display, sale, or rental of new or used automobiles, and where no repair work is done, except minor incidental repair of automobiles to be displayed, sold, or rented on the premises.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood" or "100-year flood plain".

Basement: Any floor level below the first story in a building, except as otherwise defined in the Uniform Building Code and this Code.

Board-and-batten: Wall covering composed of solid wood wide boards, and solid wood narrow strips. Wide boards are attached vertically with small spaces remaining. Narrow strips, or batten, are attached over spaces between boards.

Boarding or Rooming House: Any building or portion thereof containing not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise.

Building: Any structure used, intended for, supporting or sheltering any use or occupancy. Each portion of a structure separated by a division wall without any openings shall be deemed a separate building.

Building Area: That portion of a property that can be occupied by the principal use, thus excluding the front, side and rear yards.

Building, Existing: Any building erected prior to the adoption of this Code or one for which a legal building permit has been issued.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- B. An elevation ten (10) feet higher than the lowest grade, when the sidewalk or ground surface described in this Section is more than ten (10) feet above lowest grade.

Building Official: The City employee or agent charged with the administration and enforcement of the Uniform Building Code and other applicable regulations.

Building Permit: A permit issued under the terms of the Uniform Building Code.

Buffer: A landscaped area, wall, berm or other structure or use established to separate and protect land uses.

Change in Use: A change to a parcel of land, a premise or a building which creates a change in vehicular trip generation activities, which changes the minimum parking requirements of this Code, or which changes the use classification as defined by this Code or the Uniform Building Code.

Church: Any bona-fide place of worship, including Sunday School buildings, parsonages, church halls, and other buildings customarily accessory to places of worship.

City: The City of Sherwood, Oregon and its duly authorized officials, employees, consultants and agents.

Clean Water Services: An agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.

Code: The City of Sherwood, Oregon Zoning and Community Development Code, Part 3 of the City of Sherwood Comprehensive Plan.

Co-Location: The placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank or utility pole.

Commercial Trade School: Any private school or institution operated for profit that is not included in the definitions of an educational institution or school.

Commission: The City of Sherwood Planning Commission.

Common-Wall Dwelling: Dwelling units with shared walls such as two-family, and multi-family dwellings.

Community Development Plan: Part 2 of the City of Sherwood Comprehensive Plan.

Compatible: Any structures or uses capable of existing together in a harmonious, orderly, efficient, and integrated manner, considering building orientation, privacy, lot size, buffering, access and circulation.

Comprehensive Plan: The City of Sherwood Comprehensive Plan.

Conditional Use: A use permitted subject to special conditions or requirements as defined in any given zoning district and Chapter 16.82 of the Code.

Condominium: An individually-owned dwelling unit in a multi-family housing development with common areas and facilities.

Convalescent Homes: See Nursing Home in this Code.

Council: The City of Sherwood City Council.

Day-Care Facility: Any facility that provides day care to six (6) or more children, including a child day care center or group day care home, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child playschool, child development center, except for those facilities excluded by law, and family day care providers as defined by this Code. This term applies to the total day care operation and it includes the physical setting, equipment, staff, provider, program, and care of children.

Deed Restriction: A covenant or contract constituting a burden on the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or the City of Sherwood, and designed to mitigate or protect against adverse impacts of a development or use to ensure compliance with a Comprehensive Plan.

Demolish: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or resource.

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

Designated Landmark: A property officially recognized by the City of Sherwood as important in its history, culture, or architectural significance.

Designated Landmarks Register: The list of, and record of information about, properties officially recognized by the City of Sherwood as important in its history.

Development: Any man-made change to improved or unimproved real property or structures, including but not limited to construction, installation, or alteration of a building or other structure; change in use of a building or structure; land division; establishment or termination of rights of access; storage on the land; tree cutting; drilling; and any site alteration such as land surface mining, dredging, grading, construction of earthen berms, paving, parking improvements, excavation or clearing.

Development Plan: Any plan adopted by the City for the guidance of growth and improvement in the City.

Diameter at Breast Height (DBH): Is a standard arboricultural method for measuring the diameter of a tree. For the purposes of this code, DBH shall be measured four and a half feet above ground level as defined by the International Society of Arboriculture.

Drive-In Restaurant: Any establishment dispensing food and/or drink, that caters primarily to customers who remain, or leave and return, to their automobile for consumption of the food and/or drink, including business designed for serving customers at a drive-up window or in automobiles.

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

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

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

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

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

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

Easement: The grant of the legal right to use of land for specified purposes.

Educational Institution: Any bona-fide place of education or instruction, including customary accessory buildings, uses, and activities, that is administered by a legally-organized school district; church or religious organization; the State of Oregon; or any agency, college, and university operated as an educational institution under charter or license from the State of Oregon. An educational institution is not a commercial trade school as defined by Section 16.10.020.

Established Neighborhood: An existing residential area that is taken into consideration when infill development is proposed. See Chapter 16.68, Infill Development Standards, intended to promote compatibility between existing residential areas and new development through controls on the type, height, size, scale, or character of new buildings.

Environmentally Constrained Land: Any portion of land located within the floodway, 100 year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services.

Environmentally Sensitive Land: Land that does not meet the definition of environmentally constrained, but which is identified on the inventory of Regionally Significant Riparian and Wildlife Habitat Map adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2.

Expedited Land Division: A residential land division process which must be expedited within 63 days of receiving a complete application in accordance with ORS 197.360. The decision is rendered without a public hearing and must meet applicable land use regulation requirements. All appeals of expedited land divisions must be decided by a hearings officer.

Extraordinary Historic Importance: The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Evergreen: A plant which maintains year-round foliage.

Ex-parte Contact: Contact or information passed between a party with an interest in a quasi-judicial land use decision and a member of the Council or Commission, when such information is not generally available to other members of the Council or Commission, or other interested persons. The member shall disclose any pre-hearing or ex-parte contacts with applicants, officers, agents, employees, or other parties to an application before the Council or Commission. Ex-parte contacts with a member of the Commission or Council shall not invalidate a final decision or action of the Commission or Council, provided that the member receiving the contact indicates the substance of the content of the ex-parte communication and of the right of parties to rebut said content at the first hearing where action will be considered or taken.

Extra Capacity Improvements: Improvements that are defined as necessary in the interest of public health, safety and welfare by Divisions V, VI, and VIII of this Code, and the Community Development Plan, to increase the capacities of collector or arterial streets; water, sewer, storm drainage or other utility facilities; and parks and open space.

Family: One (1) person living alone or two (2) or more persons related by blood, marriage, or adoption; or a group not exceeding five (5) persons living together as a single housekeeping unit, excluding occupants of a boardinghouse, fraternity, hotel, or similar use.

Family Day Care Provider: A day care provider which accommodates fewer than thirteen (13) children in the provider's home.

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.

Fiber Board (also pressboard or stucco board): A building material composed of wood chips or plant fibers bonded together with or without stucco and compressed into rigid sheets.

Fiber Cement Board (i.e. HardiPlank): A fire resistant building material composed of wood fiber and cement compressed into clapboard.

Fire District: Tualatin Valley Fire and Rescue.

Flag Lot: A building lot which is provided access to a public street by means of a narrow strip of land with minimal frontage.

Flood Plain: The flood-hazard area adjoining a river, stream or other water course, that is subject to inundation by a base flood. The flood plain includes the floodway and floodway fringe, and the City greenway, as defined by this Code.

Floodway: The channel of a river, stream or other watercourse, and the adjoining areas of the flood plain, required to discharge the base flood without cumulatively increasing the water surface elevation of said watercourse by more than one (1) foot.

Flood Fringe: The area of the flood plain lying outside of the floodway.

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.

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.

Garage: A building or a portion thereof which is designed to house, store, repair or keep motor vehicles.

Government Structure: Any structure used by a federal, state, local government, or special district agency.

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.

Hard Surface: Any man-made surface that prevents or retards the saturation of water into land, 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.

Hazardous Waste: Has the meaning given that term in ORS 466.005.

Hearing Authority: The City of Sherwood Planning Commission, City Council, Landmarks Advisory Board or Hearings Officer.

Hearings Officer: An individual appointed by the City Council to perform the duties as specified in this Code.

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.

Historic Integrity: The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

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.
- B. 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.

C. 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.

D. 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.

Historic Resources of Statewide Significance: Buildings, structures, objects, sites, and districts which are listed on the Federal National Register of Historic Places.

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.

Home Occupation: An occupation or a profession customarily carried on in a residential dwelling unit by a member or members of a family residing in the dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

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.

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, or parking maintenance, or other activities provided for by covenant or legal agreement.

Household: All persons occupying a group of rooms or a single room which constitutes a dwelling unit.

Inert Material: Solid waste material that remains materially unchanged by variations in chemical, environmental, storage, and use conditions reasonably anticipated at the facility.

Inventory of Historic Resources: The record of information about resources potentially significant in the history of the City of Sherwood as listed in the Cultural Resource Inventory (1989), and hereafter amended.

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.

Junk-Yard: 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.

Kennel: Any lot or premise on which four (4) or more dogs or cats more than four (4) months of age are kept.

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.

Landmarks Board: The City of Sherwood Landmarks Advisory Board.

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

Leachate: Liquid that has come into direct contact with solid waste and contains dissolved and/or suspended contaminants as a result of such contact.

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).

Limited Land Use Decision: A final decision or determination in accordance with ORS 197.195 made by a local government pertaining to a site within an urban growth boundary which concerns: 1) the approval or denial of a subdivision or partition, or 2) the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright but not limited to site review and design review.

Loading or Unloading Space: An off-street space or berth for the temporary parking of vehicles while loading or unloading merchandise or materials.

Lower Explosive Limit: The minimum concentration of gas or vapor in air that will propagate a flame at twenty-five degrees (25°C) Celsius in the presence of an ignition source.

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.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of streets and access easements to other property.

Lot, Corner: A lot situated at the intersection of two (2) or more streets, other than an alley.

Lot Coverage: The proportional amount of land on a lot covered by buildings.

Lot Depth: The average horizontal distance between the front and rear lot lines measured in the direction of the side lot lines.

Lot Frontage: The distance parallel to the front lot line, measured between side lot lines at the street line.

Lot, Interior: A lot other than a corner lot.

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.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.

Lot Lines: The property lines bounding a lot.

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.

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 is considered a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

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.

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.

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.

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.

Medical Marijuana Dispensary: A retail facility registered by the Oregon Health Authority that is allowed to receive marijuana, immature marijuana plants or usable marijuana products (such as edible products, ointments, concentrates or tinctures) and to transfer that marijuana, immature plants, or usable product to a person with a valid Oregon Medical Marijuana Program card (a patient or the patient's caregiver). A dispensary includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

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.

Mobile Vendor: A service establishment operated from a licensed and moveable vehicle that vends or sells food and/or drink or other retail items.

Motel: See Hotel.

Municipal Solid Waste: Solid waste primarily from residential, business, and institutional uses.

Net Buildable Acre: Means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses. When environmentally sensitive areas also exist on a property and said property is within the Metro urban growth boundary on or before January 1, 2002, these areas may also be removed from the net buildable area provided the sensitive areas are clearly delineated in accordance with this Code and the environmentally sensitive areas are protected via tract or restricted easement.

Net Developable Site: Remaining area of a parent parcel after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses but not including preserved areas for tree stands which are not associated with wetlands, streams or vegetated corridors.

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.

Non-Conforming Structure or Use: A lawful structure or use, existing as of the effective date of this Code, or any applicable amendments, which does not conform to the minimum requirements of the zoning district in which it is located.

Nursing Home: An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care, or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Occupancy Permit: The permit provided in the Uniform Building Code which must be issued prior to occupying a building or structure or portion thereof. For the purposes of this Code, "occupancy permit" includes the final inspection approval for those buildings or structures not required to obtain an occupancy permit by the Uniform Building Code.

Occupy: To take or enter upon possession of.

Office: A room or building for the transaction of business, a profession or similar activities, including but not limited to administration, bookkeeping, record keeping, business meetings, and correspondence. Products may not be stored or manufactured in an office, except to accommodate incidental sales, display and demonstration.

Off-Street Parking: Parking spaces provided for motor vehicles on individual lots and not located on public street right-of-way.

Open Space: Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.

Parks Board: The City of Sherwood Parks Advisory Board.

Partition: The dividing of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area exists as a unit or contiguous units of land under single ownership at the beginning of each year. Partitions do not include: divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; divisions of land made pursuant to a court order, lot line adjustments where an additional parcel is not created and where the existing parcels are not reduced below the minimum requirements of this Code.

Partition Land: A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the Comprehensive Plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

Partition Plat: Partition plat includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a land partition.

Pedestrian Facilities: Improvements and provisions made to accommodate or encourage walking, including but not limited to sidewalks, accessways, signalization, crosswalks, ramps, refuges, paths, and trails.

Pedestrian Way: A right-of-way for pedestrian traffic.

Person: A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Plat: The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.

Plat, Preliminary: A map and plan of a proposed subdivision, as specified by this Code.

Principal Building/Use: The main or primary purpose for which a structure, land, or use is designed, arranged, or intended, or for which the building or use may lawfully be occupied or maintained under the terms of this Code.

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 (i.e., civil, structural, acoustic, traffic, etc.).

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.

Public Hearing: Hearings held by the Commission or the Council for which a form of prescribed public notice is given.

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.

Public Place: Any premise 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.

Public Plaza: A square in a city or town; an open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit, and sometimes shops which is under the control, operation or management of the City or other government agency.

Public Use Building: Any building or structure owned and operated by a government agency for the convenience and use of the general public.

Public Utility Facilities: Structures or uses necessary to provide the public with water, sewer, gas, telephone or other similar services.

Recycled Materials: Solid waste that is transformed into new products in such a manner that the original products may lose their identity.

Recycling: The use of secondary materials in the production of new items. As used here, recycling includes materials reuse.

Relocation: The removal of a resource from its historic context.

Regionally Significant Fish and Wildlife Habitat: Those areas identified on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map, adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2, as significant natural resource sites.

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.

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.

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.

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.

Retail Trade: The sale of goods and products to the consumer generally for direct consumption and not for resale.

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

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.

Road: The portion or portions of street rights-of-way developed for vehicular traffic.

Rural Zone: A land use zone adopted by a unit of local government that applies to land outside a regional urban growth boundary.

Sanitariums: An institution for the treatment of chronic diseases or for medically supervised recuperation.

School: See Educational Institution.

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.

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.

Shared-use path: A facility for non-motorized access conforming to City standards and separated from the roadway, either in the roadway right-of-way, independent public right-of-way, or a public access easement. It is designed and constructed to allow for safe walking, biking, and other human-powered travel modes.

Sidewalk: A pedestrian walkway with hard surfacing.

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.

Sign: An identification, description, illustration, or device which is 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.

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.

Skirting: A covering that totally obscures the undercarriage of a manufactured home, and extending from the top of the undercarriage to the ground.

Soil Amendment: A material, such as yard waste compost, added to the soil to improve soil chemistry or structure.

Solid Waste: Has the meaning given that term in ORS 159.005.

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, processes, 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.

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.

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.

Special Care Facility: A facility licensed by the State of Oregon, defined in OAR and not otherwise defined in this Code. Uses wholly contained within the facility and not independently accessible to the non-resident public which are either essential or incidental to the primary use shall be permitted. Where such facility contains uses which are otherwise listed as conditional uses in the base zone then those uses must be subjected to the conditional use process if they are independently accessible to the non-resident public from the outside of the facility building(s).

Specialized Living Facility: Identifiable services designed to meet the needs of persons in specific target groups which exist as the result of a problem, condition or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.

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.

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.

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.

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 narrow street, typically abutting to the rear lot or property line. [Figure 8-3a of the Transportation System Plan illustrates the alley cross-section]
- B. Arterial:** Arterial streets provide connectivity at a regional level, but are not State routes. [Figure 8-2 of the Transportation System Plan illustrates arterial cross-sections.]
- C. Bikeway:** Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:
 - (1) Multi-use Path. A paved way (typically 8 to 12-feet wide) separate from vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

- (2) **Bike Lane.** A portion of the street (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- (3) **Shoulder Bikeway.** The paved shoulder of a street that does not have curbs or sidewalks that is 4 feet or wider and is typically shared with pedestrians.
- (4) **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles. Also called Bike Route.
- (5) **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (NOTE: Figure 8-6 of the Transportation System Plan illustrates the multi-use path and trail cross-sections).
- D. Collector:** Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]
- E. Cul-de-Sac:** A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- F. Half Street:** A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.
- G. Local Street:** Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a & 8-5b of the Transportation System Plan illustrate local street cross-sections.]
- H. Marginal Access Street (frontage or backage road):** A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]
- I. Neighborhood Route:** Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. [Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]
- J. Principal Arterial:** Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].

Street Line: A dividing line between a lot and a street right-of-way.

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.

Structure: A structure must be more than one foot from grade to be considered a structure.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Stucco board: A fiber cement board core product that mimics the appearance of stucco.

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.

Subdivision Improvements: Construction of facilities such as streets; water, sewer, gas and telephone lines; storm drainage; and landscaping.

Surrounding: To be encircled on all or nearly all sides; as interpreted for property lines and land uses, a use is surrounded by another use when the other use is abutting on greater than 75% of its perimeter.

Temporary Use: A use of land, buildings or structures not intended to exceed twelve (12) months, unless otherwise permitted by this Code.

Townhomes: (See "Dwelling- Townhome or Row House")

Transportation Facilities: 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:

- A. Normal operation, maintenance repair, and preservation activities of existing transportation facilities.
- B. 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.
- C. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval.
- D. Landscaping as part of a transportation facility.
- E. Emergency measures necessary for the safety and protection of property.
- F. Street or road construction as part of an approved land use application.

Unified Sewerage Agency: The former name of Clean Water Services; an agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.

Urban Growth Boundary: The Metropolitan Portland Urban Growth Boundary (UGB) as acknowledged by the State Land Conservation and Development Commission.

Urban Zone: A land use zone adopted by a unit of local government that applies to land inside a regional urban growth boundary.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or 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.

Use by Right: A use which is a "use permitted outright" in any given zoning district established by this Code.

Wall: A solid structural barrier that is not intended to alter the grade and is not considered a retaining wall or sound wall.

Warehouse: A structure or part of a structure used for storing and securing goods, wares or merchandise.

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, and the Metro 2004 Natural Resources Inventory, or in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).

Wholesale Trade: The sale of goods and products to an intermediary generally for resale.

Wireless Communication Facility: An unmanned facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.

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.

Zero-Lot-Line: Attached or detached dwelling units which are constructed with only one side yard or no rear yard setbacks.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-009 §§ 1, 2)

Division II. LAND USE AND DEVELOPMENT

Chapter 16.12

RESIDENTIAL LAND USE DISTRICTS*

The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.

SectionS:

16.12.010 Purpose and Density Requirements

16.12.020 Allowed Residential Land Uses

16.12.030 Residential Land Use Development Standards

16.12.040 Community Design

16.12.050 Flood Plain

16.12.060 Amateur Radio Towers/Facilities

16.12.010 Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre.

2. VLDR Planned Unit Development Density Standards

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre under the following conditions:

- a. The minimum lot size is not less than 10,000 square feet;
- b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and
- c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

***Editor's note**—Ord. No. 2011-03, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.12, §§ 16.12.010—16.12.070, in its entirety, and added a new Ch. 16.12. Former Ch. 16.12 pertained to the Very Low Density Residential zoning district, and derived from Ords. 86-851, 87-857, 88-919, 90-921, 1997-1019, 2000-1092, 2000-1108, 2003-1153, and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010.

3. Southeast Sherwood Master Planned Unit Development

- a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre.
- b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
 - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
 - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
 - (3) There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
 - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
 - (5) The view corridors identified in the SE Sherwood Master Plan.
 - (6) The housing design types that are compatible with both surrounding and existing development.
- c. A density transfer under Chapter 16.40.050.C.2. is not permitted for development under this Section 16.12.010.A.3.
- d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.

B. Low Density Residential (LDR)

The LDR zoning district provides for single-family housing and other related uses with a density of 3.5 to 5 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

C. Medium Density Residential (MDRL)

The MDRL zoning district provides for single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirements.

D. Medium Density Residential High (MDRH)

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 are exempt from the minimum density requirement.

E. High Density Residential (HDR)

The HDR zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2013-003, § 2, 9-3-2013; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.020 Allowed Residential Land Uses

A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

USES					
	VLDR	LDR	MDRL	MDRH	HDR
RESIDENTIAL					
• Single-Family Attached or Detached Dwellings	P	P	P	P	P
• Two Family Dwelling Units	N	N	P	P	P
• Multi-family Dwellings	N	N	N	P	P
• Townhomes-subject to Chapter 16.44	N	N	N	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes ¹	P	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed					

¹ Group homes not to exceed five (5) unrelated persons in residence provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.

USES					
	VLDR	LDR	MDRL	MDRH	HDR
• Government-Assisted housing ²	P	P	P	P	P
ACCESSORY USES					
• Home Occupations-subject to Chapter 16.42	P	P	P	P	P
• Temporary Uses-subject to Chapter 16.86	P	P	P	P	P
• Amateur Radio Tower-subject to § 16.12.060	P	P	P	P	P
• Family Daycare Providers	P	P	P	P	P
COMMERCIAL					
• Agricultural Uses ³	P	P	P	P	P
• Residential Care Facilities	P	P	P	P	P
• Special Care Facilities (such as hospitals, sanitariums, and specialized living facilities)	C	C	C	C	P
• Plant Nurseries ⁴	C	C	C	C	C
• Public and Private Schools	C	C	C	C	C
• Daycare Facilities	C	C	C	C	C
• Any business, service, processing, storage, or display not conducted entirely within an enclosed building that is essential or incidental to any permitted or conditional use	C	C	C	C	C
• Raising of Animals other than Household Pets	C	C	C	C	C
CIVIC					
• Public Recreational Facilities ⁵	P	P	P	P	P
• Religious Institutions, Private Fraternal Organizations and Lodges, Country clubs or other similar clubs	C	C	C	C	C
• Cemeteries and crematory mausoleums	C	C	C	N	N
• Civic Buildings-(such as police and fire stations, post office)	C	C	C	C	C
• Public Use Buildings-(such as libraries, and community centers)	C	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed					

² Provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.

³ Includes truck farming and horticulture, but excludes commercial building or structures or the raising of animals except as otherwise permitted by this code.

⁴ Includes other agricultural uses and associated commercial buildings and structures

⁵ Includes, but is not limited to parks, playfields, sports and racquet courts, but excludes golf courses

USES		VLDR	LDR	MDRL	MDRH	HDR
• Golf Courses		C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)		C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance		C	C	C	C	C
Whereas P=Permitted, C=Conditional, N=Not Allowed						

- B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).
- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.030 Residential Land Use Development Standards

A. Generally

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

B. Development Standards

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• 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
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at building line ¹ : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ² (in feet)	30 or 2 stories	30 or 2 stories	30 or 2 stories	30 or 2 stories	35 or 2.5 stories	40 or 3 stories
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ³	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ⁴	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

¹ 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.

² Maximum height is the lesser of feet or stories

³ 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).

⁴ 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.

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• 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

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-006, § 2, 3-4-2014; Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.040 Community Design

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

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.050 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.060 Amateur Radio Towers/Facilities

A. All of the following are exempt from the regulations contained in this section of the Code:

1. Amateur radio facility antennas, or a combination of antennas and support structures seventy (70) feet or less in height as measured from the base of the support structure consistent with ORS § 221.295.
2. This includes antennas attached to towers capable of telescoping or otherwise being extended by mechanical device to a height greater than 70 feet so long as the amateur radio facility is capable of being lowered to 70 feet or less. This exemption applies only to the Sherwood Development Code and does not apply to the City of Sherwood Building Code or other applicable city, state, and federal regulations. Amateur radio facilities not meeting the requirements of this section must comply with Chapter 16.12.030.C.

B. Definitions

1. Amateur Radio Services: Radio communication services, including amateur-satellite service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, Part 97 and regulated there under.

2. Amateur Radio Facilities: The external, outdoor structures associated with an operator's amateur radio service. This includes antennae, masts, towers, and other antenna support structures.

(Ord. No. 2012-006, § 2, 3-6-2012)

standards and are situated so as not to create significant adverse effects to residential and commercial areas of the City. The minimum contiguous area of any GI zoning district shall be fifty (50) acres.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.
- B. Uses listed in other sections of this Code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Uses	LI	GI	EI ¹
RESIDENTIAL			
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family	P	P	P
CIVIC			
• Hospitals	C	N	N
• Police and fire stations and other emergency services	C	C	C
• Vehicle testing stations	C	C	C
• Postal services - Public	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright	C	C	C
• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards	P	P	P
• Small-scale power generation facilities	P	P	P
• Large-scale power generation facilities	C	P	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	C	C
COMMERCIAL			
• Commercial Trade Schools, commercial educational services and training facilities	P	P	C
Entertainment/recreation			
• Country clubs, sports and racquet clubs and other similar clubs	C	C	C
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ^{2,3}	C	C	C

Uses	LI	GI	EI ¹
Motor Vehicle related			
• Motorized vehicle and sport craft repairs and service	C	C	N
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally	P	P	P
• Automotive, boat, trailer and recreational vehicle storage	C	C	N
• Vehicle fueling stations or car wash facilities ⁴	C	C	C
• junkyards and salvage yards	N	N	N
• Manufactures home sales and display area	N	N	N
Office and Professional Support services			
• Business and professional offices ⁵	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities ⁶	P	P	C
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C
Childcare			
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use ⁶	C	C	C
General Retail - sales oriented			
• 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 ⁷	P	P	P
• Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage	P ¹⁰	P ¹⁰	N
• Tool and equipment rental and sales, including truck rental ⁷	P	P	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	P	P	N
• Wholesale building material sales and service	C	P	N
• Retail building material sales and lumberyards ⁷	C	P	N
Personal Services			
• Health clubs and studios less than 5,000 square feet in size	P	P	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services ⁸	C	C	C
• Public or commercial parking (non- accessory)	N	N	N
• Veterinarian offices and animal hospitals	C	C	C

Uses	LI	GI	EI ¹
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁸	C	C	C
Eating and Drinking establishments:			
• Restaurants, taverns, and lounges without drive-thru ⁷	C	C	C
• Restaurants with drive-thru services	N	N	N
INDUSTRIAL			
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	P	P	P
• Medical or dental laboratories	P	P	P
• Laboratories (not medical or dental)	P	P	P
• mini-warehousing or self-storage	N	P	N
• Distribution, warehousing and storage associated with a permitted use	P	P	P
• Research and development and associated manufacturing	P	P	P
• Contractors' storage and equipment yards, building maintenance services, and similar uses	C	P	N
• Laundry, dry cleaning, dyeing, or rug cleaning plants	C	P	N
Manufacture, compounding, processing, assembling, packaging, treatment, fabrication, wholesaling, warehousing or storage of the following articles or products:			
• Food products, appliances, textiles and fiber products, pottery, glass and previously pulverized clay ceramics, small electronics, communication equipment, instruments, toys, novelties, electronics components, maintenance equipment, vending machines, cosmetics, chemicals and other small products and tools manufactured from previously prepared or semi-finished materials	P	P	N
• Pharmaceuticals in facilities up to 50,000 square feet building size	P	P	P
• Pharmaceuticals in facilities larger than 50,000 square feet building size	N	C	N
• Building components, furniture, fixtures, signs	P	P	N
• Non-motorized recreational vehicles and equipment	P	P	N
• Manufactured homes, farm equipment, and greenhouses	N	P	N
• Any non-toxic materials or products made of metal, paper, wood, plastic, stone, fabric or other materials or products not otherwise permitted in the zone	P	P	N
• Renewable energy/energy efficiency, sustainable environmental products, advanced manufacturing, high technology, biotechnology, sports apparel and other recreational products	P	P	P
• Acids, paints, dyes, paints, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals	N	C	N

Uses	LI	GI	EI ¹
• Toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community	N	N	N
• Sawmills	C	C	N
• Pulp and paper mills	N	N	N
• Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products	N	N	N
• Metal rolling and extraction mills, forge plants, smelters and blast furnaces	N	N	N
• Meat, fish, poultry and tannery processing	N	N	N
• Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants	N	C	N
• Solid waste transfer stations	N	C	N
• General purpose solid waste landfills, incinerators, and other solid waste facilities	N	N	N
• Manufacture of biomedical compounds as regulated by the U.S. Food and Drug Administration	N	C	N
WIRELESS COMMUNICATION FACILITIES			
• Radio, television, and similar communication stations, including associated transmitters	C	C	C
• Wireless communication towers ⁹ and transmitters	C	C	C
• Wireless communication facilities on City-owned property	C	C	C
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P
OTHER			
Agricultural uses including but not limited to:			
• Farm equipment sales and rentals	N	N	N
• Farming and horticulture	P	P	P
• Raising of animals other than household pets	N	N	N
• Truck and bus yards	N	P	N

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

² If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

³ 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.

⁴ Limited to Cardlock or wholesale- no public retail fuel sales.

⁵ 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.

⁶ 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.

⁷ 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.

⁸ Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

¹⁰ See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

(Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

16.31.030 Development Standards

A. Generally

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

B. Development Standards

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

Development Standards by Zone	EI	LI	GI
Lot area- Industrial Uses:	3 acres ⁹	10,000 SF	20,000 SF
Lot area- Commercial Uses (subject to Section 16.31.050):	10,000 SF	10,000 SF	20,000 SF
Lot width at front property line:	100 feet		
Lot width at building line:	100 feet		
Front Yard Setback ¹¹	20 feet	20 feet	None
Side Yard Setback ¹⁰	None	None	None
Rear Yard Setback ¹¹	None	None	None
Corner lot street side ¹¹	20 feet	20 feet	None
Height ¹¹	50 feet		

⁹ Lots within the EI zone that were legal lots of record prior to October 5, 2010 and smaller than the minimum lot size required in the table below may be developed if found consistent with other applicable requirements of Chapter 16.31 and this Code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.

¹⁰ When a yard is abutting a residential zone or public park, there shall be a minimum setback of forty (40) feet provided for properties zoned Employment Industrial and Light Industrial Zones, and a minimum setback of fifty (50) feet provided for properties zoned General Industrial.

¹¹ Structures located within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.

16.31.040 Employment Industrial (EI) Restrictions

A. Use Restrictions

1. Retail and professional services that cater to daily customers, such as restaurants and financial, insurance, real estate, legal, medical and dental offices, shall be limited in the EI zone.
 - a. New buildings for stores, branches, agencies or other retail uses and services shall not occupy more than five thousand (5,000) square feet of sales or service area in a single outlet and no more than twenty thousand (20,000) square feet of sales or service area in multiple outlets in the same development project, and
 - b. New buildings for stores, branches, agencies or other retail uses and services shall not be located on lots or parcels smaller than five (5) acres in size. A "development project" includes all improvements proposed through a site plan application.
2. Notwithstanding the provisions of Section 16.31.050 "Commercial Nodes Use Restrictions", commercial development permitted under 16.31.050(1)(a) may only be proposed concurrent with or after industrial development on the same parcel. Commercial development may not occur prior to industrial development on the same parcel.

B. Land Division Restrictions

1. Lots of record prior to October 5, 2010 that are smaller than the minimum lot size required in the EI zone may be developed if found consistent with other applicable requirements of Chapter 16.31 and this code. Further subdivision of lots smaller than three (3) acres shall be prohibited unless Section 16.31.050 applies.
2. Lots or parcels larger than fifty (50) acres may be divided into smaller lots and parcels pursuant to a Planned Unit Development approved by the city so long as the resulting division yields at least one (1) lot or parcel of at least 50 acres in size.
3. Lots or parcels fifty (50) acres or larger, including those created pursuant to subsection (2) above, may be divided into any number of smaller lots or parcels pursuant to a Planned Unit Development approved by the city so long as at least forty (40) percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.050 Tonquin Employment Area (TEA) Commercial Nodes Use Restrictions

- A. Within the Tonquin Employment Area (TEA), only commercial uses that directly support industrial uses located within the TEA are permitted as conditional uses.
- B. Commercial development, not to exceed a total of five (5) contiguous acres in size, may be permitted.

C. Commercial development may not be located within three hundred (300) feet of SW 124th Avenue or SW Oregon Street, and must be adjacent to the proposed east-west collector street.

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.060 Community Design

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

(Ord. No. 2012-011, § 2, 8-7-2012)

16.31.070 Floodplain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2012-011, § 2, 8-7-2012)

Chapter 16.32

RESERVED*

***Editor's note**—Ord. No. 2012-011, § 2, adopted August 7, 2012, amended the Code by repealing former Ch. 16.32, §§ 16.32.010—16.32.070, in its entirety. Former Ch. 16.32 pertained to the Light Industrial district, and derived from Ord. No. 86-851; Ord. No. 87-867; Ord. No. 88-979; Ord. No. 91-922; Ord. No. 93-964; Ord. No. 97-1019; Ord. No. 98-1051; Ord. No. 2000-1092; Ord. No. 2001-1119; Ord. No. 2002-1136; Ord. No. 2009-009, adopted July 21, 2009; and Ord. No. 2010-05, adopted April 6, 2010.

Chapter 16.38

SPECIAL USES

Sections:

16.38.010 General Provisions

16.38.020 Medical Marijuana Dispensary

16.38.010 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.
(Ord. 86-851, § 3)

16.38.020 Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.
2. Registration and Compliance with Oregon Health Authority Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475.314. Failure to comply with Oregon Health Authority regulations is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process.

C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.
2. Security Measures Required
 - a. Landscaping must be continuously maintained to provide clear lines of sight from a public right of way to all building entrances.
 - b. Exterior lighting must be provided and continuously maintained.
 - c. Any security bars installed on doors or windows visible from a public right of way must be installed interior to the door or window, in a manner that they are not visible from the public right of way.
3. Co-location Prohibited
 - a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.
 - b. A medical marijuana dispensary may not be located at the same address with any facility or business at which medical marijuana is inhaled or consumed by cardholders.
4. Mobile and Delivery Businesses Prohibited
 - a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.
 - b. A dispensary may not operate to deliver medical marijuana.

5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.

6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

- a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.
- b. Another medical marijuana dispensary.
- c. A public park or plaza.

(Ord. No. 2015-005, § 2, 5-5-2015)

Chapter 16.40

PLANNED UNIT DEVELOPMENT (PUD)*

Sections:

16.40.010 Purpose

16.40.020 Preliminary Development Plan

16.40.030 Final Development Plan

16.40.040 General Provisions

16.40.050 Residential PUD

16.40.060 Non-Residential (Commercial or Industrial) PUD

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

16.40.010 Purpose

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.
 - B. The PUD district is intended to achieve the following objectives:
 - 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
 - 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
 - 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
 - 4. Achieve maximum energy efficiency in land uses.
 - 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.
- (Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; Ord. 86-851, § 3)

16.40.020 Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal must also include a preliminary subdivision plat and meet all requirements of Chapter 16.120. The preliminary subdivision will be processed concurrently with the PUD.
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
 - a. Illustrative areas within the development application covered by the pattern book.
 - b. An explanation of how the pattern book is organized, and how it is to be used.
 - c. Define specific standards for architecture, color, texture, materials, and other design elements.
 - d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
 - e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
 - (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.
 - (2) Architectural relevance or vernacular to the Pacific Northwest.
 - (3) Doors, windows, siding, and entrances, including sash and trim details.

- (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
- (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020.

C. Commission Review

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.
2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.
3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.
4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).
5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.
6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.
7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
8. That adequate public facilities and services are available or are made available by the construction of the project.
9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.
10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3).

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning

district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 16.40.030.

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; 98-1053; Ord. 86-851, § 3)

16.40.030 Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat must be prepared and submitted for final approval, pursuant to Chapter 16.120.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 86-851, § 3)

16.40.040 General Provisions

A. Phasing

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

B. Failure to Complete

1. 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 will determine whether or not the PUD's continuation, in whole or in part, is in the public interest.
2. If continuation is found not to be in the public interest, the Commission 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.

C. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan are considered the same as a new application, and are 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.

D. 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.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 86-851, § 3)

16.40.050 Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. All other uses permitted within the underlying zoning district in which the PUD is located.

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82.

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD is the same as that allowed in the underlying zoning district, except as provided in Sections 16.40.040.D and 16.40.050.C.2.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property is either:

- a. Located within the High Density Residential zone (HDR). In that case, there is no minimum lot size provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan until February 4, 2015.
- b. Or qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-002, § 2, 2-4-2014; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 3; Ord. 86-851, § 3)

16.40.060 Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Division VIII.

B. Conditional Uses

Conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as part of the PUD upon payment of required application fee and approval by Commission.

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of this Chapter are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

- a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:
- b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

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

6. 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.

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres. Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of this Chapter, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. 91-922, § 3; Ord. 86-851)

its current value, as appraised by the Washington County Assessor. Except as otherwise provided for in Section 16.48.020, any subsequent use shall conform fully to all provisions of the zone in which it is located.

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

16.48.070 Permitted Changes to Non-Conformities

A. Repairs and Maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, normal repairs or replacement on non-bearing walls, fixtures, wiring, or plumbing, may be performed in a manner not in conflict with the other provisions of this Section. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof officially declared to be unsafe by any official charged with protecting the public safety.

B. A non-conforming use or structure may be enlarged or altered as per Sections 16.48.030A or 16.48.040A if, in the Commission's determination, the change will not have greater adverse impact on surrounding properties or will decrease its non-conformity considering the following:

1. The character and history of the development and of development in the surrounding area.
2. The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.
3. The comparative numbers and kinds of vehicular trips to the site.
4. The comparative amount of nature of outside storage, loading and parking.
5. The comparative visual appearance.
6. The comparative hours of operation.
7. The comparative effect on existing vegetation.
8. The comparative effect on water drainage.
9. The degree of service or other benefit to the area.
10. Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

C. Further exceptions to changes to non-conformities are permitted in the OT overlay zone, as per Section 16.162.060F.

(Ord. 91-922, § 3; Ord. 86-851, § 3)

16.48.080 Conditional Uses

A use existing before the effective date of this Code which is permitted as a conditional use shall not be deemed non-conforming if it otherwise conforms to the standards of the zone in which it is located. Enlargement, extension, reconstruction, or moving of such use shall only be allowed subject to Chapter 16.82.

(Ord. 86-851, § 3)

Chapter 16.50

ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS*

Sections:

- 16.50.010 Standards and Definition**
- 16.50.020 Conditional Uses**
- 16.50.030 Conflicts of Interpretation**
- 16.50.040 Accessory Structure Exemptions**
- 16.50.050 Architectural Features**
- 16.50.060 Decks**

16.50.010 Standards and Definition

- A. Reserved
- B. Generally

For uses located within a residential zoning district, accessory uses, buildings, and structures shall comply with all requirements for principal uses, buildings, and structures except where specifically modified below; and shall also comply with the City of Sherwood Building Code as amended. Where this Code and the Building Code conflict, the most stringent shall apply.

C. Dimension and Setback Requirements

1. Any accessory building shall have not more than six hundred (600) square feet of ground floor area and shall be no taller than 15 feet in height.
2. No accessory building or structure over three (3) feet in height shall be allowed in any required front yard. Accessory buildings may be allowed in required side and rear building setbacks as described below.
3. When a Building Permit is not required and the structure is less than 100 square of ground floor area feet and less than six feet tall, no rear or side yard setbacks are required and the structure may abut the rear or side property line.
4. When a Building Permit is not required and the structure is over 100 square feet of ground floor area, but under 200 square feet and under ten (10) feet in height:
 - a. Detached accessory structures shall maintain a minimum 3-foot distance from any side or rear property line.
 - b. Attached accessory structures shall be setback a minimum of three (3) feet from any side property line and ten (10) feet from a rear property line.
5. When a Building Permit is required:
 - a. No accessory building or structure over three (3) feet in shall be located closer than five (5) feet to any side property line and ten (10) feet from any rear property line.
 - b. Any accessory building or structure attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.

***Editor's note**—Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.50, §§ 16.50.010—16.50.030, and adding a new Ch. 16.50. Former Ch. 16.50 pertained to accessory uses, and derived from Ords. 86-851 and 2003-1151.

- D. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including but not limited to streets, alleys, and public and/or private easements.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011)

16.50.020 Conditional Uses

Any accessory use and/or structure associated with a conditional use shall be allowed only after approval in accordance with Chapter 16.82.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.50.030 Conflicts of Interpretation

A conflict of interpretation concerning whether a use or structure is an accessory use or structure shall be resolved in accordance with the provisions of Chapter 16.88.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.50.040 Accessory Structure Exemptions

The following are not considered accessory structures, for the purposes of this section:

- A. Pergolas, arbors and trellises and other similar structures, if under ten (10) feet.
- B. Play structure and swing sets if under ten (10) feet.
- C. Flag poles limited to 20 feet
- D. Temporary and seasonal above ground pools
- E. Structures that are considered Accessory Dwelling Units and fall under the provisions of 16.52 Accessory Dwelling Units.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.50.050 Architectural Features

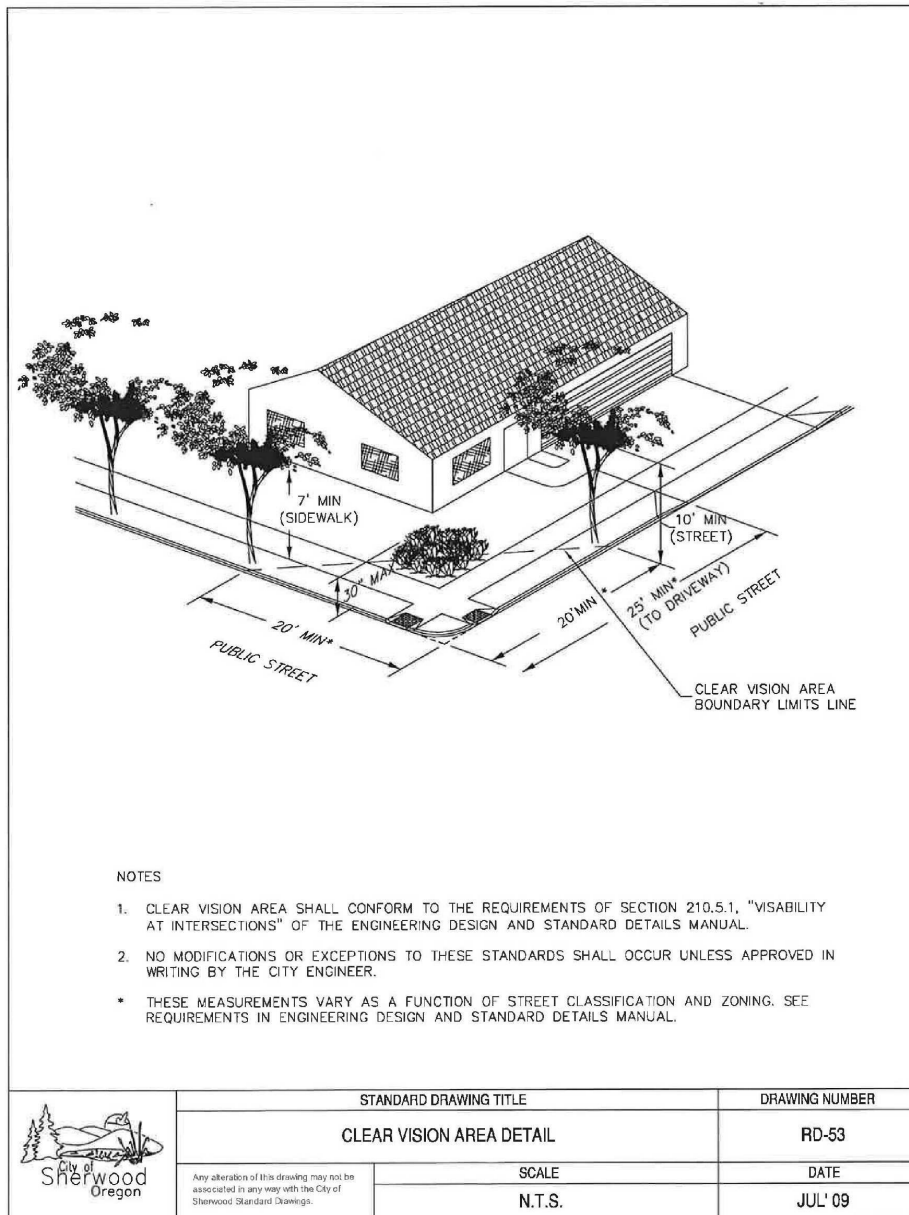
Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to five (5) feet into a front or rear required yard setback and two and one half (2 ½) into the required side yard setback.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.50.060 Decks

- A. Uncovered decks which are no more than 30 inches above grade may project into the required rear yard, but shall not be closer than five feet from the property line. If the ground slopes away from the edge of the deck, the deck height shall be measured at a point five feet away from the edge of the deck. Decks shall not be allowed in the required front or side yard setbacks.
- B. Uncovered decks 30 inches above grade that require a building permit placed on properties adjacent to wetland or open space tracts that are publicly dedicated or in public ownership, may project into the required rear yard, but shall not be closer than ten (10) feet from the rear property line. All other decks will comply with the required setbacks for the underlying zoning district.

(Ord. No. 2011-003, § 2, 4-5-2011)



(Ord. No. 2011-003, § 2, 4-5-2011)

16.58.020 Fences, Walls and Hedges.**A. Purpose:**

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Reserved**C. Applicability:** The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.**D. Location—Residential Zone:**

1. Fences up to forty-two (42) inches high are allowed in required front building setbacks.
2. Fences up to six (6) feet high are allowed in required side or rear building setbacks, except fences adjacent to public pedestrian access ways and alleys shall not exceed forty-two (42) inches in height unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.
3. Fences on corner lots may not be placed closer than eight (8) feet back from the sidewalk along the corner-side yard.
4. All fences shall be subject to the clear vision provisions of Section 16.58.010.
5. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
6. Hedges are allowed up to eight (8) feet tall in the required side and rear setbacks.

E. Location—Non-Residential Zone:

1. Fences up to eight (8) feet high are allowed along front, rear and side property lines, subject to Section 16.58.010. (Clear Vision) and building department requirements.
2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.
3. Hedges up to twelve (12) feet tall are allowed, however, when the non-residential zone abuts a residential zone the requirements of section 16.58.030.d.6. shall apply.

F. General Conditions—All Fences:

1. 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. Chain link fencing is not allowed in any required residential front yard setback.
3. The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.
4. 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, landscap-

ing, and maintenance via a homeowner's association or managing company 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. In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.
 6. Fences and walls cannot be located within or over a public utility easement without an approved right-of-way permit.
 7. 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 is used to measure the height.
- (Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 96-1014 § 1; 93-964; Ord. 86-851)

Editor's note—See editor's note, Ch. 16.58.

Chapter 16.60

YARD REQUIREMENTS*

Sections:

16.60.010 Through Lots

16.60.020 Corner Lots

16.60.030 Yards

16.60.040 Lot sizes and Dimensions

16.60.010 Through Lots

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.
(Ord. No. 2011-003, § 2, 4-5-2011)

16.60.020 Corner Lots

On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:

- A. The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.
- B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.60.030 Yards

- A. Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with Chapter 16.50 (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.
- B. Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, a primary structure must be set back at least three (3) feet.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011)

16.60.040 Lot Sizes and Dimensions

- A. 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 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.

***Editor's note**—Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by, in effect, repealing former Ch. 16.60, §§ 16.60.010—16.60.050, and adding a new Ch. 16.60. Former Ch. 16.60 pertained to similar subject matter, and derived from Ords. 86-851, 97-1022, 2004-002 and 2006-021; and Ord. No. 2010-015, adopted October 5, 2010.

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).

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011)

Chapter 16.66**TRANSPORTATION FACILITIES AND IMPROVEMENTS****Sections:****16.66.010 Generally****16.66.010 Generally**

- A. Except as otherwise noted, transportation facilities and improvements as defined in Section 16.10.020 will be a permitted use in all zoning districts.
- B. 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
 - 2. Not designed and constructed as part of an approved land use application.

(Ord. No. 2015-003, § 2, 3-17-2015)

Chapter 16.68

INFILL DEVELOPMENT STANDARDS*

Sections:

16.68.010 Purpose and Intent

16.68.020 Lot Sizes and Dimensions for Infill

16.68.030 Building Design on Infill Lots

16.68.040 Height

16.68.050 Yard Requirements for Infill Development

16.68.060 Public Notice

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

16.68.010 Purpose and Intent

This chapter provides standards for infill development, or the development of properties that have been skipped over by larger subdivisions and, due to their proximity to established residential neighborhoods, require special design controls and flexibility in the City's zoning and land division standards. This Chapter is intended to:

- A. Promote housing choice, transportation efficiency and compatibility between existing residential areas and new development;
- B. Allow for greater flexibility in lot size, dimensions and setbacks; and
- C. Control the type, height, size and scale of new buildings on infill properties.

16.68.020 Lot Sizes and Dimensions for Infill

The Approval Authority may approve modifications to the minimum lot size and/or lot dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:

- A. Lot area may be reduced below the minimum standard of the applicable zoning district through the land division or lot line adjustment process when the Approval Authority finds:
 - 1. The resulting lot size(s) and dimensions are not less than eighty-five percent (85%) of the standard minimum lot area of the zone; and
 - 2. The resulting average lot size of the development (partition or subdivision) shall be no less than the minimum lot size of the zone in which it is located; the resulting density shall be no more than the allowable density of the zone. Areas reserved as open space, such as central greens, plaza, and other common open space may be counted toward the average lot size and density of the development when such areas are centrally located and accessible to every lot in the development; and
 - 3. The reduction in lot size and/or dimensions shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and
 - 4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met; the Approval Authority

Division III. ADMINISTRATIVE PROCEDURES

Chapter 16.70

GENERAL PROVISIONS

Sections:

16.70.010 Pre-Application Conference

16.70.020 Neighborhood Meeting

16.70.030 Application Requirements

16.70.040 Application Submittal

16.70.050 Availability of Record for Review

16.70.060 Application Resubmission

16.70.010 Pre-Application Conference

Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

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

16.70.020 Neighborhood Meeting

- A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.
 - B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for 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 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.
 1. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.
- (Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010)

16.70.030 Application Requirements

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.

B. Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced ($8\frac{1}{2} \times 11$) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.

C. Content

1. In addition to the required application form, all applications for Type II-V land use approval must include the following:
 - a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.
 - b. Documentation of neighborhood meeting per 16.70.020.
 - c. Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.
 - d. Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.
 - e. 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.
 - f. A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.
 - g. Two (2) copies of a current preliminary title report.
 - h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.
 - i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.
 - j. A trip analysis verifying compliance with the Capacity Allocation Program, if required per 16.108.070.
 - k. A traffic study, if required by other sections of this code,
 - l. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:
 - 1) Wetland assessment and delineation
 - 2) Geotechnical report
 - 3) Traffic study
 - 4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.

m. Plan sets must have:

- 1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.
- 2) The name, address and phone of the owner, developer, applicant and plan producer.
- 3) North arrow,
- 4) Legend,
- 5) Date plans were prepared and date of any revisions
- 6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.
- 7) All dimensions clearly shown.

2. Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

16.70.040 Application Submittal

A. Acceptance

An application for land use will not be accepted by the City without the required forms, the required fee(s), the signature of the applicant and authorization from the property owner of record.

B. Completeness

Within thirty (30) calendar days of the date of initial submission, the City shall determine whether the application is complete and so notify the applicant in writing. The application will not be deemed complete unless the minimum application requirements are met as described on the application form provided by the City. Applicants will receive written notification of any application deficiencies. Information outlined in the letter of incompleteness must be submitted within 180 days of the date of the letter. Alternatively, within 14 days of the date of the letter, the applicant may submit a statement indicating refusal to submit the required items. If a refusal statement is provided, the application is considered complete on the 31st day from the date the application was submitted.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053, § 1; 91-922)

16.70.050 Availability of Record for Review

A. Public Inspection

1. Except as provided herein, all application materials to be relied upon in public hearings on land use actions required by this Code shall be available for public inspection twenty (20) calendar days in advance of the initial hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, all application materials shall be available for public inspection at least ten (10) calendar days in advance of the initial hearing before the Hearing Authority. All application materials to be relied upon

for Type II decisions as indicated in Section 16.72.010 shall be available for public inspection fourteen (14) calendar days in advance of the staff decision on the application.

2. Application materials shall be available to the public for inspection at no cost. Copies of application materials will be provided to the public, upon request, at a cost defined by the City's fee schedule.

B. Continuance

If additional materials are provided in support of an application later than twenty (20) calendar days in advance of the initial hearing before the Hearing Authority, or later than ten (10) calendar days in advance of the initial hearing before the Commission or Council if two (2) or more hearings are required, or if the City or the applicant fails to meet any requirements of Chapter 16.72, any party to the application, or party notified of the hearing as per Section 16.72.020, may make request to the City, either verbally at the initial hearing or in writing at any time before the close of the hearing, for a hearing continuance. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations. If, in the City's determination, there is a valid basis for the continuance request, said request shall be granted.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 99-1079, § 3; 98-1053; 91-922)

16.70.060 Application Resubmission

A land use application denied in accordance with this Code, shall not be accepted for resubmission for one-hundred eighty (180) calendar days following the date of the denial, unless the application has been sufficiently modified to abrogate the reason for denial, as determined by the City. All applications resubmitted after being denied in accordance with this Code shall be required to provide new application materials, pay new fees, and shall be subject to the review process required by this Code for the land use action being considered.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1)

Chapter 16.72

PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

Sections:

- 16.72.010 Generally**
- 16.72.020 Public Notice and Hearing**
- 16.72.030 Content of Notice**
- 16.72.040 Planning Staff Reports**
- 16.72.050 Conduct of Public Hearings**
- 16.72.060 Notice of Decision**
- 16.72.070 Registry of Decisions**
- 16.72.080 Final Action on Permit or Zone Change**

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

16.72.010 Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Type I

The following quasi-judicial actions shall be subject to a Type I review process:

- a. Signs
- b. Property Line Adjustments
- c. Interpretation of Similar Uses
- d. Temporary Uses
- e. Final subdivision and partition plats
- f. Final Site Plan Review
- g. Time extensions of approval, per Sections 16.90.020; 16.124.010
- h. Class A Home Occupation Permits
- i. Interpretive Decisions by the City Manager or his/her designee
- j. Tree Removal Permit - a street trees over five (5) inches DBH, per Section 16.142.050.B.2 and 3.
- k. Adjustments
- l. Re-platting, Lot Consolidations and Vacations of Plats
- m. Minor Modifications to Approved Site Plans

2. Type II

The following quasi-judicial actions shall be subject to a Type II review process:

- a. Land Partitions
- b. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community

Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

- c. "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 Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.
 - d. "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.
 - e. 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.
 - f. Homeowner's association street tree removal and replacement program extension.
 - g. Class B Variance
 - h. Street Design Modification
 - i. Subdivisions between 4—10 lots
 - j. Medical marijuana dispensary permit
3. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

- a. Conditional Uses
 - b. 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.
 - c. Subdivisions between 11—50 lots.
4. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

- a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.
 - b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.
 - c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.
 - d. Site Plans subject to Section 16.90.020.D.6.f.
 - e. Industrial Site Plans subject to Section 16.90.020.D.7.b.
 - f. Subdivisions — over 50 lots.
 - g. Class A Variance
5. Type V

The following legislative actions shall be subject to a Type V review process:

- a. Plan Map Amendments

- b. Plan Text Amendments
 - c. Planned Unit Development — Preliminary Development Plan and Overlay District.
- B. Hearing and Appeal Authority
1. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.
 2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.
 3. The quasi-judicial Hearing and Appeal Authorities shall be as follows:
 - a. The Type I Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 - (1) The Planning Director's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
 - (2) The applicant may appeal the Planning Director's decision.
 - b. The Type II Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.
 - (1) The Planning Director's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 1,000 feet of the proposal. Any person may submit written comments to the Planning Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.
 - (2) Any person providing written comments may appeal the Planning Director's decision.
 - c. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.
 - (1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 - (2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.
 - d. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
 - (1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 - (2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

- e. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.
 2. In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.
- (Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-05, § 2, 4-6-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148, § 3; 2001-1119; 99-1079; 98-1053)

16.72.020 Public Notice and Hearing

A. Newspaper Notice

Notices of all public hearings for Type III, IV and V land use actions required by this Code shall be published in a newspaper of general circulation available within the City two (2) calendar weeks prior to the initial scheduled hearing before the Hearing Authority and shall be published one additional time in the Sherwood Archer, Sherwood Gazette or similarly local publication, no less than 5 days prior to the initial scheduled hearing before the hearing authority.

B. Posted Notice

1. Notices of all Type II, III, IV and V land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than fourteen (14) calendar days in advance of the staff decision on Type II applications or twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
2. Signage must be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
 - a. on-site posted notice shall provide a general description of the land use action proposed, the project number and where additional information can be obtained.
 - b. On-site posted notice shall be designed to be read by motorists passing by; the exact size and font style to be determined by the City.
 - c. On-site posted notice shall be located on the property in a manner to be visible from the public street. For large sites or sites with multiple street frontages, more than one sign may be required.

C. Mailed Notice

1. For Type II, III, IV and V actions specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one thousand (1,000) feet from the property subject to the land use action. Written notice shall also be sent to Oregon Department of Transportation (ODOT), Metro, the applicable transit service provider and other affected or potentially affected agencies. If the subject property is located adjacent to or split by a railroad crossing ODOT Rail Division shall also be sent public notice.
2. Written notice to property owners shall be mailed at least fourteen (14) calendar days prior to a decision being made on a Type II land use action and at least twenty (20) calendar days in advance of the initial public hearing before the Hearing Authority. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council.
3. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
4. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.
5. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.

D. Failure to Receive Notice

1. The failure of a property owner or other party to an application to receive notice of a public hearing as provided in Code of this Chapter or to receive notice of continuances and appeals as provided by this Code due to circumstances beyond the control of the City, including but not limited to recent changes in ownership not reflected in County Assessors records, loss of the notice by the postal service, or an inaccurate address provided by the County Assessor or the party to the application, shall not invalidate the applicable public hearing or land use action. The City shall prepare and maintain affidavits demonstrating that public notices were mailed, published, and posted pursuant to this Code.
2. Persons who should have received notice of a proposed land use action but can prove, to the City's satisfaction that notice was not received due to circumstances beyond their control, may be permitted, at the City's discretion, to exercise the right to appeal the action as per Chapter 16.76. All appeals filed under such conditions shall cite the circumstances resulting in the non-receipt of the notice.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2003-1148, § 3; 99-1079; 98-1053; 91-922, § 3; Ord. 86-851)

16.72.030 Content of Notice

Public notices shall include the following information:

- A. The nature of the application and proposed use(s).
- B. A list of the applicable Code or Comprehensive Plan criteria to be applied to the review of the proposed land use action.
- C. The location and street address of the property subject to the land use action (if any).
- D. The date, time, place, location of the public hearing.
- E. The name and telephone number of a local government representative to contact for additional information.
- F. The availability of all application materials for inspection at no cost, or copies at reasonable cost.
- G. The availability of the City planning staff report for inspection at no cost, or copies at a reasonable cost, at least seven (7) calendar days in advance of the hearing.
- H. The requirements for the submission of testimony and the procedures for conducting hearings, including notice that failure to raise an issue accompanied by statements or evidence sufficient to offer the City, applicant or other parties to the application the opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 98-1053 § 1; 91-922)

16.72.040 Planning Staff Reports

Recommended findings of fact and conditions of approval for each land use action shall be made in writing in a City planning staff report. Said staff report shall be published seven (7) calendar days in advance of the initial required public hearing before the Hearing Authority. Copies shall be provided to the applicant and the Hearing Authority no later than seven (7) calendar days in advance of the scheduled public hearing. Staff reports shall be available to the public for inspection at no cost. Copies of the staff report shall be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

(Ord. 91-922, § 3)

16.72.050 Conduct of Public Hearings

A. Hearing Disclosure Statements

The following information or statements shall be verbally provided by the Hearing Authority at the beginning of any public hearing on a land use action:

- 1. The findings of fact and criteria specified by the Code that must be satisfied for approval of the land use action being considered by the Hearing Authority.
- 2. That public testimony should be limited to addressing said findings of fact and criteria, or to other City or State land use standards which the persons testifying believe apply to the proposed land use action.
- 3. That failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant, or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).
- 4. The rights of persons to request, as per this Code, that a hearing be continued or that the hearing record remain open.

5. That all persons testifying shall be deemed parties to the application, and must provide their name and full mailing address if they wish to be notified of continuances, appeals, or other procedural actions as required by this Code.

B. Persons Testifying

Any person, whether the applicant, a person notified of the public hearing as per Section 16.72.020, the general public, or the authorized representative of any of the foregoing persons, may testify at a public hearing on a land use action. Testimony may be made verbally or in writing. The applicant, the applicant's representative, or any person so testifying, or that person's authorized representative, shall be deemed a party to the application, and shall be afforded all rights of appeal allowed by this Code and the laws of the State of Oregon.

Chapter 16.80

PLAN AMENDMENTS*

Sections:

16.80.010 Initiation of Amendments

16.80.020 Amendment Procedures

16.80.030 Review Criteria

16.80.010 Initiation of Amendments

An amendment to the City Zoning Map, the text of the Comprehensive Plan, or the text of the Zoning and Community Development Code may be initiated by the Council, Commission, or an owner of property within the City.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. 86-851, § 3)

16.80.020 Amendment Procedures

Zoning Map or Text Amendment

- A. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010.
- B. Public Notice - Public notice shall be given pursuant to Chapter 16.72.
- C. Commission Review - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030.
- D. Council Review - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

(Ord. 91-922, § 3; Ord. 86-851)

16.80.030 Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment must be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.

B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

- 1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.

*Editor's note—Some sections may not contain a history.

2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.
 3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.
 4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.
- C. Transportation Planning Rule Consistency
1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.
- (Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. 2010-015, § 2, 10-5-2010; Ord. 2005-006, § 8; Ord. 86-851, § 3)

Chapter 16.82

CONDITIONAL USES*

Sections:

16.82.010 Generally

16.82.020 Permit Approval

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

16.82.010 Generally

A. Authorization

Uses permitted in zoning districts as conditional uses may be established, enlarged, or altered by authorization of the Commission in accordance with the standards and procedures established in this Chapter. If the site or other conditions are found to be inappropriate for the use requested, the Commission or Hearings Officer (cited below as Hearing Authority) may deny the conditional use.

B. Changes in Conditional Uses

Changes in use or expansion of a legal non-conforming use, structure or site, or alteration of structures or uses classified as conditional uses, that either existed prior to the effective date of this Code or were established pursuant to this Chapter shall require the filing of a new application for review conforming to the requirements of this Chapter if the proposed changes would increase the size, square footage, seating capacity or parking of existing permitted improvements by twenty percent (20%) or more.

C. Application and Fee

An application for a Conditional Use Permit (CUP) shall be filed with the City and accompanied by the appropriate fee pursuant to Section 16.74.010. The applicant is responsible for submitting a complete application which addresses all criteria of this Chapter and other applicable sections of this Code.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2001-1119, § 1; Ord. 86-851)

16.82.020 Permit Approval

A. Hearing Authority Action

1. The Hearings Authority shall conduct a public hearing pursuant to Chapter 16.72 and take action to approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearings Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan, or the Code. The decision shall include appropriate findings of fact as required by this Section, and an effective date.
2. Conditional uses may be approved at the hearing for a larger development (i.e. business campus or industrial park), to include future tenants of such development, if the range of uses allowed as conditional uses are considered, and specifically approved, at the time of original application.

B. Final Site Plan

Upon approval of a conditional use by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Section 16.90. The final site plan shall include any revisions or other features or conditions required by the Hearing Authority at the time of the approval of the conditional use.

C. Use Criteria

No conditional use shall be granted unless each of the following is found:

1. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the City.
2. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.
3. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.
4. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.
5. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.
6. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.
7. For wireless communication facilities, no Conditional Use Permit will be granted unless the following additional criteria is found:
 - a. The applicant demonstrates to the satisfaction of the City that the wireless communication facility cannot be located in an IP zone due to the coverage needs of the applicant.
 - b. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
 - c. The applicant demonstrates a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.
 - d. The proposed wireless communication facility is not located within one-thousand (1,000) feet of an existing wireless facility or that the proposed wireless communication facility cannot feasibly be located on an existing wireless communication facility.
 - e. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.
8. The following additional criteria apply to transportation facilities and improvements subject to Conditional Use approval 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.

- 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 is required to apply for and obtain a plan and/or zoning amendment prior to or in conjunction with Conditional Use Permit approval.
- d. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) must provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Sections 16.82.020.C.1—6 and 8.a—8.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

D. Additional Conditions

In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:

1. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.
2. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.
3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.
4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.
5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
6. Limiting the number, size, location, height and lighting of signs.
7. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
8. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

E. Time Limits

Unless approved under Section 16.82.020.A.2 for a larger development to include future tenants of such development, authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify unless substantial construction, in the City's

determination, has taken place. The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

F. Revocation

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

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-006, §§ 4, 6, 7; Ord. 2003-1148, § 3; Ord. 2001-1119, § 1; 97-1019; Ord. 86-851)

Chapter 16.84

VARIANCES*

SECTIONS

16.84.010 Purpose

16.84.020 Applicability

16.84.030 Types of Variances

16.84.010 Purpose

This Chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this Code as exceptions to Code standards. This Chapter provides flexibility, while maintaining the purposes and intent of the Code. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use is located. In granting a variance, conditions may be imposed when necessary to protect the best interests of surrounding properties and neighborhoods, and otherwise achieve the purposes of the adopted Comprehensive Plan, the Transportation System Plan, and other Code provisions.
(Ord. No. 2011-003, § 2, 4-5-2011)

16.84.020 Applicability

A. Exceptions and Modifications versus Variances

A code standard or approval criterion may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code provision does not expressly provide for exceptions or modifications then a variance is required to modify that code section and the provisions of Chapter 16.84 apply.

B. Combining Variances with Other Approvals; Permit Approvals by Other Agencies.

Variance requests may be combined with and reviewed concurrently by the City approval body with other land use and development applications (e.g., development review, site plan review, subdivision, conditional use, etc.); however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of State Highway access.

C. Adjustments and variances cannot be applied to change any existing Planned Unit Development (PUD).

(Ord. No. 2011-003, § 2, 4-5-2011)

16.84.030 Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

***Editor's note**—Ord. No. 2011-003, § 2, adopted April 5, 2011, amended the Code by repealing former Ch. 16.84, §§ 16.84.010 and 16.84.020, and adding a new Ch. 16.84. Former Ch. 16.84 pertained to similar subject matter, and derived from Ords. 86-851, 91-922, 92-943, and 2003-1148; and Ord. No. 2010-015, adopted October 5, 2010.

A. Adjustments

1. **Applicability:** The following variances are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:
 - a. Front yard setbacks Up to a 10 percent change to the front yard setback standard in the land use district.
 - b. Interior setbacks Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.
 - c. Landscape area Up to a 10% reduction in landscape area (overall area or interior parking lot landscape area).
 - d. A 5% 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.
2. **Approval Criteria:** Adjustments shall be granted if the applicant demonstrates compliance with all of the following criteria:
 - a. The adjustment requested is required due to the lot configuration, or other conditions of the site;
 - b. The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
 - c. The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.
 - d. An application for an adjustment is limited to one lot or parcel per application.
 - e. No more than three adjustments may be approved for one lot or parcel in 12 months.

B. Class B Variances

1. **Generally**
 - a. The Class B variance standards apply to individual platted and recorded lots only.
 - b. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.
 - c. Front yard setbacks: Up to a 20 percent change to the front yard setback standard in the land use district.
 - d. Interior setbacks: Up to a 20 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.
 - e. A 20% or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.
2. **Approval Process:** Class B variances shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.
3. **Approval Criteria:** The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:
 - a. The variance requested is required due to the lot configuration, or other conditions of the site;

- b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
- c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.
- d. An application for a Class B variance is limited to three or fewer lots per application.
- e. The variance will have minimal impact to the adjacent properties.
- f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

C. Class A Variances

1. Generally

- a. The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.
- b. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.
- c. A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.

2. Approval Process:

- a. Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.
- b. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:

- a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
- b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
- c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
- e. The hardship is not self-imposed; and

f. The variance requested is the minimum variance that would alleviate the hardship.
(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011)

extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

(Ord. No. 2012-011, § 2, 8-7-2012)

Division V. COMMUNITY DESIGN

Chapter 16.90

SITE PLANNING*

Sections:

16.90.010 Purpose

16.90.020 Site Plan Review

16.90.030 Site Plan Modifications and Revocation

16.90.010 Purpose

Site planning review is intended to:

- A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.
- B. 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:
 1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
 2. Vehicular and pedestrian ways and parking areas.
 3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

16.90.020 Site Plan Review

A. Site Plan Review Required

Site Plan review is 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.

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" 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.

C. Reserved

D. Required Findings

No site plan approval 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 developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.
6. 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 include the following:
 - a. Primary, front entrances 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 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 are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations 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 are required unless other architectural elements are provided for similar protection, such as an arcade.
 - d. As an alternative to the standards in Section 16.90.020.D.6.a—c, 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.a—c. 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
Building Design (21 Total Points Possible; Minimum 12 Points Required) These standards may be applied to individual buildings or developments with multiple buildings.					
Materials ¹	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 facade)	A mixture of at least three (3) materials (i.e. to break up vertical facade)	A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood
Roof Form ²	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	—	—
Glazing ³	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)
Fenestration on street-facing elevation(s)	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	—
Entrance Articulation	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
Structure Size ⁴ to discourage "big box" style development	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
Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required)					

¹No aluminum or T-111 siding permitted.

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

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

⁴If multiple buildings are proposed, average the building sizes in the development.

Design Criteria	Possible Points				
	0	1	2	3	4
Location ⁵	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")	—	—
Orientation	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	—	—
Secondary Public Entrance ⁶			Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk		
Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					
Location of Parking	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	—
Loading Areas	Visible from public street and not screened	Visible from public street and screened	Not visible from public street	—	—
Vegetation	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	—
Number of Parking Spaces ⁷	>120%	101—120%	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	—
Parking Surface	Impervious	Some pervious paving (10—25%)	Partially pervious paving (26—50%)	Mostly pervious paving (>50%)	—
Landscaping (24 Total Point Possible, Minimum 14 Points Required)					
Tree Retention ⁸	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

⁵If 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.

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

⁷Percent of minimum required.

⁸Based on tree inventory submitted with development application.

Design Criteria	Possible Points				
	0	1	2	3	4
Mitigation Trees ⁹	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	—
Landscaping Trees ¹⁰	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
Landscaped Areas	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	—	—
Landscaping Trees greater than 3-inch Caliper	<25%	25—50%	>50%	—	—
Amount of Grass ^{11,12}	>75% of landscaped areas	50—75% of landscaped areas	25—49% of landscaped areas	<25% of landscaped areas	—
Total Amount of Site Landscaping ¹³	<10% of gross site	10—15% of gross site	16—20% of gross site	21—25% of gross site	>25% of gross site
Automatic Irrigation	No	Partial	Yes	—	—
Miscellaneous (10 Total Points Possible; Minimum 5 Points Required)					
Equipment Screening (roof)	Equipment not screened	Equipment partially screened	Equipment fully screened	Equipment fully screened by materials matching building architecture/finish	—
Fences and Walls ¹⁴	Standard fencing and wall materials (i.e. wood fences, CMU walls etc.)	—	Fencing and wall materials match building materials	—	—
On-Site Pedestrian Amenities Not Adjacent to Building Entrances	No	Yes; 1 per building	Yes; more than 1 per building	—	—
Open Space Provided for Public Use	No	Yes; <500 square feet	Yes; 500—1,000 square feet	Yes; >1,000 square feet	—
Green Building Certification				LEED, Earth Advantage, etc. (Bonus)	

- e. As an alternative to the standards in Sections 16.90.020.D.6.a—c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.
- f. As an alternative to the standards in Sections 16.90.020.D.6.a.—e, 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.

⁹When no mitigation is required, the project receives zero points.

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

¹¹Shrubs and drought resistant ground cover are better.

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

¹³Includes visual corridor.

¹⁴Including retaining walls.

7. 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 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 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 a loading area is visible from an arterial or collector, 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.7.a, 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.7.
 - (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).
8. Driveways that are more than twenty-four (24) feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.

E. Approvals

The application is 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 are 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. A site plan approval granted on or after January 1, 2007 through December 31, 2009, is extended until December 31, 2013.

(Ord. No. 2015-003, § 2, 3-17-2015; 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.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

Chapter 16.92

LANDSCAPING

Sections:

16.92.010 Landscaping Plan Required

16.92.020 Landscaping Materials

16.92.030 Site Area Landscaping and Perimeter Screening Standards

16.92.040 Installation and Maintenance Standards

16.92.010 Landscaping Plan Required

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. 2006-021; Ord. 86-851, § 3)

16.92.020 Landscaping Materials

A. Type of Landscaping

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.

1. Ground Cover Plants

- a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
- b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.

2. Shrubs

- a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.
- b. Shrubs must be at least the one-gallon container size at the time of planting.

3. Trees

- a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.
- b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.

B. Plant Material Selection and Preparation

1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.
2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

C. Existing Vegetation

1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142.(Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).
2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.
 - a. If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.
 - b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.
 - c. Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.

D. Non-Vegetative Features

1. Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.
2. Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.
3. Artificial plants are prohibited in any required landscaped area.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 86-851, § 3)

16.92.030 Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).

	Minimum Parking Standard	Maximum Permitted Parking Zone A¹	Maximum Permitted Parking Zone B²
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3	0.4	0.5

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

³ 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 unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. × 20 ft.) parking space is required.

⁴ Visitor parking in residential developments: Multi-family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

B. Dimensional and General Configuration Standards

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.
2. **Layout**

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

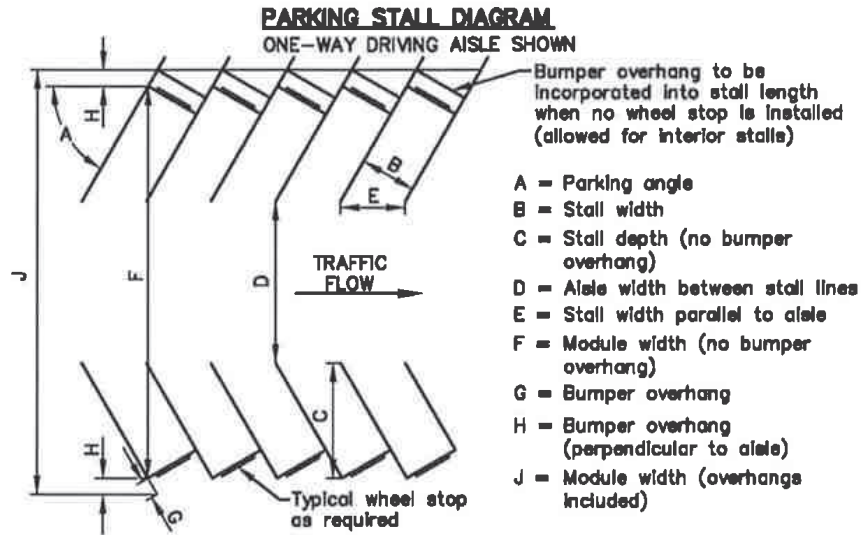


Table 2: Minimum Parking Dimension Requirements
One-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	23.0	9.3	61.0	3.0	3.0	67.0
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

Table 3: Two-Way Driving Aisle
(Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	15.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	17.0	24.0	9.0	58.0	3.0	3.0	64.0

- (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.
- c. Long-term Bicycle Parking
 - (1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
 - (2) Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.
 - (3) All of the spaces shall be covered.
- d. Covered Parking (Weather Protection)
 - (1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
 - (2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.
 - (3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Residential Categories	
Household living	Multi-dwelling — 2 or 1 per 10 auto spaces. All other residential structure types — None
Group living	1 per 20 auto spaces
Commercial Categories	
Retail sales/service office	2 or 1 per 20 auto spaces, whichever is greater
Drive-up vehicle servicing	None
Vehicle repair	None
Commercial parking facilities, commercial, outdoor recreation, major event entertainment	4 or 1 per 20 auto spaces, whichever is greater
Self-service storage	None
Industrial Categories	
Industrial	2 or 1 per 40 spaces, whichever is greater
Public and Institutional Categories	
Park and ride facilities	2 or 1 per 20 auto spaces
Community service essential service providers parks and open areas	2 or 1 per 20 auto spaces, whichever is greater
Schools	High schools — 4 per classroom

Use Categories	Minimum Required Spaces
	Middle schools — 2 per classroom
	Grade schools — 2 per 4th & 5th grade classroom
Colleges, medical centers, religious institutions, daycare uses	2 or 1 per 20 auto spaces whichever is greater

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009 § 8; Ord. 2000-2001 § 3; Ord. 86-851 § 3)

16.94.030 Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
 - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
 - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

C. Exceptions and Adjustments.

The review authority, through Site Plan Review, may approve loading areas within a street right-of-way in the Old Town Overlay District when all of the following conditions are met:

1. Short in duration (i.e., less than one (1) hour);
2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;
4. Does not obstruct a primary emergency response route; and

5. Is acceptable to the applicable roadway authority.
(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851, § 3)

4. No portable sign shall be placed in any publicly owned right-of-way except on Friday after 6 am through Sunday at 6 pm unless exempt per B, below or 16.102.020.B above.
 5. Portable signs shall also meet the following standards:
 - a. Because maintenance of the right-of-way in front of a single-family home is the responsibility of the homeowner, a person wishing to place a sign in the right-of-way, in front of someone's home must make a good faith effort to contact the homeowner, and if not home, must leave something in writing that includes the persons contact information and a description of the effort made to contact the homeowner.
 - b. Signs shall not create a traffic safety or maintenance problem, and the City may remove and dispose of any signs that constitute a problem.
 - c. Signs shall be freestanding and shall not be attached to any structure or vegetation such as utility poles, traffic signs, street signs, trees, or similar items.
 - d. Portable Signs shall be either an A-frame design or shall be attached to a wood or wire h-frame stake driven into the ground well clear of tree roots, irrigation lines, and any other underground utility that could be damaged by such stakes.
 - e. Portable signs shall be spaced at least 25 feet apart when placed on the same property.
 - B. The following regulations apply to all portable signs located within the Old Town Overlay District
 1. A business who has a valid City of Sherwood business license and is physically located within the Old Town Overlay District may display two (2) portable signs, without a permit, on private property or within the public right-of-way in the Old Town Overlay District.
 2. Each portable sign can be a maximum of seven (7) 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 must be sited per Section 16.102.040.
- (Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-009, § 2, 8-7-2012)

16.102.050 Banner Sign Regulations

- A. The following banner signs are exempt from these regulations:
 1. Banner signs not intended to be viewed from a public street.
 2. Signs that meet any of the provisions of section 16.102.020(B)
- B. The following regulations apply to all banner signs as defined in Section 16.100.1.4 and over the right-of-way banner signs in 16.100.1.12 in all zones.
 1. Except for banner signs approved as over the right-of-way banner signs or 5 below, banner signs shall be firmly attached to the side of a building,. No banner sign shall be attached to a fence, wall, building roofs, vehicles, trailers, or anything else.
 2. Banner signs shall not cover building windows.
 3. Banner signs shall be maintained in good condition. They shall not droop, have frayed ends, and shall be graphically clear and readable. Sun-faded, weather-damaged banner signs are prohibited.
 4. Banner signs shall be made of all-weather material.

5. If the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed on a fence or wall at fifty (50) feet or more from the curb or edge of pavement., subject to authorization from the entity with jurisdiction over the right of way.

C. Permitted Locations

1. Commercial, Industrial, and Institutional Public Zoning Districts.
 - a. Each business having a valid City of Sherwood business license and who's business is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Retail Commercial (RC), General Commercial (GC), General Industrial (GI), Light Industrial (LI) or Institutional Public (IP) zoning district may display one (1) banner sign on private property.
 - b. Banner signs shall be no larger than thirty-two (32) square feet in size.
2. Residential Zoning Districts.
 - a. One (1) banner sign not exceeding thirty-two (32) square feet per tax lot.
3. Signs proposed to be located over a public right-of-way are subject to the following provisions:
 - a. An applicant may be approved for one (1) temporary over-the-right-of-way banner sign to be attached to power poles. Over-the-right-of-way banner signs shall be installed only after receiving a permit from the utility provider or its successor. Once a permit is obtained, the applicant is required to receive a right- of-way permit from the City Engineer.
 - b. Over-the-right-of-way banner signs are allowed at the following locations:
 - (1) Over North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins Elementary School.

D. Review Process

1. No banner sign, except signs exempt by the provisions of sections 16.102.020.B, and 16.102.050.A shall be placed anywhere within the City without a permit.
2. Requests for permits shall be processed through a Type I administrative review and are subject to the standards listed above.
3. Permits for banner signs within the City shall be valid for a period of thirty (30) days.
4. Permits may be reissued on the same property a maximum of three (3) times in any calendar year.

(Ord. No. 2012-009, § 2, 8-7-2012)

16.102.060 Violations to Temporary, Portable and Banner Sign Standards

1. Fines shall be set by City Council resolution.
 - A. First Violation — Written warning stating corrective action required to bring the portable sign into conformance is provided to the property owner.
 - B. Second Violation — Fine.
 - C. Third Violation — Sign removed and held for thirty (30) calendar days. During this period the sign will be returned to the owner subject to payment equal to twice the original fine.

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

	Classification	Additional Setback
1.	Principle Arterial (99W)	61 feet
2.	Arterial	37 feet
3.	Collector	32 feet
4.	Neighborhood Route	32 feet
5.	Local	26 feet

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

16.106.040 Design

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.

A. Reserve Strips

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

B. Alignment

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

C. Future Extension

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

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

D. Intersection Angles

Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.

E. Cul-de-sacs

1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.

2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.
3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.

F. Grades and Curves

Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.

G. Streets Adjacent to Railroads

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

H. Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, 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.

I. Median Islands

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

J. Transit Facilities

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

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

5. Provide lighting at a transit stop (if not already existing to transit agency standards).

K. Traffic Controls

1. Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.
2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.

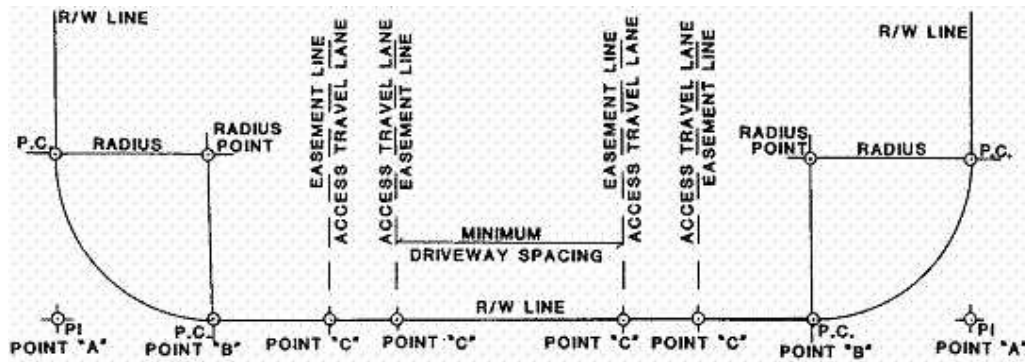
L. Traffic Calming

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

M. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
 - a. Minimum right-of-way radius at intersections shall conform to City standards.
 - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.
 - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
 - d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
 - e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



2. Roadway Access

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

a. Local Streets:

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

b. Neighborhood Routes:

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

c. Collectors:

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

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

- d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:
 - (1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
 - (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:
 - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').
 - (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.
 - (3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.
- 3. Exceptions to Access Criteria for City-Owned Streets
 - a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).
 - b. Access in the Old Town (OT) Overlay Zone

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

N. Private Streets

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

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

16.106.060 Sidewalks

A. Required Improvements

1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.
2. For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.
3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.

B. Design Standards

1. Arterial and Collector Streets

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

2. Local Streets

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

3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections.

C. Pedestrian and Bicycle Paths

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

(Ord. No. 2011-011, § 1, 10-4-2011)

E. Lot averaging

Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:

1. The average lot area for all lots is not less than allowed by the underlying zoning district.
2. No lot created under this provision shall be less than 90 % of the minimum lot size allowed in the underlying zoning district.
3. The maximum lot size cannot be greater than 10 % of the minimum lot size.

F. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat.

G. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.

(Ord. No. 2011-011, § 1, 10-4-2011)

16.120.030 Approval Procedure-Preliminary Plat

A. Approval Authority

1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.
 - a. A subdivision application for 4-10 lots will follow a Type II review process.
 - b. A subdivision application for 11-50 lots will follow a Type III review process.
 - c. A subdivision application for over 50 lots will follow a Type IV review process.
2. Approval of subdivisions is required in accordance with this Code before a plat for any such subdivision may be filed or recorded with County. Appeals to a decision may be filed pursuant to Chapter 16.76.

B. Phased Development

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.
2. The criteria for approving a phased subdivision review proposal are:
 - a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
 - (1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
 - (2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.
3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

(Ord. No. 2011-011, § 1, 10-4-2011)

16.120.040 Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.
- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.
- C. The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).
- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
- E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
- G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.
- H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.
- I. A minimum of five percent (5%) open space has been provided per Section 16.44.010.B.8 (Townhome-Standards) or Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011)

16.120.050 Final Subdivision Plat**A. Procedure**

- 1. Unless otherwise noted below, final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.
- 2. The subdivider shall submit the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.
- 3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.
- 4. All requirements for signature of the mylar shall be completed within two (2) years of approval of the final plat.

B. Extensions

If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, the City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected. For preliminary plat approvals granted between January 1, 2007 and December 31, 2009, the approval shall be extended until December 31, 2013.

C. Approval Criteria: Final Plat

By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;
5. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
6. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
7. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance Division VI of this Code, and the bond requirements of 16.120.070. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

(Ord. No. 2011-011, § 1, 10-4-2011)

16.120.060 Improvement Agreement

A. Subdivision Agreement

The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not

completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.

B. Performance Security

The subdivider 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 (125%) of the estimated cost of the improvements.
(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011)

16.120.070 Bond

- A. Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:
1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.
 2. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
 3. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.
 4. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.
 5. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.
- (Ord. No. 2011-011, § 1, 10-4-2011)

16.120.080 Filing and Recording of Final Subdivision Plat

A. County Review

When the City determines that the plat conforms to all requirements, the plat shall be authorized for review by the County.

B. Recording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to the County, to determine that there has been compliance with all provisions of State and local statutes. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

C. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.
(Ord. No. 2011-011, § 1, 10-4-2011)

16.134.030 Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek floodplains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two floodplains shall be governed by the policies in Division V, Chapter 16.142 of this Code, in addition to the requirements of this Section and the Clean Water Services Design and Construction Standards R&O 00-7, or its replacement.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 88-879)

16.134.040 Development Application

- A. Provided land is not required to be dedicated as per Section 16.134.030, a Conditional Use Permit (CUP) is required before any use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 16.134.050.
- B. Application for a CUP for development in a floodplain shall conform to the requirements of Chapter 16.82 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.
- C. The following specific information is required in a floodplain CUP application and shall be certified and verified by a Registered Civil Engineer or Architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built elevations of lowest building floors.
 - 1. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;
 - 2. Elevations in relation to mean sea level to which any structure has been flood proofed.
 - 3. That the flood proofing methods for any structure meet the requirements of this Section, Floodplain Structures.
 - 4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
 - 5. A base flood survey and impact study made by a Registered Civil Engineer.
 - 6. Proof all necessary notifications have been sent to, and permits have been obtained from, those Federal, State, or other local government agencies for which prior approval of the proposed development is required.
 - 7. Any other information required by this Section, by any applicable Federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.
- D. Where elevation data is not available as per subsection B of this Section, or from other sources as per Section 16.134.020.C, a floodplain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two (2) feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; 88-879)

16.134.050 Permitted Uses

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or floodplain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per Section 16.134.030.

- A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.
 - B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district, that do not impede the movement of floodwaters and flood-carried materials.
 - C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 16.134.080 and 16.134.090.
 - D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the floodplain.
- (Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 91-922)

16.134.060 Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of this Section and Chapter 16.82, when greenway dedication is not required as per this Section.

Greenways:

- A. Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.
- (Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; 88-879)

16.134.070 Prohibited Uses

In the FP zone the following uses are expressly prohibited:

- A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.
 - B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.
 - C. Any use or activity not permitted in the underlying zoning district.
 - D. Any use or activity that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the floodplain.
 - E. Any use or activity that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the floodplain.
 - F. Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by Section 16.134.050 and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment will not result in any increase to flood levels during the occurrence of the base flood discharge.
- (Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

16.134.080 Floodplain Development**A. Floodplain Alterations****1. Floodplain Survey**

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

2. Grading Plan

Alteration of the existing topography of floodplain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one (1) foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or drainage way, two (2) feet for ground slopes between five and ten percent (5% to 10%), and five (5) feet for greater slopes.

3. Fill and Diked Lands

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

4. Alteration Site Plan

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

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

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone must establish the boundaries of the base flood by survey and dedicate said land as per Section 16.134.050. The balance of the land and development must:

- a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.
- b. Provide for each parcel or lot intended for structures, a building site which is at or above the base flood elevation, and meets all setback standards of the underlying zoning district.
- c. Where base flood elevation data is not provided, or is not available from an authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

16.134.090 Floodplain Structures

Structures in the FP zone permitted in accordance with this section, shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.
2. The lowest floor elevation of a structure designed for human occupancy must be at least one and one-half (1½) feet above the base flood elevation and the building site must comply with the provisions of Section 16.134.080.A.
3. The lower portions of all structures shall be flood proofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half (1½) feet above the base flood elevation.
4. The finished ground elevation of any under floor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.

3. Water supply and sanitary sewer systems shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half (1½) feet above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are not permitted unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered Engineer or Architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

D. Non-Residential Construction

1. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of this Section.
 - d. Nonresidential structures that are elevated and not flood proofed must meet the same standards for space below the lowest floor as per Section 16.134.090.C.2.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

16.134.100 Additional Requirements

- A. Dimensional standards or developments in the FP zone are the same as in the underlying zoning district, except as provided in Section 16.134.100.
- B. Approval of a site plan pursuant to Chapter 16.90, that includes portions of the FP overlay may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:
 1. Increasing the required lot sizes, yard dimensions, modifying street widths, or off-street parking spaces.
 2. Limiting the height, size, or location of buildings.
 3. Controlling the location and number of vehicle access points.
 4. Limiting the number, size, location, or lighting of signs.

5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.
6. Designating sites for open space or water retention purposes.
7. Construction, implementation, and maintenance of special drainage facilities and activities.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

**STATUTORY REFERENCES
FOR
OREGON CITIES**

The statutory references listed below refer the code user to state statutes applicable to Oregon cities. They are current with the 2015 Regular Session legislation effective through October 5, 2015.

General Provisions

Incorporation of cities
ORS § 221.005 et seq.

City charters
Oregon Const. Art. XI, § 2

Charter amendments
ORS § 221.210

Boundary changes
ORS ch. 222

Ordinances
ORS § 221.275 et seq.

Enforcement of ordinances
ORS §§ 30.315 and 221.315

Procedures for infractions, violations and
traffic offenses
ORS ch. 153

Elections
ORS §§ 221.180, 221.200, 221.230

Initiative and referendum
ORS §§ 221.210 and 250.255 et seq.

Administration and Personnel

City officers
ORS § 221.110 et seq.

Municipal courts
ORS §§ 221.140, 221.336 et seq.

Public meetings
ORS § 192.610 et seq.

Emergency management and services
ORS ch. 401

Planning commissions
ORS § 227.010 et seq.

Revenue and Finance

Financial administration
ORS ch. 294

Public contracts and purchasing
ORS chs. 279A—279C

Assessments for local improvements
ORS ch. 223

Limitations on powers of city to assist cor-
porations
Oregon Const. Art. XI § 9

Revenue sharing for cities
ORS § 221.770

Business Licenses and Regulations

Taxation of liquor prohibited
ORS § 473.190

Animals

Animal control
ORS ch. 609

Rabies control
ORS § 433.340 et seq.

Health and Safety

General authority
ORS § 221.410

Health Hazard Abatement Law
ORS § 222.840 et seq.

STATUTORY REFERENCES

Camping by homeless
ORS § 203.077 et seq.

Fireworks
ORS § 480.111 et seq.

Public Peace, Morals and Welfare

General authority
ORS § 221.410

State penal code
ORS title 16

Curfew
ORS § 419C.680

Firearms regulation
ORS § 166.170 et seq.

Public intoxication
ORS § 430.402

Vehicles and Traffic

Oregon vehicle code
ORS title 59

Local authority
ORS §§ 801.038, 801.040

Rules of the road
ORS ch. 811

Driving under influence of intoxicants
ORS ch. 813

Off-road vehicles
ORS ch. 821

Abandoned vehicles
ORS ch. 819

Parking offenses
ORS § 221.275 et seq.

Bicycles
ORS § 814.400 et seq.

Streets, Sidewalks and Public Places

City improvements and works
ORS ch. 223

City parks, memorials and cemeteries
ORS ch. 226

Public Services

Municipal utilities
ORS ch. 225

Regulation of public utilities
ORS § 221.420 et seq.

City sewers and sanitation
ORS ch. 224

System development charges
ORS § 223.297 et seq.

Buildings and Construction

State building code
ORS ch. 455

Adoption of codes by reference
ORS § 221.330

Radio antennas
ORS § 221.295

Subdivisions

Subdivisions and partitions
ORS ch. 92

Zoning

City planning and zoning
ORS ch. 227

Ordinance Number	Date	Description	Section	Section this Code
2014-004	2-18-2014	Amendment to the transportation system plan and comprehensive plan		Omit
2014-005	2-18-2014	Amendment to the transportation system plan and comprehensive plan		Omit
2014-006	3- 4-2014	Dimensional table as it relates to front yard setbacks within the Medium Density Residential Low, Medium Density Residential High and High Density Residential zoning districts	2	16.12.030.C
2014-007	4- 1-2014	Declaring certain sidewalks to be defective		Omit
2014-008	4- 1-2014	Repealing Ord. 2014-003 re medical marijuana facilities		Omit
2014-010	6- 3-2014	Sidewalks, construction and repairs	1	12.08.010— 12.08.110
2014-011	6- 3-2014	Authorizing extension of duration of a reimbursement district	1	13.24.010, 13.24.050, 13.24.060, 13.24.100
2014-012	7-17-2014	Transportation System Plan	3	16.10.020
				16.80.030
				16.90.030
				16.94.010— 16.94.030
				16.106.010— 16.106.040
			Rpld	16.106.070
			Rnbd	16.106.080
			as	16.106.070
			Added	16.106.080, 16.106.090
2014-013	8- 5-2014	Cedar Brook Planned Unit Development		Omit
2014-014	8- 5-2014	Alarm systems	1 Rpld	8.08.010— 8.08.110
			Added	8.08.010— 8.08.070
2014-015	8-19-2014	Police advisory board	1 Added	2.10.010— 2.10.060
2014-016	8-19-2014	Relinquishment of easement		Omit
2014-017	9-16-2014	Oregon Mechanical Specialty Code	1	15.04.120
2014-018	9-16-2014	Oregon Structural Specialty Code	1	15.04.110
2014-019	10- 7-2014	Marijuana tax	1 Added	3.25.010— 3.25.130
2014-020	12-16-2014	Oregon Electrical Specialty Code	1	15.04.140
2014-021	12-16-2014	Oregon Plumbing Specialty Code	1	15.04.130
2014-022	12-16-2014	Oregon Residential Specialty Code	1	15.04.150
2015-001	1- 6-2015	Traffic regulations	1 Added	10.12.235
2015-002	2- 3-2015	State Fire Code	1, 2	8.12.010, 8.12.015
2015-003	3-17-2015	Zoning and Community Development Code	2	16.06.020.C
				16.10.020
				16.12.010.D

Ordinance Number	Date	Description	Section	Section this Code
				16.12.030
				16.31.020
				16.40.020.B.5
				16.40.030.B
				16.40.040.A.1
				16.40.050.C.1
				16.40.060.C.6
				16.50.010.A
				16.58.020.B, F
				16.60.030.B
				16.60.040.A, B
				16.66.010.B
				16.70.020.B
				16.70.030.C.1
				16.72.010.A
				16.72.020.B.2
				16.80.010
				16.80.030.A
				16.82.020
				16.84.030
				16.90.010— 16.90.030
				16.92.020.A.3.b
				16.94.020.A
				16.102.040.B.2
				16.106.040
				16.120.040.I
				16.120.060.B
				16.134.040.A
				16.134.050
				16.134.070.F
				16.134.080.A.5
				16.134.090
				16.134.100.A
2015-004	5- 5-2015	Chapter 7 of Vol. II of Comprehensive Plan		Omit
2015-005	5- 5-2015	Medical marijuana dispensaries	2	16.10.020 16.31.020
			Added	16.38.020 16.72.010.A.2.j
2015-006	9-15-2015	Graffiti	2 Added	9.62.010— 9.62.060
2015-008	9-15-2015	Prohibited early sales of recreational marijuana by medical marijuana dispensaries		Omit
2015-009	1- 5-2016	Amending comprehensive plan and zoning map		Omit

Ordinance Number	Date	Description	Section	Section this Code
2016-005	2- 2-2016	Prohibiting of noise	1 Rpld	9.52.010— 9.52.140
			Added	9.52.010— 9.52.140
2016-006	2- 2-2016	Targeted residential picketing	1 Added	9.64.010— 9.64.030

FEES (Cont'd.)

- Plumbing permits 2.32.080
- Police department 2.32.050
- Public
 - improvement plan reviews, inspections 2.32.030
 - works 2.32.040
- Reports, tapes 2.32.050
- Returned check processing 2.32.060
- Right-of-way permits 2.32.030
- Sanitary service connection 2.32.040
- Sewer connections, services 2.32.090
- Solid waste collection rates designated 8.20.080
- Solid waste management franchise 8.20.060
- Storm
 - drainage 2.32.090
 - water 2.32.060
- Street cuts 2.32.040
- Streets 2.32.090
- Subdivision plan reviews 2.32.030
- Subject to change 2.32.010
- System development charges 2.32.090
- Taxicab business permit 5.24.020, 5.24.040
- TIF-SDC calculation formula 2.32.090
- Utility facilities in public right-of-way 12.16.040
- Water
 - connections, services 2.32.090
 - delinquent accounts, turn on/off 2.32.060
 - service connection 2.32.040
- Wetland inventory 2.32.060
- Zoning
 - code 2.32.060
 - land use application 2.32.020

FIRE

- Hydrants, vehicle parking restrictions 10.08.060
- Vehicles, removal from fire scene 10.08.040

FIRE DEPARTMENT

- Traffic regulations
 - Police, fire and public works exception 10.12.235
- Violations, refusal to assist fire-fighting operations 9.20.050

FIRE PREVENTION CODE

- Adopted 8.12.010
- Adoption of Tualatin Valley Fire & Rescue Fire Prevention Code 8.12.015

FIREARMS

- See WEAPONS

FIREWORKS

- Parks, prohibited in 12.12.120
- Violations, sale, use, classification 9.36.130

FISH PONDS

- Effective date of provisions 15.12.030
- Maintenance requirements, responsibility 15.12.020
- Violation, penalty 15.12.040

FUNERAL PROCESSION

- Driver requirements 10.12.080
- Driving through, restrictions 10.12.090
- Permit required 10.12.060
- Police escort 10.12.070

— G —

GARBAGE

- Transportation, improper, violation classification 9.32.080

GENERAL PROVISIONS

- Acts by agents, effect 1.04.040
- Attorneys fees 1.04.075
- Construal of provisions 1.04.070
- Definitions 1.04.010
- Grammatical interpretation 1.04.030
- Language interpretation 1.04.020
- Ordinances, repeal does not revive 1.04.080
- Prohibited acts include causing, permitting 1.04.050
- Time computations 1.04.060

GRAFFITI

- Community service and restitution 9.62.040
- Definitions 9.62.010
- Generally 9.62.020
- Graffiti nuisance property 9.62.050
- Graffiti removal; notice and procedures 9.62.060
- Possession of graffiti implement 9.62.030

HARASSMENT

— H —

HARASSMENT

Violation classification 9.36.040

HAZARD, CREATING

Violation classification 9.36.070

HAZARDOUS MATERIALS

On-site storage regulations 16.98.030

HAZARDS

Nuisance declaration 9.44.030

HEARINGS OFFICER

Appointment 16.08.010

Conflicts of interest 16.08.030

Minutes 16.08.020

Powers, duties 16.08.040

HOME OCCUPATIONS

See ZONING Ch. 16.38

— I —

ICE

Failure to remove, violation classification
9.32.090

IMPERSONATION

Unlawful, violation classification 9.20.100

INDECENCY, PUBLIC

Violation classification 9.24.040

INITIATIVES, REFERENDUMS

Petition filing requirements 1.08.010

INVENTORY PROCEDURES

Definitions 9.60.020

Impounded vehicles 9.60.030

Persons in police custody 9.60.040

Purpose 9.60.010

— J —

JUNK

Open storage, nuisance declaration
9.44.050

— L —

LANDMARKS ADVISORY BOARD

See PLANNING COMMISSION Ch.
16.06

LIBRARY ADVISORY BOARD

Appointments when 2.08.010

Established 2.12.010

Meetings 2.12.040

Membership

appointment, number 2.12.020

compensation 2.12.020

terms 2.12.030

Powers, duties

designated 2.12.060

generally 2.12.010

Quorum 2.12.040

Rules of order promulgation authority
2.12.040

Staff assistance, generally 2.12.050

LICENSE

See also BUSINESS LICENSE

Alcoholic liquor

Amusement games Ch. 5.08

Utility facilities in public right-of-way
12.16.060

LIQUOR

See ALCOHOLIC LIQUOR Ch. 5.20

LITTER

Solid waste facilities control requirements
16.140.090

LITTERING

Violation classification 9.36.060

LOITERING

Alcoholic liquor licensed premises,
prohibited 5.20.040

LOTTO

See BINGO, LOTTO, RAFFLE GAMES
Ch. 5.12

— M —

MANUFACTURED DWELLING CODE

Oregon state statutes adopted, enforcement
authority 15.04.160

Violations, penalties 15.04.200

MANUFACTURED HOME

INSTALLATION

State statutes adopted, enforcement
authority 15.04.160

Violations, penalties 15.04.200

MANUFACTURED HOMES

See ZONING Ch. 16.46

MARIJUANA TAX

Actions to collect 3.25.100
 Appeal 3.25.080
 Audit of books, records or persons
 3.25.120
 Confidentiality 3.25.110
 Deductions 3.25.040
 Definitions 3.25.020
 Failure to report and remit tax;
 determination of tax by manager 3.25.070
 Forms and regulations 3.25.130
 Levy of tax 3.25.030
 Penalties and interest 3.25.060
 Purpose 3.25.010
 Refunds 3.25.090
 Seller responsible for payment of tax
 3.25.050

MEASURE 37 CLAIMS PROCEDURE

Applicable laws 3.10.140
 Availability of funds to pay claims 3.10.090
 Claim
 requirements 3.10.040
 review process 3.10.050
 Compensation by other 3.10.120
 Conditions, revocation and transfer
 3.10.030
 Costs, attorney fees 3.10.080
 Decision review 3.10.100
 Definitions 3.10.020
 Pre-filing conference 3.10.030
 Private cause of action 3.10.110
 Purpose 3.10.010
 Severability 3.10.130
 Waiver of claims 3.10.070

MECHANICAL CODE

Oregon Mechanical Specialty Code,
 adopted, enforcement authority 15.04.120
 Uniform code
 Appendix Ch. 14 adopted, amended
 15.04.120
 Violations, penalties 15.04.200

MEDICAL MARIJUANA DISPENSARY

Zoning
 special uses 16.38.020

MENACING

Violation classification 9.24.020

MINORS

Alcoholic liquor
 delivery, sale to prohibited 5.20.070
 licensed premises
 drinking, loitering prohibited
 5.20.050
 loitering prohibited 5.20.040
 Curfew
 See CURFEW Ch. 9.40
 Violations
 age misrepresentation 9.36.080
 liquor
 gift, sale to 9.36.090
 purchase, possession by 9.36.100

MISCHIEF

Second degree 9.32.060
 Third degree 9.32.050

MONIES OWED CITY

Appeal of denial, hearing 3.12.020
 Authority to withhold, deny issuance
 3.12.015
 Definitions 3.12.010

MOTORCYCLES

Clinging to prohibited 10.12.140
 Operational requirements 10.12.120

— N —

NOISE, PROHIBITION OF

Definitions 9.52.030
 Enforcement responsibility and authority
 9.52.070
 Exemptions 9.52.060
 Generally 9.52.040
 Noises prohibited 9.52.050
 Penalties 9.52.140
 Purpose 9.52.010
 Review 9.52.130
 Scope 9.52.020
 Variances
 application 9.52.090
 decision 9.52.120
 general 9.52.080
 public notification for class B or C
 variance 9.52.100

NOISE, PROHIBITION OF

NOISE, PROHIBITION OF (Cont'd.)

Variances (Cont'd.)

review 9.52.110

NOXIOUS WEEDS, ABATEMENT OF

Activities on public lands subject to regulations 9.46.080

Coordination with authorities 9.46.120

Debris dispersal and transportation 9.46.100

Definitions 9.46.020

Duty to clean machinery before moving 9.46.110

Eradication when owner or occupant refuses 9.46.070

Modification of plant lists 9.46.050

Nuisance plants

abatement required 9.46.060

generally 9.46.030

Prohibited plants

abatement required 9.46.060

generally 9.46.040

Violation, penalty 9.46.130

Wetlands and natural areas 9.46.090

NUISANCES

Abatement, procedure generally 9.44.060

Alcoholic liquor designations 5.20.190

Definitions 9.44.010

Dogs; animal public nuisance prohibited 6.04.020

Graffiti

See GRAFFITI Ch. 9.62

Hazards, generally 9.44.030

Junk, open storage 9.44.050

Sidewalks, defective 12.08.060

Vegetation, noxious 9.44.020

Violations, maintaining 9.44.040

— O —

OBSTRUCTION

Government administration, violation classification 9.20.030

OFFENSES

See also POLICE CODE Ch. 9.08

Assault, fourth degree 9.24.010

Blasting without permit 9.36.110

Burning, reckless 9.32.040

Creating a hazard 9.36.070

OFFENSES (Cont'd.)

Criminal procedures

arrest warrants 9.48.060

citations 9.48.070

complaint

content required 9.48.030

costs assessment 9.48.050

costs security 9.48.040

defendant to plead 9.48.080

filing by private person 9.48.020

reading to defendant 9.48.080

defendants pleas 9.48.090

state statutes govern 9.48.110

title of provisions 9.48.010

trial by court 9.48.100

Curfew

See CURFEW Ch. 9.40

Definitions 9.12.010

Destruction of official notices, signs 9.32.070

Disorderly conduct 9.36.030

Disposition of offenders

costs payment liability 9.16.030

finances

imposition criteria 9.16.020

infractions 9.16.010

payment requirements 9.16.040

violations 9.16.010

Dogs, poisoning 9.36.020

Expectoration 9.36.150

False swearing 9.20.010

Fireworks, sale, use 9.36.130

Garbage transportation, improper 9.32.080

Graffiti

See GRAFFITI Ch. 9.62

Harassment 9.36.040

Inchoate crimes 9.12.050

Infractions 9.12.040

Initiating false report 9.20.090

Littering 9.36.060

Menacing 9.24.020

Minors

age misrepresentations 9.36.080

liquor gift, sale to 9.36.090

liquor purchase, possession by 9.36.100

Mischief

second degree 9.32.060

third degree 9.32.050

OFFENSES (Cont'd.)

Nuisances

See NUISANCES Ch. 9.44

Obstructing governmental administration
9.20.030

Public indecency 9.24.040

Recklessly endangering another person
9.24.030

Refusal to

assist fire-fighting operations 9.20.050

assist peace officer 9.20.040

Resisting arrest 9.20.080

Rubbish, littering, dumping 9.36.010

Sidewalks use 9.36.120

Snow, ice, failure to remove 9.32.090

Tampering with

physical evidence 9.20.060

public records 9.20.070

Theft, related offenses

consolidation of offenses, pleadings,
proof 9.28.020

deception 9.28.060

defenses designated 9.28.100

definitions 9.28.010, 9.28.030

property, lost, mislaid 9.28.050

property, stolen, valuation 9.28.090

receiving 9.28.070

right of possession 9.28.080

second degree 9.28.040

services 9.28.110

Trespass

definitions 9.32.010

first degree 9.32.030

second degree 9.32.020

Unlawful impersonation 9.20.100

Unsworn falsification 9.20.020

Venerated objects, abuse of 9.36.050

Violations

classifications 9.12.030

definitions 9.12.020

Weapons discharge 9.36.140

OFFICERS, EMPLOYEES

See also CHARTER INDEX

PERSONNEL Ch. 2.36

ORDINANCES

See also CHARTER INDEX

Repeal does not revive 1.04.080

OREGON CRIMINAL STATUTES

See POLICE CODE Ch. 9.08

— P —

PARADES

Permit required 10.12.060

PARKING

Brake requirements 10.08.050

Definitions 10.08.010

Disabled persons 10.08.080

Fire scenes, vehicle removal 10.08.040

Marked spaces, requirements 10.08.050

Parallel requirements 10.08.050

Prohibited acts designated 10.08.020

Prohibitions

between eight a.m. and four p.m.

10.08.070

crosswalks, within ten feet 10.08.060

fire hydrants, within ten feet 10.08.060

loading, unloading zones 10.08.060

no parking, streets designated 10.08.070

Regulations promulgation authority

10.12.010

Repeat violation procedure 10.08.090

Restrictions, specific type vehicles

designated 10.08.030

Time limits, thirty minutes 10.08.030

Violations, seventy-two hours or more

8.04.030

PARKS

See also ZONING Ch. 16.142

Appeals, generally 12.12.020

Bicycles, unicycles, roller skates, roller
blades, scooters and skateboards; use of in
public areas 12.12.235

Camping

See CAMPING Ch. 9.54

City employees, applicability 12.12.040

Closed, use restrictions 12.12.050

Damages, restoration payment 12.12.060

Entrance use requirements 12.12.170

No admittance signs, obedience to required
12.12.180

Permit

exhibition required 12.12.210

large groups 12.12.200

PARKS

PARKS (Cont'd.)

Permit (Cont'd.)

subject to ordinances, regulations
12.12.220

Policy, generally 12.12.010

Prohibitions

advertising 12.12.080
animals
molesting 12.12.130
running at large 12.12.160
decorative devices erection 12.12.080
firearms 12.12.120
fireworks 12.12.120
fishing 12.12.140
intoxicating liquor 12.12.090
notice mutilation 12.12.150
rubbish accumulation 12.12.100
sales in 12.12.070
services for hire solicitation 12.12.070
swimming, bathing, wading 12.12.140
vandalism 12.12.110

Public areas

Use of bicycles, unicycles, roller skates,
roller blades, scooters and skateboards
12.12.235

Public convenience stations 12.12.230

Rules, regulations

promulgation authority 12.12.020
required 12.12.030

Supervision, management, control

authority designated 12.12.010

Traffic

regulations 12.12.240
restrictions 10.12.160

Trees on other public property (not street
trees) 12.12.190

Violations

penalty 12.12.250
restoration payment 12.12.060

PARKS ADVISORY BOARD

Appointments when 2.08.010

PARKS AND RECREATION BOARD

Established 2.16.010
Meetings, notice requirements 2.16.040
Membership
appointment, number 2.16.020
compensation 2.16.020
terms 2.16.030

PARKS AND RECREATION BOARD

(Cont'd.)

Powers, duties designated 2.16.060
Purpose 2.16.010
Quorum 2.16.040
Rules of order promulgation authority
2.16.040
Staff assistance, generally 2.16.050

PARKS AND RECREATION SYSTEM

Alternative calculation for SDC rate, credit,
or exemption 15.20.070

Amendments

implementing regulation 15.20.140
park and recreation SDC-CIP list
15.20.150

Application 15.20.040

Challenges and appeals 15.20.110

City review of SDC 15.20.120

Dedicated accounts and appropriate use
15.20.100

Definitions 15.20.020

Due date of payment 15.20.080

Partial and full exemptions 15.20.050

Refunds 15.20.090

Rules of construction 15.20.030

Scope and purpose 15.20.010

SDC credits 15.20.060

Severability 15.20.160

Time limit on expenditure 15.20.130

PEACE OFFICER

Refusal to assist 9.20.040

PEDESTRIANS

Subdivisions

land division design standards
pedestrian and bicycle ways
16.128.020

Traffic

sidewalk use required 10.12.050

PERMIT

Amusement games, machines, devices
5.08.050
Bingo, lotto, raffle games 5.12.030
Erosion control 15.24.060
Funeral processions 10.12.060
Moving buildings 15.08.010, 15.08.030
Parades 10.12.060
Parks, large groups 12.12.200

PERMIT (Cont'd.)

- Right-of-way 12.02.015
- Swimming pool construction 15.12.010
- Taxicab business 5.24.020
- Water connections 13.04.020

PERSONNEL

- Criminal background inquiries of
 - nonpolice applicants for employment and volunteer positions 2.36.050
- Purpose of provisions 2.36.020
- Rules
 - adoption 2.36.030
 - amendment 2.36.030
- Title of provisions 2.36.010

PLANNED UNIT DEVELOPMENT

- See ZONING Ch. 16.40

PLANNING COMMISSION

- Appointments when 2.08.010
- Composition 16.06.010
- Landmark review 16.164.010
- Meetings, minutes, quorum 16.06.020
- Members
 - appointment, compensation 16.06.010
 - conflict of interest resolution 16.06.030
- Officer elections 16.06.020
- Powers, duties, generally 16.06.040

PLUMBING CODE

- Oregon Plumbing Specialty Code adopted, enforcement authority 15.04.130
- Violations, penalties 15.04.200
- Water service, cross-connection regulations 13.04.150

POLICE ADVISORY BOARD

- Board established 2.10.010
- Duties and responsibilities 2.10.060
- Membership 2.10.020
- Rules of order 2.10.040
- Staff assistance 2.10.050
- Terms of office 2.10.030

POLICE CODE

- Applicability of provisions 9.04.030
- Construal of provisions 9.04.020
- Offenses
 - See OFFENSES Ch. 9.12
- Oregon criminal statutes
 - adoption 9.08.010

POLICE CODE (Cont'd.)

- Oregon criminal statutes (Cont'd.)
 - burden of proof generally 9.08.060
 - culpability, generally 9.08.030
 - definitions
 - burden of proof 9.08.060
 - defenses 9.08.060
 - generally 9.08.020
 - obstructing governmental administration 9.08.080
 - perjury, etc. 9.08.070
 - general principles of
 - justification 9.08.050
 - liability 9.08.030
 - justification, generally 9.08.050
 - liability, generally 9.08.040
 - obstructing governmental administration, generally 9.08.080
 - parties, generally 9.08.040
 - perjury, generally 9.08.070
 - physical force, generally 9.08.050
 - Purpose of provisions 9.04.020
 - Title of provisions 9.04.010

POLICE DEPARTMENT

- Traffic regulations
 - Police, fire and public works exception 10.12.235
- Violations, resisting arrest 9.20.080

PROPERTY

- Abandoned
 - See ABANDONED PROPERTY Ch. 2.28
- Graffiti
 - See GRAFFITI Ch. 9.62
- Local improvement procedures
 - assessments
 - curative provisions, validity 3.04.150
 - deficit, excess, effect 3.04.120
 - lien docket entry 3.04.110
 - procedure generally 3.04.100
 - reapportionment, generally 3.04.130
 - bidding requirements 3.04.090
 - council powers, generally 3.04.040
 - definitions 3.04.010
 - districts formation requirements 3.04.050
 - document filing requirements 3.04.160
 - jurisdiction of council 3.04.080

PROPERTY

PROPERTY (Cont'd.)

- Local improvement procedures (Cont'd.)
 - notice requirements 3.04.060
 - objections, remonstrances filing requirements 3.04.070
 - ordering improvements 3.04.080
 - owner name mistakes, effect 3.04.030
 - proceedings abandonment 3.04.140
 - real property descriptions, boundaries 3.04.020
 - unknown owners, effect 3.04.030
- Property line adjustments and lot consolidations
 - See ZONING Ch. 16.124

PROPERTY MAINTENANCE CODE

- Abatement
 - by city when 8.16.070
 - notice requirements 8.16.070
- Accessory structures 8.16.160
- Appeals 8.16.090, 8.16.110
- Applicability of
 - other codes 8.16.010
 - provisions 8.16.140
- Basements 8.16.170
- Chimneys, towers 8.16.170
- Code official duties, powers 8.16.050
- Decorative features 8.16.170
- Definitions 8.16.120, 8.16.150
- Demolition, authority 8.16.100
- Doors, window 8.16.170
- Emergency
 - measures, authority 8.16.090
 - repairs cost, liability 8.16.090
- Enforcement authority 8.16.050
- Equipment, systems, devices
 - approval requirements 8.16.040
 - maintenance requirements 8.16.030
- Exhaust vents 8.16.160
- Exterior
 - painting, street numbers 8.16.170
 - property areas maintenance 8.16.160
 - structures 8.16.170
- Foundation, exterior walls 8.16.170
- Grading, drainage 8.16.160
- Handrails, guards 8.16.170
- Insect, rat infestations, extermination requirements 8.16.200
- Insect screens 8.16.170

PROPERTY MAINTENANCE CODE

- (Cont'd.)
 - Intent, scope 8.16.010
 - Interior structural members 8.16.180
 - Junk storage 8.16.160
 - Liability disclaimer 8.16.050
 - Motor vehicles 8.16.160
 - Offensive odors 8.16.160
 - Overhang extensions 8.16.170
 - Paint restrictions 8.16.180
 - Prohibited occupancy 8.16.080
 - Rat harborage 8.16.160
 - Recordkeeping requirements 8.16.050
 - Reference standards 8.16.210
 - Responsibility of owner 8.16.140
 - Right of entry 8.16.050
 - Roofs, drainage 8.16.170
 - Rubbish, garbage 8.16.190
 - Rules, regulation promulgation authority 8.16.050
 - Sanitation requirements 8.16.160
 - Sidewalks, driveways 8.16.160
 - Stair, walking surfaces 8.16.170
 - Stairways, decks, porches, balconies 8.16.170
 - Standards referenced 8.16.010
 - Street closing authority 8.16.090
 - Title of provisions 8.16.010
 - Unsafe structures, equipment 8.16.080
 - Vacant structures, closing authority 8.16.080
 - Validity, constitutionality of provisions 8.16.020
 - Violations
 - abatement order, time requirements 8.16.070
 - existing remedies 8.16.010
 - infractions, penalties 8.16.060
 - noncompliance 8.16.070
 - unlawful acts designated 8.16.060
 - Weeds 8.16.160

PUBLIC CONTRACTS

- Authority to electronically advertise solicitations
 - goods, services 1.10.030
 - public improvements 1.10.040
- General provisions 1.10.010
- Notice of intent 1.10.070

PUBLIC CONTRACTS (Cont'd.)

- Personal service 1.10.020
- Procedure for surplus property 1.10.080
- Procurements
 - small 1.10.050
 - sole-source 1.10.060

PUBLIC IMPROVEMENT

REIMBURSEMENT DISTRICTS

- City council action 13.24.060
- Definitions 13.24.010
- Public hearing 13.24.050
- Public improvement
 - general 13.24.110
 - multiple 13.24.120
- Public works director's report 13.24.030
- Reimbursement district
 - application to establish 13.24.020
 - contesting 13.24.090
- Reimbursement fee
 - amount 13.24.040
 - collection and payment 13.24.130
 - nature 13.24.140
 - obligation 13.24.100
- Resolution
 - notice of adoption 13.24.070
 - recording 13.24.080
- Severability 13.24.150

PUBLIC UTILITY FEE

See FEES

PUBLIC WORKS

- Public improvements
 - See PUBLIC IMPROVEMENT
REIMBURSEMENT DISTRICTS
- Traffic regulations
 - Police, fire and public works exception
10.12.235

— R —

RAFFLE GAMES

- See BINGO, LOTTO, RAFFLE GAMES
Ch. 5.12

RECORDS

- Property line adjustments and lot
consolidations
 - Filing and recording requirements
16.124.030

RECORDS (Cont'd.)

- Public, tampering with, violation
classification 9.20.070
- Records management program 2.20.020

RECORDS OFFICER

- Designated 2.20.010
- Duties designated 2.20.010
- Records management program 2.20.020

RECREATIONAL PARK,
ORGANIZATIONAL CAMP
REGULATIONS

- State regulations
 - adopted, enforcement authority
15.04.170
 - violations, penalties 15.04.200

RESIDENTIAL PICKETING, TARGETED

- Definitions 9.64.010
- Generally 9.64.020
- Private cause of action 9.64.030

RESIDENTIAL SPECIALTY CODE

- Provisions re 15.04.150
- Violations, penalties 15.04.200

RIGHT-OF-WAY

- Applicability 12.02.010
- Authority delegated to city engineer
12.02.020
- Exemptions 12.02.030
- Permit required 12.02.015
- Public utility exemption from posting of
bonds 12.02.035
- Purpose of provisions 12.02.005
- Requirement to provide bonds and fees
12.02.025
- Utility facilities
 - application to existing agreements
12.16.190
 - audits 12.16.130
 - compliance 12.16.150
 - confidential, proprietary information
12.16.160
 - construction, restoration 12.16.070
 - definitions 12.16.050
 - insurance, indemnification 12.16.140
 - jurisdiction, management 12.16.030
 - leased capacity 12.16.090
 - licenses 12.16.060

RIGHT-OF-WAY

RIGHT-OF-WAY (Cont'd.)

Utility facilities (Cont'd.)

- location 12.16.080
- maintenance 12.16.100
- penalties 12.16.170
- privilege tax 12.16.120
- purpose, intent of provisions 12.16.020
- regulatory fees, compensation not a tax 12.16.040
- severability, preemption 12.16.180
- title of provisions 12.16.010
- vacation 12.16.110

ROLLER SKATES, SKATE BOARDS

- Traffic prohibitions 10.12.170

RUBBISH

- Littering, dumping, violation classification 9.36.010

— S —

SEWER

Interceptors

- approval 13.09.030
- definition 13.09.020
- infractions 13.09.050
- installation, use, maintenance 13.09.020
- new, existing connections 13.09.040
- prohibited discharges 13.09.010
- requirements 13.09.060
- violations 13.09.070

SIDEWALKS

- Assessment districts, creation authority 12.08.100
- Construction
 - assessments, generally, authority 12.08.090
 - failure by property owner, effect 12.08.080
 - notice to property owner, public 12.08.070
 - order for, requirements 12.08.060
 - specifications promulgation authority 12.08.050
- Defective
 - nuisance declaration 12.08.060
 - reporting responsibility 12.08.040
- Definitions 12.08.010
- Maintenance, responsible party 12.08.020

SIDEWALKS (Cont'd.)

- Property owner liability 12.08.030
- Repairs, responsible party 12.08.020
- Violations
 - penalty 12.08.110
 - unlawful use, classification 9.36.120

SIGNS

- See also ZONING Ch. 16.102
- Official, destruction, violation classification 9.32.070

SKATE BOARDS, ROLLER SKATES

- Traffic prohibitions 10.12.170

SNOW

- Failure to remove, violation classification 9.32.090

SOLAR ENERGY

- Oregon Solar Installation Specialty Code 15.04.180
- Zoning
 - energy conservation
 - solar access variance 16.156.030

SOLID WASTE

- See also ZONING Ch. 16.140
- Collection
 - commercial rates designated 8.20.080
 - container
 - placement 8.20.140
 - rates 8.20.080
 - drop box rates 8.20.080
 - miscellaneous charges 8.20.080
 - residential rates designated 8.20.080
 - safety, health, environmental safeguards designated 8.20.140
- Definitions 8.20.030
- Enforcement authority designated 8.20.130
- Franchise
 - application, approval 8.20.045
 - fees 8.20.060
 - franchisee responsibilities 8.20.070
 - franchisee right of action; damages 8.20.130
 - granting authority 8.20.040
 - modifications, procedure 8.20.090
 - rate structures, adjustments 8.20.080
 - statement of ownership 8.20.045
 - suspension, revocation when 8.20.090

SOLID WASTE (Cont'd.)

Franchise (Cont'd.)

terms 8.20.050

transfer restrictions 8.20.090

Offensive waste prohibited 8.20.150

Purpose of provisions 8.20.020

Safety, health, environmental safeguards
designated 8.20.140

Scope of provisions 8.20.020

Service

interruptions, notice 8.20.100

subcontractors, generally 8.20.120

suspension, restrictions 8.20.110

Stationary compacting devices, generally
8.20.140

Title 8.20.010

ZONING (Cont'd.)

Land use action (Cont'd.)

development permits hearing, public
(Cont'd.)

decision registry 16.72.070
disclosure statements 16.72.050
ex parte contacts 16.72.050
notice contents 16.72.030
notice requirements 16.72.020
record 16.72.050
review actions 16.72.010
testimony, generally 16.72.050

permit, zone changes, final action
16.72.080

planning staff reports 16.72.040

trees on private property 16.142.080

Landmark

alteration

appeals 16.168.010
application requirements 16.168.010
architectural features requirements
16.168.020
exceptions, generally 16.168.010
public hearing 16.168.010
standards, compliance required
16.168.020
variances, generally 16.168.030

designations

alteration, restrictions generally
16.166.020
authority 16.166.010
building code variances, generally
16.166.040
criteria 16.166.040
effect 16.166.020
incentives
designated 16.170.020
generally 16.170.010
procedure, generally 16.166.030
property tax rebates 16.170.020

Landscaping

See Parks, trees and open spaces Ch.
16.142

installation, maintenance requirements
16.92.040

materials allowed 16.92.020

OT overlay district

commercial, industrial, mixed-use
16.162.080

ZONING (Cont'd.)

Landscaping (Cont'd.)

OT overlay district (Cont'd.)

residential 16.162.070
parking, loading areas 16.92.030
plan submission requirements 16.92.010
screening, buffering requirements
16.92.030
solid waste facilities 16.140.090
vegetation requirements 16.92.020
visual corridors 16.92.030

LDR district

established 16.04.010

LI district

See Industrial land use districts Ch.
16.31

Light industrial district

See Industrial land use districts Ch.
16.31

Litter control

solid waste facilities 16.140.090

Lot requirements

IP district 16.36.050
OT overlay district 16.162.060

Lots

adjustments

See Property line adjustments and lot
consolidations 16.124

land division design standards
16.128.030

replatting, lot consolidations and
vacation of plats

See Plats

Low density residential district

See LDR district 16.04.010

Manufactured home parks, standards

designated 16.46.020

Manufactured homes

permitted uses 16.46.030
standards designated 16.46.010
unit standards designated 16.46.020

Map

amendments

application, notice requirements
16.80.020
initiation procedure 16.80.010
review criteria designated 16.80.030
applicability 16.04.020
boundaries designations 16.04.030

ZONING (Cont'd.)

ZONING (Cont'd.)

Map (Cont'd.)

on file at recorder's office 16.04.020

urban growth area 16.04.040

Materials, external, on-site storage
16.98.030

MDRH district

established 16.04.010

MDRL district

established 16.04.010

Medical marijuana dispensary

special uses 16.38.020

Medium density residential—high

See MDRH district 16.04.010

Medium density residential—low

See MDRL district 16.04.010

Methane gas regulations

solid waste facilities 16.140.090

Mineral extraction, processing

bond requirements 16.138.020

operational requirements 16.138.020

permitted activities designated

16.138.010

Natural area standards

See Wetland, habitat, natural area

standards Ch. 16.144

NC district

See Commercial land use districts Ch.

16.22

Neighborhood commercial district

See Commercial land use districts Ch.

16.22

Noise regulations

exceptions 16.146.030

generally 16.146.010

sensitive uses 16.146.020

Nonconforming

continuations, generally 16.48.060

lots of record, requirements, generally
16.48.030

structures

repairs, maintenance, alteration

16.48.070

requirements, generally 16.48.050

use continuations, generally 16.48.060

uses

conditional use continuation

16.48.080

exceptions, generally 16.48.020

ZONING (Cont'd.)

Nonconforming (Cont'd.)

uses (Cont'd.)

land, requirements, generally

16.48.040

OT overlay district 16.162.070

OT zone 16.48.020

purpose of provisions 16.48.010

repairs, maintenance, alteration

16.48.070

OC district

See Commercial land use districts Ch.

16.22

Odor control

exceptions 16.152.030

generally 16.152.010

solid waste facilities 16.140.090

standards 16.152.020

Off-street loading

OT overlay district 16.162.070

requirements 16.94.030

Off-street parking

design standards 16.94.020

OT overlay district 16.162.070

prohibited uses 16.94.010

requirements 16.94.010

requirements, generally 16.94.020

spaces required 16.94.020

Office commercial district

See Commercial land use districts Ch.

16.22

Old Town overlay district

See OT overlay district 16.04.010

On-site circulation

driveways

nonresidential requirements

16.96.030

residential requirements 16.96.020

nonresidential standards 16.96.030

pedestrian, bicycle access 16.96.010

requirements, generally 16.96.010

vehicle circulation 16.96.040

On-site storage

external materials 16.98.030

outdoor sales, merchandise display

16.98.040

recreational vehicles, equipment

16.98.010

recycling, solid waste 16.98.020

ZONING (Cont'd.)

On-site storage (Cont'd.)
 solid waste facilities 16.140.090
 Open burning prohibitions
 solid waste facilities 16.140.090
 Open spaces
 See Parks, trees and open spaces Ch.
 16.142
 OT overlay district
 architectural guidelines 16.162.100
 community design 16.162.070
 established 16.04.010
 nonconforming uses, exceptions
 16.48.020
 objectives 16.162.020
 purpose 16.162.010
 Smockville design standards 16.162.090
 standards
 dimensional 16.162.060
 structures, commercial, institutional,
 mixed-use 16.162.080
 uses
 conditional 16.162.040
 permitted 16.162.030
 prohibited 16.162.050
 Outdoor sales, merchandise display
 regulations 16.98.040
 Outdoor storage, solid waste facilities
 16.140.090
 Parking
 See Off-street parking Ch. 16.94
 Parking, loading areas, landscaping
 requirements 16.92.030
 Parks, trees and open spaces
 multi-family developments 16.142.020
 park reservation 16.142.050
 purpose 16.142.010
 single-family or duplex residential
 subdivisions 16.142.030
 trees
 on private property, not subject to
 land use action 16.142.080
 on property subject to certain land
 use applications 16.142.070
 street trees 16.142.060
 recommended 16.142.090
 visual corridors 16.142.040
 Permanent signs
 See Signs

ZONING (Cont'd.)

Permit
 conditional use
 antennas, radio, television, etc.
 16.62.020
 approval criteria 16.82.020
 chimney 16.62.020
 spires 16.62.020
 development
 See Land use action
 final action time limitation 16.72.080
 temporary uses 16.86.030
 Permitted uses
 FP overlay 16.134.050
 home occupations, uses designated
 16.42.050
 IP district 16.36.020
 manufactured home parks 16.46.020
 manufactured homes 16.46.030
 OT overlay district 16.162.030
 outdoor sales, merchandise display
 16.98.040
 planned unit development (PUD)
 commercial/industrial 16.40.060
 residential 16.40.050
 Petition for review
 appeal authority actions 16.76.040
 filing deadlines 16.76.020
 information required 16.76.030
 Planned unit development (PUD)
 approved plans, changes, procedure
 generally 16.40.040
 commercial/industrial
 conditional uses 16.40.060
 development standards 16.40.060
 permitted uses 16.40.060
 final development plan requirements
 16.40.030
 general requirements 16.40.040
 preliminary development plan
 requirements 16.40.020
 purpose of provisions 16.40.010
 residential
 conditional uses 16.40.050
 development standards 16.40.050
 permitted uses 16.40.050
 timing of development 16.40.040
 tree regulations 16.142.070

ZONING (Cont'd.)

ZONING (Cont'd.)

- Planning commission
 - See PLANNING COMMISSION Ch. 16.06
- Plats
 - planned unit development (PUD)
 - See Planned unit development (PUD) 16.40.010
 - replatting, lot consolidations and vacation of plats
 - after sale of lots 16.126.040
 - basis for denial 16.126.020
 - generally 16.126.010
 - lot consolidations 16.126.050
 - timing of vacations 16.126.030
- Portable signs
 - temporary, portable and banner signs
 - See Signs
- Pre-application conference scheduling 16.70.010
- Prohibited uses
 - FP overlay 16.134.070
 - home occupations, uses designated 16.42.080
 - off-street parking, when 16.94.010
 - OT overlay district 16.162.050
- Property line adjustments and lot consolidations
 - approval criteria 16.124.020
 - approval process 16.124.010
 - filing and recording requirements 16.124.030
- Public infrastructure
 - fire protection
 - See Fire prevention Ch. 16.116
 - general provisions
 - future improvements 16.104.020
 - improvement procedures 16.104.030
 - purpose 16.104.010
 - improvement plan review
 - acceptance of improvements 16.108.040
 - construction 16.108.030
 - construction permit 16.108.020
 - preparation and submission 16.108.010
 - sanitary sewers
 - See Sanitary sewers Ch. 16.110

ZONING (Cont'd.)

- Public infrastructure (Cont'd.)
 - storm water
 - See Storm water, drainage systems, facilities Ch. 16.114
 - transportation facilities
 - See Transportation facilities Ch. 16.106
 - utilities, public and private
 - See Utilities, public and private Ch. 16.118
 - water supply
 - See Water supply Ch. 16.112
- RC district
 - See Commercial land use districts Ch. 16.22
- Recreational vehicles, equipment, on-site storage 16.98.010
- Recycling
 - drop boxes, generally 16.140.030
 - storage receptacles 16.98.020
- Replatting
 - See Plats
- Residential districts
 - See HDR district 16.04.010
 - LDR district 16.04.010
 - MDRH district 16.04.010
 - MDRL district 16.04.010
 - Residential land use districts 16.12.010
 - VLDR district 16.04.010
- Residential land use districts
 - allowed residential land uses 16.12.020
 - amateur radio towers/facilities 16.12.060
 - community design 16.12.040
 - flood plain 16.12.050
 - purpose and density requirements 16.12.010
 - residential land use development standards 16.12.030
- Retail commercial district
 - See Commercial land use districts Ch. 16.22
- Roadway access, generally 16.96.010
- Sanitary sewers
 - design standards 16.110.020
 - installation requirements 16.110.010
 - service availability 16.110.030
- Service driveways, generally 16.96.010

ZONING (Cont'd.)

- Setback requirements
 - OT overlay district 16.162.060
 - planned unit development (PUD), commercial/industrial 16.40.060
 - solid waste facilities 16.140.090
- Sewer
 - See Sanitary sewers 16.110.010
- Sidewalks, curbs
 - nonresidential requirements 16.96.030
 - residential requirements 16.96.020
- Signs
 - OT overlay district 16.162.070
 - permanent signs
 - common regulations 16.100.010
 - prohibited signs 16.100.020
 - sign regulations by zone 16.100.030
 - sign related definitions 16.100.015
 - solid waste facilities 16.140.090
 - temporary, portable and banner signs
 - banner sign regulations 16.102.050
 - portable sign regulations 16.102.040
 - temporary and portable signs
 - general regulations 16.102.020
 - purpose 16.102.010
 - temporary sign regulations 16.102.030
 - violations to sign standards 16.102.060
- Similar uses interpretation request
 - application content requirements 16.88.020
 - approval 16.88.030
 - uses 16.88.040
 - written required 16.88.010
- Site design impacts, solid waste facilities 16.140.090
- Site planning
 - approval, revocation 16.90.020
 - modifications and revocation 16.90.030
 - requirements, objectives 16.90.010
 - review required, exceptions 16.90.020
- Solid waste requirements
 - See also SOLID WASTE Ch. 8.20
 - enforcement authority 16.140.080
 - facilities
 - allowed where 16.140.010
 - application, approval criteria 16.140.080

ZONING (Cont'd.)

- Solid waste requirements (Cont'd.)
 - facilities (Cont'd.)
 - application, hearing, public notice 16.140.070
 - application, requirements generally 16.140.060
 - application, review procedure 16.140.070
 - multiple purpose, generally 16.140.040
 - site improvement requirements 16.140.090
 - temporary, generally 16.140.050
 - household hazardous waste depot 16.140.030
 - incinerators prohibitions 16.140.020
 - on-site storage 16.98.020
 - recycling drop boxes 16.140.030
 - small scale specialized incinerator 16.140.030
- Special resources zones
 - flood plain overlay zone
 - See FP overlay 16.134.010
 - historic resource zone
 - See OT overlay district Ch. 16.162
 - purpose, establishment authority 16.132.010, 16.160.010
- Special uses
 - accessory dwelling units 16.52.020
 - adult entertainment, regulations generally 16.54.010
 - generally 16.38.010
 - land use actions, generally 16.56.010
 - medical marijuana dispensary 16.38.020
- Storage
 - See On-site storage Ch. 16.98
- Storm water, drainage systems, facilities
 - design standards 16.114.020
 - installation requirements 16.114.010
 - service availability 16.114.030
- Streets
 - access, generally 16.96.010
 - private, permitted when 16.118.050
- Structure heights 16.62.010
- Subdivisions
 - See SUBDIVISIONS Ch. 16.120
- Surface water requirements, solid waste facilities 16.140.090

ZONING (Cont'd.)

ZONING (Cont'd.)

- Temporary, portable and banner signs
 - See Signs
- Temporary uses
 - no permits required 16.86.020
 - permits required 16.86.030
 - purpose 16.86.010
- Townhome
 - design standards 16.44.010
- Traffic access, circulation, solid waste facilities 16.140.090
- Transportation facilities
 - bike lanes 16.106.070
 - design 16.106.040
 - generally 16.106.010
 - location 16.106.030
 - required improvements 16.106.020
 - rough proportionality 16.106.090
 - sidewalks 16.106.060
 - traffic impact analysis (TIA) 16.106.080
- Transportation facilities and improvements, generally 16.66.010
- Trees
 - See Parks, trees and open spaces Ch. 16.142
- Urban growth area development guide 16.04.040
- Utilities, public and private
 - private streets 16.118.050
 - purpose 16.118.010
 - standards 16.118.020
 - underground facilities 16.118.030
 - exceptions 16.118.040
- Variances
 - applicability 16.84.020
 - landmark alterations 16.168.030
 - purpose 16.84.010
 - solar access 16.156.030
 - types 16.84.030
- Vector control, solid waste facilities 16.140.090
- Vehicle circulation, generally 16.96.040
- Very low density residential district
 - See VLDR district 16.04.010
- Vibrations regulations
 - exceptions 16.148.020
 - generally 16.148.010
- VLDR district
 - established 16.04.010

ZONING (Cont'd.)

- Walls, fences, hedges
 - requirements, generally 16.58.020
- Water supply
 - design standards 16.112.020
 - requirements, generally 16.112.010
 - service availability 16.112.030
- Wetland, habitat, natural area standards
 - compliance requirements 16.144.010
 - exceptions 16.144.030
 - requirements designated 16.144.020
- Woodlands
 - inventory, mapping 16.142.070
 - retention requirements 16.142.070
 - violations, penalties 16.142.070
- Yard requirements
 - corner lots 16.60.020
 - lot sizes and dimensions 16.60.040
 - through lots 16.60.010
 - yard 16.60.030